EU ACTION FOR HUMAN RIGHTS AND DEMOCRACY IN THE MIDDLE EAST AND NORTH AFRICA
Abstract

This report evaluates the EU’s action to strengthen respect for human rights and democracy in North Africa and the Middle East. Assessing the EU’s changing institutional context since the Lisbon Treaty, it examines the major policy initiatives of 2011 in response to the events of the Arab Spring. The Arab Spring illustrated the limitations of the ‘stability versus human rights’ paradigm, and prompted the EU to promise that support for human rights and democracy would be central to its relations with the MENA-region. Such rhetoric must be matched by detailed action plans which incorporate the promotion of such values. As shown in the four case studies conducted for this report, laudable policy declarations must be implemented not only by tangible increases in budget lines, but also by concrete policy-structures capable of acting forcefully against human rights violations. The appointment of a Special Representative for Human Rights and the creation of the EED and CSF have the potential to achieve such goals, although the exact nature of these initiatives still need to be determined. This report recommends the EU to resolve its internal differences with regards to the region, to intensify its relations with other MENA partners, and suggests ways of enhancing the effectiveness of its policy.
This study was requested by the European Parliament’s Subcommittee on Human Rights.

AUTHORS:

Middle East team, Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE), SPAIN:

Richard YOUNGS, Director General and team leader
Hélène MICHOU, Lead writer

Case studies:
Kristina KAUSCH – Egypt
Barah MIKAIL – Tunisia
Hélène MICHOU – Syria
Ana ECHAGUE – Yemen

ADMINISTRATOR RESPONSIBLE:

Anete BANDONE
Directorate-General for External Policies of the Union
Policy Department
WIB 06 M 85
rue Wiertz 60
B-1047 Brussels

Editorial Assistants: Pia VANNESTE, Sabine HOFFMANN

LINGUISTIC VERSION

Original: EN

ABOUT THE EDITOR

Editorial closing date: 04 December 2012.
© European Union, 2012

Printed in Belgium

Doi: 10.2861/90272

The Information Note is available on the Internet at

If you are unable to download the information you require, please request a paper copy by e-mail: poldep-expo@ep.europa.eu

DISCLAIMER

Any opinions expressed in this document are the sole responsibility of the author and do not necessarily represent the official position of the European Parliament.

Reproduction and translation, except for commercial purposes, are authorised, provided the source is acknowledged and provided the publisher is given prior notice and supplied with a copy of the publication.
3.4 EU ACTION TO STRENGTHEN RESPECT FOR HUMAN RIGHTS AND DEMOCRACY IN THE PROCESS OF POLITICAL CHANGES IN THE MIDDLE EAST AND NORTH AFRICA: SYRIA CASE STUDY .......................................................................................................................... 37

3.4.1 Introduction: State of democracy and human rights in Syria ........................................ 37
3.4.2 Mapping EU policy initiatives in Syria ........................................................................... 38
3.4.3 EU-Syria relations in light of the Arab Spring ............................................................... 40
3.4.4 Impact of EU policy initiatives in Syria ........................................................................ 43
3.4.5 Conclusions and recommendations ........................................................................... 45

4. EVALUATION OF EU POLICIES ................................................................................. 46
4.1 EVALUATION OF EFFICIENCY OF PAST POLICIES ....................................................... 47
4.2 DEFINING BEST PRACTICES AND KEY LESSONS ........................................................ 49

5. CONCLUSIONS AND RECOMMENDATIONS .................................................................. 50
5.1 DIALOGUE AND PARTNERSHIP ....................................................................................... 51
5.2 EU COHERENCE AND COORDINATION IN SUPPORT FOR HUMAN RIGHTS ................. 51
5.3 IMPLEMENTATION ............................................................................................................. 51
5.4 ASSESSMENT OF IMPACT ............................................................................................... 52
5.5 TRANSPARENCY AND ACCOUNTABILITY ...................................................................... 52
5.6 CROSS-CUTTING THEMES ............................................................................................. 52
5.7 EU COOPERATION WITH INTERNATIONAL ACTORS ..................................................... 52
5.8 RIGHTS IN THE GULF ....................................................................................................... 53
5.9 ENGAGEMENT WITH ISLAMISTS ................................................................................... 54
5.10 INFORMATION AND COMMUNICATION TECHNOLOGIES .......................................... 54
5.11 UN LINKAGES ............................................................................................................... 55
5.12 SINGLE MENA POLICY ................................................................................................. 55
5.13 ROLE OF THE EP ......................................................................................................... 55
5.14 ROLE OF MEMBER STATES ......................................................................................... 56
5.15 REALISM ....................................................................................................................... 56

6. SELECT BIBLIOGRAPHY ................................................................................................. 58
EXECUTIVE SUMMARY

Commissioned by the European Parliament Subcommittee on Human Rights, this report evaluates action by the EU to strengthen respect for human rights and democracy in the processes of political change in the Middle East and North Africa (MENA) in 2011. It assesses how the changing institutional context since the Lisbon Treaty has affected the policy making environment in Brussels. It examines how the EU has built in support for democracy and human rights into its foreign policy, before examining the major policy initiatives of 2011 in response to the events of the Arab Spring.1

The Arab Spring has had the effect of a wake-up call for the EU. It illustrated the limitations of the ‘stability versus human rights’ paradigm and prompted a fundamental rethinking of EU policies. Double standards in the past have undermined the EU’s credibility in the Arab world and have created a mistrust of its intentions. In response to the Arab Spring, the EU has promised to shift away from ‘business as usual’ to ensure that support for human rights and democracy will be central to its cooperation in its Southern neighbourhood. Enabling civil society to function, to advocate for citizens’ priorities and rights and to hold governments and donors to account, is an essential part of supporting reforms that build sustainable democracy. Positive and negative incentives will also have to be applied as appropriate, and benchmarks developed to assess progress in human rights, democracy and the rule of law.

While supporting necessary reform in the region, the EU must avoid taking the driving seat, which would risk delegitimizing transitions led by the people. It needs to ensure that civil society representatives, especially women’s organisations and youth, have a statutory, meaningful and timely role in dialogue with governments, and it also needs to press for civil society consultation in the transition processes. Without genuine dialogue with civil society and legitimate governments, the EU’s concept of ‘More for More’ will not succeed. As set out by Martin Schulz, President of the European Parliament (EP), timing is increasingly a factor in contributing to the EU’s perceived legitimacy when responding to the Arab Spring: “this year must be the year when we close the gap between intentions and deeds in Euro-Mediterranean relations”2.

EU rhetoric must be matched by detailed action plans aimed at building strong economies, advancing security sector reform, and strengthening political institutions and civil society. For an actor committed to the defence of human rights but caught out of step by political realities, the Arab Spring is a chance to incorporate the promotion of these values at the heart of EU foreign policy. By combining and leveraging shared resources, Member States (MSs) and the EU can advance their own interests and play an effective role in helping countries in the Arab world achieve successful transitions to real democratic systems. While ownership of the transitions belongs without question to those who initiated the processes and drove them on, the EU has great stake in their outcomes. United States (US) think tanks highlight the potential rise in radicalisation which could result from failed transitions3; the EU is more concerned with issues of energy flows and migration (both legal and illegal) across the Mediterranean.

The ultimate indicator of EU reach and impact lies with the respect for human rights and democracy shown by regimes leading transitions in the MENA, and the extent to which they are prepared to incorporate key values into aspects of state reform such as constitutional reform, electoral processes, and institution building.

---

1 Many prefer other terms such as ‘Arab revolts’ or ‘Arab awakening’; we use ‘Arab spring’ in this report simply because the term has become so widely used.
The case studies conducted for this report show that EU support for democracy and human rights in light of the Arab Spring has been largely well received by local counterparts who recognise the speed and agility with which the EU has responded to the events of 2011. Nevertheless, these same reactions are criticised by other interlocutors for their failure to use a genuine local needs assessment as their starting point, and their lack of systematic incorporation of civil society into the consultation process. Laudable policy declarations must be matched not only by tangible increases in budget lines but also by a renewed commitment to acting forcefully against human rights violations perpetrated under transitory ruling councils or incoming ruling bodies.

In **Egypt** the political crisis was widely seen as a first diplomatic litmus test for both the fledgling European External Action Service (EEAS) and the newly appointed High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton. The latter came under criticism from the EP for an initially tardy response which lagged one step behind Washington’s. Following the review of the European Neighbourhood Policy (ENP) however, €449 million have been allocated for Egypt for the period 2011-2013. Nevertheless, difficult impact conditions under ousted Egyptian President, Hosni Mubarak, remained largely unchanged during 2011 under the temporary ruling Supreme Council of the Armed Forces (SCAF). It remains to be seen how receptive the new government will be to conditionality under the ENP, and the degree of leverage the EU will enjoy in promoting human rights within its strategic bilateral relations. Egyptian interlocutors urge the EU to demonstrate a constant diplomatic commitment to democracy, over and above extra funding and rhetorical pledges.

In **Tunisia**, the EU’s support gained traction from an early stage in part due to sums pledged to accompany the transition. Whilst certain MSs (in particular, France) saw their bilateral relations with the former autocrat negatively exposed, the EU as a whole finds itself with greater room for manoeuvre and impact in the post-Ben Ali landscape. Its geographic proximity and economic importance for Tunisia offers it the opportunity to head international efforts to support a process of political transition whose success is seen as a vital precedent for the outcome of the Arab Spring. It must liaise closely with international, regional, and Tunisian counterparts in setting clear normative standards for renewed cooperation efforts.

In some cases such as **Yemen**, the role played by the EU has been limited by conditions outside its remit, such as the geographical proximity of Saudi Arabia and the long-standing bilateral ties between the two states. In what might yet serve as a precedent for a potential solution to the increasingly entrenched stalemate in Syria, the EU was active in negotiations between the Yemeni government and the opposition to achieve their support for a Gulf Cooperation Council (GCC)-led initiative for the transfer of power from Saleh to a temporary transitional government. The EU also played a role at the United Nations (UN) Human Rights Council in persuading the UN Security Council to adopt a resolution urging all parties in Yemen to implement the steps needed for a political transition. Neither part of the ENP (and thus not a beneficiary of the instruments put in place by the EU in response to the Arab Spring), nor of the GCC with its increasing political profile, Yemen occupies a relatively low rung on the EU’s foreign policy ladder. Nevertheless, the EU should seek to fill the middle ground between funds allocated for Yemen’s humanitarian situation and funds allocated merely as a result of its presence on the international security map. Whilst impact of these funds will forcibly be limited by Yemen’s absorption capacity, it is essential that EU support for non-state actors – widely praised to date – not contribute to the entrenchment of a corrupt system. Any support should ultimately bolster an inclusive transition phase.

In other cases, the EU’s own actions, whether pre-emptory or tardy, have affected the impact of its support for human rights and democracy. In **Syria** for instance, the limited leverage enjoyed by the EU over Bashar al-Assad’s regime has arguably decreased as a direct result of the EU calling for al-Assad to step down from power. Local opposition activists appreciate this rhetorical solidarity but call for it to be matched with concrete support. They deplore the ongoing human rights abuses committed with apparent impunity by the regime. Whilst both EU policy-makers and certain local Civil Society Organizations (CSOs) maintain that the suspension of bilateral relations does not amount to a neglect of civil society, it is undeniable that the EU currently has limited outlets for its support for human rights. It
remains to be seen if and how the EU intends to resume negotiations for an AA in a post-al-Assad scenario, and how it should reword its Country Strategy Paper (CSP) given the absence of support for sustained political reforms to date.

Synthesising the findings of the case studies with the views of policy-makers and policy analysts in Brussels, this report offers some preliminary policy recommendations:

1. The EU routinely says it is committed to consulting civil society partners but it needs now to formalise and institutionalise this process so that policy lines follow a genuine local needs assessment.

2. The appointment of Stavros Lambrinidis in July 2012 as the first EU Special Representative for Human Rights as one of the outcomes of Ashton’s human rights review (and partly as a result of a proposal made under the Danish rotating presidency), will help enhance the effectiveness and visibility of EU human rights policy. His broad mandate should also heighten the degree of steering and oversight in incorporating human rights as a ‘silver thread’ through EU foreign policy.

3. Following timely policy reviews, the opportunity for concrete action is ripe. To restore its battered normative credentials, the EU must dialogue with elected counterparts and support non-aligned, non-traditional popular movements. Issues surrounding the nature of the fledgling European Endowment for Democracy (EED) must be resolved if it is to offer added value to existing democracy support tools.

4. Any implementation must be accompanied by effective monitoring mechanisms. The existing table for the follow-up of the Southern Mediterranean Joint Communiqués should also be developed for the Support to Partnership, Reform and Inclusive Growth (SPRING) programme, and a similar initiative designed to monitor the Civil Society Facility (CSF) and the EED.

5. The EU must avoid double standards in the conduct of its relations with third countries and between its human rights policy and other external policies. The divides between northern and southern MSs over the incentive-based approach to neighbourhood support must be resolved. In the interest of credibility and legitimacy, the EU must review with greater scrutiny its arms export control policies to the MENA region, given the direct link to human rights abuses.

6. Human rights and democracy support must be mainstreamed across development cooperation to ensure that EU programmes contribute to the fulfillment by partner countries of their international human rights obligations.

7. In light of the shifting regional dynamics and economic austerity at home, the EU should explore deeper engagement with other regional partners such as Turkey, Qatar, the Arab League and the Organization of the Islamic Conference (OIC) in offering support for home-grown process of political change.

8. The EP can make best use of its extended powers granted by the Lisbon Treaty by acting as a channel for the views of newly elected reformist politicians which might otherwise not reach Brussels. It must also promote transparency and accountability for implementation of the EU human rights strategy.

9. The collective weight of EU institutions and EU MSs must be harnessed. Whilst it is understandable that MS pursue bilateral relations in their national interests, this must not be at the expense of a consolidated EU position.

10. Overall, the need for the EU to ‘operate in the realm of realism’ was stressed by respondents. The EU should be wary of creating false expectations, both financially and results-wise. A more principled policy forcibly comes with a price tag attached.
1. INTRODUCTION

1.1 Objectives and contextualisation of the study

This study has been commissioned by the DROI subcommittee of the EP in the context of the European Commission (EC) planning its proposal concerning the financing instrument for democracy and human rights for the next multi-year financial framework. FRIDE’s objective in this study is to concisely survey – and thereafter analyse – EU actions to support democracy and human rights in the ongoing processes of political change in MENA. We also examine the impact that key EU policy initiatives from 2011 have had to date on the ground in third countries. We do this through four country case studies: Egypt, Tunisia, Yemen and Syria. FRIDE researchers carried out an extensive range of interviews with activists and civil society interlocutors in these countries to obtain local perspectives on EU human rights policies. We evaluate the efficiency of past EU policies from the perspective of the present situation, with an aim to defining both the best practices and key lessons learnt.

The EU has recognised that ‘assistance is requested, interference is eschewed’\(^4\). The basic concept in democracy support is respect for the authenticity of the local transition process. Trusted and inclusive relations, developed over time, are needed to be able to provide meaningful support to shifting demands when it matters most. This study also seeks to shed light on the oft-cited disconnect between Brussels-based policy-makers and field-based policy implementers in third countries. Regional consultation on EU policies in response to the Arab Spring appears to have been either insufficient, without impact, or too late. Using a case study based methodology and interviews with Brussels-based policy-makers, the aim is to suggest preliminary policy proposals to the EU, including possible courses of action for the EP to take in order to contribute constructively to a coherent and consistent EU foreign policy.

Given that the EU institutional framework on human rights finds itself at a critical juncture, this study provides further ‘food for thought’ for the High Representative’s ongoing review process. It also contributes to the lively debate taking place among the EU 27 in Brussels concerning the implementation of ENP and the context of new European Neighbourhood Instrument (ENI) regulation which will be the main vehicle for the ENP as of 2014. One of the main issues is how exactly to give substance to the commitments laid out in the communiqués of March and May 2011 (more below). The EU objective is to reach an agreement by the end of 2012 on the overall Multi-Annual Financial Framework (MFF) in order to ensure that the 2014 annual budget is prepared in time and that the relevant programmes and instruments are operational. The MFF will be approved by a unanimity vote by the Council and a subsequent assent by the EP. Because of the complicated nature of the discussions, sources claim that it is unlikely that an agreement will be reached in 2012 and that the discussions will continue in 2013\(^5\).

1.2 Methodological considerations

Methodological tools used for the purposes of this study include:

- A desk survey to analyse major EU policy initiatives to strengthen respect for human rights and democracy in processes of political change in MENA. Key policy initiatives analysed include the revised ENP, the SPRING programme, and proposals for a Civil Society Fund and an EED. The desk survey also places these policy initiatives within the broader context of the changing EU policy making environment.
- Semi-structured personal and/or phone interviews with a broad range of local and international actors to ascertain how EU action is perceived in target countries. These interviews aimed to

---


\(^5\) The current positions as articulated at the 26th of March General Affairs Council indicates that there will be discrepancies over the overall size of the budget. Financial considerations to either pay less (for net contributors) or ensure the maintenance of proposed levels (for net beneficiaries) will be key. Kilnes, U. and Sherriff, A. (2012). Member States’ positions on the proposed 2014-2020 EU Budget. ECDPM Briefing Note No. 37.
survey the attitude and awareness among recipients and beneficiaries of EU action (including local activists, CSOs, Non-Governmental Organizations (NGOs), journalists, ministry officials, representatives of EU institutions, representatives of other regional and global human rights actors such as the UN, the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE)). The list of respondents and interviewees was compiled through positional, reputational and relational methods. To gain the most comprehensive picture from within Brussels, interviews were carried out amongst members of the Commission, the Parliament, the EEAS, Development and Cooperation (DEVCO), and individual desk officers.

– Peer review of the final study by an expert in democracy assistance who was able to verify the findings based on personal thematic and geographical research.

The research team in FRIDE faced certain limitations in carrying out this study. These, in turn, led to a necessary clarification of the nature of this evaluation, the realistic scope of field studies, and the type of preliminary policy recommendations which could be produced. As with previous evaluations, this study struggled with the sheer scope of the human rights theme and the difficulty of evaluating the impact of policy instruments with very little track record. The methodological complications encountered in measuring impact (or indeed, perceived impact) in third countries led to a set of common questions being developed for interviews with civil society interlocutors. Nevertheless, defining causal links between EU actions and changes on the ground has proved difficult. The fact that the case studies were carried out in countries where the Arab Spring was (and is) at different stages of maturity made defining a temporal framework essential.

Another set of complications faced in accurately analysing EU responses to events of the Arab Spring was the limits to information gained from local counterparts. These limits applied to the type of information available, and the ability to verify such claims. The human rights and political situation in the countries under study made establishing contacts with certain individuals difficult. In the case of Syria for instance, a predominant dynamic of fear and suspicion, along with the secretive and distorted nature of information, resulted in a degree of uncertainty concerning the accuracy of some information provided. Finally, while most information on formal EU policy initiatives is in the public domain, it is not always easily accessible. Nor is the technocratic process behind the development of such policy instruments easily understandable to those unfamiliar with the topic. Moreover, certain activities are carried out in an informal or private manner, and information on these actions can be difficult to glean.

### 1.3 Temporal, geographic and thematic scope

This study focuses primarily on the major policy initiatives of 2011. In concisely surveying the evolving (post-Lisbon) EU architecture regarding the promotion of human rights and democracy, this study builds on preceding reviews carried out in the last few years, and indeed, does not attempt to offer as comprehensive an overview as, for instance, the three volumes produced by the Development Researchers Network (DRN)\(^6\). It does however take into consideration significant recent policy developments to date in 2012. Evidence and opinions gathered during semi-structured interviews with Brussels policy-makers in March and April 2012 helps to illustrate and contextualise some of the changes and debates in EU foreign policy thinking.

The geographical scope for this evaluation includes all the countries in the MENA region where relevant human rights and democracy support applies during the evaluation period. The four case studies for which in-depth research has been conducted are Egypt, Tunisia, Syria and Yemen. Although the latter is not a beneficiary of the ENP, it is nevertheless a key instance of EU action to support processes of political transition. Furthermore, given the ongoing stalemate in Syria, EU action in Yemen may serve as a precedent for a potential handover of power. The four case countries selected for case study are at different stages in their political transition process; they have different degrees of linkage to the EU; and they represent different regime types and trajectories in terms of respect for human rights.

---

2. **Evolving EU Action to Strengthen Human Rights**

The Treaty of the EU makes clear that human rights and democracy are guiding principles for all the EU’s actions. The EU has developed a broad range of policy instruments and guidelines to put its commitment to human rights and democracy into practice, working together with EU MSs and the EP, as well as civil society. There are clear lines guiding EU action on key human rights concerns such as the death penalty, the fight against torture, the protection of human rights defenders, freedom of religion, child rights, the rights of women, and sexual orientation. In 2009 the EU adopted an ‘Agenda for Action’ on democracy support in its external action. This called for greater policy coherence and more coordinated use of instruments in the context of the Lisbon Treaty. Prior to the events of the Arab Spring and reiterated on several occasions since, the EU’s foreign policy Chief’s intention is that human rights form a ‘silver thread’ running through all EU external action.

The abovementioned DRN Evaluation concludes that the track record of the EU in supporting democracy human rights has been mixed. It shows that EU actions have been hampered by structural constraints including:

1. insufficient use of high-level EU political leverage (particularly in countries where major interests are at stake);
2. the lack of a clearly spelled out joint strategy between the EU and MSs;
3. the tendency to ‘ghettoise’ human rights;
4. limited leadership to push for the mainstreaming of human rights;
5. a wide range of downstream implementation problems.

This study is a contribution to the ongoing review of human rights being carried out at Commission level and examines how to translate this assessment into financial allocation of funds in the next MFF. The EU is engaged in a process of transferring its relations with its neighbourhood to a different footing, one in which the EU response will hopefully be more responsive to the efforts of local partners to develop democratic societies.

### 2.1 The Changing Institutional Context

The gradual incorporation of human rights and democracy as ‘core values’ in the external relations of the EU has accompanied the evolving institutional architecture. The 1992 Maastricht Treaty upgraded human rights as an objective of both the Common Foreign and Security Policy (CFSP) and EC development cooperation (first and second pillars of EU foreign policy respectively). This, in turn, led to the inclusion of human rights clauses in cooperation agreements and commitments to promote this core value through dialogue and all relevant cooperation instruments. All EU institutions (Council, Commission, and Parliament) are involved in activities supporting the respect of human rights. A wide range of tools such as joint actions, common positions, political dialogue, diplomatic démarches and specific human rights dialogues are employed for these purposes. The EU also plays an active role in the UN and other International Organizations (IOs). The UN Human Rights Council remains the key forum in the worldwide promotion and protection of human rights, and the EU contribution to its discussions is a fundamental component of the EU’s external action.

