Influencing the Arab Spring, the role of the European Union

Research thesis

Onderzoeksseminar III: Europa en de wereld. Het ontstaan en de expansie van de

Europese integratie, 1950-2013

This bachelor thesis is offered to:

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Content:

Introduction

'We are not gathered here today in the belief that the EU is perfect. We are gathered in the belief that here in Europe we must solve our problems together. For that purpose we need institutions that can enter into the necessary compromises. We need institutions to ensure that both nation-states and individuals exercise self-control and moderation. In a world of so many dangers, compromise, self-control and moderation are the principal needs of the 21st century. 80 million people had to pay the price for the exercise of extremism. Together we must ensure that we do not lose what we have built on the ruins of the two world wars. What this continent has achieved is truly fantastic, from being a continent of war to becoming a continent of peace. In this process the European Union has figured most prominently. It therefore deserves the Nobel Peace Prize'.[1]

The EU has won the Nobel Peace Prize of 2012, because of what the Nobel Prize committee sees as a successful struggle for peace, democracy, human rights and reconciliation. This prize has been cause of much debate already. Europe has become a 27 nation European Union with war no longer as a threatening future. It has become relatively stable although this does not count for economic stability at this moment. Whereas Europe has become a region of peace, opponents of the EU peace prize do not understand how a Union which failed to act in several occasions deserves a Nobel Prize, especially because these conflicts were inside its borders. The Balkan wars that Europe could not solve without the help of the United States are still debated heavily.

The European Union (EU) has been known for its origins to have taken the role of peacemaker and peacekeeper around the world and certainly within Europe itself. For the past sixty years Europe has spread stability, democracy and human rights among its countries. John Mc Cormick, expert on the European Union and political scientist, sees the European Union as a peacemaker; first between Germany and France, and along the way it reduced patriotism, potentially dangerous nationalism and as a result it benefited from more integration and trade possibilities. As Mc Cormick states:

'Europeans identify closely with a rejection of violence, war and conflict as a means of resolving disputes, and with the maintenance of perpetual peace. Europeans face

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[1] Jagland, T. 'The Nobel Prize Speech 2012'. (2012). Online. 13-03-2013.
http://www.nobelprize.org/nobel_prizes/peace/laureates/2012/presentation-speech.html.

external threats, to be sure, but they no longer threaten one another, nor do they pose a threat to others. The ordering of politics, economics and society in contemporary Europe has made inter-state war in the region—once all too frequent—all but unthinkable.'[2]

According to Mc Cormick our interstate threats have disappeared with the several treaties and pacts of past years. However, this doesn't mean that conflicts have disappeared altogether. In particular after the ending of the Cold War, European countries have been linked to armed conflict more often and this has not always resulted in a durable peace. As the EU, by some researchers, is seen as a peacemaker, by others it is only seen as a stabilizing actor.

Already from the start of the European Community, the MENA region has played an important role on the peace agenda. Unfortunately, most initiatives to bring peace there have not yet succeeded; Euro-Arab dialogue, the Euro-Mediterranean Partnership and the European Neighborhood Policy. At this moment there is a continuing discussion on the role of Europe, the European Union and its states in armed conflict. The current situation in the Middle East and North Africa (MENA) region has forced us to look again at the construction of the EU institutions and its ability and power to create peace and to maintain that peace in different parts of the world. As the EU stands for the protection of human rights and democracy all over the world it needs certain standards to protect these values. The MENA region is a very good example of an apparent contradiction regarding the EU's peace policy. As for this moment the Arab Spring is still taking place in large parts of the MENA region. Already from the start of the European Community, the MENA region has played an important role on the peace agenda. Unfortunately, most initiatives to bring peace there have not yet succeeded; Euro-Arab dialogue, the Euro-Mediterranean Partnership and the European Neighborhood Policy.

There is much reason to look at the MENA region when researching the influence of the foreign policy of the EU. The MENA region and its stability has been of great interest to the EU for many years. During the Cold War the area has become divided and this has never ended since. While resources are not as rich everywhere in the region, this has played a large role in the interest of the EU. Also, while colonialism is gone now, there are still power struggles and fights for influence going on in the region. This attempt to grasp the reality of the EUs influence in the Arab Spring will never be complete and it will single out many influences other than the EU. These can be influences like the United States, who have a

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[2] Mc. Cormick, J. 'What is means to be European'. (22-02-2012). Online. 11-03-2013.
http://johnmccormick.eu/2013/02/what-it-means-to-be-a-european/

much bigger impact on the Arab World, or influences from countries within, which none of the international actors influenced.

Looking at the MENA region it can easily be said that the EU is a spectator as well as an actor in solving conflicts in that region. This resorted in both activism and passivism and can be seen as a contradiction regarding the EU's peace policy. Continued failure to make a case for a unified EU position has become an embarrassment to the EU. Without this necessary unity and common position it is not possible to call for an International Criminal Court (ICC) referral. Problematizing this situation one can ask *to what extent the Common Foreign and Security Policy of the EU has been of influence in stimulating peace and stability in the MENA region during the Arab Spring?* The apparent incoherency within the different EU bodies makes it more difficult to become a unified actor instead of a divided spectator and this problem will be explained further throughout the chapters. In this thesis If will search in what way the EU is a passive spectator and in what way an active actor.

