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Fundamental freedoms

Fundamental freedoms and security in Euro-Mediterranean cooperation: Thinking long term and in country specific approaches
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The issue of fundamental freedoms is a key aspect of Euro-Mediterranean cooperation – at least in theory and on paper. The “Mediterranean citizens’” right to fundamental freedoms is enshrined in the two major frameworks for cooperation in the Mediterranean basin: the Euro-Mediterranean Partnership (EMP or Barcelona Process) and the European Neighbourhood Policy (ENP). The Barcelona Declaration of 1995 explicitly refers to the necessity of strengthening human rights and democracy in the region, and Article 2 in all Association Agreements postulates that the respect for fundamental rights and for democratic principles are an essential element of the agreement. Moreover, the Action Plans within the ENP framework feature, albeit to varying extent, specific provisions for expanding fundamental freedoms among the southern partner states.

One of the main underlying assumptions for including the demand of making political reform a main pillar of both the Barcelona Process and the ENP was the European credo that a belt of prospering and democratic countries around the Mediterranean would be the best guarantee for lasting stability in the region and thus for European security. This goes back to the argument of the German philosopher Immanuel Kant that – to put it somewhat simplified – democracies do not fight each other. Also, the collapse of the Soviet Empire, only half a decade before the founding of the Barcelona Process, came as a proof that coercion and deprivation of political freedoms could not guarantee lasting security and stability. Since the early 2000s, moreover, the European Union’s call for enhancing fundamental rights in the partner countries has been increasingly driven by the assumption that a better human rights situation and more political freedoms would curb the desire of young Arabs to migrate to Europe and reduce the breeding ground for radical Islam. This line of thinking is not least related to the “human security” paradigm which departs from the assumption that national, regional and global security and stability are strongly linked to individuals’ security and rights.

When it comes to political practice, however, there appears to be a deep rooted belief among many European policy makers that there is a trade-off between human rights and democratization on the one hand and stability and security on the other hand. This results in an obvious contradiction between the spirit and goals of Barcelona and the status
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Empirical evidence from processes of political openings shows that there is no one simple causal relationship between fundamental freedoms and security, at least in the short term. Whether extending fundamental freedoms leads to instability and insecurity or whether it tends to enhance stability depends strongly on the following three factors: Context, timing and time frame, and sequencing of reforms. To be more specific, it is crucial in what social, economic and international context a country extends and expands fundamental freedoms. This becomes evident in the following three examples:

In Algeria in 1989 far-reaching political freedoms were granted at a time of deep socio-economic crisis, which was the result of the oil price shock and the post-colonial elites’ failed industrialization and development project. At the same time, the Algerian society was strongly divided over questions of national identity, with berberophone, francophone and arabophone identities in conflict and with secular visions of the state colliding with Islamist visions. Moreover, the political freedoms were granted overnight, without a stable institutional framework, that is a functioning and, in a Weberian sense, insulated state apparatus in place to support it. Under these very particular circumstances it was not surprising that a radical protest party became so strong.
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A third example is the case of so called late democratizers in Southern Europe. The Spanish, Greek and Portuguese trajectories have demonstrated that in a context of relative security and institutional stability the extension of fundamental freedoms and democratization will not destabilize a state but is bound to have a positive effect on its stability and security in the long term. Not to be blended out, however, is that these states had an important incentive for reform: the perspective of European integration. A similar development, the prevention of destabilization in the context of expanding freedoms, could be expected in the case of Turkey.

One obvious lesson to be drawn from these examples, as well as many others in the literature on political transition processes toward democracy in other world regions, is that there is a difference between the short and the long term effect of enhancing political freedoms. In the short term, enhancing these freedoms can produce unpredictable results and may lead to instability. In the long term, however, it appears to be an important factor for achieving stability and security. The tricky question that poses itself is how to further these freedoms without affecting negatively stability in the southern partner states in the short term.

How can Europe strengthen fundamental freedoms and security at the same time?

The deficits and limits of European democracy promotion and promotion of human rights in the Southern Mediterranean have been amply analyzed in the scholarly literature, particularly in the context of assessing the Barcelona Process and its achievements. Among the factors that limited the effectiveness of EU policies, are those rooted in the Barcelona framework itself: for instance, the partnership with governments that for obvious reasons have little interest in implementing reforms which undermine the existing authoritarian systems. In addition, the implementation of Barcelona has suffered from inconsistencies and contradictory signals and policies of individual EU Member States and of the EU Commission. These problematic aspects affect the relationship between the EU and its Member States on the one hand, and the Arab partner states on the other hand.

Yet, it would be erroneous to, in turn, search for a “one size fits all”- approach to the promotion of freedoms in the partner states, and to assume that policies and instruments valid for one country could work in all other countries. For one, the political, economic and socio-cultural situations differ substantially across the region. The same holds true for political freedoms and the security situation: A state like Libya is highly...
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stable but lacks even the most basic fundamental freedoms. Moreover, power is highly centralized in the hands of a few people. In Lebanon, by contrast, civic rights and political freedoms are high by regional comparison but state stability is low, and power spread between different elite groups hostile to each other and relying on external backing. It is obvious that European policies vis-à-vis these two states call for different approaches.