---


The Lisbon Treaty pledged to put human rights, democracy and the rule of law at the centre of all EU external action. The formation of a new institutional culture has changed the relationship between different EU institutions, and created others, such as between the Commission and its external arm, the EEAS. These changing institutional dynamics, coupled with room for response to political events across the MENA, has offered the EEAS the chance to reinforce its position as a central actor in EU support for democracy and human rights in the region.

This study focuses on the post-Lisbon framework, dealing with an already-created (it being too early to say established) EEAS which in turn has taken over part of the political and geographic mandate of the EC. Its mission was enshrined in Article 27 of the Treaty on the EU ratified by all MSs. The EEAS assists the High Representative, working in cooperation with the diplomatic services of the MSs. The post of High Representative of the Union for Foreign Affairs and Security Policy (Catherine Ashton) has effectively combined the functions previously exercised by the rotating presidency, the High Representative for CFSP, and the Commissioner for External Relations. The EEAS annual administrative budget is about half that of the respective Foreign Ministries in the United Kingdom (UK), Germany and France, approx. €489 million. Initially funded by transfers from its parent institutions, the Commission and the Council, the EEAS has since requested increases in appropriations, mainly as a result of the security situation in Iraq and Afghanistan, as well as in response to the events of the Arab Spring. The EEAS itself accounts for 0.31 per cent of the EU’s overall budget.

Given the fact that the EEAS was only established in January 2011, it would be disproportionate to compare it to bodies such as the British Foreign and Commonwealth Office (FCO), the French Ministry of Foreign Affairs (MFA), and the German Auswärtiges Amt. The FCO has almost 270 diplomatic posts and employs approximately 14,000 staff worldwide. The EEAS has only 140 delegations and employs fewer than 3,500 staff to represent the entire EU. The EEAS remains underrepresented given its political ambitions. In terms of efficiency, the EEAS has proposed to make savings amounting to €6.1m (1.3 per cent of its 2012 budget). Despite this, for the second year running it is seeking a budget increase. For 2013 it is requesting a net increase of 5.7 per cent of its budget, or €27.9m in order to respond to the political expectations of the EEAS in priority countries including Libya, Burma, Afghanistan and Iraq. It has also articulated proposals that MS make savings – if they so wish – by collocating their staff with EEAS staff in EU delegations. This has been done recently in Syria and will be expanded in other instances in view of available premises. Appropriations for missions, representation, training, transport, technical equipment, and public information are being frozen, much to the chagrin of some MS and to the satisfaction of others.

The EEAS has responded to the events of 2011 in part by reinforcing EU delegations in the Arab world and by opening a delegation in the Gulf Region (previously in the Gulf only Saudi Arabia had an EU delegation), and another in Libya. The creation of a Directorate on Human Rights and Democracy within the EEAS, as well as a human rights focal point in all EU Delegations worldwide indicate the overarching role played by support for human rights in EU external action. A similar network of focal points is in the process of being created in the EEAS and in the Commission services. Coherent communication and effective liaising between country-based focal points and Brussels-based focal points is essential to the effectiveness of their mandate.

Within the changing institutional context, increasing attention has been paid to improving the coherence and synergy between the geographical programmes and thematic instruments to support human rights. Critics claim that the EU mix of bureaucratic criteria and political goals when determining the level of its support to Middle Eastern countries result in inevitable incoherence. The EU’s distinctive diplomacy in the form of ‘persuasion through dialogue’ and its reluctance to use negative measures has
been thrown into question by events of the Arab Spring. The scepticism surrounding sanctions has in part rescinded and their effectiveness as an economic and political tool has become more appreciated.

As part of its ‘joined-up approach’ to democracy support, the EU is seeking to develop an approach which builds synergies between direct support for electoral processes (see more on the EED below), and other elements of state-building including the rule of law, judiciary reform, and processes of decentralization of power from the executive. The EU’s response to recent developments in North Africa was based on initiatives taken in the review of the ENP (see below), aiming to further to develop methodology on supporting reforms that build sustainable democracy. This means applying positive and negative incentives as appropriate and developing benchmarks to assess progress in human rights, democracy and the rule of law.

2.2 Major policy initiatives of 2011

The EU reacted relatively rapidly to the events of the Arab Spring. A merely quantitative analysis of EU reactions suggests an impressive amount of statements, resolutions and hours of debate concerning the development of the popular uprisings. Statements by the High Representative on the Arab Spring represented 27 per cent of all her statements in 2011. The EU’s quantitative response in terms of funds allocated, whilst dwarfed by amounts pledged by GCC states, is significant given that sums had to be made available when the EU was coming to the end of its MFF. In qualitative terms however, it remains to be seen how ambitious policy declarations will be effectively implemented and monitored. Measures to support democracy and human rights which will be further analysed below include, *inter alia*, the review of existing portfolios, the re-allocation of certain funds ‘from all corners’, ongoing support through the European Instrument for Democracy and Human Rights (EIDHR), verbal condemnation of regime repression, the establishment of Task Forces, and the development of new policy initiatives (including SPRING, CSF, EED). The Sakharov Prize for freedom of thought, awarded by the EP in October 2011 to five activists of the Arab Spring, is noted but not treated as a policy initiative in itself.

The ‘Partnership for Democracy and Shared Prosperity with the Southern Mediterranean’ announced in Brussels 8 March 2011 is a clear *mea culpa* on behalf of the EU, recognising the double standards and inconsistent principles underlying its previous relations with certain MENA autocracies. Despite laudable rhetoric and admirable intentions, the Partnership remains to a large extent a re-branding of existing bilateral initiatives. It is all very well for the EU to talk of backing democratic transitions when, until recently, it was undeniably more involved in supporting rather than overthrowing dictators such as Ben Ali and Mubarak. Concrete measures to support local populations still under authoritarian rule remain scarce. If the EU’s new approach is to be ‘rooted unambiguously in a joint commitment to common values’, a greater degree of scrutiny, conditionality and mutual accountability will be needed from both sides. The Joint Communiqué also articulated caution over adopting a ‘one size fits all approach’, laying out instead the outlines of a ‘differentiated approach’. The EU should not, however, sacrifice its overarching normative values as the common conduit behind this differentiated approach.

The Joint Communication of May 2011, ‘A New Response to a Changing Neighbourhood’ is part of a comprehensive review of the ENP launched in 2010. It outlines a new approach towards EU’s neighbours to the East and South based on mutual accountability and a shared commitment to
respecting universal values, international human rights standards, democracy and the rule of law. It introduced two concepts: ‘deep democracy’, aiming at setting a baseline of necessary accomplishments against which progress can be assessed; and ‘more for more’, rewarding countries that are willing to make real progress on the road towards democracy by making additional funds available for cooperation. Under the umbrella of deepening democracy, three pillars of bilateral support are laid out:

1. sustainable economic and social development, focusing on inclusive growth, job creation, and building cross-regional free trade and sector co-operation;
2. ‘regional partnership’, focusing on institution-building, dialogue on migration, and specific partnerships such as education; and
3. simplified policy and programme frameworks, including more focused action plans.

Additional reallocated funding of €1.2 billion for the four pillars under this new ENP response is envisaged up until 2013, in addition to expanded funding through the European Investment Bank (EIB) and European Bank for Reconstruction and Development (EBRD).

Within the EU’s revision of ongoing policy portfolios and creation of new instruments in 2011, the strong cross-cutting core principle dubbed ‘more for more’ is to a large extent ‘the incentivisation of conditionality’. The shift to carrots (whilst not entirely abandoning the sticks) is not in itself new, but rather represents an ongoing EU effort to adjust to regional climates and changing geostrategic priorities. Partnerships with civil society will be enhanced and additional financial assistance will be made available, including through a new dedicated funding facility (see below). In monetary terms, it is unlikely to enjoy as much leverage as larger cooperation programmes from other international actors, especially certain Gulf States. As to whether ‘more for more’ represents meaningful incentives for democracy, it is worth noting that the Democracy Facility launched under Commissioner Chris Patten’s tenure in 2003 also incentivised reform, but was not seen as a success.

The EU is ambiguous on precisely how the ‘offer’ of more for more and the negotiations behind it amount to conditionality. Views among the EU 27 vary, from a stricter, more traditional view on conditionality to an emphasis on the notion of dialogue and mutual accountability, based on an acknowledgement of the EU’s reduced credibility in view of double standards in the past. Whilst northern MS such as the UK, Germany, the Netherlands, Finland, Poland and the Baltic states favour the incentive-based approach being applied to the total assistance budget of the ENI, southern EU MSs (namely France, Spain and Italy), are opposed to this idea; they would rather pursue business as usual with non-reformers.

Those in favour of conditionality also argue that the same should apply in reverse; ‘less for less’ should apply not only to cases of gross violations of human rights (such as Syria), but should also be a tool to incrementally reduce budget support for countries that are backsliding on reform. It is of course another issue entirely as to how MSs judge which MENA states are seen to be performing slowly but well (as is often cited as Jordan’s case), and which states are backsliding. Certain states (Sweden in particular) favour scrapping the fixed proportion rules for funding between east and south, in the interest of transferring funding from poorly performing Eastern Partnership countries to Southern Neighbourhood states undergoing reform processes.

In a so-called ‘non-paper on conditionality’ sent to all EU foreign Ministers 3 February 2012, High Representative Ashton and Enlargement Chief Štefan Füle seem to rescind on previous intentions of

---

21 EEAS representative speaking in Madrid, May 2011.
applying less for less alongside more for more. The paper claims that political dialogue must take place “even if the partner’s commitment to building and consolidating democracy and respect for the rule of law is poor”24. Partners that have not embarked upon or undertaken significant reforms designed to build and/or consolidate democracy since the review of the ENP should not benefit from an increased offer but should neither be negatively affected in their relations with the EU. Otherwise known as ‘positive conditionalism’, here again the EU treads a fine line between rewarding states pursuing reforms and not acting decisively against states contravening the terms of their AAs, Action Plans (APs), etc. In a subsequent paragraph however, Ashton and Füle show their apparent willingness, albeit phrased rather lightly, to act punitively on states continuing to carry out human rights abuses. Whilst not directly referring to the ‘less for less’ aspect of the revised ENP, they state that, ‘In case of grave and generalised violations of human rights, the EU would consider a whole range of measures aimed at changing the actions of the partner country, including but not exclusively the suspension of financial assistance, of ongoing negotiations and the imposition of sanctions25. This example of negative conditionalism has been evident in the fifteen rounds of sanctions that the EU has applied to date concerning Syria.

Southern Neighbourhood governments have broadly rejected conditionalism, on the grounds that it smacks of external influence from actors guilty of double standards. The transitional authorities in Egypt have been particularly vocal in their rejection of conditionalism, to the extent of initially refusing a $3 billion World Bank loan. Whilst the EU’s rhetorical principles of ‘mutual conditionalism’ are laudable and go some way to conveying the intention of partnership rather than a donor-recipient relationship, they must nevertheless specify to a greater extent exactly what is understood by these concepts. The language surrounding the conditionalism issue has been ambiguous to date: the Joint Communication of 25 May 2011 used strict conditionalism language, whereas the Council Conclusions of 20 June 2011 did not, stating instead that these additional allocations will “fully take into account partner country needs, their readiness to engage in reforms and their progress towards deep and sustainable democracy (...)” 26. For countries where reform has not taken place the EU “will” or (in the later document) “may” reconsider or even reduce funding and support27.

There is concern at Brussels level between the EU 27 and at civil society level over the lack of systematic mechanisms for the implementation, benchmarking, and evaluation of the more for more principle. Certain MSs and local interlocutors express doubts that an inconsistent interpretation of the ‘more for more’ principle, taken with the EU’s track record of turning a blind eye to authoritarian regimes, will result in a system of conditionalism which encourages the ‘business as usual’ track pursued prior to the events of the Arab Spring. For instance, it is worth questioning whether enhanced political and security co-operation includes an implication that EU MSs review their arms export control policies in the region, given the direct link to human rights abuse28. Given that certain specific trade measures are also used to support human rights objectives29 and that the EU’s Common Commercial Policy is one of the most visible manifestations of its external action, the EU must apply a greater degree of conditionalism to its trade relations. To date, this has not been the case: the Foreign Affairs/Trade Council meeting of 26 September 2011 for instance, saw the EU select the same four countries initially proposed for SPRING (Egypt, Jordan, Tunisia, and Morocco) for moving forward on negotiations for Deep and Comprehensive Free Trade Areas (DCFTAs), but with no mention of the legitimacy of these governments or the views of civil society30.

24 Ibid.
25 Ibid.
27 Ibid.
29 Examples include Regulation 428/2009 on the control of exports of dual use items, Regulation 1236/2005 concerning trade in goods which can be used for capital punishment or torture, and Council Common Position 2008/944/CFSP on Arms Exports. For more see European Commission. (2012). Non-paper: Using EU Trade Policy to promote fundamental human rights. Current policies and practices. DG TRADE.
EU action to strengthen respect for human rights and democracy in the process of political changes in the Middle East and North Africa

The Action Fiche for the recent adoption of SPRING emphasised results rather than conditionality, but left performance assessment firmly in the hands of the EEAS and the Commission. The Deauville partnership established by the G8 on 27 May 2011 has adopted a similar approach to ‘more for more’, though with different language. This grouping should co-ordinate with the EU the implementation of such an approach. Core considerations must centre on transparency and how these proposals are presented, negotiated, and implemented in consultation with CSOs. Criteria for assessment require negotiated benchmarks, a process which should include the input of civil society.

The ‘New Response’ proposes to adapt EU support to partners according to progress in building and consolidating democracy and respect for the rule of law, in a spirit of mutual accountability and in applying the principle of differentiation. Welcoming this proposal, the June 2011 Foreign Affairs Council invited the High Representative and the Commission to “design the appropriate mechanisms and instruments that will help deliver these objectives”. The issue of implementation and effective monitoring is given more thought below. The **four ‘decisions’** adopted by the EU in response to actions outlined in the Commission’s Communication are:

- The SPRING programme, a €350 million flagship initiative launched in Sept 2011 to support political transitions;
- A Special Measure designed to support poorer areas in Tunisia to the value of €20 million;
- Additional resources for higher education through the Erasmus Mundus (€66 million);
- A Neighbourhood CSF totalling €22 million and covering the period 2011-2012.

The **SPRING programme** draws on the differentiated approach highlighted in the previous communiqués: support will be tailored to the needs of each country, based on an assessment of the country’s progress in building democracy and applying the ‘more for more’. Whilst this assessment will be in part based on needs identified by EU Delegations working closely with partner governments and international stakeholders, the absence of civil society input in the design process is subject to criticism. SPRING is viewed by some as a financial top-up to ongoing initiatives within the framework of the ENP.

Two fundamental questions deserve our attention: implementation challenges and timeframe issues. Democratic reforms, let alone the achievement of the results, are most likely to go beyond the 2013 timeframe outlined in SPRING. A longer-term perspective of reforms in MENA is yet to be reflected more strongly in the recent EU initiatives in its Southern Neighbourhood. Policy documents confidently predict concrete results in the field of human rights and fundamental freedoms, democratic governance, freedom of association, expression and assembly and free press and media. Whilst SPRING, as the EU’s flagship initiative undoubtedly affords increased visibility to an actor often tarred with the same broad brush by local civil society as ‘the West’, the question remains how to link it to existing bilateral and multilateral programmes being implemented in third countries. At policy-making level, those interviewed for the purposes of this study express doubts over the clear delineation of functions of SPRING alongside the existing regional and thematic instruments such as the EIDHR and the Non-State Actor Support Programme.

On a pilot basis, the country allocations under the SPRING programme umbrella programme will be determined a seemingly simplistic scale: regression - no progress - some progress - substantial progress/satisfactory situation (a similar approach was used to determine the country allocations in the

---

34 €65 million committed in 2011 and €285 million will be committed in 2012 (subject to the approval of the Budgetary Authority) Budget Source: European Neighbourhood and Partnership Instrument (ENPI).
36 Aggad, F. (2011). Is the EU’s new SPRING Programme so new? Commentary on the EU’s new package for North Africa. ECDPM.
38 See other interviews in the case studies for a more nuanced view of civil society perceptions of EU action.
In general, the most recent ENP Progress Reports will be the basis for the rating, but the assessment can be kept under review as events unfold. It is intended to refine this approach in the light of experience, to develop a methodology for the allocation of financial resources under the Multiannual Financial Framework. The other policy initiatives of 2011 proposed by the EU in its response to the events of the Arab Spring are specific instruments designed to directly support civil society and non-state actors. Both the CSF and the EED are designed as flexible instruments to be applied depending on need and absorption capacity – both of which are based on assessments from in-country Delegations. The effective input of civil society is questionable, and therefore the EU is at risk of widening the disconnection between donor and partner contrary to its stated aims. Through the CSF, the EU claims to acknowledge the importance of civil society’s role in contributing to policy making and holding governments to account. The CSF was in part a reaction to the excitement generated by the role played by Information and Communication Technologies (ICTs) in mobilising citizens around agendas of democratic change. The EU states that its aim is to support CSOs to develop their capacity, their ability to monitor reforms, and their role in implementing and evaluating EU programmes. Whilst these statements are laudable, it is important to remember that the EU has on many a previous occasion expressed its support for civil society – rhetoric which has not always translated into impact. The Action Fiche for the CSF does however maintain that it is “informed by the experience of existing programmes in support of non-state actors be it at global level or in other regions”. It is essential that policy revisions articulated by the EU build on existing processes and offer complementary value rather than create an overlap of policy reviews. To the frustration of civil society counterparts, the consultation process for the design of the CSF was closed and very much Brussels-centred. Moreover, although there was a regional call for proposals in November 2011, concerns remain over the slow disbursement under country level calls for proposals.

The idea behind an EED, still at its planning phase at the time of writing, is that the EU benefit from an independent and un-bureaucratic instrument separate from other EU co-operation instruments. It is intended to support the further emergence of civil society together with political actors, non-registered NGOs, and trade unions. It is an attempt to contribute to the strengthened approach to democracy support developed in the context of the ENP and of the EU Agenda for Change. The main challenge will be to maximise the EED’s value in relation to existing EU instruments and to develop Europe’s specific niche in providing democracy support. The ‘acid test’ will be if the EED can attract sufficient starting capital and clearly define partners and beneficiaries, especially in the context of the eurozone crisis. The proposal outlining the modalities for the possible establishment of such an instrument was presented by the Parliament to the Council in November 2011. It urges the Council to “ascertain whether the EED will generate a more strategic and political EU approach to democracy support by providing context-specific, flexible, timely, and bottom-up assistance (...) to facilitate democratic transitions in partner countries”. Whilst the language of the proposal is admirably detailed, there is nevertheless confusion at policy making level over the exact functioning, financing, and frame working of the EED (not to mention a lack of awareness at civil society level over the exact details of the instrument). The EED is seen by some as a European version of its American counterpart, the National Endowment for Democracy.

---

37 Ibid.
38 Civil society representatives interviewed for the case studies between February and April 2012.
39 Strengthening the Capacities of Non-State Actors - Actions in partner countries, 1 November 2011, EC.
40 The EED has since been allocated €6 million from the European Commission to ensure its ‘swift launch’. The allocation will finance the establishment and initial functioning of the Endowment. For more see European Commission Press Release, 12/11/2012, available at http://europa.eu/rapid/press-release_IP-12-1199_en.htm?locale=en
Endowment for Democracy (NED)⁴⁷. One report suggests that in the framework of a joint US-EU action plan, the EED would be a “natural partner of the NED”. The report, based on recommendations drawn from a workshop which included the participation of Ambassador Bernardino León, EU Special Representative for the southern Mediterranean Region and Ambassador William B. Taylor, US Special Coordinator for Middle East Transitions, encourages both endowments to work together to provide ‘robust funding’ for local democracy-support organisations and “offer technical assistance to all political parties that eschew the use of violence, including Islamist parties”⁴⁸.

The functioning of the EED is the subject of controversy in Brussels. Some argue that it is time the EU engaged in direct bilateral support for political parties as do many MSs through their Stiftungs or other grant-making organizations. Others however, argue that offering partisan support is not consistent with the morals, values and practices upheld to date by the EU⁴⁹. The Parliament recommends that the EED be able to award grants directly to intended beneficiaries including, _inter alia_, emerging political actors, fledgling political parties, non-registered NGOs. It does not however envisage establishing regional offices, relying instead on headquarters located in one of the MS (most probably Brussels) and on pre-established links with local organizations and independent practitioners on the ground. The intention to ‘re-grant’ financial resources through non-profit entities goes someway to ensuring continuity of cooperation, but the ultimate aim is nevertheless to endow the EED with straightforward grant-award mechanisms in the aim of avoiding the cumbersome procedures of other EU tendering processes, very often where co-financing by beneficiaries is a prerequisite for funding.

Another issue of concern voiced by those interviewed for the purposes of this study relates to the added value of the EED in relation to existing instruments, namely that it will overlap on the mandate of the EIDHR and the European Partnership for Democracy (EPD)⁵⁰. The EP has proved its awareness of such concerns, making mention of ‘demarcation of competencies’ in its November 2011 Draft Report⁵¹. In the interest of creating partnerships and avoiding duplications, Parliament recommends that the EED should: “play a role which complements and does not curtail the activities of existing funding instruments, particularly the EIDHR; where appropriate, the EED should launch projects which can later be continued by the EIDHR, creating an interface with the EIDHR so as to ensure coherence and sustainability in the longer term”⁵². A balance must be ensured between the independence of the EED and its accountability to funders⁵³. This means that the EU’s contribution to the EED budget should be subject to the scrutiny of the budgetary authority. Furthermore, a number of Members of the European Parliament (MEPs) should be present on its Board of Governors and its Executive Committee in order enable Parliament to provide its input into defining the political and strategic guidelines underpinning the endowment’s activities.

The EED will undoubtedly bring added value in the form of capacity to respond rapidly to events on the ground, without negotiating the backchannels of Brussels bureaucracy. Compared to the existing instruments such as the EIDHR – which displays a certain degree of rigidity in its programming cycles and budgeting – the EED offers welcome flexibility of response. To further differentiate from mainstream EU programmes, the EED must be prepared to take risks in terms of tuning its quick-fire support to largely unpredictable moments of political upheaval⁵⁴. Finally, the oversight mechanisms for this new instrument are of great importance. If the idea behind the EED is to generate synergies with

⁴² One Brussels-based policy-maker went so far as to call it ‘an attempt to align with the American agenda’.
⁴⁵ ‘If the EED is about bringing added value, then it is a brilliant initiative. If it is about taking protagonism (financial and institutional) from other EU instruments, then it loses some of this potential’. Interview with Brussels-based policy maker, April 2012.
⁴⁸ Since the time of writing, it has been established that the EED will take the form of a private law Foundation established in Belgium, which is autonomous from the European Union, governed by its own Statute and governing bodies. As such it is not a European instrument but complements existing EU cooperation instruments.
and complement the work carried out by EU MS and their agencies, it is vital that Parliament be consulted throughout the establishment process, be endowed thereafter with a broad oversight of EED activities, and finally, be involved in the creation of criteria for effective follow-up mechanisms.