In this thesis I will focus on the measurement of different factors related to success: human rights and democracy. These factors are measured because they are named in most EU treaties, and stated regularly as the most important goals of the EU, not only towards its members but also towards its neighbors and other countries. '*The European Union believes that democracy and human rights are universal values that should be vigorously promoted around the world. They are integral to effective work on poverty alleviation and conflict prevention and resolution, in addition to being valuable bulwarks against terrorism.*'[3]

The EU states it will promote democracy, as it has done with the elections in the Gaza strip, but refrains from using coercion against parties. In the case of the Gaza strip; after the elections the EU imposed sanctions on the democratically elected Hamas because they refused to deal with a terrorist organization. The Israeli/Palestinian conflict will not be touched upon further because it has not had a revolution between 2011-2013, therefore it does not fit in this research.

One of the most severe issues in MENA is protection of peace and human rights in Syria and even now, during the third year of civil war, there is still question on the sending of arms and troops to protect those rights and peace. This makes it interesting and necessary to look at the policy of the EU regarding the current conflict in the MENA region because there are reasons to act and not to act. Can the EU stand behind its choice not to act?

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[3] European Commission. 'What we do: Human Rights and democracy.' (17-02-2012). Online. 06-05-2013. http://ec.europa.eu/europeaid/what/human-rights/index_en.htm

The EU has always aimed at being and staying a soft power, meaning it will prefer to use resolutions, soft measures, sanctions, training missions, NGO's, and connections to reach it goals, while the US has been an example of a hard power, using military lightly and often. Sometimes it seems the US uses its military too often, as in Iraq and Afghanistan, where conflict grew and became more extreme over the years. This might also be one of the reasons America now hesitates to interfere in Syria, as it does not want to risk another long during military interference.

Currently the European Union is questioning and researching its possibilities and obstacles in reacting to problems in the MENA region. The EU can play a major role in prevention, mediation and resolution of conflict throughout the world, except the contradictory common foreign policy on the subject of the MENA region is problematic.

First the EU's foreign policy will be explained with a main focus on the Common Foreign and Security policy (CFSP). This policy is chosen because of its political importance. It is the organized and agreed European foreign policy built on unanimity. Other policies cannot be singled out because these policies are all closely intertwined. How did the CFSP come into being and what is its role in the overall policy of the EU?

This thesis will be divided into two parts to measure the influence of the CFSP. These factors of success are democracy and human rights. These elements are mentioned in the CFSP and the first chapter will look at the role of these different elements in the CFSP. Furthermore, it is important to mention how the CFSP works and in how far its actions are needed. This will be done by giving background information, including both the explanation of the Common Foreign and Security Policy as well as an analysis of the Arab Spring. In order to understand its interest in the MENA region, it should be made clear that the EU has had a long history of interest in this region. Nevertheless, the CFSP does not stand alone; with it come many policies which are connected to a democracy and human rights policy. These policies will be explained and used as well because it is not possible to single out other policies, the common foreign policy, the Neighbourhood policy and the Defense Policy are interconnected and all provide frameworks for working with democracy and human rights issues. Together these policies form the foreign policy of the EU but the main focus is on the CFSP.

The Arab Spring will be explained more clearly to provide the background on which this thesis is build. The revolutions have meant a change in policy for most MENA region countries and thus also a change of policy for the CFSP regarding those countries. Providing a background of the overall history of the Arab Spring will show how revolutions and change

are interrelated in this area. The EU has been involved in the MENA region for a long time. Not only colonial or post-colonial interests have played a role, as for more recently the fears of terrorism, religiously sanctioned violence and unwanted immigration are closely related to the MENA region. The extent to which the EU is directly involved in policies in this area can be linked to the economic and political interest the EU has in those countries. This Analysis is necessary to understand the situation in which the MENA region finds itself at the moment and it may explain how the different countries react to the EU policy depending on the role the Arab Spring has played in these countries.

The countries I will use as examples to research the success of the CFSP are Egypt, Lebanon and Syria. These countries are used as examples because they all happen to be in other stages of revolution. As for Egypt, it has had its revolution and is now democratizing its government, while Syria is troubled by a civil war in which the humanitarian situation is worsening every day. On the other hand, Lebanon has not had a revolution, yet, although it has had some spill-over violence from Syria.

The time span this thesis will focus on is the period of the Arab Spring, 2010-2013 and, as it is still ongoing, will end in March 2013. Furthermore there will be some references to earlier periods as to understand the background on which the revolutions were inspired.

Part of this question zooms in on the meaning of human rights and democracy itself. What are they exactly and how binding are they? Are the ethics underlying these human rights really as unified as we think or is this problematized as well? Does the EU underlie the same human rights as the Declaration of Human Rights, or are there differences and how do they effect the active participation in protecting these rights. Human Rights Watch (HRW) is criticizing the EU and its role in the Syrian civil war. Especially after the honor of winning the Nobel Prize, Human Rights Watch sees the need for the EU to do more than vaguely refer to the joint accountability. This means addressing the crimes against humanity and act in protecting its citizens from abuses. One important aspect of this criterion for success is how to measure a successful human rights policy.

A second factor for success is the degree of democracy in the Middle East. As the foremost important factor of a successful foreign policy, the implementation of democracy should first be further explained. What kind of democracy does the EU want to spread and what are the repercussions when these freedoms are not respected? Has spreading democracy by the EU changed the situation in the Middle East and what is the relation to the beginning of the Arab Spring?