Despite the need for “hand tailored”, that is, country-specific approaches, there are a number of general guidelines for European policies in the region that are likely to boost the European credibility in the region. Moreover, they will also have a positive effect in the long term for regional stability and security while at the same time furthering fundamental freedoms.

European policy makers are well advised to take the populations in the partner states more serious by conveying the message to these populations that their rights, demands and hopes are being heard and respected and not only those of their governments. This implies, for instance, that European politicians advocate that all non violent oppositional actors participate in the political process in the partner countries. This means accepting the inclusion of political actors, such as Islamist parties, that may not share European values and visions of society but that represent a substantial part of their societies – of course only under the condition that they submit themselves to the democratic rules of the game. It also implies that European governments form their own opinion about these movements and parties rather than buying into discourses of partner governments that have an interest in discrediting their opposition, particularly if it is Islamist. One such example would be the forbidden Tunisian Nahda movement. This Islamist movement is branded a terrorist organization by the Tunisian government even though its agenda and discourse are along the lines of legal Islamist parties which in neighbouring countries sit in parliament or even government such as the Moroccan PJD (Parti de la Justice et du Développement) or the Algerian MSP (Mouvement de la Société pour la Paix).

European credibility suffers if fundamental freedoms are merely advanced to further other causes. Several EU Member States are, for instance, at least rhetorically much tougher on Syria when it comes to issues of fundamental freedoms or democratization than when dealing with Algeria, Libya, or Tunisia. The reasons for this lie not primarily in the situation of fundamental freedoms (Libya’s record is rather worse than Syria’s) but in the larger geo-strategic situation: Syria is considered a spoiler in the region, while Libya and Algeria are key to European energy security and to control of irregular migration. In other words, fundamental freedoms are merely used as a pretext or, as is also the case, simply mentioned to relieve policy makers of pressure by international human rights groups. EU credibility, moreover, suffers from its Member States giving messages contrary to overall EU policy. This has repeatedly been the case with the French stance with regard to human rights abuses in the Maghreb. Finally, the EU has done its credibility a great disservice in the aftermath of the Palestinian elections of 2006. After preaching democracy, pushing for elections, observing them and commending their freedom, the EU refused to deal with Hamas. In view
of such inconsistencies and contradictions in its policies it comes as no surprise that civil society actors in the partner countries distrust not only the US but also the Europeans.

Close cooperation with the Southern Mediterranean countries in the “war on terrorism” risks having the (undesired) effect of furthering radicalisation and thus being counterproductive. If European states, for instance, assent to human rights abuses by extraditing alleged or real terrorists to countries in which these suspects are likely to be tortured they are giving Arab populations precisely the message these populations are getting from their governments, namely that their rights do not count. Similarly, European states send problematic messages to Arab populations if they deliver weapons to a state like Libya, in which the human rights situation is problematic to put it mildly, or ask such states to fight migration without assuring that migrants are treated according to international human rights standards. Such messages do not serve Europe’s image amongst the disenchanted Arab youths and could encourage their religious radicalisation and hostility toward the West.

Finally, arguments of partner governments which use the terrorist threat as an excuse for not initiating political reforms or for curbing existing freedoms should be questioned. The Moroccan example goes to show that the fight against terrorism can go alongside with a fairly high degree of press freedom, a fairly pluralist and competitive political process, and – by regional comparison – a fairly decent human rights record.

The purely bilateral track and the multi-bilateral track of the ENP or NATO’s Mediterranean Dialogue are more promising frameworks for advancing fundamental freedoms and security in parallel than the multilateral and regional Barcelona framework. There are a number of reasons for this: First, the Israeli-Palestinian conflict is so emotionally loaded that it overshadows and dominates any discussion on security and human rights and prevents conclusions and policies within the multilateral Barcelona framework. Second, as mentioned earlier, countries such as Morocco or Syria have very different problems. As a result multilateral ways of addressing these issues generate no more than general and watered down statements – if anything at all. The conflict over the definition of terrorism at the “Barcelona Plus 10” summit in November 2005 was a point in case.

Finally, security is traditionally a highly secretive and fundamental freedoms a highly sensitive issue. Hence, political and military elites from the Southern Mediterranean countries hesitate to speak about them in large forums: the smaller the circle, the better the chances of confidence building. Confidence building is also important because of an understandable anti-colonial reflex in some partner countries when it comes to external pressure for extending fundamental freedoms. Sub-regional and semi-institutionalized and semi-formal formats like the 5+5 have produced more tangible results regarding security cooperation than the Barcelona framework. It is thus more promising to resort to numerically reduced and flexible multilateral formats in order to build confidence among a small group of actors with common concerns. A further advantage of small multilateral formats is also that mechanisms such as peer pressure or competition set in and can help produce tangible results.
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Last, but not least, European foreign policy makers need patience and a long term vision in addition to certain modesty with regard to the European capability of influencing domestic situations in the partner countries. It is important to bear in mind that substantial reform processes require transformation of systems of domination, of societies’ political culture and of economies at the same time. Generally this cannot happen overnight: the best prove for this lies in European history and the centuries it took to expand fundamental freedoms and arrive at consolidated democratic systems.