2.3 Ongoing human rights review

As part of the new ENP response, ‘partnership with societies’, under the same pillar one as above (though not strictly in support of civil society alone), the 25 May Joint Communication states the EU’s aim to reinforce human rights dialogues as a means of “monitoring commitments in this area”\textsuperscript{55}. There are several existing mechanisms for such dialogue, including at the EU/partner level, the Council level, and the EP level. These mechanisms need to be transparent, less technical, and reform-led, and to involve more consultation with civil society\textsuperscript{56}. Little reference was made to this mechanism in the EU’s Council Conclusions of 20 June 2011 in response to the changing conditions of the neighbourhood.

In June 2010 Ashton announced a major review of the EU policy on human rights in June 2010. The stated objective is to integrate human rights as the “silver thread” throughout all EU external action. Ashton declared that the EU should “get smarter” in the way it delivered the message of the importance of human rights. Ashton advocated “maximalising the potential of the new Lisbon set-up”, and recognised that whilst human rights were a universal value, a universal policy approach (the so-called ‘one-size fits all approach’) was not what was needed\textsuperscript{57}. Using the 2010 Human Rights Report as a stocktaking exercise, Ashton highlights three main lines of action:

1. The EU should continue to strengthen its action at the UN and thereby its role in speaking up for human rights on a global stage. It should find innovative ways of working with third country partners to promote it values instead of lowering itself to the lowest common denominator or accepting a dilution of universal standards;
2. The EU should tailor its approach to individual situations by establishing local human rights strategies for each partner country;
3. Finally, human rights should be visibly at the centre of EU external action and present across the board of EU activities including trade, Common Security and Defence Policy (CSDP), ENP\textsuperscript{58}.

In addition to geographic, country based tailored strategies the EU should identify cross cutting themes behind which to put its full weight (such as its longstanding support to the International Criminal Court (ICC)). In the context of a shifting regional landscape, an approach that seeks to match overarching objectives with the realities on the ground is more likely to deliver concrete results than a one size fits all approach. Such campaigns should be the subject of collective action by all EU institutions and individual EU MSs. Within the broader review of human rights policy, specific focus will be attributed over the coming three years to judicial reform, rights of women, and rights of the child (the latter two build on the EU’s comprehensive approach to Women, Peace and Security, and the EU agenda for the rights of the child respectively). Ashton’s ongoing review of human rights has received support from, amongst others, Development Commissioner Andris Piebalgs who has advocated “embed[ing] human rights and democracy even more deeply” in EC practices\textsuperscript{59}. His intention is that these core values be given “greater weight in determining the ways and means of providing assistance”. The new policy has been spelled out in various EC Communications, including regarding future approaches to providing budget support.

The basis for the future Human Rights Strategy is the 12 December 2011 Joint Communication to the Parliament and the Council, Human Rights and Democracy at the Heart of EU External Action\textsuperscript{60}. It

\textsuperscript{55}Joint Communication by the High Representative of The Union For Foreign Affairs And Security Policy and the European Commission, Brussels, 25 May 2011.
\textsuperscript{60}Human Rights and Democracy and the Heart of EU External Action – Towards a More effective Approach, Brussels, 12/12/2011.
aims to open discussion between various EU institutions on how to make the EU’s external policy on human rights and democracy more active, more coherent and more effective. This document outlines the main areas of commitment for the EEAS in the field of human rights in its external policies. It proposes action in four areas: delivery mechanisms, integrating policies, building partnerships, and speaking with one voice. It concludes that the EU must be principled when it comes to the norms and values it seeks to uphold and creative in the ways it does so.

A core part of the EU’s human rights strategy is the EIDHR, adopted by the EP and the Council in December 2006. Replacing the European Initiative for Democracy and Human Rights (created 1994), the EIDHR reflects the EU’s ongoing support to home-grown and locally driven democratisation processes. Previously used as a soft policy instrument, the EIDHR since the Arab Spring has taken on a far more prominent role in supporting in-country human rights defenders. DEVCO, the 2010 merger of DG Development and DG Relex (Med), has since seen another restructuring in terms of increases in the number of staff allocated to Arab Spring-related programmes. Representatives from DEVCO’s geographical coordination unit for the Southern Neighbourhood have been involved in the process of reviewing the EU’s support to its Southern Neighbourhood from the very beginning; they highlight frequent sharing of information, meetings of various working groups, and coordination between heads of services as essential to the ‘co-decisional’ process.

The EIDHR supports local actions aimed at empowering disenfranchised groups, promoting dialogue and mediation between diverse interests within societies and encouraging political pluralism, transparency, accountability and consultation. For the period 2007-2013, €1.1 billion were allocated (€157 million per year approximately including electoral observation). For the forthcoming MFF 2014-2020, the Commission has proposed to scale up funding to €1.4 billion. Also to complement existing geographical programmes, the EIDHR response strategy gives priority to supporting the international framework for the protection of human rights, justice, the rule of law and the promotion of democracy, reflecting the EU’s general commitment to multilateralism.

The complementary value of the EIDHR alongside other EU instruments includes its ability to operate without the need for host government consent. As a senior official interviewed for the purposes of this study confirmed, the EIDHR can engage in activities not officially endorsed by the respective partner government, given that in many cases the political environment restricts the effective capabilities of civil society. The EIDHR “enhances the toolbox” of the EU in its range of support for democracy and human rights processes by directly funding ad hoc actions through direct grants or low value grants. Amendments to the EIDHR currently in the pipeline (planned for 2014) are designed to increase its flexibility and efficacy. Indeed, the agenda of this year’s EIDHR annual forum included discussions on the need for greater flexibility in dealing with northern African countries. Despite its wide remit, the EIDHR cannot provide partisan support nor directly finance political parties. It is, however, the instrument through which the Commission has developed the EU role as one of the leading actors in election observation, allocating 20 per cent of its annual budget to election observation missions. Whilst this is a vital part of any thematic support to home-grown democracy movements, some suggest that it could be somewhat rationalised (that is, reduced). Corresponding to the EU’s revision of its ENP, the EIDHR has seen an increase in allocations for its non-state actors programmes (from €6.2 to €9.2 million),

---

61 Ibid.
62 Interview with EIDHR representative who cited the case of EIDHR support for nurses in Libya: In a Behgazi hospital, one of the nurses working there and registering women who had been raped was threatened by Ghadaffi supporters. The EIDHR intervened to take her out of Libya. The nurse is currently one of principle witnesses in Saif al-Islam’s trial.
63 Interviews with DEVCO representatives, Brussels, April 2012.
66 The annual forum, held this year on 7th and 8th May in Brussels, allows stakeholders to focus on concrete deliveries, to review field experience, discuss the content of programmes, and build on best practices to improve EIDHR support to its beneficiaries at a moment when the European Commission is closing the selection of €37.1 million worth of projects and launching €42.2 million worth of call for proposals (taken from an invitation received by the author to the EIDHR forum 2012).
67 Interview with Brussels-based EIDHR official.
and a near-doubling of its budget for certain country allocations to Southern Neighbourhood states, namely Tunisia, Egypt and Libya.

2.4 Upcoming EU responses

As ‘second generation’ ENP APs are negotiated and developed, the EU has the opportunity to clarify the incentive-based approach to its relations with Neighbourhood partners. The opportunity to embed more deeply the more-for-more principle in these documents and to establish a stronger link with all incentives proposed by the EU including financial assistance must not be passed over. The approach laid out to date for developing a ‘second generation’ of APs or AAs would see a welcome shortening and focusing of the documents, and a much needed prioritizing of objectives and corresponding benchmarks to facilitate monitoring and political steering. One of the main challenges faced by policy-makers involved in designing these instruments is that benchmarking conditionality is just as difficult as implementing it. The EU must further clarify how mutual accountability will be built into the revised APs or AAs – what partners can expect from the EU if they undertake reforms, and that such support is tied to these reforms. Another clarification needed concerns the monitoring of these reforms, the benchmarks to be instated, and the follow up to take place (the latter would presumably include follow up through the Association process and EU progress reports). The next set of progress reports should seek to strike the right balance between assessing performance on an individual country basis and applying a common methodology for doing so. In light of this assessment, recommendations for adapting the EU’s engagement can be proposed.

In fully linking its policy and programming, the EU is also considering a new **Single Support Framework** which would enhance a flexible and consistent approach to the programming process. In a draft letter signed by several MS, the following were laid out as criteria:

- Programming priorities should directly address conclusions of progress reports.
- Allocations should better reflect performance, in particular related to ‘deep democracy’ and should increase/decrease accordingly.
- Not only the amount but also the form of support should be subject to the principle of differentiation. It should apply across all areas of support.
- There must be greater flexibility in the way allocations are made, allowing the EU to respond to (and influence) developments in a shorter time-frame, with capacity to re-allocate funds rapidly (both increase and decrease).

It is vital that a Single Support Framework be proposed on the grounds of consensus from the EU 27 for the EU to lend its full weight to policy revisions and policy initiatives in its Southern Neighbourhood.

The creation of the post of an **EU Special Representative on Human Rights** is one of the major outcomes of Ashton’s ongoing human rights review. The appointment of Stavros Lambrinidis, former Minister of Foreign Affairs of Greece and a former Vice-President of the European Parliament, is the EU’s first ‘thematic’ Special Representative. His appointment follows the adoption on 25 June 2012 of the EU’s Strategic Framework and Action Plan on Human Rights and Democracy. Whereas some policy-makers in Brussels doubt the added value of this ‘bureaucratic post’, others advocate the cross-sectoral skills included in the mandate which would contribute to the implementation of a cohesive policy aimed at integrating human rights in all EU policies. Furthermore, the high public profile of this post would enable the EU to speak with the same gravitas as the highly respected American under-secretary for human rights and democracy. It would contribute to increasing the EU’s influence in the UN Human Rights Council and at the ICC. It is important, however, that the creation of such a Special

---

68 Council Decision 2012/440/CFSF
Representative not isolate human rights policy from the overall external policy strategies70. The consistent implementation of the EU human rights policy demands that the EU introduce detailed human rights benchmarks for future cooperation on all policy areas.

3.  CASE STUDIES

3.1  EU action to strengthen respect for human rights and democracy in the process of political changes in the Middle East and North Africa: Egypt case study

3.1.1  Overview: human rights and democracy in Egypt

In the years leading up to the fall of President Hosni Mubarak on 25 January 2011, Egyptian democracy was in regression. A brief period of political opening in 2004-2005 came to an end after the 2005 parliamentary elections, in which Muslim Brotherhood (MB) independent candidates were able to win 88 seats. The MB’s electoral success then enabled the Mubarak regime to defend, domestically and abroad, the notion of a choice between either Mubarak or religious fundamentalists at Egypt’s helm. Most of the democratic gains of the 2004-2005 period were reversed in the following years, and the regime imposed some additional obstacles to activism, political competition and a free press.

The toppling of Hosni Mubarak initially did little to improve the human rights situation in the country. On the contrary, the ensuing power struggle to fill the political vacuum has led the ruling SCAF to continue and even partly aggravate past practices, extending the state of emergency to illegalise gross human rights violations and to repress further protests. Throughout the ‘revolutionary year’ 2011, local and international human rights monitors condemned human rights violations carried out under the auspices of SCAF rule. These included the sentencing of over 12,000 civilians by military courts; extra-judicial killings, arbitrary arrests and the use of excessive force against peaceful protesters; systematic assaults on and media campaigns against NGOs dealing with human rights issues; the violation of women’s rights and torture; the violation of the rights of religious minorities; the detention of activists and bloggers; and the failure to allow independent investigations into the various deadly clashes in Egypt throughout the year. Violent crackdowns on protesters in Tahrir Square in mid-December 2011 resulted in 12 dead, 540 injured and 182 arrested. Renewed protests early 2012 culminated in massive street presence on the first anniversary of the fall of Mubarak on 25 January 2012. In the parliamentary elections concluded on January 11, 2012, the Islamist MB emerged as the leading force, with the Salafist Nour Party coming in second. On 1 February 2012, violent clashes at a soccer match in Port Said, which left 80 people dead and over 300 injured, tragically underlined the fragile security situation in Egypt. A number of recent concessions by the military council have contributed to downscale protests. Most notably, the state of emergency, which has been providing the Egyptian authorities with practically unlimited powers since 1981, was lifted on 31 May, 2012. Nevertheless, the democracy and human rights situation at Egypt’s current crossroads remains extremely fragile. The first round of the presidential elections on 22 and 23 May will be followed by a run-off between MB candidate Mohamed Morsi and former regime stalwart Ahmed Shafiq on 16 and 17 June. On June 2nd, a Cairo court sentenced Hosni Mubarak to life imprisonment, while acquitting a number of other defendants including senior security officials and Mubarak’s sons Gamal and Alaa. Key challenges for 2012 will include keeping the security situation under control, the election of a new President and the formation of a new government, the drafting of a new constitution, taking bold steps for economic recovery, and a peaceful transfer of executive power from the military council to the legitimate executive authorities.

3.1.2  Mapping EU policies in Egypt

Bilateral relations between the EU and Egypt are governed by an AA in force since 1 June 200471. Mutually agreed reform goals have been laid out in the AP under the ENP, jointly adopted on 6 March, 2004.
2007\textsuperscript{22}. The EU is the third biggest international donor in Egypt in terms of volume (behind the US and UN Development Programme). In terms of funding related to democracy and human rights, the EC has been channeling assistance through three main budget lines: the bilateral EU-Egyptian cooperation programme via the European Neighbourhood Partnership Instrument (ENPI); the EIDHR; and the Development Cooperation Instrument (DCI) thematic programmes. In the bilateral programme via ENPI, approximately €39 million were earmarked for human rights and good governance issues for 2007-2010, corresponding to 7 per cent of the total amount allocated to Egypt for this period (€558 million).

During the years prior to the fall of the Mubarak regime, difficult impact conditions had led the EC (and the EEAS after its creation), to increasingly focusing on comparatively apolitical areas, such as women's and children's rights, with the aim of maximizing impact potential and opening up taboo topics. The years leading up to the revolution were characterized by an approach of pragmatic confidence-building with the regime, in anticipation of new windows of opportunity hoped to arise from a presidential succession. Except those under the EIDHR, projects were decided jointly with the Egyptian authorities. Most projects focused on institutional building of semi-governmental structures such as the National Council of Human rights, the National Council for Women and the National Council for Childhood and Motherhood. While under bilateral programming, grants were also given to NGOs, these were channeled through government bodies (for instance, in the case of the Social Fund for Development) which awarded 118 grant contracts for an amount of €8,397,800). Under the EC’s DCI thematic programmes, €300,000 was allocated for gender projects. In 2010 and 2011, respectively, €1 million was made available to Egypt from the DCI's Non-State Actors fund. Under various regional programmes, the EC moreover allocated limited additional funds for gender, migrants’ and refugees’ rights, and rights of the disabled, among others. Direct NGO funding under the EIDHR, which requires no prior government clearance, remained limited. Under the EIDHR, an annual €900,000 was allocated in grants to Egyptian NGOs and civil society entities from 2008 to 2011, respectively. In the period 2008-2009, under the regional component of the EIDHR, the EC financed Egyptian NGOs’ human rights advocacy and protection for the Arab region for around €454,000. In addition, Egypt is eligible for a number of a number of other bilateral and multilateral funds and instruments, including Erasmus Mundus, Twinning, as well as from the newly created CSF and SPRING programme\textsuperscript{23}.

The EU’s initial response to the January 2011 democratic uprisings was criticized as rather weak and tardy. During the massive protests in Egypt ahead of Hosni Mubarak’s fall, EU leaders called upon the authorities to give in to protesters’ legitimate demands for reform, but fell short from demanding Mubarak to step down. The political crisis in Cairo was also widely considered as the first diplomatic litmus test for both the newly created EEAS and its chief diplomat, Catherine Ashton. The latter kept a rather low profile in the run-up to Mubarak’s ouster, reluctant to take a clear stance, which earned her sharp criticism from the EP. UK foreign secretary William Hague was the first European leader to publicly recognize protesters’ demands as early as three days into the uprising. With the 27 failing to agree, Germany’s Merkel, Britain’s Cameron and France’s Sarkozy were the first heads of government to speak out publicly in support of the protesters via a joint statement on the first weekend of the Tahrir protests, which they issued just one day before an EU foreign ministers’ meeting. Spain and Italy soon followed suit. However, EU statements remained one step behind Washington’s and largely echoed the latter’s wording and message. 25 January was a decisive turning point for the protests, yet Lady Ashton’s first statement was issued on January 27 and its content was by many considered inappropriate for the dimension of the protests\textsuperscript{24}. In contrast to their US counterparts, EU leaders hardly spoke out in public on the dramatic events unfolding in Cairo as MSs had once again trouble forging a common position.


EU action to strengthen respect for human rights and democracy in the process of political changes in the Middle East and North Africa

EU foreign policy and in particularly Lady Ashton saw another setback when, one day before Mubarak’s ouster, the Egyptian government publicly called on her to cancel her trip to Cairo.

Beyond the immediate reaction to mass protests in January and February, the EU’s wider response to the events in Egypt was announced on March 8, when the EEAS and the EC put forward the joint ‘Partnership for Democracy and Shared Prosperity with the Southern Mediterranean’. A second document, the joint communication ‘A New Response to a Changing Neighbourhood’, released on 25 May, elaborated the approach further. Both documents added laudable nuance to the existing EU policy framework but failed to introduce a qualitative shift of paradigm. More tangibly, on 21 March, the EU Council announced to freeze the assets of 19 members of the Mubarak family and other regime stalwarts. In line with the revised ENP’s pledge to put a stronger focus on civil society, approximately €20 million of additional funds for NGOs in Egypt were made available. For the period of 2011-2013, €449 million have been allocated for Egypt under the ENP, €50 million (11 per cent) of which are earmarked for democracy, human rights and justice. In line with the EU’s pledge to respond to the changing Neighbourhood with money, markets and mobility (the ‘3 Ms’), the EU agreed to initiate negotiations with Egypt on a mobility partnership, including visa facilitation and readmission agreements, as well as on a DCFTA. By March 2012, however, neither such negotiations had been initiated, largely due to the Egyptian interim authorities’ reluctance to do so before an elected government is in place. Aside from changes in policy frameworks and budget, the EU has also issued a number of notable statements and remarks on a number of developments in Egypt, including on the case of Khaled Said, the continued violent unrest, the parliamentary elections, and the crackdown on human rights defenders, journalists and CSOs. The EU also offered to send observers for both the parliamentary and the presidential elections, but while this offer was rejected by the Egyptian authorities, the EU supports the work of the High Electoral Commission with €2 million.

In addition to the activities of the EC and EEAS, various EU MSs developed separate activities in the area of democracy and human rights, through both their Embassies and their respective implementing agencies. The Netherlands, Sweden and Finland were most active in this regard, contrasting with the Mediterranean EU MSs’ passivity in this area. On the whole, MSs’ activities in this field prior to the 2011 uprisings were very limited in volume and ambition. This changed notably during the January 2011 street protests, and in particular after the fall of President Mubarak in February 2011. In the wake of Mubarak’s fall, MSs also launched a variety of new funds and initiatives.

The EP has for several years prior to the 2011 uprisings been known to Egypt’s urban civil society to defend much more decided stances on democracy and human rights than EU executive bodies. Between 2007 and 2011, the EP issued four resolutions on Egypt, thereof three in 2011. EP Presidents and MEPs also visited Egypt on a regular basis, gaining notable attention. The EP’s most notable activity in the pre-2011 period was its resolution of January 2008 on the human rights situation in Egypt, which resonated very strongly with the Egyptian authorities and positively shaped the EP’s image among Egypt’s civil society. Several EP political groups were active on Egypt, in particular raising cases of individual democracy activists and opposition politicians. MEPs lobbied for the release of Ayman Nour from prison in 2005 and 2009, respectively. In 2011, the EP was often occupied with Egypt as well,

79 A notable example was the ‘Tahrir Lounge’ funded by the German Foreign Office, which provided democracy activists with a space for meetings and debates.

23
issuing several resolutions and holding a range of events on Egypt and the Arab Spring. It put pressure on the EU and Ashton to take a stronger stance and demanding asset freezes. It also backed Ashton’s call to strengthen financial support to the region, including Egypt. Moreover, the EP actively contributed to shaping a new Neighbourhood Policy approach. In 2011, the EP awarded the Sakharov prize to the ‘Arab Spring’, represented by five activists from different Arab countries, including Assma Mahfouz from Egypt.

### 3.1.3 Impact

In the years leading up to 2011, economic reforms agreed with Egypt under its ENP AP advanced notably well. By contrast, the ENP’s conditionality proved largely ineffective in the political sphere, as the EC itself noted in its ENP progress reports. The Mubarak government was keen to obtain an upgrade of bilateral relations (‘advanced status’), while resisting any EU attempts to link this upgrade to greater commitments to political reform. Staff at the EU Delegation in Cairo therefore admitted they were ‘waiting for succession’ and did not expect much impact as long as the Mubarak regime was in place.

The EC’s cautious focus on relatively apolitical topics in the years prior to 2011, while falling short of any ground-breaking impact, did show some moderate success in a few notable instances, for example, by creating awareness and opening up debates on taboo issues such as female genital mutilation. Egyptian activists and analysts interviewed for this study generally viewed the impact of the EU in the field of democracy and human rights in pre-revolutionary Egypt as very low. The main reason given for this was the perceived unpreparedness of the EU to implement its written commitments on democracy and stand up for human rights when this risked jeopardizing its strategic relationship with the Mubarak government. In particular, the lack of open diplomatic backing of written policy commitments was claimed as being among the EU’s main shortcomings. Also, the EU’s overly technocratic approach to democracy and human rights in the framework of EU assistance schemes, including the high bureaucratic barriers for direct civil society funding, was pointed out as not reflecting realities on the ground.