Background

The EU's foreign policy

<u>History</u>

> *Article 21.*
>
> *1. The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.[4]*

Until the Maastricht Treaty in November 1993, there was no such thing as an official Common Foreign Policy. Countries were divided in their opinions on international issues and the EU could not speak with one voice. The Maastricht Treaty altered the legalization process in such a way that it imposed new and additional binding legal obligations to its members.[5] As the Common Foreign and Security Policy became the second pillar of the EU, problems arose with this pillar. As the second pillar introduced new missions under its name, inconsistency arose with the European Commission who also had responsibilities for those missions. These missions mostly included emergency aid, rehabilitation, reconstruction and development.[6] The preamble of the consolidated version of the Treaty of the European Union mentions that:

> *'RESOLVED to implement a common foreign and security policy including the progressive framing of a common defense policy, which might lead to a common defense in accordance with the provisions of Article 42, thereby reinforcing the*

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[4] 'Consolidated version on the Treaty on European Union'. (09-05-2008). Online PDF. 05-05-04-2013. (C115/28)

[4] http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF

[5] M.E . Smith. 'Toward a Theory of EU Foreign Policy Making: Multi-level Governance, Domestic Politics, and National Adaptation to Europe's Common Foreign and Security Policy'. (2008). Online Doc. 22-03-2013. Smith Toward a theory of EU foreign policy making. doc

[6] M.L. Drent, D. Zandee. 'Breaking Pillars: towards a Civil-military Security Approach for the European Union'. Clingendael security paper issue 13 (2010).

European identity and its independence in order to promote peace, security and progress in Europe and in the world[7]

The Maastricht Treaty provided for change and this change became formal in the Amsterdam Treaty of 1997 with a formal representative of the CFSP to represent the European Council internationally.[8] In its articles the CFSP demands a strong commitment to common policies. Article 11.2 for example stipulates that the member states '*shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity*' as well as stating the refraining from any action which is contrary to the interests of the Union.[9] From this moment on the decisions made in the CFSP meetings were seen as legal by the Council Secretariat's legal service.

There was a clear change from policy outcomes used as reference towards policy outcomes that were legally binding. From the year of 1999 the CFSP was not only able to make policy but also acting on it with independent military action. This policy, under the name of the European Security and Defense Policy (ESDP), sent peacekeepers and teams of international observers to pursue the policies made in the CFSP. In these times, the CFSP consisted of four main instruments; the principles and guidelines which were to give some sort of general political direction; the Common Strategies were to set out in objectives and means; the Joint Actions were to address specific situations and the Common Positions were to define an approach to matters of interest.

While it is easy to forget about the accomplishments of the EU before its official Common Foreign Policy, these should not be forgotten. Many dictatorships in the early years of the European Community have changed from pure dictatorships into more or less stable democracies. This change has not happened in hundreds of years, but in no more than twenty years. Greece, Italy, Portugal and Spain have transformed in order to be able to join the European Community. At this moment the same is happening in Turkey and the Balkan where reforms and changes are made in order to join the EU. This has resulted in a drastically improved human rights situation; where torture is no longer at the order of the day, and the

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[7] 'Consolidated version on the Treaty on European Union'. (09-05-2008). Online PDF. 05-05-04-2013. (C115/28)

[8] Civitas EU facts. 'Common Foreign and Security Policy'. (02-04-2012). Online. 13-04-2013. http://www.civitas.org.uk/eufacts/FSEXR/EX3.htm

[9] M.E. Smith. 'Toward a Theory of EU Foreign Policy Making: Multi-level Governance, Domestic Politics, and National Adaptation to Europe's Common Foreign and Security Policy'. (2008). Online Doc. 22-03-2013. Smith Toward a theory of EU foreign policy making. doc

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army no longer has the power to influence politics as it used to. Especially in Turkey elections are generally seen as free and fair.[10]

The Lisbon Treaty of 2009 brought a big change for the CFSP in different ways. First of all the instruments were changed into decisions. The first decision was that on the strategic objectives and interests of the EU, the second on common positions, the third on joint actions and the fourth on the implementing arrangements for common positions and actions.[11] In combining the roles of the High Representative for the CFSP with the External Affairs Commissioner to create a single EU Foreign Policy post of High Representative of the Union for Foreign Affairs and Security Policy.[12] The Lisbon Treaty also decreased the use of a veto and increased the use of Qualified Majority Voting (QMV). Nevertheless decisions on military or defense issues must still be unanimous.[13] This has mainly to do with the fact that Ireland want to maintain its neutrality. The Lisbon Treaty, as it addresses military matters, does not impact on Ireland's neutrality or upon Ireland's sovereignty.

> *'Ireland would retain the power of veto over any future CSFP or EDSP decision by the EU. Under the terms of the Treaty, Ireland could also continue to operate the 'Triple Lock' mechanism with regard to considering our participation in any future CSFP or EDSP operation or mission to which we had agreed in principle.'*[14]

Not only is it for Ireland and its sovereignty important to keep the veto alive, there still is a reference to NATO as being the main security element of European states. Lisbon does provide a better opportunity for cooperation within the EU although these changes are only small steps.