What policy instruments?

In the Barcelona framework there are few instruments for furthering fundamental freedoms, apart from two rather unspecific ones: political dialogue in the first (the political) basket of the EMP and support of civil society actors in the third (the cultural) basket. Neither of these instruments has produced tangible results. Even in cases in which the political situation has developed positively over the past decade, as in Morocco, where the political system has been liberalized and civil society has become stronger since the beginning of Barcelona, it is extremely difficult to establish a correlation between these developments and EU-funding and policies. It seems realistic to assume that they played a very minor role at best compared to domestic and regional developments, such as the civil war in Algeria and related strategic considerations of then King Hassan II, or the reform boost linked to the young and socially modernist King Mohammed VI coming to power in 1999.

The ENP for its part works with potentially more powerful instruments, namely benchmarks and ex-post conditionality. The European Neighbourhood Policy’s Action Plans with the southern partner states, for instance, all include a provision that human rights need to be respected in the fight against terrorism. However, no specific benchmarks or indicators to measure progress in this respect are given, such as, for instance, how the rights of the detained are strengthened etc. Finally, no specific carrots are tied to specific steps taken.

The ENP action plans should directly tie “carrots” to progress in specific domains. Political elites in partner states are most likely to engage in reform, if they have a clear incentive. Only if Southern Mediterranean elites see that they too profit – even if only on the symbolic level – from extending fundamental freedoms will demands by the EU for extending freedoms find a local resonance. The fact that Morocco has been given the possible perspective of a Statut avancé by the EU in 2007 is symbolically important also for other Arab elites, because it honours compliance with agreements as well as the fact that the Moroccan king has also taken reform initiatives at his own, for instance, with the impressive truth and reconciliation process. Also, in order to assess developments the EU should insists with their partners that more benchmarks/specific indicators to measure progress be defined and included in future action plans.
Particularly with regard to improving the human rights situation and enhancing political freedoms in the southern partner countries it makes sense to address those involved directly in maintaining security, that is, members of the security apparatus and the police.

Awareness about fundamental freedoms should be raised through bilateral or multi-bilateral (EU plus one partner country) dialogue and exchange programmes between members of security apparatuses. When European military or police officers share their experiences with dilemmas regarding security and human rights with their counterparts from the Southern Mediterranean countries, the latter are more likely to listen than when European politicians make normative speeches. Topics to be focused on in such discussions could include: 1) How fundamental freedoms and security are guaranteed in democracies, and what institutions and mechanisms are employed for solving conflicts between the two; 2) What the code of conduct (the guidelines) in European countries for dealing with opponents/demonstrators etc. look like, and how these guidelines are being elaborated; 3) What the characteristics of the relationship and cooperation between military and political institutions are in European countries.

Possibly, the most effective instrument for raising awareness and changing attitudes of military as well as political elites regarding fundamental freedoms may be engaging these elites on the operative level in a third country.

An instrument to be explored is election observation missions. The US’ National Democratic Institute (NDI), for instance, has trained and involved Algerians (including Islamist members of parliament and the government coalition) and other Arabs in election observation in countries undergoing transition processes toward democracy. The resulting comparative perspective on elections can be an eye-opener for the participants and allow them to more specifically identify problems with their own election processes and give them an incentive to raise new demands for more democratic election procedures and legislation in their own countries. The EU would be well advised to install a Euro-Mediterranean programme for election observation in third countries.

Multilateral missions in a third country can change perspectives on issues such as human rights and political liberties also among military personnel. A good example for this has been the Turkish military’s involvement in the Temporary International Presence in the City of Hebron (TIPH), a civil-military peace-keeping mission established in the framework of the Oslo process under the leadership of Norway. Working against human rights abuses in Hebron and discussing these issues with Israeli and Palestinian human rights activists made a number of Turkish officers have strong second thoughts about the policies employed against political opponents and ethnic minorities in Turkey1.

These examples go to show that it may be a promising path for European foreign policy makers to think of ways to introduce the issue of fundamental freedoms also through the backdoor and in a more applied sense than has generally been done in the past.
Notes

1. Fundamental freedoms are defined here according to the UN’s Universal Declaration of Human Rights from 1948 which includes political liberties and (democratic) rights such as freedom of association (Article 20) and freedom to take part in the government of one’s country, either directly or through freely chosen representatives (Article 21).

2. The author of this article was head of the Swiss Delegation to the TIPH in 1999 and hence could witness such processes first-hand.