One activist mentioned that the EU’s distinctive brand of assistance was raising human rights concerns behind closed doors, an approach which did “not change anything with an authoritarian regime such as ours”. While there was agreement among the interviewed Egyptian civil society activists that the EU’s past approach had been largely ineffective due to a lack of political will, a number of instances were mentioned in which EU activities had had a positive impact. For example, the structured nature of meetings provided by the EU-Egypt human rights subcommittee were said to have given Egyptian activists a space to raise issues and convey a message to their government.

The EP’s main instance of impact was via the January 2008 resolution on the democracy and human rights situation in Egypt. The resolution was adopted during the negotiations between the EC and the Egyptian authorities for an AP, and was by Egyptian rights activists welcomed as an attempt by the EP to influence the negotiations in favour of a stronger stress on human rights. The 2008 resolution led to a harsh reaction by the Egyptian authorities. Most Egyptian civil society activists interviewed for this study mentioned and appreciated this resolution as particular strong and timely. The fact that some of the wording of the resolutions had been taken from the assessment of Egyptian civil society activists was highly appreciated as a sign of the greater openness of the EP towards direct consultation with local civil society (especially as opposed to the EC, which did not consult enough with Egyptian civil society during the drafting of the AP). The resolution also had a larger impact on the domestic human rights debate in Egypt, as well as on the way the EP was viewed among Egyptian civil society. Even more importantly, according to some activists, the 2008 resolution more broadly opened a new debate on

---

80 For example, on March 1, the DROI held a discussion on the situation in Egypt with Moataz El Fegiery and Ayman Nour via videoconference. Egypt: transition to democracy needs at least a year. Retrieved June 15, 2012 from http://www.europarl.europa.eu/news/en/pressroom/content/20110228IPR14444/html/Egypt-transition-to-democracy-needs-at-least-a-year
81 Interviews with current and former political officers at the EU Delegation. Cairo, 2010-2012.
82 Interview with human rights defender, Cairo, March 2012.
83 Interview with civil society activists, Cairo, March 2012.
human rights in Egypt. Largely due to the overcrowded environment following the fall of Mubarak, none of the three EP resolutions adopted in 2011 was able to attract comparable attention\textsuperscript{84}.

During the \textit{hot phase of mass protests} leading to Mubarak’s ouster, it was widely noted by European analysts that, unlike their US colleagues, most EU senior officials did not take the risk to clearly side early on with the protesters. However, awareness among the Egyptian public and even the protesters seems to have been rather low, as many EU (and other foreign) positions drowned largely unnoticed in the heat of the events. One activist did note that the informed human rights community was aware that UK foreign secretary William Hague had been the first European leader to publicly recognize their demands very early on. The EU’s June 2010 local statement on the second autopsy of Khaled Said was also praised by human rights defenders as timely and powerful. At the same time, most interviewees, both Egyptian and EU, stated that the EU’s year-long tacit support to the Mubarak regime had discredited it to some degree as a serious partner for the support to democracy and human rights. The EU’s messages of support to protesters came across largely as damage control when at the same time; Egyptian riot control trucks and gear of partly EU production were used to violently repress protests\textsuperscript{85}. The EU’s toothlessness in the early days of the Egyptian revolution clearly issued the message that in times of crisis, not EU institutions, but the big three keep calling the shots. In that sense, the Egyptian uprising has been the EEAS’ and Lady Ashton’s first major failure. For some EEAS officials, the Egypt crisis showed that the dream of a ‘Europe with one voice’ post-Lisbon was illusionary\textsuperscript{86}.

\textbf{Following the fall of the Mubarak regime}, most EU and Egyptian interlocutors judged the EU’s (and other internationals’) profile throughout 2011 to have been rather low, trying to catch up with the turn of events, reacting in an \textit{ad hoc} measure to specific developments, and otherwise maintaining a wait-and-see position until the struggle of power of competing forces was resolved and a new, democratic government was in place. There was agreement among most Egyptian activists interviewed for this study on two major points. Firstly, they agreed the EU’s (and indeed, all international actors’) relative leverage in Egypt had decreased with the revolution. Several reasons were given for this. One of them was that the currently ruling military cared considerably less about its international image than Mubarak had done. Another reason was that, due to the empowerment of society and the opening of public space for democratic debate, independent national media had at least to some degree replaced representations of foreign governments as the principal address to raise awareness on human rights violations and send an unequivocal message to the Egyptian government, hence ‘internalising’ the dialogue between pressure groups and the government in a positive fashion. After the revolution, domestic advocacy has become more powerful, to the relative detriment of EU and US influence. Secondly, there was agreement among activists that the EU’s revised policy approach did in fact not represent a qualitative change, but that, with some nuance, it was largely old wine in new bottles. The “new positive-sounding labels” such as ‘more for more’ were considered by some unable to veil the conditional cooperation offer behind it, which some judged could lead to a backlash from the new Egyptian authorities, as well as by the newly empowered Egyptian public among which conditional foreign funding is highly unpopular. While the extra money from the EU in the wake of the Arab Spring was appreciated, several interviewees said that money was “not the solution”. One EU diplomat said that the EU’s tendency to “throw money at a problem” was not commensurate with impact potential, and that, while money was important, a constant diplomatic commitment to democracy and human rights was much more important. This view was widely echoed by Egyptian activists, who stressed that a consistent, strategic commitment of all EU institutions and MSs to support a democratic Egypt was key, but that such a commitment was yet to be demonstrated in EU policy practice\textsuperscript{87}.

A number of concrete examples of EU engagement were mentioned during interviews as particularly positive or negative. Among the positive instances, a human rights defender mentioned the monitoring of military trials for civilians, which showed to the Egyptian authorities that the international community

\textsuperscript{84} Interviews with human rights activists, Cairo, London and Brussels, February / March 2012.
\textsuperscript{85} Interview with human rights activist, Cairo, March 2012.
\textsuperscript{86} Interview with EEAS staff, Brussels, March 2012.
\textsuperscript{87} Interviews with former EU-Delegation staff and Egyptian civil society activists, February / March, 2012.
took an interest in the issue. By contrast, the same interviewee mentioned the EU’s reaction to the Egyptian authorities’ crackdown on NGOs as particularly negative. In spite of having been warned repeatedly by Egyptian human rights defenders of the seriousness of the threat from mid-2011, the EU chose not to meaningfully act on the issue until it was forced to by the turn of events of the raids of NGO offices, including one German, throughout the second half of 2011. Moreover, Lady Ashton’s statement on the NGO raids was judged weak and unhelpful due to its vague language which called for the application of an undemocratic law, a wording which the interviewee judged to support the line of the military regime, rather than the pro-democracy movements. The EU’s stronger emphasis on civil society funding was judged positive by most interviewees, although some expressed disappointment over the low level of systematic, institutionalized involvement of local civil society in the process of reviewing and drawing up the EU’s policy response, such as via the ENP review or the SPRING proposal.

3.1.4 Recommendations

Recommendations for EU policy suggested by our interlocutors during interviews can be summarized along the following main lines:

- Learn from past mistakes. Do not replicate the relationship you had with the Mubarak regime now with the SCAF.
- In this crucial transition phase, act much more forcefully on human rights violations committed (or not prevented) by SCAF and other actors, including military trials, the clampdown on civil society, detention of bloggers and journalists, etc.
- Greater consistency in messages (between EU bodies and MSs, and between written commitments and policy practice). Consistently raise all major human rights violations, especially in public.
- Similarly, other ways of taking a stance, such as EU Delegation representatives’ demonstrative presence at and monitoring of human rights relevant court hearings and trials are welcomed.
- Bar trade of EU arms and crowd control gear to non-democratic regimes.
- Implement your commitment to mainstream of human rights across all EU policies.
- Institutionalize consultation with civil society on policy documents, cooperation programmes (e.g. APs), and monitoring of their implementation. Do not consult with civil society just to ‘check the box’. Take their recommendations into account.
- More money does not equal more support, or greater influence. Nuance your response based on a genuine local needs assessment.
- During the transition, do not pick sides. Engage with all important societal actors.
- Conditionality is welcomed. However, conditions must be clear, and applied consistently. Importantly, aid money should not be made conditional on measures for market liberalization.
- While the EU should press for democratic reforms, it should refrain from directly interfering in the democratic process. Indeed, it should be cautiously aware of the enhanced sensitivity against ‘foreign meddling’. Reconciling this caution with the above mentioned consistency will be a major challenge for the EU.
- Next to building the capacity of civil society, step up capacity building for and cooperation with the newly elected parliament.
- Focus on traditional EU strengths which are direly needed now and where the EU can make a difference (e.g. institution-building, security sector reform, anti-corruption).
- Work to strengthen women’s rights, and to empower women’s role in the democratic process.

---

88 Interview with human rights defender, Cairo, March 2012.
3.2 EU action to strengthen respect for human rights and democracy in the process of political changes in the Middle East and North Africa: Tunisia case study

3.2.1 Overview of EU-Tunisia bilateral relations

Tunisia signed its first cooperation agreement with the European Community in 1976. In 1998, it became effective; dealing with the three main issues of the establishment of a Free Trade Area (FTA), increasing sectoral cooperation and social affairs. Other issues pertained to political and migration questions. As for cooperation on good governance, justice and internal affairs, it opted for a gradual approach. In 2005, a mutually agreed AP came into force, followed by an FTA for industrial products in 2008 and an agreement on Demand Sign Management in 2009.

Sectoral cooperation has extended to the following areas: commerce, customs, industry, social affairs, migration, professional training, research and technological development, international standards and economic dialogue. In parallel, subcommittees were created to deal with the interior market; industry, commerce and services; transport, environment and energy; research and innovation; agriculture and fishery; and justice and security. Another group has been assembled to follow social affairs and migration issues. But informal relations also prevailed at a ministerial and high-officials level.

That said, Tunisia under former President Ben Ali interpreted the terms of its relations with the EU as it wished. This has been particularly evident on the issue of human rights. In 2010, his modification of article 61 bis of the penal code contradicted his commitments towards the AP; which dealt with respect for freedom of speech and association. As for funds, Tunisia has benefited from an average of €85 million per annum since 1995. Loans from the EIB have totalled €1431 million since 1997.

The EU’s approach to promoting human rights and democracy as part of its normative fibre in Tunisia has been somewhat ambitious. In November 2007, the creation of a subcommittee on “human rights and democracy” asserted Tunisia’s obligations on the matter; but meetings have failed in bringing any expected progress. The EU-Tunisia meetings nonetheless allowed EU officials to raise specific issues such as the lack of fundamental freedoms (attacks against human rights defenders); allegations about the implementation of the legal and procedural rules with regards to trials; conditions of detention and treatment of prisoners; and a lack of respect for freedom of expression, association and the media. However, the EU did signal in its 2010 report on human rights that its achievements in penitentiary reform had been slow, while NGOs active in the defence of human rights were often confronted with various obstacles to their work, especially after the entry into force of an amendment to the penal code in 2010.

While the UN has closely tracked human rights issues in Tunisia, the EU has avoided using the intergovernmental body in its proceedings. On a bilateral level, the focus has been more pronounced regarding France’s attitude towards Tunisia. Whilst both countries enjoy privileged relations, and France was self-avowedly “committed to the respect of human rights”; one would have expected France to have had a greater impact on Tunisia. Things however have taken a different track. The most significant example of this took place during a Tunis press conference with former President Jacques Chirac in December 2003. When asked about human rights, Chirac responded: “the first human right is to eat, to be cared for, to receive an education and to have housing. From this point of view, we must remember that Tunisia is more advanced than many countries”. This stance courted immediate controversy, but French diplomacy failed to respond with a firm hand. Four years later, Nicolas Sarkozy’s clinching of the

---

91 Ibid., p.19.
92 Ibid., p.104.

27
presidency confirmed the global trends of France’s foreign policy towards Tunisia. In April 2008, while visiting Tunis, Sarkozy said that “some of the observers are very severe with Tunisia, which develops openness and tolerance on many points”, even though he recognised some further efforts still needed to be accomplished. During the same visit, the French secretary of State for Human rights Rama Yade had to cancel some of her scheduled meetings with Tunisian human rights associations. Three months later, Ben Ali was among the participants for the launching of the project of the Union for the Mediterranean in Paris.

3.2.2 EU reaction to the Arab spring in Tunisia

When the December riots erupted in Tunisia, the EU’s reaction was very weak. It took three weeks for the EU to produce a statement calling “for restraint in the use of force and for the respect of fundamental freedoms”. A joint statement from the EC furthermore was only issued on 8th March 2011. The ‘Partnership for democracy and shared prosperity with the Southern Mediterranean’ however, reaffirmed the EU’s commitment to democracy, human rights, good governance and the rule of law in the region. To temper the unfolding events of the Arab Spring, a total of €55 million were offered, with the caveat of their dedication to humanitarian aid, migration issues and in supporting a democratic transition. In Tunisia itself, €17 million were allocated as immediate support for the transition, assistance to impoverished inland areas, and the establishment of an appropriate legal framework for the holding of elections. This too would later fund an EU Election Observation Mission in support of the work of the National Commission for Constitutional reform and elections. In February 2012, following the Tunisian Prime Minister’s visit to Brussels, the EC moreover raised the total EU contribution to Tunisia from €240 million allocated under the ENP94 to €400 million from 2011-201395.

Except for symbolic overtures made by France with regards to the human rights situation in Tunisia, none of the other EU members really expressed tangible interest for such issues in Tunisia before 2011. But when the Arab Spring broke out in January 2011, the green shoots of progression began to be seen. At first, Ben Ali’s unexpected fleeing of the country shocked the EU and its members. Then, the EU acknowledged that the changes that happened in Tunisia were significant, and that it was fully committed to support it down the path of transition. Along with backings of support, the EU also sent observers to supervise the October 2011 legislative elections. Catherine Ashton even reacted by saying that these marked “the beginning of a new era in Tunisia”. Since then, democracy, human rights, good governance and the rule of law have been made priorities of the EU vis-à-vis Tunisia and the region. This accompanies the EU-Tunisia task force that had first met on 28th September 2011, with the objective of enhancing Tunisia’s social and economic development within the next four years96.

The EU’s reaction to Tunisian events during the “Arab spring” has been progressive, yet effective. Years of immobility have been followed by greater commitment to guaranteeing the conditions for the country’s political, economic and social achievements. Indeed democracy and human rights are a crucial component of this renewed approach. Nevertheless, it remains to be seen whether present perspectives will allow the EU to boost its perspectives in Tunisia.

3.2.3 The impact of EU policy initiatives in Tunisia

Previous EU-Tunisian partnerships have not been conducive in improving human rights in Tunisia. Although Ben Ali did not obstruct his people’s participation in related meetings, this was certainly taken into consideration by keeping open channels of communication with the EU. Following these meetings and talks, Tunisia had access to amounts of money dedicated to various national projects. In June 2010, the amendment introduced on article 61 of the penal code criminalised human rights activists for their campaign work. While the EU was negotiating an enhancement of its relations with Tunisia, Ben Ali did

not hesitate in ruling that human rights defenders, who had been in contact with EU officials and parliamentarians to discuss Tunisia’s records on human rights, represented the incriminating criteria. Indeed, the amendment allowed the sanctioning of any Tunisian who had been in direct or indirect contact with officials of either a foreign country, foreign institution or organisation that would harm “Tunisia’s vital interests” and “economic security”\(^{97}\). Previously, the Tunisian regime had also decided to freeze EU funding to each of the Ligue Tunisienne pour la Défense des Droits de l’Homme (LTDH, in 2006) and the Association Tunisienne des Femmes Démocrates (ATFD, in February 2010). Laid plain, Tunisia maintained the illusion by accepting officially to discuss human rights related issues with the EU, whilst readily detaining activists.

Now that Tunisia is in transition, the EU may find it easier to influence Tunisians and draw their focus to human rights. That said, this does not mean that the EU will find easy means to divert the government’s policies towards a total respect of international conventions and EU-Tunisian agreed texts. While freedoms of press and expression have considerably improved, a lot remains to be done. But that does not mean that the EU has to reinvent tools in order to both have an impact on Tunisia and be aware of the country’s commitment to respecting human rights. Indeed, the programmes in which these issues have been mentioned (inter alia the ENP, the ‘Partnership for Prosperity’, and CSF) are satisfactory. The objectives that are stressed, and the way to follow up evolutions, allow the EU to follow Tunisia’s evolutions on the matter step by step. Moreover, the political context now bestows the EU with greater impact. President Ben Ali previously did not take into consideration the EU’s demands because he believed repercussion to be unlikely. Even if the EU wanted to adopt a hard line against Ben Ali, this latter could be compensate by relying on some of his European friends, beginning with France. In a changed context, and with the Tunisian government committed to aiding the democratic process and bettering relations with important funders, the EU finds itself with unprecedented room for manoeuvre. While it was timidly asking for change that did not come under Ben Ali, it can be now assured that changes have occurred, and that its demands will correspond to what political elites are promoting.

Indeed, the EU’s past concessions to human rights issues in Tunisia were in part due to the EU’s resignation towards Ben Ali’s policies. Tunisian activists often decry a complete absence of attention. Even the visit of some European leaders to Tunisia, including French Nicolas Sarkozy, was marked by the cancellation of previously scheduled meetings with human rights associations; indicative of the regime’s desire to play deaf. Activists feel that while the EU used to develop projects and give substantial funds to the ousted Tunisian regime without insisting on conditionality, Ben Ali felt he could act the way he wanted without repercussion. Another source of frustration lies in the highlighted injustices by the Ben Ali regime, leaked in the cables by Wikileaks. In spite of these lingering memories, activists do take seriously the idea of European cooperation to guarantee the respect of fundamental rights.

As for negative conditionality, the former regime’s large number of allies allowed it to remain immune to any significant pressure from the EU. But since the situation has evolved to today’s proportions, negative conditionality proves to be of large benefit for both Tunisia and the EU. Indeed, since Tunisia needs great funds to compensate its financial losses, it is tied to its duties\(^{98}\). At the same time, since the EU needs to underline its ability to obtain positive achievements in return for its funds and investments, Tunisia stands as an opportunity for conditionality to prevail without necessarily turning negative.

That said, the EU should not tread water. The former EU-Tunisian arrangements must and can be put into practice. The organisation of high level meetings between both partners, the constitution of committees and sub-committees dedicated to human rights, the promotion of forums for civil society, and the sending of EU observers acting on the ground in coordination with this, are all vital steps that have to be taken. Since negative conditionality must only be considered as a far and extreme option,


the EU should not directly make reference to it. But while positive conditionality should remain the rule, nothing stands against the EU enacting negative conditionality should their demands remain unheard.

The EU also has an opportunity now to work closely with international and intergovernmental bodies dedicated to human rights. This side has been neglected in the past, since the Council of Europe, the UN committees for human rights, OSCE, as well as NGOs (inter alia Human Rights Watch (HRW), Reporters without Borders (RWB), and Médecins Sans Frontières (MSF)) used to come with reports and promote means of action that had not already been pursued by the EU. Now that the conditions bode better for precise actions on the ground, the EU should develop joint actions and improve coordination with these bodies. This does not necessarily mean that the EU should minimise pretensions of a leading role in human rights issues in Tunisia. However since the EU is Tunisia’s closest neighbour, and with the Tunisian government’s rapprochement to the EU, such issues can be achieved; promoting a closer coordination with its international, regional, Arab and Tunisian counterparts in the process. The launching of an annual summit therefore dedicated to human rights in the MENA region, including Tunisia, commonly organised by all these actors, should be set as a priority.

3.2.4 Recommendations for EU policy towards Tunisia

Even though it has experienced ebbs and flows in the past, the EU now has an opportunity to convert its diplomatic principles into reality.

The Arab Spring highlighted the Tunisian population’s desire to see the development of its human rights go unhindered. The EU may still be criticised for its former (weak) role, but people still largely welcome it as an actor, with the resources to consolidate the country. Ben Ali’s obstruction to pressure on human rights, combined with the large number of supporters he courted abroad, may have stood as an obstacle to concrete achievements on the ground. But with a new page turned, and the EU’s preparations in place to monitor human rights, the situation can only improve.

But achieving efficiency also requires a perfect coordination between the EU and all of its Tunisian, Arab and international counterparts. EU MSs agree on the necessity for human rights to be fully respected in Tunisia, which makes it easier for the EU to obtain a consensus in what relates to its actions in Tunisia. The same could be said about all its other partners, who remain keen on allowing democracy and citizen rights to be part of Tunisia’s present and future. Nevertheless, and paradoxically; beginning with positive results has the greatest chance to prevail, when bilateral rather than multilateral relations are encouraged. Tunisia wants good relations with all of its partners, but its pro-EU posturing is evident. Therefore, the EU and its neutral policies, when compared to the US or Russia, as well as its important funds, allow it to make the difference. It is in a good position to promote stronger bilateral EU-Tunisian relations, while encouraging too international partners to join their efforts. The EU’s strong commitment towards Tunisia and its future prospects must be translated as soon as possible by precise steps and initiatives. The European principles on the matter, the AP as it has been defined under the ENP, as well as the terms of the EU-Tunisia AA, can pave the way. The EU has already defined the conditions for better prospects in Tunisia. It just has to put into practice what is has already set out.

The EU’s foreign policy has been strongly criticised in the past, due to its incapacity to go beyond its MSs’ absence of consensus on key issues. But the Arab Spring has created the policy space for moving further toward a united European stance that, most likely, will be readily accepted by Tunisians. This is not to say that things will be easy, nor shall we exaggerate the prospects for a strengthening of EU foreign policy. Negotiations with Tunisia may take time; EU policy will not be one-size-fits-all in the region. That said, beyond the Arab Spring, an opportunity for a European spring has occurred. Tunisia could allow the EU to initiate the era for a strong and coherent foreign policy.
3.3 EU action to strengthen respect for human rights and democracy in the process of political changes in the Middle East and North Africa: Yemen case study

3.3.1 State of Democracy and Human Rights

Protests against the rule of Ali Abdullah Saleh erupted in February 2011 following the uprisings in Tunisia and Egypt. After ten months of escalating protests a political settlement brokered by the GCC with the backing of the UN Security Council, the US and EU was finally signed by then President Saleh in November 2011. In the interim the political crises had escalated into an armed conflict which threatened to turn into a full blown civil war. On 21 October, the Security Council adopted its first ever resolution on Yemen in which it strongly condemned the continued human rights violations by the Yemeni authorities and the human rights abuses perpetrated by other actors. At the time of the first uprisings, Yemen enjoyed many of democracy’s formal trappings, including multi-party elections and a relatively open civil society but political liberalization was in decline after initial optimism in the early 1990’s.