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[10] The Fair Observer, Making sense of the world. 'Elections in Turkey: longing for democracy'. (15-06-2011). Online. 15-04-2013. http://www.fairobserver.com/article/elections-turkey-longing-democracy
[11] D.E. Mix. 'The European Union: Foreign and Security Policy'. (08-04-2013). Online. 22-04-2013. http://www.fas.org/sgp/crs/row/R41959.pdf
[12] Civitas EU facts. 'Common Foreign and Security Policy'. (02-04-2012). Online. 13-04-2013. http://www.civitas.org.uk/eufacts/FSEXR/EX3.htm
[13] Treaty of Lisbon. 'The Treaty at a glance'. (01-12-2009). Online. 15-04-2013. http://europa.eu/lisbon_treaty/glance/index_en.htm
[14] Dublin Institute of Technology. 'EU's military ambitions clear: Lisbon Treaty analysis'. (2008). Online. 29-05-2013. http://arrow.dit.ie/cgi/viewcontent.cgi?article=1058&context=aaschmedart.

Actors and instruments

In coordinating the EU's foreign policy, the High Representative for Foreign Affairs, Catherine Ashton, is the main actor in building consensus between member states on international and neighborhood issues.

The European Council has the biggest influence on the CFSP as the highest level of political authority. The Council provides the CFSP with political direction and defines the priorities.[15] The High Representative of the Council can submit the CFSP proposals for consideration and it can be said that the High Representative is the daily voice of the CFSP towards the ministries. The Council of Ministers meets once a month in the formation of Foreign Affairs ministers to decide, with unanimous agreement, to adopt CFSP policies.

Decision making in the CFSP is very different from the other areas of the EU's policy making. The CFSP policy is defined and implemented by the European Council and the Council and has to be unanimous, at least for security and military issues. For non-military issues it can be requested to go for unanimity.

Strategic interests can concern the EU's relation to specific countries or can be thematic in approach. Operational actions are decided on by the Council who lay down the objectives, scope, duration, conditions of implementation and the means that are made available by the EU. In their turn member states have to ensure that their national policies are adapted to the positions of the EU and that a common approach is accomplished and mutual solidarity is shown. A consequence is that states that do not participate are obliged not to interfere with the EU decisions. If one third of the states refrain from participating the decision cannot be taken which is called 'constructive abstention'.[16]

The Political and Security Committee (PSC) in its turn is assigned with a monitoring function to assess international affairs relevant to the CFSP and it monitors the implementation of the policies.[17] These instrument or decisions (principles and guidelines) have begun to include other strategy documents as well: '*European Security Strategy itself, the EU Strategy Against Proliferation of Weapons of Mass Destruction (2003), the EU Counterterrorism Strategy (2005), and the EU Internal Security Strategy (2010).*'[18]

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[15] Mix, The European Union, (2013).
[16] Europedia. 'Decision-making in CFSP matters'. (2011). Online. 02-04-2013.
http://www.europedia.moussis.eu/books/Book_2/3/8/2/2/?all=1
[17] Political and Security Committee(PSC). (2011). Online. 13-05-2013.
http://europa.eu/legislation_summaries/foreign_and_security_policy/cfsp_and_esdp_implementation/r00005_en.htm.
[18] P. van Ham. 'The European Union's Strategy on Weapons of Mass Destruction from ambition to dissapointment'. (2011). Clingendael Papers nr. 6.

The Common Foreign policy has become a mechanism for adopting common principles and guidelines on political and security issues as well as providing diplomats with a common approach.

The CFSP consists of many policies together forming the EU's foreign policy. The European Neighbourhood Policy (ENP), for some part a subdivision of the CFSP, was developed in 2004 to strengthen the EUs relation with its close neighbors. It has become one of the EU's deeply integrated external policies. This relation was to exist in the form of trade and migration issues, developmental issues and cultural exchanges. Although this was the main idea of the ENP it has mostly stayed a trade partner rather than a big influence on the development of the MENA region. The bilateral agreements with the neighbor countries provide a privileged relationship with democracy, human rights, rule of law; good governance, market economy principles and sustainable development are shared goals.[19]

As the MENA region is on the crossroads of change the EU has a role to play in supporting this change with regard to democratization and human rights. Before the Arab Spring this was the most important foreign policy instrument because of the EUs trade interests, but when the Arab Spring started a Neighbourhood policy was not able to face the problems alone. From that moment the Neighbourhood policy was not sufficient in dealing with the revolutions and it is impossible to have some sort of trade relation with a country at war like Syria. As from that moment it turned into a background policy mostly. The CFSP and the CDSP became much more important in dealing with those difficult issues like security problems for the EU and its border countries, safety and humanitarian issues for the people in the MENA region and the goal of democratization and better human rights is highly at stake at the moment. As the MENA region is on the crossroads of change the EU has a role to play in supporting this change with regard to democratization and human rights.

One of the most important instruments for promoting democracy and human rights has become the European Instrument for Democracy and Human Rights (EIDHR) launched in 2006 as a replacement of the European Initiative of 2000-2006. This is the policy that has become of great importance to the MENA region in the last few years. '*It aims at enhancing respect for human rights and fundamental freedoms in countries and regions in which they*

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[19] D. Greenfield, R. Balfour. 'Arab Awakening: Are the US and EU missing the Challenge?'. (2012). Online. 15-04-2013.
http://www.acus.org/files/publication_pdfs/403/95825_ACUS_arab_awakening_us_eu.pdf.pdf.

are most at risk'[20] which is especially interesting standing on the crossroads of change in the MENA region. A second objective is '*the strengthening of the role of civil society in the promotion of human rights and democratic reform and supporting the peaceful consolidation of group interests and in consolidating political participation and representation*'.[21] EIDHR also supports actions in areas that are covered by EU Guidelines such as the dialogue on Human rights, human rights defender programs, death penalty guidelines, guidelines on torture, policies for children and armed conflicts and violence against women. A fourth objective of the EIDHR is