Ali Abdallah Saleh first came to power in North Yemen in 1978 and ruled over united Yemen since unification in 1990. The weakness of the south affected its bargaining position in the new unity government, and tension has been constant since the 1994 civil war ended with the crushing of southern resistance. Longstanding complaints of political, economic and social marginalisation have been magnified by recent events. In 1999, the first presidential elections gave Saleh an overwhelming victory and in 2001 a constitutional referendum helped consolidated his power by extending parliamentary terms from four to six years and presidential terms from five to seven. Parliamentary elections in 2003 and presidential elections in 2006 were considered more or less free and fair but parliamentary elections due in April 2009 were postponed by two years.

Under the GCC initiative President Saleh agreed to step down and transfer power to a transitional government until presidential elections were held 60 days later, followed by a referendum on a new Constitution and parliamentary elections. The new Government of national unity (a coalition of the General People’s Congress, the Joint Meeting of Parties opposition coalition and independent figures) was sworn in on 10 December by then Vice-President Abd Rabbo Mansour Hadi. The Vice-President, in accordance with the agreement, also established the Military Committee for Achieving Security and Stability, consisting of senior security officials from both Government forces and forces supporting the opposition, with a mandate to achieve the integration of the armed forces under a unified professional national leadership structure. The agreement included a provision for a draft Transitional Justice Law that would establish a truth commission.

Elections to confirm consensus candidate Abdu Rabu Mansour Hadi as President took place in February 2012. Despite valid reservations about an agreement that included a broad amnesty for the President and his associates, and the non-competitive nature of the election the estimated turnout was 55.2 per cent. The second phase of the initiative calls for a National Dialogue Conference (NDC), changes to the constitution; a constitutional referendum; reform of political and electoral laws; parliamentary and local council elections; and presidential elections, if required by 2014. Decision making in parliament and government is to be consensual during the transition period. If consensus cannot be achieved then the final decision will be made by the newly-elected President.

The NDC which was expected to conclude its work within six months covering issues such as constitutional reform, transitional justice, southern demands, the Houthi rebellion and reform of the civil service and justice system has yet to be launched effectively. Initial preparations have begun with the appointment of a liaison Committee. Some of the important matters to be determined include whether the form of government should be presidential or parliamentary; whether the parliamentary electoral system should be changed from a first-past-the-post system to some form of proportional representation.

99 In January 2012, parliament passed a controversial law granting President Saleh complete immunity from prosecution and offering his aides partial protection from prosecution over “politically motivated” crimes committed while conducting official duties, except those considered “terrorist acts”.
representation, whether the Shura council should be elected and whether a women’s quota should be adopted. After the conference the government is to appoint a committee to draft the constitutional amendments incorporating the changes recommended by the NDC within three months. A constitutional referendum to approve the changes will then be held. Within three months of adopting a new constitution, the agreement requires parliament to enact a law concerning parliamentary elections. The time needed to prepare for a parliamentary election, after the adoption of a new Constitution, will be affected by decisions on consequential amendments to the electoral law; new constituency boundaries; and development of new electoral procedures and training programs. The national dialogue process is now expected to lead to a conference next year which will feed into the constitution making process which is expected to conclude in late 2013. This would enable elections to be held at the beginning of 2014.

Despite a relative lull following the adoption of the agreement, political, tribal and sectarian tensions continue. The ongoing unrest is contributing to an increasingly dire humanitarian situation as a result of restricted access to health services, food, water, fuel, electricity and schooling. At the end of December, employees and students of a number of public institutions, ministries and public corporations, as well as certain military units throughout the country (including the national airline carrier, banks and education facilities) started protesting and calling for the eviction of their heads from their positions on the basis of allegations of corruption. Since the beginning of the year the battle between the government and Islamist militants in control of parts of territory in the south has intensified and led to hundreds of deaths. A terrorist bombing of a military parade in Sanaa on May 21 killed 96 soldiers. The attack followed a military offensive in the southern province of Abyan.

There is some concern that President Hadi lacks the independent power base to enable him to implement the necessary changes. Many elements of the previous regime continue in place, most notably Saleh’s relatives in control of different factions of the security services. President Hadi’s April attempt to reshuffle military commanders and governors, supported publicly by the GCC, UN and EU, was fiercely contested and led to the temporary shutdown of the airport. After the terrorist bombing in May the President announced the ouster of four high-ranking commanders. The dominant forces in the parliament, i.e. the General People’s Congress (still headed by Saleh) and the Islah Party, are also regarded as part of the establishment and have deep roots in Yemen’s tribal oligarchy. Concern over former President Saleh’s meddling in government affairs has prompted an executive order by President Obama giving the Treasury Department authority to freeze the US based assets of anyone who obstructs implementation of the transition process. In March, the UN Security Council also expressed concern over the political deterioration and at the beginning of June it adopted resolution 2051 reaffirming its support for the GCC initiative and demanding the cessation of actions that undermine the government of national unity and the transition process.

3.3.2 The legal and political framework of EU bilateral relations with Yemen

The EU’s 1984 Cooperation Agreement with northern Yemen was extended to cover unified Yemen in 1995. In 1998, this agreement was replaced by an expanded framework cooperation agreement which currently governs relations between the EU and Yemen. The agreement defined the EU’s priority in Yemen as the ‘eradication of poverty and human development, in particular food security, health and education.’ Democracy assistance was not a funding priority and, during the 1990s, the EC allocated its aid to economic and development projects and food aid. EU aid started to increase towards the end of the 1990s, as political conditions worsened.

In February 2000, President Saleh was the first Arab head of state to visit the EC and in 2003; a political dialogue with the EU was launched at the Yemeni government’s request. An initial meeting took place in July 2004, and a second EU-Yemen Political Dialogue Meeting was held in September 2005 in Brussels. The last political dialogue took place in Brussels in December 2009. The issues raised in these

---

100 IFES briefing Paper, Next Steps in Yemen’s Transition, March 6, 2012.
meetings include: human rights, the death penalty, prison conditions, the judicial system, elections and independent election observers and press freedoms.

In 2005 the EU commended the publication of the government’s first annual human rights report (covering 2004). Quarterly political meetings to be held in Yemen were agreed (between the head of mission and the government). The EU also held annual Joint Consultative Committees with the Ministry of Planning and International Cooperation and other relevant Ministries. In addition, ad hoc high level political consultations have taken place, inter alia, during the visit of Commissioner Ferrero Waldner to Yemen in 2007 and President Saleh’s visit to Brussels in 2008. The EU launched a dialogue in the security sector during the visit of the EU Counter Terrorism Coordinator, Gilles de Kerchove, in 2009. In December 2009 the EU established a full diplomatic representation in the country.

Priorities of EU co-operation with Yemen are defined in CSPs and Multiannual programmes. Support for food security has been by far the largest category of assistance, although this sector has been beset by problems of limited absorptive capacity. Actions to strengthen democracy have mainly focused on electoral support, including the organisation of the 2003 parliamentary elections through a project carried out by the UNDP to support the Supreme Election Committee (SEC) and monitoring the 2006 presidential elections. In their close alignment with government policy the strategies often ignored the fact that the government was part of the problem.

The EU’s 2002-2004 aid budget for Yemen amounted to €61-70 million with €5.3 million allocated to support NGO’s 2002 and 2005. In the Commission’s 2005-2006 aid programme, the budget allocation was reduced to €27 million, the reduction justified in terms of a lack of absorptive capacity. For 2005-2006, €500,000 was allocated from the European Initiative on Democracy and Human Rights (EIDHR), with a focus on training for the internal security forces. The Sharaka programme to engage with civil society was launched in 2005 and its first grants were allocated in 2008. Currently 10 projects are being implemented to increase the participation of women in politics and to improve the rights of women and children. Two other instruments: the Non-State Actors and Local Authorities in Development and the EIDHR also target civil society. An EU Electoral Observation Mission monitored the 2006 presidential elections stating that ‘presidential and local elections saw an openly-contested electoral process take place that represented a milestone in the democratic development in Yemen.’ The 2007-2010 Multi-Annual Indicative Programme proposed total financial assistance of nearly €165 million. It includes support for the electoral framework and institutions, parliament and political parties (with a budget of €4.8 million) and support for justice, the rule of law and human rights (with a budget of €14.7 million). Work on electoral support was to continue by enhancing the capacity of the Supreme Election Committee. In addition, for the first time tutorial programmes were to provide assistance to members of parliament and political parties (in coordination with the Netherlands). Particular attention was to be paid to the integration of women in political life. In terms of human rights, ongoing support would be provided to the Ministry of Human Rights. In terms of judicial reform the EU was to build on an ongoing programme carried out by the UN Development Programme to support the government’s judiciary reform, extending the actions at both geographical and thematic level. Of particular focus were the commercial courts, in order to enhance the development and application of a regulatory framework to facilitate foreign investment. For the protection of human rights, penal courts were also to be targeted. The second strategic objective of poverty reduction focused on fostering private sector development and contributing to human capital development, including through the support for civil society organisations. Civil society is to be supported in capacity building, the interface with government institutions, internal organisation, and the capacity to deliver services to local communities.

Beyond 2010 €18 million were allocated in 2012 to support the electoral framework and institutions, parliament, civil society organisation, decentralization and political parties. In addition €1.2 million a year are foreseen under the EiDHR in 2011, 2012 and 2013. On average the budget is €25 million a year and if additional instruments (i.e. the food security and stability instrument, and the European Community Humanitarian Office (ECHO)) are taken into account, it is about €45 million a year. The intent is to seek greater funds from 2014.
3.3.3 EU Reactions post-Arab Spring

The EU’s overall response to the Arab Spring has been marked by a re-evaluation of prior policies that were based on the premise that regime stability would deliver greater security for both the region and the EU, and that economic reform would lead to more political pluralism. It is unclear whether this re-evaluation has been extended to Yemen where concern over stability continues to be a determining factor. Yemen which is neither part of the ENP (and thus cannot partake of any of the instruments specifically put in place post-Arab Spring such as SPRING, the CSF, or the task forces) nor of the GCC with its increasing political profile, sometimes seems to fall through the cracks. Even Yemen’s inclusion in the EU Strategic Partnership with the Mediterranean and the Middle East, adopted in 2003, failed to raise its profile within EU foreign policy. This is starkly exemplified by its grouping with North Korea within DEVCO. An appeal by the Parliament’s Directorate General for External Policies’ policy unit for a higher EU profile in the country and the appointment of an EU Special Representative to Yemen has not yet borne fruit. The only additional funds allocated in response to the crises have been for humanitarian relief: €5 million were announced in September and December 2011 and another €5 million in May 2012. The international community has been criticized for favoring short term measures to achieve stability and for its failure to exert greater pressure on the regime through measures such as targeted sanctions, embargoes or more explicit condemnation. Its approach is considered to be much softer than in Tunisia, Egypt or Libya. Nevertheless in the last couple of months the international community seems to be rallying behind President Hadi and putting in place measures aimed at halting Saleh’s interference in the transition process. In the latest council conclusion on Yemen the EU stated its willingness to explore “all available options to ensure compliance from any individuals who persist in undermining or opposing the transition in Yemen”.

Since the start of the uprisings Yemen has been included in six council conclusions (as compared to once in 2009 and once in 2010). Most of these expressed concern over violent actions, condemned both sides and endorsed the GCC initiative. High Representative Ashton has issued around twenty statements expressing concern and condemning the violence. She has also been in regular contact with key members of the regime and its opponents. Prior to Saleh stepping down Ashton met with Foreign Minister Abu-Bakr Al-Qirbi in February and July 2011 and held a conversation with Saleh on the week of the 28 of March 2011. The EP also issued two resolutions on Yemen in February (against the execution of juvenile offenders) and April (calling for an independent investigation into attacks on protesters). The EU has coordinated with the rest of the international community to pressure for an orderly transition and has been active at the UN Human Rights Council to persuade the UN Security Council unanimously to adopt a resolution urging all parties in Yemen to implement the steps needed for political transition. The latest council conclusions on 27 February and 14 May offered a public show of support from the EU to Yemen and in particular to President Hadi and his efforts to implement the GCC initiative.

The Delegation in Yemen has remained open throughout the year (as opposed to several embassies which have been closed for some periods of time), continuing with its cooperation programme. Praise has been particularly forthcoming towards the actions of the EU Ambassador who has been active in negotiating between the government and opposition and in support of the GCC initiative.

3.3.4 Impact of EU initiatives in Yemen

The impact of EU policies will necessarily be tempered by the increasing challenges that Yemen faces politically, economically and security wise, including the unresolved Houthis conflict in the North, political violence and secessionist tendencies in the south and increasing violence by groups allegedly linked to al-Qaeda. A particular challenge is related to articulating a successful reform strategy in the context of pervasive poverty. Economically an already precarious situation was made worse by the 2008 food crisis and the global financial crisis. The decrease in oil revenue and remittances, has contributed to unsustainable pressure on public finances, further aggravated by the limited implementation of overdue economic and fiscal reforms. According to the World Food Programme around one-fifth of the population of is in need of emergency food aid.
The government has shown insufficient political will or capacity to drive and implement a reform agenda, including civil service reform, economic reforms and anti-corruption measures. Budgetary constraints and challenges to Yemen's absorption capacity remain a problem. Overall the EU's work with non-state actors (approximately 10 per cent of the total country allocations, including thematic programmes) has received much higher marks than its cooperation with the government. The EU’s visibility increased dramatically after the 2006 elections, coinciding with the launch of its engagement with civil society. Prior to this there was a lack of visibility and accountability for the development funds dispensed directly to the government. Small grants to civil society groups increased its visibility and are considered to be fairly allocated between pro-government and opposition groups. The EU is recognised for its work to strengthen social dialogue, to increase capacities of local actors and to ensure inclusion of marginalised groups. The EU is considered to be particularly attentive to engaging with the youth.

Feedback on EU action since the beginning of the uprisings has been generally very positive both in terms of its political engagement and the response through concrete project funding. The delegation is seen as very proactive. Despite an often heard complaint that EU grant application procedures are too long, cumbersome and slow in the past year the Yemen delegation has shown flexibility and alacrity in its grant making on short-notice. One such example of funding has been ‘Resonate’, an organization founded in 2010 to engage youth in politics and policy making. Once the uprisings started the organisation decided to work to help the protesting youth movements build coalitions and links with the international community. At the end of 2011, after the signing of the GCC initiative, they designed a project which they proposed to the EU to help institutionalise the youth movement into political parties, CSOs, advocacy groups etc. in order to sustain the momentum. Funding was approved and the project started in February 2012.

The EU supports the Friends of Yemen group inaugurated in 2010. Although the group has been inactive throughout the past year it held a ministerial meeting in Riyadh in May where donors pledged $4 billion (3.25 pledged by Saudi Arabia) and a meeting of donors is supposed to follow in Riyadh in late June. A ministerial is to take place on the sidelines of the UN General Assembly in September. The EU has also cooperated extensively with the GCC throughout the past year with a view to the implementation of its proposed political agreement. Both parties consider cooperation efforts to have been successful. The EU recognized that the GCC initiative in Yemen was imperfect but believed it was the only way of pressuring Saleh to step down. The EU has also been actively engaged with the Russians in Yemen who have played a positive role in this case. China and Russia both voted for the UN Security Council resolution. Politically the EU is much more agile than other actors and has been very proactive throughout the crisis, making sure the EU voice was heard and engaging with all parties (even reaching out to the Hirak). The EU is considered to be an engaged actor but balanced and neutral, ‘almost like the UN’. It is certainly viewed in a more positive light than the US and even the UK.

3.3.5 Recommendations

Yemen is a very poor country with high unemployment, widespread illiteracy, high malnutrition, a rapidly growing population, a declining water supply and diminishing known reserves of oil and gas. Chronic poverty is severe, with an annual per capita income of under US $900. Nearly half the population earns less than $2 per day. The UNDP 2010 Human Development Report ranks Yemen 133rd among 169 countries on its Human Development Index. Unemployment has increased markedly since protests began; the country has experienced large-scale capital flight, and the government budget deficit, already estimated to be 9.3 per cent of GDP in 2010 has increased further. Its economic survival will increasingly depend on international aid. While President Hadi has a strong personal mandate for the transition period, he will need to be seen as making a difference to Yemen’s socio-economic situation. The EU should therefore increase its annual allocations to development cooperation. The UN’s humanitarian appeal has received only 43 per cent of the funding it needs to tackle the food crisis.

Effective anti-corruption measures will have to be put in place in order to avoid continued appropriation of public funds for the maintenance of patronage, systems. It is important that international aid does not contribute to the entrenchment of a corrupt system. As a consequence of Saleh’s efforts to bring tribes into the political fold through co-opting sheikhs many tribal sheikhs...
receive direct budgetary support paid as stipends through the Department of Tribal Affairs. Members of certain tribes have also traditionally had disproportionate access to employment in the military and security apparatus. Measures that subject aid to parliamentary scrutiny could stem corruption and dispel concerns that national leaders will be accountable to international actors rather than the local population. To this end the EU should continue its work with parliament and political parties. It is important to improve the capacity and image of parliament and political parties, which are seen as self-serving interest groups out of step with the demands of ordinary Yemenis. In the medium to long term, there are several potential areas of improvement in the electoral framework that could lead to more open and transparent elections: steps to increase the independence and transparency of the Supreme Council for Elections and Referendum (SCER), technical advice on a review of election laws, regulations and practices; improvements and update of the voter register, the appointment and training of election committees and training of security forces on their electoral responsibilities, more effective and timely resolution of electoral disputes and contests, increased electoral stakeholder awareness, particularly among women, youth, the disabled, and those in rural areas.

The EU should continue to work both with the government and with non-state actors. In its work with government it should concentrate its efforts in a few sectors crucial to the reform process. It should also pool and coordinate its efforts with other donors as it has done to some extent in the past. There already seems to be an informal division of labour among the international actors with the French providing support on constitutional issues, the Germans concentrating their efforts on the NDC, the Americans continuing with their focus on security and the GCC concentrating on economic reform. The UK has pledged new support for healthcare, emergency shelter and food. Coordinated sequencing and prioritisation on core reforms and appropriate implementing methods will increase the possibilities for the donor community to contribute more effectively to the reform agenda. Contributing to building an effective and well functioning state will have a bearing on all reform related activities. The ongoing weakness of the state, manifested in the lack of adequate infrastructure, functioning administration and social security systems, only reinforces the population’s reliance on personal networks. Ongoing support for civil society will be just as important especially during the transition phase where there is a need for society to play the role of watchdog and ensure the power is not abused.

The EU should push for an inclusive transition phase. There needs to be a seat at the table for the nonaligned popular movements, who have made the most sacrifices and feel wronged by Saleh’s amnesty. The opposition has in the past called for a proportional representation system, which would allow smaller parties to have a voice within the system. This could be a way for the southern secessionist movement and the youth movement to have a voice within the system and could also act as a pressure valve for discontent now being expressed in the street. Although Saleh has been unseated there is concern that the government and its institutions are still in the hands of his affiliates. Properly functioning institutions should be more important than individuals but this will take time. The EU could also help in ensuring that major laws comply with international human rights standards, including laws on NGOs, political parties and the media.

Although the GCC initiative was about coexistence not about cleansing the system of Saleh supporters, Saleh’s return to the country and his attempts to meddle in the transition are of concern. Political pressure should continue in order to make sure that he is not able to derail the transition process. A drafting of a transitional justice law that will empower a truth commission to investigate violations and compensate victims is a welcome development. But investigations are yet to be completed on the role of the security forces in the attack on peaceful protesters. These human rights abuses need to be investigated and those responsible held accountable. The immunity law passed by parliament in January might prove to be an obstacle. Protesters unlawfully detained need to be released.

There continues to be some disconnect between the priorities of the international community overall and those of the local population. Concerns around terrorism and the presence of al-Qaeda in the Arabian Peninsula (AQAP) remain a priority for international policymakers while some feel that this threat has undermined international support for the protests. The US’ increased use of drone strikes against alleged members of AQAP is alienating the local population. Security sector reform will be
EU action to strengthen respect for human rights and democracy in the process of political changes in the Middle East and North Africa

3.4 EU action to strengthen respect for human rights and democracy in the process of political changes in the Middle East and North Africa: Syria case study

3.4.1 Introduction: State of democracy and human rights in Syria

The repression of popular uprisings in Syria to date serves as an indicator of the regime’s lack of respect for democracy and human rights. The 14-month long uprising has claimed more than 9,000 lives and has caused over one million Syrians to flee their homes. Thousands have sought refuge in neighbouring countries and many more are internally displaced. The regime crackdown has escalated into indiscriminate military assaults on residential areas and has led to a dire humanitarian situation. After months of peaceful protests, parts of the fractured opposition have also turned to violence, kidnappings and torture. Hundreds remain imprisoned for political reasons, including prisoners of conscience and others sentenced following trials of dubious fairness. Those detained (often arbitrarily) are subjected to ill-treatment and, according to Amnesty reports, torture. Critics of the regime have articulated the case for crimes against humanity. The impunity of the regime means human rights defenders continue to face arrest, intimidation and restrictions on their freedom of movement. The extent of al-Assad’s rule through a ‘state of fear’ is worryingly wide reaching: Syrian protesters in Europe and the Americas have been systematically monitored and harassed by embassy officials and others believed to be acting on behalf of the Syrian regime.

The government has announced putative reforms, met with cynicism by the opposition and the international community. Amendments to the constitution, the promise of elections, and the lifting of the 48-year old state of emergency are all seen as ‘too little, too late’. Anwar al-Bunni, a prominent human rights defender and lawyer recently released from the notorious ‘Killers Wing’ of Adra prison claims these so-called reforms have failed to transform the realities on the ground. On the contrary, the authorities have introduced new measures to legalise mass arrests and extend isolated detention from a lawful maximum of four to 60 days. The regime resisted calls for independent investigation of events throughout 2011, only recently granting access to a 30-strong UN monitoring mission. It remains to be seen whether this body will be successful in implementing Kofi Anan’s Six Point Plan for al-Assad’s handover of power or whether the regime’s staying capacity is greater than all initial predictions.

The brief period of political opening in 2000 when Bashar al-Assad came to power and stressed his willingness to introduce reforms was short lived. Any democratic gains were reversed in the years that followed, as economic reforms stalled, human rights situation worsened, and the regime initiated a crackdown on opposition activists. HRW has issued a bleak verdict of al-Assad’s ten years in power, condemning the regime’s human rights record in five key areas: repression of political and human rights activism; restrictions on freedom of expression; torture; treatment of the Kurds; and Syria’s legacy

---

101 For more on the current situation in Syria, see HRW. (2012/2011). In Cold Blood; By All Means Necessary; We Live as in War; We’ve Never Seen Such Horror. Retrieved June 15, 2012 from http://www.hrw.org/middle-eastn-africa/syria
of enforced disappearances. Civil society in Syria is practically non-existent. Many so-called Syrian NGOs are funded and/or based in the West, namely the Syrian Observatory for Human Rights which operates entirely out of London. Others are active in Syria but under the umbrella of the Syrian Trust for Development, the umbrella organisation established by Syrian First Lady Asma al-Assad in April 2007. In her inauguration speech of the First NGO conference in December 2010, Asma al-Assad acknowledged her ‘conviction that the civil society is one if the basic factors in the ongoing development and building process’, and that ‘interaction with foreign experiences’ was vital to the sustainable development of civil society. This contrasts sharply to the regime’s previous dealings with civil society, namely the shutting down of the (partially EU-funded) Centre for Human Rights barely a week after its establishment in March 2006.

The democracy and human rights situation in Syria remains highly worrying and requires the firm and sustained support of the EU. At the time of writing relations between the EU and Syria had ground to a halt: “there is no relationship, and definitely not anything that could be called a partnership”. As an EU official in Damascus acknowledges, when EEAS chief Catherine Ashton echoed the UN in calling for al-Assad to step down, the EU effectively lost any brok ership it had previously enjoyed with the Syrian regime.

3.4.2 Mapping EU policy initiatives in Syria

The legal basis for relations between the EU and Syria is the Cooperation Agreement signed in 1977. Prior to the popular uprisings which began in March 2011, the EU sought to develop a closer relationship with Syria, centred around political dialogue, mutually beneficial trade and investment relations, and cooperation on economic, social and democratic reform. The Commission and Syria initialled a draft EU-Syria AA in October 2004, but the Agreement has yet to be signed and ratified. Syria is a signatory of the 1995 Barcelona Declaration and a member of the Union for the Mediterranean. Damascus is alone among the 12 non-EU participants in the Barcelona Process not to have signed an AA on bolstering political and economic ties with the Union. Despite the AA pending entry into force, Syria benefits from a wide range of ENP programmes and instruments.

The jointly-agreed National Indicative Programme (NIP) (2008-2010) outlines the priorities of EU cooperation with Syria. The main aim of this co-operation was to support Syria’s domestic reform in line with the Paris Declaration and EU commitments on aid effectiveness. A revised NIP detailing the contents of operations for 2011-2013 was in place at the time of the Arab Spring but has since been suspended. Both NIPs share the same three broad strategic priority areas for cooperation with Syria, as laid out in the CSP drafted under the ENPI in 2007:

1. Support for political and administrative reform, including modernisation of the administration, decentralisation, rule of law and respect for fundamental human rights.
2. Support for economic reform, including implementation of the Five-Year Plan (FYP), preparation for the AA and preparation for accession to the World Trade Organisation.
3. Support for social reform, including human resources development and measures to accompany the economic transition process.

Funding allocations under the second NIP are a telling sign of an EU less willing to push for normative standards. Whilst the overall budget for bilateral EU-Syria assistance increased by 32 per cent from €32

---

105 Interview with EU delegation member in Damascus, March 2012.
106 Indeed, the NGO’s head Rami Abdelrahman is said to have met on several occasions with the British foreign secretary, William Hague, at the FCO in London.
108 Interview with EU official based in Damascus, March 2011.
109 In late 2008, the Commission and Syria updated the 2004 draft agreement to take into account the reform of the Syrian customs tariff and EU enlargement. They initialled the revised version of the agreement on 14 December 2008, but it was never signed.
million a year to €43 million a year, allocations to political reform have decreased\textsuperscript{111}. The new NIP does not include decentralization or support for judiciary reforms, despite both being key sectors covered by the AA. In that processes of judicial reform require long term commitments from both sides, it is a shame to see the EU backing down from support for judiciary reforms at this stage of NIP and AA programming. Finally, whilst support for civil society is a positive inclusion of the new NIP, it is tempered by the fact that many programmes are channelled through the Syrian Trust for Development, a Quasi-Autonomous Non-Governmental Organization (QUANGO) which is in effect under direct supervision of the Ministry of Social Affairs and Labour. Again, whilst support for civil society initiatives is laudable, for it to be effective it must be free from governmental oversight.

The EU is Syria’s largest single donor, providing over €210 million in loans, grants and technical support on a yearly basis. EU-Syrian cooperation is complemented by programmes funded by the EIB and individual MSs through bilateral cooperation.\textsuperscript{112} The EIB operates through the \textbf{Facility for Euro-Mediterranean Investment and Partnership (FEMIP)}\textsuperscript{113} with a dual focus of developing the private sector and creating an investment friendly environment. The EIB has provided over €1.5 billion in financing since the start of its activities in Syria in 1978. Syria is one of the largest beneficiaries in the region of FEMIP’s technical assistance operations. Prior to the start of the popular uprisings in 2011, Syria had 10 ongoing FEMIP TA operations (€18 million) and further projects lined up in the areas of energy, infrastructure and transport (€8.5 million). Syria also benefits from Euro-Mediterranean regional programmes which support justice, freedom and security, political dialogue, media, civil society, economy, energy, environment, transport, education, culture, gender issues and youth.

The \textbf{EU delegation in Syria} is primarily responsible for monitoring these cooperation projects – both the technical and financial sides. It also interacts between various government ministries, civil society actors, and Syria’s business community. Working closely with EEAS HQ in Brussels and other diplomatic actors on the ground, the Delegation also conducts negotiations on behalf of the EU (see more in EU response to Arab Spring below). In this way it contributes to the conduct of the EU’s CFSP.

\textbf{Economic cooperation} has, until present, been undertaken in the framework of Syria’s tenth FYP under which Bashar al-Assad laid out his vision of Syria’s transition to a social market economy. At the time of writing the Planning and International Cooperation Commission (under the umbrella of Prime Minister’s Office) had issued a statement claiming that it had successfully “rearranged the priorities of the eleventh FYP under the current circumstances” but gave no further details as to what these new priorities might include\textsuperscript{114}. It continues to seek to attract European private sector funding in large projects in Syria, “providing of course the investor is not subject to pressure from governments or misconceptions of what is going on in Syria”\textsuperscript{115}.

Other areas of EU cooperation include support for institutional modernisation, educational cooperation, humanitarian support, and support for civil society. Difficult impact conditions under the al-Assad presidency and a lack of domestic reforms for the EU to accompany has resulted in EU relations with

\textsuperscript{111} For a comparative analysis of both NIPs see Štefan Krauss, DG External Policies of the Union, Analysis of the NIP (2011-2013) of the Syrian Arab Republic, 22 January 2010.

\textsuperscript{112} Some key examples of projects funded before the suspension of bilateral relations include the €5 million Business Environment Simplification Programme (2009-2012), in which the EU worked through the Syrian Ministry of Economy and Trade and the Syrian Enterprise and Business Centre (SEBC) as its local implementing partners\textsuperscript{117}. Other flagship programmes include the €12m Quality Programme (2008-2011) aimed at increasing Syria’s trade with the EU; the €15m SME Support Programme (2006-2010) aimed at increasing private sector growth; and the €15m trade enhancement programme (2009-2012). ‘European-Syrian Relations’ (Chapter 10). Retrieved June 15, 2012 from http://eeas.europa.eu/delegations/syria/documents/content/more_info/annual_report_en.pdf.

\textsuperscript{113} FEMIP is the EIB’s specialised financial facility designed to speed up the modernisation of the economies of the Union’s partner countries under the Barcelona Process. For the period 2007-2013 FEMIP has a total of €8.7 billion to support projects in the nine Mediterranean partner countries. This is virtually double the resources that were made available for the 2000-2006 period. Retrieved June 17, 2012 from http://www.eib.org/about/press/2007/2007-024-conference-femip-2007-les-transferts-financiers-des-migrants-dans-le-space-euro-mediterraneen-un-levier-pour-le-developpement.htm.


Syria being dominated largely by economic cooperation. ‘Institutional modernization’ is the umbrella term for accelerating the decentralization process of political, fiscal and administrative responsibilities. The EU’s main contribution in this sector has been through an €18 million grant to the Municipal Administration Modernisation project. As several EU officials admitted, in Syria “rhetoric control” or “stealth rhetoric” is adopted when promoting certain policy lines. For instance, support to trade unions and chambers of commerce is not explicitly listed as support for “advocacy associations” but rather, as cooperation with “dialogue partners”\(^\text{116}\). Despite this, the EU philosophy is not to ‘sneak in’ but rather to build trust; in this vein small projects are seen as entry points and the building blocks of broader support for democratic reforms as oppose to end products in themselves. This preference for trust-building is reflected in the nature of the NIPs – negotiated rather than dictated by one partner or the other\(^\text{117}\).

During 2008-2009, general consensus between MSs in favour of EU engagement with Syria led to relations gaining momentum, more frequent visits at a bilateral level, and the development of a new NIP premised on the signing of an AA between the two entities\(^\text{118}\). Prior to the uprisings delegations of MEPs had cautiously courted Syria and Lebanon following a long period of stalemate. For example, in April 2010, then Vice-Chairman of the EPP Group responsible for Euro-Mediterranean policy, Vito Bonsignore, led a delegation to meet the high level Syrian and Lebanese officials. Bonsignore called the visit an “opportunity to inaugurate a new era of relations with Syria”\(^\text{119}\).

3.4.3 EU-Syria relations in light of the Arab Spring

In May 2011, the EU froze the draft AA that had been negotiated with Syria and suspended bilateral cooperation programmes between the EU and the Syrian government under the ENPI. The wording of the communiqués is as ever extremely sensitive and extremely important. In Syria’s case, the EU decided “to suspend all preparations in relation to new bilateral cooperation programs and to suspend ongoing bilateral relations”\(^\text{120}\). This indicates, as one EU official interviewed for this study stated, that “we [the EU] have not turned our back on Syrians”\(^\text{121}\). The possibility to resume cooperation is definitely on the table, the question is under which regime or transitional body such relations could resume.

Following a summer of brutal crackdowns by the regime, and worsening human rights situation following attacks during the period of Ramadan, EU foreign policy chief Catherine Ashton openly called for al-Assad to step down from power, shortly after US President Barack Obama had issued a slightly stronger worded statement demanding that “Assad must lead a democratic transition or get out of the way”. Ashton stated that al-Assad had lost complete legitimacy in the eyes of his people and that he should step aside from power. At the same time, the leaders of France, Germany and the UK said that al-Assad should “leave power in the greater interests of Syria and the unity of his people”. In formerly calling for al-Assad to step down, the EU established itself on one side of a normative line but also lost important leverage for dealing with the entrenched Syrian regime.

Bilateral programmes and projects have been suspended rather than cancelled outright. Seventeen out of the EU’s twenty-nine projects listed on its Delegation website have been indefinitely suspended, six had already been finalised when relations were suspended (mainly those concerning areas affected by the high influx of Iraqi refugees). Those interviewed for the purposes of this study confirm however that the EU maintains certain avenues of coordination open, including projects with the UNDP and several local civil society organisations (CSOs)\(^\text{122}\).

\(^{\text{116}}\) Interview with EU Delegation official, Damascus, March 2012.

\(^{\text{117}}\) Ibid.

\(^{\text{118}}\) “The key assumptions underlying this NIP is that the Association Agreement will provisionally enter into force in early 2010.” NIP 2011-13.


\(^{\text{120}}\) Council conclusions on Syria, Brussels, 23 May 2011.

\(^{\text{121}}\) Interview with EU official based in Brussels, April 2012.

\(^{\text{122}}\) Neither is Syria exempt from EU calls for proposals.
The EC has suspended the participation of Syrian authorities in its regional programmes and the EIB has suspended all its loan operations and technical assistance to Syria. As the violence and repression continued, the EU has gradually introduced comprehensive restrictive measures to increase pressure on the government of al-Assad. Certain MSs displayed reluctance in extending sanctions, primarily for reasons of national investments and economic interests. Particularly sensitive cases have been the sanctioning of Swedish telecommunications company Ericsson, and the ban on purchase/import/transport of oil and other petroleum products from Syria. Although Ashton has received criticism at times from within and outside Brussels, it is worth noting that others see her as a scapegoat caught in the middle of MS unwilling or unable to reach consensus.

MEPs have played a key role in lobbying the Commission to up its pressure on the Syrian regime. Although initially President al-Assad was left off the list of targeted individuals, MEPs urge the Commission to justify its decision and thereafter, change it. Several MEPs accused the UN of failing to act on Syria, with liberal leader Guy Verhofstadt urging Ashton to take the lead “instead of waiting for a Security Council resolution that is not coming”. Polish conservative MEP Adam Bielan urged the EU not to stand idly by as the Syrian authorities ‘trample human rights’. British Labour MEP Richard Howitt said Syria should be referred to the ICC in The Hague. Several members raised the possibility of creating a safe zone in the country. British MEP Sajjad Karim brought up the role of online activists, who he said play a crucial role in keeping the wider world informed about events in a country where most foreign media has been banned. In July 2011 MEPs also urged the other EU institutions to press the UN to help the Turkish and Lebanese authorities to set up a humanitarian corridor at their borders with Syria. Some, such as Edward McMillan-Scott, Vice-President of the EP with the special portfolio for Democracy and Human Rights (who, incidentally, takes pride in being related to Lawrence of Arabia) have gone as far as to speak out in favour of arming the opposition in Syria. He claims the EIDHR has been providing regime opponents on the ground with communication equipment for some time and argues that the EU should consider everything short of military intervention. In terms of humanitarian assistance, the EU to date has already given more than €8 million (€3 million from the Commission and €5 million from MSs). MEPs have also expressed concern as to the situation of Christians in Syria, citing alarming figures that their make-up as 10 per cent of the population may have dropped to 8 per cent as a result of refugees fleeing the violence and the danger that this violence descend into sectarian conflict. Within the EP, the ALDE Parliamentary Group is recognised as the one which consistently raises human rights and civil liberties issues.

The EU Council, as part of the EU’s response to the situation in Syria, took the lead in engaging with countries from all regions in order to convene a special session of the UN Human Rights Council on Syria. This session, held on 23 August 2011, resulted in the decision to dispatch an independent international commission of inquiry to investigate violations of international human rights law in response to the intolerable and unacceptable developments on the ground. The UN Fact-Finding Mission has since established that the massive violations currently committed in Syria and the violence against civilians may amount to crimes against humanity. Urgent and proper action is paramount to investigate these violations, identify those responsible and ensure that perpetrators of violations are held accountable. DROI has been active in inviting Syrian human rights defenders to address its
assembly. Furthermore, the DROI has, with the EEAS Mashreq delegation, and the Foreign Affairs Committee (AFET), organised several workshops for local activists.

Several cases of prominent Syrian human rights defenders have enabled the EU to put a name and face to the countless arbitrarily detained and in certain cases killed by Syrian authorities. The attack against the cartoonist Ali Ferzat, who was abducted and brutalised for having expressed his views, is just one example of widespread human rights violations. Many other activists, independent minds and human rights defenders have been subject to similar acts of barbarism and disregard for human rights, including alleged instances of torture. In addition, thousands remain in detention without charge.

The cases of, inter alia, Rafah Nashid, Ghaith Matar, Haytham al-Maleh, Muhammad al-Hassani, Ali Abdullah, have all been the subject of EU concern. EU officials have continued to maintain contact with human rights defenders and to observe trials to the extent possible.

In a consistent effort to engage with representatives of the opposition who adhere to non-violence, non-sectarianism, and democratic values, Catherine Ashton has met several times with key figures of the Syrian National Council (SNC). Following the first meeting with the leading opposition bloc in Brussels on 22 November, 2011, the High Representative has also participated in several Friends of Syria meetings. As a Spanish diplomat recently put it, membership of this umbrella group, whilst not a guarantor of a negotiated solution, is “essential for any actor wishing to play a role in post-al-Assad Syria”.

MEPs have urged the EU to further encourage and support the emergence of organised Syrian democratic opposition forces both within and outside the country.

MSs have been active in their condemnation of the regime’s repression, some more vocally than others. Following initial verbal condemnations soon after the clampdown in Dara’a, the French foreign ministry spokesman Bernard Valero called on Syria to carry out immediate political reforms. Whilst all MS proved willing to adopt an anti-regime stance relatively soon after the outbreak of pockets of demonstrations, the initial absence of organised opposition created difficulties in aligning themselves with an anti-regime group in particular. British Prime Minister David Cameron, German Chancellor Angela Merkel and former French President Nicolas Sarkozy signed a joint statement calling for al-Assad to step down on 18 August 2011, and arguably lost diplomatic leverage after doing so. Drawing on popular protests and ‘Occupy’ movements which were also breaking out across various EU MSs such as Spain, France, and the UK, the Syrian Ambassador to the UN compared the uprisings in his country to the August riots in the UK. British Permanent Representative to the UN, Mark Lyall Grant, called the comparison “ludicrous”.

Regional actors such as certain Gulf States were amongst the first in withdrawing their ambassadors from Damascus. Egypt maintained its silence over the uprisings in Syria until August 2011. Foreign Minister Mohamed Kamel Amr asserted that “reforms (...) soaked in the blood of the martyrs who are dying daily are of no use” referring to the regime’s simultaneous promises of political concessions and use of force to suppress protesters. Amr said he feared the situation in Syria was “heading to the point of no return”. He also called upon Syrian authorities and citizens to come together in a national dialogue and bring an end to the crisis.

On October 19 Libya’s interim government, the National Transitional Council (NTC) became the first government to express its full recognition of the SNC as the legitimate government of Syria. Other states (and the EU) have since recognised the SNC as a legitimate representative of the Syrian People. Given the controversial nature of the predominantly ex-pat intelligentsia of the SNC and the arguable lack of real representation it affords the voice of the Syrian street, it remains to be seen to what extent the EU will extend its support to other opposition groups based in Syria itself.

129 Senior Spanish diplomat, Madrid, April 2012.
131 “Syrian heading to ‘point of no return’, Egyptian FM says”. NOW Lebanon. 9 August 2011.
3.4.4 Impact of EU policy initiatives in Syria

Impact has been limited by several factors, some inherent to the EU and others beyond its control. The suspension of bilateral relations in May 2011, for instance, although helping to clearly lay out the EU’s refusal to deal with the al-Assad regime, may have been prematurely hasty given its apparent staying power. At a stage where a power handover deal may have to be negotiated like in the case of Yemen, the EU finds itself with reduced leverage. At the time of writing relations between the EU and Syria had ground to a halt: “there is no relationship; and definitely not anything that could be called a partnership”. The lack of an AA framework has deprived the EU of a suitable framework for discussing human rights and democracy with the regime. Whilst it has regularly deployed written and oral statements to make clear its concerns about the human rights situation in Syria, the EU lacks a mouthpiece through which to do so in-country and more crucially, mechanisms through which to deal with such concerns. The Syrian regime for its part is quick to invoke concerns over its national sovereignty and accuse the EU of external interference in internal affairs.

The suspension of EU programmes has had more repercussions for certain sectors of civil society over others. Given that certain EU bilateral measures in Syria were limited from the outset by severe restrictions imposed by the Syrian Government in terms of working in the field of human rights and democracy support, impact has also been relatively low. For this reason, soft support for civil society rather than brazen promotion of human rights and democracy agendas is advocated as an entry point than a final result in itself. The example of an EU project to fund village business incubators for instance, can be taken as two distinct ways of viewing EU cooperation: those seeking to criticise the EU see it as support for a QUANGO (namely, the Syrian Trust for Development, chaired by the President’s wife) targeting projects in their Alawite home region of Lattakia. Others point to the added value of these projects in terms of entry points into Syrian civil society and precedents offered. In the case of the business incubators, the initiative to actively engage women in becoming the breadwinners could then be implemented in other areas of Syria. As one interlocutor stated, “the EU flag is small but it is planted nonetheless”.

The impact of EU punitive measures in 2011 is arguably easier to measure than the impact of EU soft policy initiatives in the preceding years. A correlation is evident between the high number of initiatives and high impact in 2011 versus a medium number of initiatives and their relatively low impact before. Views amongst those interviewed at Brussels-level and at civil society level differed as to the impact of sanctions. Those who claim that sanctions to date have had a largely symbolic impact point to Syria’s trade with other regional powerhouses such as Turkey, Saudi, and Eastern Asia, claiming that trade with the EU is reduced to a subsidiary rather than a necessity. Respondents claim that sanctions came “drop by drop”, with a hesitancy and slowness characteristic of the EU. In contrast to the EU’s desire to portray a strong, united front through coordinated rounds of sanctions, the effectiveness of sanctions was blunted, in part due to the national interests of several MSs. Greece, Cyprus and various other MSs expressed reserve at the targeting of oil exports and indeed, succeeded in delaying the coming into effect of such sanctions. Those who claim on the other hand that restrictive measures have been hard-hitting point to the energy and banking sectors as key sore points. Sanctions targeting the export of oil and other petroleum-based products have reduced Syria’s hard currency income by more than 30-40 per cent according to some estimates. Local respondents argue that for EU sanctions to have been harder hitting, President al-Assad and his wife should have been added earlier to the list of individuals

---

132 Interview with EU official based in Damascus, March 2011.
133 Interview with EU official based in Beirut, April 2012.
134 Commonly known as First Lady NGOs or ‘Asma NGOs’ in Syria and ‘Rania NGOs’ in Jordan, QUANGOs refer to the monarch’s direct patronage of the supposedly independent organisations.
135 Interview with EU official based in Damascus, March 2011.
136 The EU accounts for 22.5 per cent of Syrian trade, equivalent to approximately €7.18 billion (2010 figures). EU exports to Syria totalled €3.6 billion in 2010. EU imports from Syria make up the remaining €3.5 billion worth of trade, of which over 90 per cent is energy-related.
facing travel and financial restrictions. Focus should have been paid to the import of arms components rather than to the banning of luxury goods such as caviar.

**Awareness and perception amongst civil society** is another way of determining the impact of EU actions in its support to democracy and human rights. Overall, prior to the Arab Spring, awareness of the EU and its activities among the Syrian public, and even among political civil society, was disappointingly low. Most fail to differentiate between the various EU institutions, and are not aware of the distinct role played by the EP in Brussels or the EEAS delegation in Damascus, let alone the mandate of the EIDHR or the outlines of the ENP. Incidentally, awareness of multilateral bodies such as the UN is far higher, with extenuating circumstances in Syria including the large Iraqi refugee community benefiting from the UN Human Rights Council’s programmes. For Syrian civil society activists, the main distinction is between the US and the EU. In a culture where suspicion of foreigners as whole is widespread, the EU redeems itself in the eyes of many Syrians by the very fact that it is not the US and does not advocate the same unquestioning support of Israel. Although overly simplistic a summary, the degree of association with Israel is not as high and therefore, in a state that portrays itself as one of the few Arab states resisting coercion and cooption from Israel, not as incriminatory.