> '*the supporting and strengthening of the international and regional framework for the protection of human rights, justice, the rule of law and the promotion of democracy*'[22].
> The last objective is '*the building of confidence in and enhancing the reliability and transparency of democratic electoral processes, in particular through monitoring electoral processes*'.[23]

One of the main advantages of the EIDHR is that it can grant aid in case no established development cooperation exists. Also, the EIDHR has the power to intervene without the explicit agreement of the countries in question and it can support groups and people within a society who are defending democracy. According to EIDHR this is their most important value. Intergovernmental organizations also have the possibility to get support of EIDHR if these organizations are busy defending and protecting human rights. The EIDHR has different tools to reach its goals; the Development Co-operation Instrument and the ENPI.[24] Finance for the EIDHR project in the period of 2007-2013 is 1.104 billion on several forms of assistance.

> '*Even before spring 2011, the EIDHR was supporting numerous actors and playing an essential role in the transformation of the region. The EU invested through this instrument over eur24 million before the 2011 changes. This represented a substantial share of the EIDHR budget (7.4 %). Since the Arab Spring, the EIDHR **has doubled its investment** (13.7 % of the budget) reaching a total amount of EUR 36 million over*

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[20] Development and Cooperation- EUROPEAID. 'European instrument for democracy and human rights (EIDHR)'. (17-02-2012). Online. 11-04-2013.
http://ec.europa.eu/europeaid/how/finance/eidhr_en.htm.
[21] Delegation of the European Union to Bosnia and Herzegovina. 'Democracy and Human Rights'. Online. 13-04-2013. http://www.delbih.ec.europa.eu/Default.aspx?id=32&lang=EN.
[22] European Commission. 'European instrument for Democracy and Human Rights (EIDHR)'. (2012). Online. 12-05-2013. http://ec.europa.eu/europeaid/how/finance/eidhr_en.htm.
[23] Idem.
[24] Development and Cooperation- EUROPEAID. 'European Neighbourhood and Partnership Instrument.' (14-12-2012). Online. 05-04-2013. http://ec.europa.eu/europeaid/where/neighbourhood/overview/

the period (2007-2011). The leverage created through EIDHR funding will continue to evolve in the coming years with the new Civil Society Facility and other instruments launched specifically by the European Commission as a response to the Arab Spring.' [25]

During the Arab Spring the EIDHR has been documented as a fast reacting organization that has been able to move quickly in situations where that is necessary. It has worked closely with the ENP in further support of democracy and institution building. [26]

The EU's human rights policy is based squarely upon the provisions of the Treaty on European Union, and also derives inspiration from the constitutional traditions of the 27 EU Member States. Over time a large body of agreed positions on human rights has grown up as a result of interaction between the following important actors. [27]

• The European Parliament holds regular discussions on human rights, including at the appropriate subcommittee ('DROI') of the Foreign Affairs Committee ('AFET');
• The Council of the EU makes and coordinates EU policy on human rights; its decisions are prepared at the monthly discussions of its expert working party ('COHOM');
• The 27 Member States decide the policy of the Council by unanimity, after which they are responsible for supporting EU policy and putting it into practice in their own work;
• The European Commission shares the responsibility for implementing EU policy, which it does through various means, including provision of assistance under the EIDHR.

Another important instrument to change situations with regard to human rights and democracy are the EUs sanctions. EU sanctions should be seen in close relation to the policy of the United Nations (UN). While they conduct a separate sanctions practice, EU sanctions partly depend on the UN sanctions. The member states of the UN all have a separate capacity to impose sanctions, as well as the EU does. The UN on the other hand has a mandate to preserve international security, but action can only be taken when there is agreement of some sort. When the Security Council of the UN does not have a mandate to act in a certain case it is possible for the EU to impose sanctions on third parties. The EU thus can provide

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[25] European Commission. 'Delivering on the Arab Spring, Highlights of the Semester July-December 2011.' (2012). Online PDF. 04-04-2013.
http://www.eidhr.eu/files/dmfile/EIDHR_DeliveringontheArabSpring_Report.pdf
[26] European Commission. 'EU response to the Arab Spring'. (2012). Online. 11-05-2013.
http://ec.europa.eu/europeaid/where/neighbourhood/arab_spring/index_en.htm.
[27] EEAS. 'Human rights report 2010'. 2010.

complementary action when the UN fails to act. The basic principles on restrictive measures provide a framework from which the EU can make its policy: '*The Council is committed to using sanctions as part of an integrated, comprehensive policy approach which should include political dialogue, incentives, conditionality and could even involve, as a last resort, the use of coercive measures in accordance with the UN Charter.*'[28] These Basic Principles do not reveal much about the objectives of the foreign strategy policy nor is there any link to the geographical scope of the EU sanctions.[29]

Besides the 'Basic Principles' on foreign policy, the Council also documented the guidelines, '*Guidelines on the implementation and evaluation of restrictive measures in the framework of the EU Common Foreign and Security Policy*'[30], to deal with the technicalities of the basic principles.