**Human rights groups** engaged in international advocacy demonstrated a positive degree of awareness of the EU, most often related to the specific partner organisation with which they liaised. Some interlocutors highlight the EU’s ability to act as a collective whole compared to the failure of many supposedly inter-Arab initiatives with lofty promises but few deliverables. Members of the Syrian exile community also interviewed for the purposes of this study, especially those living in Brussels, Paris, and Canada, benefited from greater oversight of EU activities than their Syria-based counterparts. Some even recognised that the EP defends a more resolute stance on democracy and human rights than do EU executive bodies. Human rights groups recognise the importance of instruments such as the EIDHR. Given that the EIDHR is not obliged operate publically or under the signature of the partner country (see more in synthesis report), its added value in countries of hostile local conditions such as Syria is significant. For instance, the EIDHR has been supporting a cyber hacking project to ensure that human rights defenders and regime opponents within Syria continue to enjoy access to the internet. This is key in ensuring the ongoing sharing of information from the ground upwards. Another instance of EIDHR support cited by an official in Brussels includes The Syrian Observatory for Human Rights: “it is largely still running thanks to EU money, EU sat phones, EU internet connections, etc.” Human rights defenders interviewed for the purposes of this study claimed to be “heartened” by the openness with which some of their fellow citizens now expressed themselves and the solidarity shown: “it feels less like fighting a one-man battle”.

Impact in terms of **effectiveness and policy reach** is at times subjective. The editor of an online news bulletin talks of two-way communication hiatuses. On the one hand technocrats who were helping to implement these projects are aware of EU actions but awareness levels amongst the general public are low. On the other hand, areas of cooperation in bilateral relations as laid out by the EU do not correspond to the priorities articulated at civil society level. Respondents expressed disappointment that the EU reinforced the Asma NGOs (inter alia the Syrian Trust for Development, the Syrian Heritage Foundation) at the expense of other fledgling organisations. Some cite the instance of left over funds at the end of a budgetary programme: instead of returning the quantity to its budget source, the EU often allocates it to the Trust. For their part, EU representatives claim that working through the First Lady NGOs is the only way to effectively operate in Syria. Although this undoubtedly affords them wider reach within the country, it invariably taints any such claims of independently supporting civil society or safeguarding human rights.

---

137 By late August 2011, the EU sanctions blacklist and asset freezes covered 50 individuals, and eight Syrian entities.
139 Interview with Syrian civil society activists, March 2012.
140 Ibid.
141 Interview March 2012.
142 Interview with Damascus-based civil society activist.
3.4.5 Conclusions and recommendations

Although the conclusion of an AA is firmly “off the cards” given the current stage of bilateral relations between the EU and Syria, the framework of such an instrument would undoubtedly offer potential avenues to constructively embark on a process of dialogue and cooperation across a wide range of issues, including the inclusion of democracy and human rights in any power handover deal or post-regime scenario. The NIP for 2011-2013 warns that “the failure to conclude the AA would lead to the stagnation of EU-Syria relations and prevent progress in certain aspects of cooperation”. It is interesting to note that the reverse also holds true: lack of progress in certain aspects of cooperation (democracy and human rights reforms) has led to a stagnation of relations between the EU and Syria which, coupled with the failure of the regime to respond to popular demands of the Arab Spring, has nullified any possibility of signing an AA.

On the political side, the AA would provide a framework to conduct regular political dialogue on international issues of common interest (and other issues of not such a shared value) and promote the convergence of views. Given the ongoing situation, any future negotiations must seek to increase the priority of strengthening the rule of law in Syria and cooperation in legal and judicial matters. Furthermore, the Commission must clearly lay out how it proposes to incorporate a human rights dimension into its Civil Society programme. On the social and cultural side, the AA would extend to fields as diverse as education and culture to the fight against crime and movement of persons. On the economic side, the AA previously under negotiation foresaw the creation of a FTA between the EU and Syria, covering goods, services, rules for public procurement and rules for the protection of intellectual property rights. Also falling under the bracket of the FTA is cooperation in a number of areas including customs, transport, tourism, the environment, and dispute settlement provisions in line with the World Trade Organization (WTO). As one of the 43 partners of the Euro-Mediterranean Partnership (commonly known as the Barcelona Process and re-launched in July 2008 as the Union for the Mediterranean), Syria is set to benefit from the extension of free trade across the region. To help bring about change not just in Syria but more widely in the MENA region, the EU must push for greater economic cooperation and greater south-south integration between countries of the Mediterranean.

In the event that further delays in the negotiation and implementation of the AA occur, the Commission would do well to detail which alternative priorities and sub-priorities it will support and which interim actors it is prepared to deal with. This might involve the rewording of the CSP and NIP. Given that the implementation of the NIP was foreseen as developing alongside EU-Syria relations (with the AA marking a further step), and that relations have since been suspended, much of the language now requires further clarification. This calls for a reassessment of where the EU stands par rapport à Syria. Any revision or reorientation of the CSP and the NIP should be negotiated with representatives from civil society and Damascus-based NGOs.

Just as EU policy-makers affirmed that a suspension of ongoing bilateral programmes does not amount to a neglect of civil society, so actors from Syrian civil society urge the EU to work ‘over and above’ the uncooperative regime in continuing their humanitarian support and certain programmes which remain operative. For instance, whilst lessening trade barriers is no longer a negotiable option as it would also benefit the al-Assad regime, funding scholarships for Syrian students should not necessarily fall victim to the same clampdown. As part of its ongoing investment in its Southern Neighbourhood, the EU must continue to identify avenues of worthwhile support for civil society, working around the obstacles set by a hostile regime. Bearing in mind the severe repression of civil society in the past, the EU should

---

143 Given the purpose of this study, recommendations are not geared towards resolving the ongoing political and humanitarian crisis in Syria; the focus is how to incorporate support for democracy and human rights to a more effective degree in a potential post-regime scenario, building on previous EU support and on the views of local stakeholders and civil society activists.

144 Interviews with Brussels-based policy-makers, April 2012.

145 Those interviewed cite the example of March 2009 when a concept note was posted by the Commission on the EU Delegation’s website which resulted in contributions from a number of Syria CSOs and international organisations based in Syria. The main recommendations still hold true: strengthening decentralization, supporting social and political reforms, ensuring wider participation of inter alia youth and women.
seek to reinforce relations with CSOs and grass-roots movements rather than with the “usual institutions and ministries”\(^\text{146}\). Any process of consultations should lead to visible acknowledgment of domestic concerns. Developing an independent NGO platform could help to foster and institutionalise these relations, whilst contributing to the synergy between donors and their local partners on the one hand, and between the EU delegation and individual MSs on the other hand.

It remains to be seen how the EU proposes to implement the principles set out its revision of the Neighbourhood Policy. Looking ahead to an eventual post-al-Assad Syria, the EU’s intention to support processes of political change must be cohesive and consistent. Cheap bank loans, trade agreements, help in rebuilding institutions, reshaping constitutions, guaranteeing the independence of the judiciary, etc must come with clarifications of the incentivised conditionality principle as laid out in its ‘more for more’ approach (see the synthesis report for a more nuanced analysis).

Finally, local interlocutors criticised the fact that impact is often measured at Brussels-level rather than at local level\(^\text{147}\). This view concurred with that of one Brussels-based policy-maker who highlighted that despite the many ways to support political transitions towards democracy, the EU displays a tendency to “reach into its pockets”, with subsequent implications for the evaluations for these financial disbursements. Whilst financial carrots and sticks are crucial in pursuing bilateral relations with authoritarian regimes, it is essential that responses be based on a genuine local needs assessment.

4. EVALUATION OF EU POLICIES

The two Communications of March and May 2011 set out an ambitious agenda for redesign of the ENP based around the concepts of differentiation and more for more. The main challenge since then has been to implement this approach in practice, to tailor support by country, and to further link EU policy with programming. Developing assessment criteria to measure the impact of policy instruments is a complex endeavour. One of the main challenges faced by policy-makers involved in designing these instruments is that benchmarking conditionality is just as difficult as implementing it. Measuring impact forcibly depends on the criteria developed, which in turn depend on indicators and mechanisms. National studies have various democracy and transparency indicators but invariably political judgment will have to be applied. The assessment of progress in the path towards sustainable democracy cannot be conceived of as a short-term “box-ticking” exercise. Ashton and Füle have acknowledged that a balance needs to be achieved between reactivity and consistency, the former affording a timely response to significant developments, and the latter, which is essential for the pursuit of long-term reform processes\(^\text{148}\).

It is important to note that the impact of EU policies is affected by factors both within and beyond its control. Conditions determining the success and effectiveness of EU action in third countries are very often external to the processes envisioned by EU policy-makers in Brussels and policy implementers on the ground. Factors outside of the EU’s control, in particular when dealing with incumbents in the MENA, include the hostility of the regime to outside interference of any sort, the popular perceptions of EU cooperation (or most often, general ‘Western cooperation’) generated by such hostility, and the internal socio-political-economic dynamics of these third countries. A combination of these factors limits the leveraged enjoyed by the EU in third countries. In Syria for instance, state media has succeeded until present in presenting such a skewed version of events that the EU is held by large segments of the population to be part of the ‘international terrorists gangs’ engaged in foreign-funded plots to overthrow the regime. In Yemen on the other hand, other regional actors such as Saudi Arabia and the GCC hold such sway in negotiations that the EU’s role is reduced by geographical proximity and existing bilateral relations.

\(^{146}\) Interview with senior researcher at the Arab Reform Initiative (ARI), March 2012.

\(^{147}\) Interviews with Syrian civil society activists, March 2012.

Factors over which the EU can claim at least a certain amount of control include internal dynamics such as divisions between MSs, coherence between EU bodies, and coordination of activities in the field through the delegations. Communication between EU representation on the ground, the EEAS in Brussels, and between the High Representative and the EP President contributes to political coherence. Impact is further determined by the coordination of policy instruments and the consistency of policy approaches over the longer term.

4.1 Evaluation of efficiency of past policies

Brussels-based policy-makers interviewed for the purposes of this study claim that relations between MSs and the Commission have become increasingly productive over the last 10 years in light of the Paris Declaration and the institutionalisation of instruments for coordination. Most highlight the positive role played by the EEAS is the EU's post Lisbon institutional framework. Some, however, argue that whilst there will always be MS nationalism, certain MSs treat the EU as if it were another UN. They point to the lack of a coherent strategy in the design of the EED (still seen by many as ‘the Polish initiative’).

The overall impression amongst technocrats and policy-makers of the aspect of coordination in the EU’s reaction to the Arab Spring is favourable. Many claim that this is merely because events happened so fast that MSs had no time to develop their own policy line and were obliged to follow the EU line. The Commission is credited with a greater degree of coordination than the EEAS. Certainly, the involvement of DEVCO from the initial stages of policy reviews was welcomed as a concrete example of linking reform with development.

In terms of the proposed initiatives in support of ‘deep democracy’, the lack of specific accountability systems at EU level with regard human rights implantation is described as problematic. The EP has a role to play in terms of demanding accountability, amongst others through its Sub-Committee on human rights. Interviews with EU policy-makers indicate that the whole notion of ‘accountability’ may need to be further defined in the field of human rights. Accountability questions also arise in the context of EIDHR funding to civil society organisations, particularly when the beneficiary of this support runs into problems with repressive authorities. What is in these cases the responsibility and accountability of the EC? This is a relatively uncharted domain, all the more pertinent in today’s post-Lisbon context.

It is noteworthy that civil society in the region has found it difficult to make its voice heard in the process of EU policy revision. This can be attributed to several factors: the weakness of civil society in countries where it has until present been heavily suppressed, and the lack of consultation opportunities offered by the EU. The ENP review process was largely Brussels-based. Similarly, in the drawing up of the SPRING programme, there was no formal process of consultation with local civil society. The feeling amongst local interlocutors is that existing consultation efforts by the EU – and other donors – are insufficient, and do not lead to a greater inclusion of local stakeholders views in participatory planning. Indeed, several civil society groups and networks from the region authored a collective letter to Ashton highlighting their concerns regarding the ‘non-consensus’ nature of the Joint Communication of 25th May 2011 and the SPRING and CSF initiatives launched in September 2011. Under the umbrella of the Arab NGO Network for Development (ANND), they called upon the EU to clarify the basis for selecting countries and the evaluation criteria used to assess performance. Considerable uncertainty about what is really behind the policy framework, the extent of conditionality, and the process for adoption of decisions has called into question the EU’s good intentions and

---

149 Interviews carried out for the case studies, February - April 2012.
150 Ibid.
151 FRIDE’s comprehensive analysis of democracy assistance worldwide, including 19 case studies. Retrieved June 17, 2012 from http://fride.org/project/19/assessing-democracy-assistance
hubristic rhetoric. As pointed out by an Oxfam report on the matter, “there is a big assumption, or a leap of faith, that all will become clear and amicable in country-level discussions”\textsuperscript{153}.

In terms of incorporating lessons learnt into new policy articulations, the Action Fiche for the CSF does however maintain that it is “informed by the experience of existing programmes in support of non-state actors be it at global level or in other regions”\textsuperscript{154}. Prior EU policy lines for support to civil society include those drawn from the recommendations of the ‘Evaluation of EC Aid Delivery through CSOs’ (December 2008) which called upon the Commission to ensure a more consistent application of its new political commitments towards civil society with a view to improving the relevance, effectiveness, efficiency and sustainability of aid delivered through these actors. The Action Fiche also builds on conclusions from the ‘Capitalisation Study on Capacity building Support Programmes for non-state actors under the 9th EDF’ and the strategic process identified in its “Structured Dialogue: an efficient partnership in development”\textsuperscript{155}. It is essential that the CSF build on experiences of existing programmes to provide complementary action rather than risk overlapping reviews and dialogues.

Whilst EU support in the form of communiqués, policy instruments, and aid enjoy a certain degree of visibility, impact is limited by a number of factors, some dependent on conditions internal to EU dynamics and others beyond the immediate control of the EU institutions. Impact is diluted by a lack of coordination between various EU institutions, (for instance, between the EP and the EEAS, and between delegations in third country capitals). The degree of leverage enjoyed by the EU is often reduced by the hostile attitude of the incumbent regime, and the internal socio-political dynamics shaped by this hostility. Impact is closely related to legitimacy, which the EU has been fighting to regain since the events of the Arab Spring and in light of its previous dealings with authoritarian regimes.

The Joint Communication issued by the Commission to the Parliament and the Council on ‘Human rights and Democracy at the heart of EU External Action’ aims to make the EU’s external policy on human rights and democracy more active, more coherent and more effective\textsuperscript{156}. The gap between rhetoric and practice must be narrowed if policy revisions are to be effective and if human rights are to become the ‘silver thread’ running through all EU external action. Indeed, despite all the rhetoric, the EU’s reformed resolve has yet to be truly tested. Things will inevitably become messy if Arab democracies start behaving in a way that does not cohere with the EU’s own rulebook about how liberal democracies should be run. As one analyst asks, what would the EU do if free and fair elections lead to a chauvinistic Egypt, an Islamist Libya or a Peronist Algeria\textsuperscript{157}? A comprehensive evaluation of EU human rights policy has found the evaluation overall EU political commitment towards promoting human rights to date to be incomplete, ambiguous and selective\textsuperscript{158}. In a similar vein, the 2011 HRW’s Annual World Report provides a sobering dissection of the application of the EU human rights policy. It argues that the “ritualistic support of dialogue and co-operation with repressive governments is too often an excuse for doing nothing about human rights”\textsuperscript{159}.

EU statements must be backed by comprehensive strategies. Effective indicators and instruments to measure desired impact must be also developed. Concrete results are expected but the categories in which they fall are so broad that the ability of the EU to assess its contribution is rendered all the more difficult: “Concrete results are expected in the field of human rights and fundamental freedoms, democratic governance, freedom of association, expression and assembly and free press and media”\textsuperscript{160}. The EU’s expectations of the degree of leverage from proposed incentives should remain relatively modest.


\textsuperscript{157} Timo Behr, ‘Hard choices: The EU’s Options in a Changing Middle East’, FIIA, 21/04/2012

\textsuperscript{158} Thematic evaluation of the European Commission support to respect of Human Rights and Fundamental Freedoms, December 2011.


4.2 Defining best practices and key lessons

The landscape for human rights is constantly evolving. In the process, several positive evolutions can be noted providing windows of opportunity for a more credible and effective EU action. These windows of opportunity include expanding frameworks at regional level, and the growing realisation that a widening and deepening global economy carries with it profound implications for human rights (both positive and negative). The impact of EU support for democracy and human rights will largely depend on its capacity to outreach to – and be receptive of – third country partners, to engage in cross-regional coalitions, and to effectively build on existing bilateral relations. The cumulative weight of the EU 27 acting together is all the more important given the EU’s ongoing search for identity, impact, and effectiveness.

Instead of a real paradigm shift, the Commission’s proposals represent a re-branding of previous policies. This is not necessarily a problem. Many of these policies were sensible. Offering more resources and incentives in accordance with the principle of ‘more-for-more’ is laudable and long overdue. But this is not enough. To open a new chapter in its relations with the Arab world, the EU will have to learn from its past mistakes. It will have to develop evaluation criteria and to assess the relevance, effectiveness, efficiency, impact, coherence, and added value of the policy initiatives proposed in 2011. These in turn must be balanced against institutional capacity, achievement of objective, instruments, actors and partners. Focus on one-off actions lessens the likelihood of developing a more systemic approach to this analysis.

Defining best practices and key lessons requires drawing on previous and existing initiatives. The December 2011 communiqué for instance, called for action in a number of areas, including:

- On external delivery mechanisms – would not a bottom-up, tailored, country-based approach, coupled with cross-cutting worldwide campaigns on specific themes achieve better the human rights and democracy objectives?
- On process – how can the EU become more joined up across the whole range of its policies and institutions, and externally when working with international partners, NGOs, regional groupings and international organisations?
- On internal structures – should the EU place priority on the completion of a network of human rights and democracy focal points across EU Delegations worldwide, and a standing capability in the Council on external human rights and democracy issues?

Traditionally the EU has adopted a top-down approach to its human rights strategy, agreeing worldwide priorities in Brussels and then seeking to apply these through political dialogues and meetings with third countries. To date the EU is not perceived as having reached out to civil society in affected countries during its process of policy revision. In seeking to boost its own legitimacy and restore trust with local counterparts, consultation and inclusion are a key part of any new policy framework. Another ‘glaring omission’ is the paucity of references to gender and women’s rights, which are so essential in the transition process and yet so under threat. Hiding these issues in the text does not reflect the priority they require.

The overarching issue to arise from interviews with Brussels-based policy-makers is the current stage the EU finds itself at. It is agreed that the rapidity of overall EU reaction to the Arab Spring is admirable, that the concepts laid out in the revised ENP are laudable, and that the proposed policy instruments in the form of the CSF and the EED are potentially invaluable. Despite these overwhelmingly positive observations, the EU is nevertheless seen to be lacking a clear political strategy and some go so far as to

---

164 Ibid.
question the efficacy of Ashton’s personal leadership competencies\textsuperscript{166}. The closest the EU comes to a systematic interpretation of democracy support in its external relations is set down in its ‘Agenda for Action’ adopted November 2009\textsuperscript{167}. It is disappointing to note that the word ‘consensus’ was dropped between the first conference on EU democracy support held in Prague March 2009, and the approval of the Council Conclusions later that year. In the context of an ongoing struggle to define political direction, the continued development of coherent policy lines is essential. Coordination must be maintained and indeed, improved, between in-country delegations and Brussels-based counterparts.

The ongoing review of human rights should be the starting point for this increased cohesion effort: process-wise, the review should seek to bring onboard all EU institutions, and content-wise it should pay greater heed to the voice of local civil society including NGOs, human rights defenders, and women’s rights activists. Ashton must not shy away from laying out criteria for political dialogue and dealing with the incentivised conditionality aspect underlying recent EU policy initiatives. To date, the review stands accused by some of “secrecy, bad process, and lack of shared communication”\textsuperscript{168}. Critics claim that the review will result at most in the reiteration of previous human rights declarations and an AP which will provide limited added value. It is noteworthy however that another outcome of the review has been the appointment of a Special Representative for Human Rights – the first non-geographical mandate awarded in light of the Arab Spring. Parliament’s rapporteur on human rights denies that the appointment is that of ‘one more EU bureaucrat’, arguing instead that “[t]he new special representative will give the EU a face and voice on human rights crises in the world from pole to pole”\textsuperscript{169}.

Finally, given that new initiatives proposed by the EU in its support to democracy and human rights complement existing policy lines rather than superseding them, a streamlining of the field is needed. There are questions raised concerning the added value of the EED for instance, and whether a better response might not have been to merge existing instruments\textsuperscript{170}. The risk of so many policy reviews and parallel consultations involving EU institutions is that they tend to repeat well-established positions and needs assessment and fail to propose an operational focus. An operationalisation of dialogues is needed.

5. CONCLUSIONS AND RECOMMENDATIONS

In offering preliminary policy recommendation for the EU and potential courses of action for the EP, this study builds on the Agenda for Action and the Joint Communication on Human Rights Policy at the heart of EU external action as examined above. It draws primarily on the views of respondents from Brussels, including representatives from the EEAS, the Commission, the Parliament, and policy analysts. One of the main points brought up by those interviewed for the purposes of this study is that whilst ownership of the revolutions indubitably belongs to those who instigated them, one of the enabling conditions has been sustained EU support and cooperation. Interlocutors varied in whether the EU should adopt a \textit{mea culpa} apologetic attitude for its previous comportment, or whether it should accept, ‘warts and all’, the results this cooperation has led to. The following conclusions and suggestions represent a combination of both this humility and pragmatism\textsuperscript{171}.

\textsuperscript{166} Interviews with Brussels-base policy-maker, February- April 2012.
\textsuperscript{167} Council conclusions on Democracy Support in the EU’s External Relations, 2974\textsuperscript{th} External Relations Council meeting, Brussels, 17 November 2009.
\textsuperscript{168} Ibid.
\textsuperscript{170} Interview with Brussels-based policy-maker closely involved in design of EED, April 2012.
\textsuperscript{171} Due to the density of third-party views in the recommendation section of this study, individual recommendations are not footnoted, although a list of those interviewed is available upon request.
5.1 Dialogue and partnership

One of the major points raised by third country respondents was the importance of civil society participation in human rights dialogue processes. They recognized that in order to be treated as equal partners in those dialogue processes, they need to increase their capacity to understand the process and the issues at stake; hence, this constitutes an area for improving EC intervention on capacity building. Consultation with civil society (including women’s rights groups) must be formalised, timely, and not merely cosmetic and after the event. The EU routinely says it is committed to consulting civil society partners but it needs now to convert rhetoric to action by formalising, for example, a monthly CSO meeting with the EU’s Special Representative(s) in Brussels. For the EU to build true partnerships in its Southern Neighbourhood rather than retain the donor-recipient relationship would also increase local ownership of the processes of transition currently underway. It has been said repeatedly that local conditions must be the starting point; to make this actually happen the EU should invite consortia of local reformers to design their priorities to EU funding. It should seek innovative ways to include civil society in human rights dialogues. The various ongoing dialogues (such as local troika dialogues, human rights sub-committees, Partnership and Cooperation Agreement (PCA) dialogues, AP dialogues) should be coordinated and, where necessary, streamlined. In light of Ashton’s ongoing human rights review and in order to accompany the imminent creation of an EU Special Representative for Human Rights, this study believes that funding lines for support to civil society and human rights defenders should have their budget lines increased.