Capability/expectation gap

The capabilities of the CFSP can be divided into resources, instruments and cohesiveness (Hill). The EU has strengthened itself at least in a resource point of view, in that it has the position of biggest trader and source of development aid.[31] While resources are in place, a lack of useable power has been shown in the cases of peacekeeping in Bosnia, Rwanda, Somalia and Albania. The weakness of not acting might have worsened situations in those conflict zones. When looking at instruments, the situation is more positive and Joint Actions and Common Positions have come to play a bigger role. Not only acting in the form of declarations but even more so in the form of realistic actions.[32]

New Instruments since Maastricht also contained the imposing of sanctions to third countries of which the EU dislikes its policies. Maastricht contained a new article that provided a legal basis to act in the form of sanctions:

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[28] Council of European Union. ´Basic Principles´. 2004.

[29] C. Portela. ´Where and why does the EU impose sanctions?'. (2005) Online. 17-04-2013.
http://www.cairn.info.proxy.library.uu.nl/revue-politique-europeenne-2005-3-page-83.htm#retournoteno3

[30] For more information: General Secretariat of the Council of the European Union. 'Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy'. (15-12-2009). Online PDF. 17-04-2013.
http://register.consilium.europa.eu/pdf/en/09/st17/st17464.en09.pdf.

[31] J. Peterson, H. Sjursen. 'A common Foreign Policy for Europe? Competing visions of the CFSP'. Online PDF. 15-04-2013.
http://graduateinstitute.ch/webdav/site/political_science/shared/political_science/7180/CFPPetersonSjursen.pdf

[32] Peterson & Sjursen, 'A common Foreign Policy for Europe?'.

‘ARTICLE 228 a *Where it is provided, in a common position or in a joint action adopted according to the provisions of the Treaty on European Union relating to the common foreign and security policy, for an action by the Community to interrupt or to reduce, in part or completely, economic relations with one or more third countries, the Council shall take the necessary urgent measures. The Council shall act by a qualified majority on a proposal from the Commission.*'[33]

The 'acting' of the Council has been a problem for long; if cohesiveness is the ability to take decisions and to hold to them , the EU has not yet lived up to its potential. Acting is only done when a threat (to the security of the European Union) is identified and a response is discussed. The strategic objectives of the CFSP are written down in the European Security Strategy since 2003. Parallel to this, the document on the imposing of sanctions has been improved: '*We are committed to the effective use of sanctions as an important way to maintain and restore international peace and security in accordance with the principles of the UN Charter and of our common foreign and security policy. In this context, the Council will work continuously to support the UN and fulfill our obligations under the UN Charter.*'[34]

First response on the Arab Spring

The response of the EU to the Arab Spring came on the 8th of March 2011 with a proposal from the High Representative, Catherine Ashton, and the commission. The proposal was a *Partnership for democracy and shared prosperity with the Southern Mediterranean* aiming at more political participation and freedom. One of the reasons to become highly involved in the transition to democracy is that the EU has a long tradition of supporting countries going through such a transition.[35] This partnership has three main elements in it. The first element on which the partnership is built is the '*democratic transformation and institution building, with a particular focus on fundamental freedoms, constitutional reforms and reform of the*

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[33] The Maastricht Treaty. 'Provisions Amending the Treaty establishing the European Economic Community with a view to establishing the European Community'. (07-02-1992). Online. 12-04-2013.
http://www.eurotreaties.com/maastrichtec.pdf p. 59.

[34] Secretariat of the Council of European Union. 'Basic Principles on the Use of restrictive measures (Sanctions)'. (07-04-2004). Online. 02-04-2013.
http://register.consilium.europa.eu/pdf/en/04/st10/st10198-re01.en04.pdf

[35] European Commission, High Representative of the Union for Foreign Affairs and Security Policy. 'A Partnership for democracy and shared prosperity with the southern Mediterranean'. (08-03-2011). Online PDF. 06-04-2013.
http://ec.europa.eu/europeaid/where/neighbourhood/documents/communication_conjointe_mars_2011_en.pdf

judiciary and the fight against corruption.'[36] A second important element consists of a stronger partnership that emphasizes the support to civil society. A third element is the sustainable and inclusive growth besides economic development, training and the improvement of educational systems.

The first and immediate response consisted of humanitarian aid of 30 million mostly to displaced people in Libya and Tunisia providing food aid, shelters and medical care. Facilitation of consular cooperation and evacuation has been expressed in the exchange of information and most effective use of resources between the different EU institutions. Frontex joint operations were launched for the Mediterranean EU countries to deal with possible inflows of refugees from the MENA region. This was done with the use of 25 million of the EU External Borders Fund and European Refugee Fund. An international coordination meeting and support for democratic transition to support the holding of elections and for an EU Election Observation Mission.[37]

On 25 May a new response to a changing neighborhood was launched with a long and short term commitment in the form of two challenges:

> '*First, to build "deep democracy", i.e. not only writing democratic constitutions and conducting free and fair elections, but creating and sustaining an independent judiciary, a thriving free press, a dynamic civil society and all other characteristics of a mature functioning democracy. Second, to ensure inclusive and sustainable economic growth and development, without which democracy will not take root. A particular challenge is to ensure strong job creation.'*[38]

The result of this relationship and the European response to the Arab Spring has become the SPRING program: The Support to Partnership, Reform and Inclusive Growth. This program focuses on the renewed politics in the region and it aims at supporting the MENA region countries in their transition to democracy.[39] The SPRING program applies the 'more for more' principle meaning that the progress of a country decides the support it gets. Funding has increased in 2012; where the funds existed of 65 million in 2011, they rose to 285 million in 2012.[40]

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[36] European Commission. 'A partnership for democracy'. 2011.

[37] European Commission. 'A partnership for democracy'. 2011.

[38] Press release. 'The EU's response to the 'Arab Spring''. (16-12-2011). Online. 18-04-2013. http://europa.eu/rapid/press-release_MEMO-11-918_en.htm.

[39] Press release. ' EU response to the Arab Spring: the SPRING programme'. (27-09-2011). Online. 18-04-2013. http://europa.eu/rapid/press-release_MEMO-11-636_en.htm.

[40] Development and Cooperation- EUROPEAID. 'EU response to the Arab Spring'. (30-03-2012). Online. 15-04-2013. http://ec.europa.eu/europeaid/where/neighbourhood/arab_spring/index_en.htm.

Obstacles to a successful EU reaction on current problems in the Arab world.

What is widely said as one of the greatest in capabilities of the EU is that it cannot unite itself behind one policy. For many years now, the EU has been divided instead of united in its foreign policy, especially with regard to the Middle East where post-colonial interests still prevail. This problem of dividedness is to be solved by the European External Action Service:

> '*The European External Action Service, which has been operational for just over two years, was created to drive Europe towards a more unified presence around the world. The commitment of member states to a common foreign policy needs to be reinforced now that the EEAS is about to become fully operational after the initial years of construction. One of the most difficult challenges for the EEAS and High Representative Catherine Ashton is to show leadership and initiative, and to do it in a manner that pulls together the different instruments and actors of the EU's external relations. This is difficult above all because of contradictory expectations of the member states.*'[41]

As is mentioned in an article in *Der Spiegel* it is not only unity that Europe is lacking at the moment, it is also a weak performance of Catherine Ashton that makes unity impossible. As the Arab Spring broke out it was not Ashton who reacted first, but France who intervened in the end.[42] Criticism has risen and Ashton is already not as popular anymore as she used to be. '*Alain Juppe, the French foreign minister, urged Ashton to be "more reactive" and to issue statements in an international emergency without waiting for the consent of the 27 foreign ministries.*'[43]

Another obstacle for the success and influence of the EU in the MENA region can be the importance of the Middle East and North Africa for Europe. This importance is sometimes questioned; especially because only a small part of the MENA region is rich on resources while the rest is mainly desert. The region is important for trade and stability but is

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[41] R. Balfour, K. Raik. 'Time to 'reinforce' common EU foreign Policy'. (13-03-2013). Online. 03-04-2013. http://www.publicserviceeurope.com/article/3203/time-to-reinforce-common-eu-foreign-policy#ixzz2S8weOTdG.

[42] W. Mayr. 'European Union Foreign Policy: Walking the Thin Line with Catherine Ashton'. Der Spiegel. (08-03-2010). Accessed on: 12-04-2013. http://www.spiegel.de/international/europe/european-union-foreign-policy-walking-the-thin-line-with-catherine-ashton-a-682339.html.

[43] The guardian, I. Traynor. 'EU foreign ministers round on Lady Ashton'. (2011). Online. 11-05-2013. http://www.guardian.co.uk/world/2011/may/23/eu-foreign-ministers-attack-ashton.

it also important enough to intervene when conflict breaks out? It is not only about wanting to intervene or to act but also about the ability and capacity to act when necessary.[44] The member states of the EU are active in the UN and in NATO, where they both provide troops if necessary. On the other hand there's no such thing as a European army, therefore undermining the ability to intervene as a Union. The Foreign Affairs Ministers and Ministers of Defence of France, Germany, Italy, Poland and Spain are convinced and calling for more unified military action:

> '*We are convinced that the EU must set up, within a framework yet to-be-defined, true civilian-military structures to plan and conduct missions and operations. ... The European Union should be able and willing to shoulder its responsibilities in areas where its security interests and values are at stake.*'[45]

The Arab Spring an overview

This part will provide an overview of the events in the Middle East and North Africa that we have come to know as the Arab Spring, Arab uprisings, Arab awakening, Arab revolutions. It will give an historic overview of the revolutions, and will focus on the three case countries; Lebanon, Syria and Egypt.

Historic overview

According to Time Magazine: '*All he wanted was a pickup." Instead, he started a revolution.*'[46]

It began in Tunisia with the Jasmine revolution, on the 19th of December 2010, where Mohammed Bouazizi set himself on fire after the police forbid him to sell his fruits and vegetables on the street. After the incident hundreds of young protesters clashed with the police. People could easily identify with the situation of Mohammed, unemployment was

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[44] For more information: M. O. Hosli. 'An institution's Capacity to Act: what are the effects of Majority voting in the Council of the EU and in the European Parliament?'. (1998). Online. 12-04-2013. http://publications.eipa.eu/en/details/&tid=1810.
[45] European Commission. 'A partnership for democracy'. 2011.
[46] R. Abouzeid. 'Bouazizi: The man wqho set himself and Tunisia on Fire'. (21-01-2011). Online. 22-04-2013. http://www.time.com/time/magazine/article/0,9171,2044723,00.html

high and authorities did not intervene. Zine el Abdine Ben Ali told his people that the law would be applied in all firmness and that he would suppress all dissidents.[47]

Corruption in Tunisia has been high under Ben Ali's rule; half of the Tunisian businesses can be linked to him in some way. While wealth under the ruling party is high, the unemployment under Tunisians had caused major inflation. [48] The clashes with the police in the first weeks killed more than ten people with the government already disregarding the right of peaceful demonstration. Ben Ali fled Tunisia and a new government was formed amidst the violence which had caused 200 deaths already. As an imitation of Mohammed Bouazizi, in Jordan, Algiers and Yemen people lit themselves on fire.[49]

On the 9th of January 2011 riots broke out in Algiers as a direct consequence of high food prices and unemployment. The violent clashes between youth protesters and the police proved to the government that change was necessary and after a few days the minister of trade said that prices of sugar and edible oil would be reduced.[50] Nevertheless riots continued and Mohsen Bouterfif set himself on fire, causing even more riots and unrest.