5.2 EU coherence and coordination in support for human rights

Although the EU is already committed to increasing the coherence, consistency, and effectiveness of its policy initiatives, it should also focus on coordination between different actors at country and Brussels level. The EIDHR is highly valued and all stakeholders asked the EU to enhance its potential, safeguard its added value and further develop its speed of delivery, in particular for cases where the local political environment is not receptive to traditional EU support. Effective implementation of EU external human rights policy would require more frequent meetings of the Council Working Group on Human Rights (COHOM) and also a standing capability and expertise on human rights and democracy among the Permanent Representations in Brussels of EU MSs. Whilst monthly meetings of Human Rights Directors to concentrate on the strategic aspects of the EU policy on human rights and democracy allow a certain degree of coordination, the appointment of a Special Representative for Human Rights as one of the outcomes of Ashton’s ongoing human rights review (and partly as a result of a proposal made under the Danish rotating presidency) should heighten the degree of steering and oversight. Finally, taking local conditions as point of departure for elaborating a realistic and inclusive human rights local agenda is key to connecting international normative frameworks with societal dynamics at country level. The recently introduced innovation to request all Delegations to elaborate a local implementation strategy is a step in the right direction. The task at hand is to further improve the quality, strategic management and effective monitoring of these local implementation strategies.

5.3 Implementation

It remains to be seen exactly how the EU proposes to implement its policy declarations in response to the Arab Spring. The EU must go beyond rhetoric and deliver on its commitments. Whilst announcing initiatives is merit worthy, acting to implement them will help restore EU’s battered normative credentials. Similarly, whilst press statements condemning ongoing repressions serve to alleviate complicity to a certain extent, they are not a replacement for decisive policy measures. The EC, in particular the EEAS, must make use of its diplomatic and trade powers to support CSOs, human rights defenders, and grass roots movements in countries currently undergoing processes of political transition. In its own backyard, the EU should encourage political commitment by MSs to retrieve sums

172 It goes without saying that Bernadino León will need to liaise closely with his counterpart Stavros Lambrinidis, EUSR for Human Rights appointed 25 July 2012 with an initial mandate running until 30 June 2014.

stolen or seconded by autocrats before their ouster from power. The EU must also guarantee a seat at the table for non-aligned, non-traditional popular movements. Rather than systematically tarring incoming governments with the ‘political Islam’ brush, the EU should seek to further understand and dialogue with elected counterparts. Building on the observations of certain senior policy-makers who claimed that the EU has effectively reviewed, re-evaluated, and re-drawn policies to the fullest extent possible to date, this study suggests that the time for concrete action is ripe. In this respect, the employment and employability of youth is key: the EU just as much as transitioning MENA states must meet expectations from key stakeholders of the uprisings. Instruments such as the EED, if they are to offer added value to existing democracy support tools, must be established without further delay.

5.4 Assessment of impact

Any implementation must be accompanied by effective monitoring mechanisms. The EU must clearly lay out evaluation criteria to assess the relevance, effectiveness, efficiency, impact, coherence, and added value of the policy initiatives proposed in 2011. These in turn must be balanced against institutional capacity, achievement of objectives, instruments, and partner capacity. Focus on one-off actions lessens the likelihood of developing a more systemic approach to this analysis. The EU should be diligent in its efforts to measure qualitative impact at local level as well as tracking the quantitative outgoings at Brussels-level. This will require a broadening of the flow of information and coordination regarding the activities undertaken by donors and stakeholders in the region. The existing monitoring mechanism under the title ‘Follow-up of the Southern Mediterranean Joint Communiqués implementation table’, praised by some in Brussels, should also be developed for the SPRING programme, and a similar initiative designed to monitor the CSF and the fledgling EED.

5.5 Transparency and accountability

For the EU to be a credible actor in external relations, it must act consistently and avoid double standards between its human rights policy and other external policies, between internal and external policies, and in the conduct of its relations with third countries. The EU must be explicit about interests that co-exist with the promotion of human rights as a core value. The divides between northern and southern MSs over the incentive-based approach to neighbourhood support must be resolved. Conditionality is not a panacea in itself, but by involving civil society to a greater extent in the participatory planning phase, donors render themselves more accountable and more transparent. The EU’s desire for mutual accountability must be clarified and based on balanced power relations, including civil society. Without these considerations, the more for more approach is unlikely to succeed. Finally, in the interest of EU credibility and legitimacy, it must review with greater scrutiny its MSs arms export control policies in the MENA region, given the direct link to human rights abuse.

5.6 Cross-cutting themes

The Arab Spring represents a key opportunity to better connect currently largely disjointed agendas (inter alia development and human rights, the global economy and human rights). Yet for this to happen, the EEAS and DEVCO will need to face upfront major implementation challenges and overcome their differences in short and long-term perspectives on impact. Ashton’s ongoing human rights review and ‘silver thread’ policy is an admirable attempt to move respect for human rights to the centre of EU foreign policy. Human rights and democracy must also be mainstreamed across development cooperation to ensure that EU development programmes contribute to the fulfillment by partner countries of their international human rights obligations. There is growing recognition of the critical links between human rights, poverty, exclusion, vulnerability and conflict. Connecting the development and human rights agendas at an institutional and budgetary level would help exploit the possible synergies between both work streams.

5.7 EU cooperation with international actors

Recognizing current budget constraints, the EU must engage closely with regional and international actors to coordinate support for human rights and democracy. It should continue to promote the effective implementation of the commitments undertaken by its MSs at the UN, the Council of Europe,
and the OSCE. Transatlantic cooperation at a bilateral level remains crucial. The EU should coordinate with the US efforts to provide increased access to markets through bilateral free trade agreements, empower the private sector and promote foreign investment to spur growth, and encourage discussion of a sub-regional economic bloc among Egypt, Libya, and Tunisia. The US and EU should also reinforce their cooperation by strengthening the Deauville Partnership Initiative, which was launched in May 2011 and gathered the most powerful donors (the G8 countries, the International Monetary Fund (IMF), the World Bank, and key Arab countries) around the same table for the first time. The US is particularly well-positioned to enhance the initiative during its 2012 G8 presidency. In light of the shifting regional dynamics, focus should also be given to engaging with other regional partners, such as Turkey, Qatar, the Arab League and the OIC on these issues. In many countries affected by the dynamics of the Arab Spring, the overall environment remains hostile to human rights. The governments involved tend to develop a façade of laws and institutions to display an apparent concern for human rights. New emerging powers and increasingly prominent regional investors such as China do not necessarily uphold the same values in their external policies. All this confronts the EU with the need to carefully consider its partners for accompanying its vision of democratic transitions. It also invites the EU to build on the growing societal demands for reform and to strengthen alliances with domestic forces or regional actors pushing for change.

5.8 Rights in the Gulf

The Gulf states have been weary of the advent of the Arab Spring. The fall of fellow autocrats and the rise of political Islam have caused them some unease. They have attempted to avert any threat of contagion by wielding both carrots and sticks. Financial outlays have been lavish, most notably in Saudi Arabia were they have come close to $130 billion. In addition, security services have been at hand to pre-empt any potential uprisings and to beat down protesters if necessary, as in the case of Bahrain. Political arrests have been common, most notably in the United Arab Emirates (UAE) and Saudi Arabia, media laws have been tightened and protests outlawed. Overall Gulf countries have attempted to join forces in an effort to face off challenges together, first by trying to strengthen their club by inviting Morocco and Jordan to join and secondly by floating the idea of a more political union, an ‘Arab Gulf Union Council’.

The EU has looked the other way as these events have played out, appealing once again to its lack of political leverage in these countries. The fact that sanctions on Iran have increased western dependence on Gulf oil supplies and that the economic crisis has amplified their financial clout must also be factored in. Lessons from the Arab spring are still to be learnt in Gulf, where stability continues to be prized over reform.

Political relations between the EU and the GCC started to pick up prior to the Arab Spring with a growing awareness on both sides of shared interests. A Joint Action Programme signed in 2010 focused on technical cooperation on issues such as economy and energy but the EP has been pushing for a more strategic partnership with the GCC states. To that end, the EP has called for periodic summit meetings of heads of state and government, for the EEAS to devote more human resources to the region and for new EU diplomatic missions to be opened in the GCC member states.

While engagement is necessarily the only policy option the EU should not be complacent towards these authoritarian regimes and should be careful not to nurture a sense of Gulf exceptionalism. The EU should not turn a blind eye to human rights violations and must aim for the same democratic rights and guarantees that are expected of other countries: transparency, accountability, a free press. In order to do this the EU should bring the Gulf States into its partnerships and frameworks of cooperation with the Mediterranean. Deepening the links between the Gulf and North Africa could serve as an indirect approach towards reform by exposing the Gulf to the more liberal trends that are permeating North Africa. The EU should also make a point of engaging Gulf citizens as much as their rulers. Cooperation

175 Ibid.
programmes with the GCC member states should address CSOs and support the empowerment of women and youth.

5.9 Engagement with Islamists

European observers have been preoccupied with the question of whether democratic elections in its Southern Neighbourhood will lead to a circle of Islamist-led regimes what this will mean for the region’s emerging democracies, and how it will alter these countries’ foreign policy positions. The aftermath of the 2011 uprising has seen a broad diversification of the political spectrum of both faith-based and secular political parties. Internal debates in Islamist parties regarding the way in which overarching religious principles should translate into a concrete political programme have led to the splintering of a plethora of new Islamist parties from the Brotherhood mother organisations. The emergence of increasing political competition among Islamists is, if undisturbed by renewed authoritarian repression, a positive process which may lead in the longer term to the formation of a moderate, pragmatic mainstream. The emergence of Salafist political parties, which has led many observers worried is less of a concern in itself as long as they remain a controlled minority within the system. The integration of these unlikely ‘democrats’ into political contestation, it is hoped, will keep them in check and soon unveil their lack of concrete political solutions.

In spite of a number of notable new policy initiatives following the Arab Spring, the EU and its MSs have yet to make their pledged change of paradigm in the EU’s Mediterranean policies a tangible reality. The EU needs to stop looking at the issue of Arab democracy through the narrow prism of political Islam, and focus more on issues, less on ideologies. In its approach towards political Islam, the EU needs to move beyond the counterproductive notion of engagement vs. containment. Years of excluding Islamists from political initiatives now risk being replaced by the devotion of excessive attention to Islamist political groups. The EU is ill-advised to focus all its attention on the non-secular forces of the Arab world’s political spectrum, apparently under the mistaken presumption that secular equals democratic. Both ways of singling out Islamists are mistaken, as the key is not to focus on specific groups but to engage all relevant political forces on concrete political issues. Europe must be unequivocal in its dealings with Arab transitions to show Arab publics that it has learnt from past mistakes. At the same time, it will be important for the EU to avoid the impression of picking favourites. The victory of any political force in democratic elections must be publicly acknowledged. The EU’s reaction to Hamas’s 2006 electoral win is still very present in Arab people’s memories as a lack of respect for the Palestinian people’s expression of free will.

Political Islam will form part of new MENA political landscapes, and probably governments, whether the EU likes it or not. This will likely lead to more conservative social policies, and more assertive lines on some key foreign policy issues. At the same time, geopolitical problems in the region are more likely to flow from social anger if democratic transitions fail, rather than from the inclusion of Islamist parties. EU interests will depend much more on the success of economic strategies through which social justice is pursued, and on political reforms to establish effective safeguards against any group’s abuse of power.

5.10 Information and Communication Technologies

ICTs – including online social networks – contributed to bringing about regime change in Egypt and Tunisia and can also be important in the transition phase. The EU has already recognised this through the inclusion of ICTs within the new Human Rights Strategy, and the launch of a No Disconnect Strategy which aims to support internet freedom globally. Both documents are inspired by the Arab spring, so it

---

is imperative that the region leads the way in demonstrating the value of an open ICTs’ landscape to promote democracy.

Two different challenges present themselves: in the short term, efforts should be aimed at defending freedom of information and expression and offering support and protection to human rights activists targeted because of online activities, as the EP is already doing\textsuperscript{177}. The EU should also try to link the global No Disconnect Strategy to the concrete MENA context by using some of the ENP’s CSF funds to train journalist and bloggers on internet security aspects and to promote CSO’s adoption of these tools to improve their organisation and communication strategies. On a more political level the EU should ensure that the new APs being negotiated include a commitment to an open Internet.

ICTs will also be essential to the deepening social and economic collaboration between the EU and MENA countries that will assure the maintenance of democratic progress. The ENP stated goals of promoting an improvement of the regulatory environment, boost broadband infrastructure and an active and democratic use of ICTs are all welcome. These could be complemented by specific initiatives promoting inclusive growth and job creation such as helping Small and Medium Enterprises (SMEs) to adopt ICTs that help them become globally connected (key in the tourism and export sectors) and promote the progress towards a knowledge economy.

5.11 UN Linkages

The EU could usefully utilize the UN Human Rights Council to back up its own policies. The Council has adopted strong positions on Syria. It has regularly condemned the Syrian regime for human rights abuses, the killing of innocent citizens and “violations that may amount to crimes against humanity”\textsuperscript{178}. The UN Security Council’s decision to deploy 300 UN observers in Syria in April 2012 is a decision that can be linked to these strong Human Rights Council’s statements on human rights violations. Its monitoring of the situation on the ground has given a strong evidential base for pressure on the al-Assad regime. In Libya the Council’s role has helped even more. The Council’s decision to suspend Libya’s membership rights in May 2011 and its regular reports on human rights matters since then have been a key part of international pressure. Since human rights violations have continued to occur beyond Qadafi’s fall, the Council has sought the deployment of more means, observers and technical advisers in the country. These examples suggest that a closer dovetailing of EU and Council’s pressure would assist both bodies advance their human rights aims.

5.12 Single MENA Policy

At a more macro level, it would still be beneficial for the EU to clarify the relationship between its myriad of different initiatives. A key finding is that the multiplicity of overlapping EU policy frameworks remains a source of confusion for people in the region. The EU still has no single, clear Middle East policy; it divides up the region with layers of policy frameworks. These divisions sit uneasily with the pan-regional repercussions of the Arab Spring. The Union for the Mediterranean looks increasingly incongruous against the background of a dramatically altered strategic context. Tensions between the EU’s Mediterranean and Gulf policies remain a problem. MSs have reacted better bilaterally in some cases, adding a further layer of complication, to the extent that they structure their relations with the region in very different ways. There has been much more debate so far on the ‘new ENP’ than on a ‘better Middle East policy’. This is no longer adequate.

\textsuperscript{177} See the EP resolution of 17 November 2011 “on Egypt, in particular the case of blogger Alaa Abd El-Fattah” and the EP President’s remarks at the opening of the February 2012 plenary, on the case of Saudi journalist Hamza Kashgari, who faces the death penalty for posting “blasphemous” comments on Twitter.

\textsuperscript{178} Statement on the killings in El Houleh, 1st June 2012.
5.13 Role of the EP

Given that EP resolutions are powerful tools for putting matters on the agenda, encouraging forward thinking, and pressuring the EEAS to move in the right direction, the EP must seek a more prominent role for itself. The more ‘creatively constructive’ the EP is, the more power (as well as its already considerable budgetary power\(^{179}\)) it can enjoy in Brussels. The EP can best enhance its role by acting as a channel for the views of newly elected reformist politicians which might otherwise not reach Brussels. Aside from its activities through the Office for Promotion of Parliamentary Democracy (OPPD\(^{180}\)) and joint parliamentary meetings, the EP could also set up meetings with incoming politicians from transitioning MENA states on a regularly quarterly basis and from these encounters submit a dossier of recommendations to the EEAS. The better the coordination between its different activities and instruments (particularly between the plenary and the work of committees and delegations), the greater voice it will have. This should include involving civil society at a Brussels-based level such as the positive initiative ‘Group of Friends of Human Rights’ which has some produced relevant recommendations, including highlighting their concern over the decision to close the hearings on the nomination of EEAS ambassadors to the general public\(^{181}\). In the context of the next MFF, the EP’s role must focus on ensuring that sufficient funds are allocated to the promotion of democracy and human rights. This however requires an effective dovetailing between MSs and the EP of funding and diplomacy. In terms of promoting transparency and accountability for implementation of the EU human rights strategy, the EP’s role is crucial\(^{182}\). It should be involved in the design of oversight mechanisms for the EED, and in the creation of criteria for effective follow-up procedures.

5.14 Role of Member States

For the EU to be more effective and credible in promoting and protecting human rights and democracy, the collective weight of EU institutions and EU MSs must be harnessed. EU human rights and democracy policy both at the multilateral level and in bilateral relations with third countries requires the formulation of strong common positions on human rights. Whilst it is understandable that MSs pursue bilateral relations in their national interests, this must not be at the expense of a consolidated EU position. Furthermore, given the scale of responding to the Arab Spring and the challenge of implementing cross-cutting policy themes in EU action, an effective division of labour amongst the EU 27 will contribute to a cohesive and efficient EU approach. Expectations that MSs will place collective EU interests over and above national bilateral relations are not realistic; the EU should focus instead on designing a common implementation and evaluation mechanism which would allow MSs to harness their collective weight.

5.15 Realism

Overall, the need for the EU to ‘operate in the realm of realism’ was stressed by respondents. The EU should recognise that in certain countries where it is proposing renewed policy instruments or indeed, introducing existing policy instruments, civil society is extremely limited. The ability of civil society to act as a mature counterpart is often overestimated. Another dose of realism recommended by those interviewed is that the EU accept that a more principled policy comes with a price tag attached. By allocating a sizeable chunk of its Neighbourhood funding in accordance with clear criteria for democracy and human rights, the EU will inevitably have to exclude certain democracy ‘laggards’ in favour of strengthening relations with reformists. What the popular uprisings of 2011 have made crystal

\(^{179}\) The Lisbon Treaty has given more direct powers to the EP, including the ability to exercise together with the Council ‘legislative and budgetary functions’ (Article 14).


clear is that the EU cannot treat incoming democracies worse than old autocracies. Similarly, incumbent autocrats should not expect the same level of complacency as before. These criteria and conditions should be clearly laid out in advance.

Finally, the EU should be wary of creating false expectations, both financially and results-wise. By hastily throwing out a new set of promises and setting artificial deadlines – such as that for a 'Community of Democracies' by 2020 — the EU will do little to restore its reputation in the region. For this a greater degree of consensus among the EU 27 and the EU institutions is crucial (for instance, it is no use the Commission promising visa facilitation if certain MSs are not of the same mindset). The EU should be prepared to match ambitious policy promises with the equivalent funding to ensure desired outcomes. Rather than policy initiatives competing for novelty, there should be a concerted effort for relevance. Sticking to the parameters of the possible and harnessing the collective weight of the EU27 in the form of consensus will reinforce the EU’s role in strengthening support for human rights and democracy in the processes of political transition currently underway across the MENA region.

6. SELECT BIBLIOGRAPHY

- Arab NGO NETWROK FOR Development (ANND), ‘More for More as the EU’s response to the Arab Spring: A letter from Civil Society Groups in the Arab Region to EU Official. What does more stand for and how to ensure economic policy is not exercised’, Beirut, 18/10/2011
- Aggad, Faten; ‘Is the EU’s new SPRING Programme so new? Commentary on the EU’s new package for North Africa’, European Centre for Development Policy Management (ECDPM) September 30, 2011
- Ashton, Catherine and Füle, Štefan; Letter to all EU Foreign Ministers, (Conditionality non-paper), Brussels, 03/02/2012
- Balfour-Paul, Jamie; ‘Power to the People? Reactions to the EU’s Response to the Arab Spring’, Oxfam Briefing Note, Nov 2011
- Behr, Timo (ed); ‘Hard choices: The EU’s Options in a Changing Middle East’, FIIA, 21/04/2012
- Council of the European Union, Conclusions on Democracy Support in the EU’s External Relations, Brussels, 17 November 2009
- Council of the European Union, Action Fiche for Neighbourhood CSF 2011
- Echagüe, Ana; Michou, Hélène; & Mikail, Barah; Europe and the Arab Uprisings: EU Vision versus Member State Action, Mediterranean Politics, 16:2, 329-335, July 2011
- European Commission and High Representative of the Union for Foreign Affairs and Security Policy, ‘Joint Communication to the European Parliament and the Council: A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean, Brussels, 8 March 2011
- European Commission, Strengthening the Capacities of Non-State Actors - Actions in partner countries, 1 November 2011
- European Parliament Resolution on the Annual Report on Human rights in the world and the European Union’s policy on the matter including implications for the EU’s strategic human rights policy, Strasbourg, 18/04/2012
- Howitt, Richard MEP; ‘A New Approach to EU Human Rights?’; theparliament.com
- Human Rights Watch (HRW) reports: In Cold Blood’ (April 2012), ‘By All Means Necessary’ (Dec 2011), ‘We Live as in War’ (Nov 2011), We’ve Never Seen Such Horror (June 2011)
- Kilnes, Ulrika and Sherriff, Andrew; ECDPM Briefing Note, Member States’ positions on the proposed 2014-2020 EU Budget, No 37 April 2012
- Michou, Hélène; ‘The UK in the Middle East: commercial diplomacy to what end?’, FRIDE Policy Brief, March 2012
- Schulz, Martin; ‘Euro-Mediterranean Relations’, The Parliament.com 17/04/2012
- Vasconcelos, Álvaro (ed); ‘The Arab democratic wave: how the EU can seize the moment’, Report Nº 9, ISS, March 2011
- Youngs, Richard; ‘The European Endowment for Democracy: will it fly?’, upcoming FRIDE publication, May 2012
POLICY DEPARTMENT

Role
Policy departments are research units that provide specialised advice to committees, inter-parliamentary delegations and other parliamentary bodies.

Policy Areas
Foreign Affairs
  Human Rights
  Security and Defence
Development
International Trade

Documents