The Tunisian revolution sparked unrest in its neighboring countries and especially visible in the immolation of several people in Algeria and Egypt. On the 17th of January 2011 an Egyptian man set himself on fire with the goal to get attention for poor living conditions in his country and in Yemen protests inspired thousands to join. Unrest also spread to Lebanon with its day of rage, in which thousands of Sunni's rioted. For Lebanon its unrest was a spill-over of the Syrian war and soon became a sectarian conflict in which pro-Syrian Alawites fought the anti-Syrian Sunni militants in June 2011. A year later clashes had become more frequent and the divide is not only sectarian but mainly political now depending on the side chosen in the Syrian conflict.[51]

In Jordan there where people protesting against poor living conditions although not necessarily against its ruler. After riots spread to Egypt, more than eighty thousand people began protesting around the streets of Port Said demanding the end of President Hosni

[47] G. Blight, S. Pulham, P. Torpey. 'Arab Spring: an interactive timeline of Middle East protests'. (05-01-2012). Online. 04-05-2013. http://www.guardian.co.uk/world/interactive/2011/mar/22/middle-east-protest-interactive-timeline.

[48] J. Borger. 'Tunisian president vows to punish rioters after worst unrest in a decade'. (29-12-2010). Online. 23-04-2013. http://www.guardian.co.uk/world/2010/dec/29/tunisian-president-vows-punish-rioters

[49] A. Chrisafis, I. Black. 'Zine al-Abidine Ben Ali forced to flee Tunisia as protesters claim victory'. (15-01-2011). Online. 20-04-2013. http://www.guardian.co.uk/world/2011/jan/14/tunisian-president-flees-country-protests

[50] Reuters. 'Algerian Riots resume over food prices'. (07-01-2011). Online. 11-04-2013. http://www.guardian.co.uk/world/2011/jan/07/algeria-riots-food-prices

[51] A. Alsaidi. 'Spillover of the Arab Spring'. (12-06-2012). Online. 13-04-2013. http://www.theglobalobservatory.org/analysis/302-spillover-of-the-arab-spring.html.

Mubarak. The Tahrir square had become a war zone where the police clashed with civilians and foreign workers. These demonstrations resulted in the resignation of Hosni Mubarak on the 11th of February 2011 after at least 300 people were reported killed in the demonstrations. Elections were held in November of the same year but this was done in the midst of ongoing violence. Mohamed Morsi of the Muslim Brotherhood was elected as president. The unrest in Egypt has sent powerful shockwaves across the Middle East.[52]

In Iran, Morocco, Libya and Bahrain people demanded reforms and secular democratic citizenship. Iran as well as Bahrain reported that people were killed during clashes on the streets. As for Iran, it is reported that these clashes were the biggest since the elections of 2009 and were mainly organized by young people who were fighting for more freedom. For Bahrain the demonstrations were seen as a quest for political participation, and a stop on the systematic discrimination of Shias.[53]

The uprisings spread to Libya in February of the same year and it quickly erupted into a violent conflict, also named the Libyan civil war, after Colonel Muammar Gaddafi's police killed protesters. The army was also used to quiet down the protests, and civilians were attacked by helicopters and gunships. This resulted in thousands of deaths and more than 300.000 refugees according to the UN. Gaddafi was killed on October the 20th of 2011 resulting in the first free elections of Libya in more than sixty years.

While the other countries suffered from the demonstrations and riots, for Syria it became a civil war. Small scale demonstrations faced serious retaliations from the government. Human Rights Watch reported that, '*the total number of demonstrators and bystanders killed since anti-government protests began in Syria on March 16 to at least 100, according to lists compiled by Syrian human rights groups.*' [54] It began with the demonstrations and shootings in Daraa on the 15th of March 2011. Demonstrations began as a cry for more freedom, better human rights and above all the end of the emergency law that gave President Bashar al-Assad the right to ban all oppositional parties. In October 2011 a crackdown resulted in more than 3000 deaths and the Syrian observatory for Human Rights counted more than 62.000 deaths in March 2013.

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[52] I. Black. 'Arrests and deaths as Egypt protest spreads across Middle East'. (14-01-2011). Online. 09-04-2013. http://www.guardian.co.uk/world/2011/feb/14/middle-east-iran-bahrain-yemen

[53] K. Katzman. 'Bahrain: Reform, Security, and U.S. Policy'. (01-04-2013). Online PDF. 11-04-2013. http://www.fas.org/sgp/crs/mideast/95-1013.pdf.

[54] Human Rights Watch. 'Syria: Stop Shooting Protesters'. (05-04-2011). Online. 11-04-2013. http://www.hrw.org/en/news/2011/04/05/syria-stop-shooting-protesters

According to Clingendael, a think tank, the situation is Syria is now in a deadlock with no possible victory for either the rebels or the government. While diplomatic action does not seem to have any effect military action seems to be the only option left. The government of Assad has everything to lose but so has the opposition, psychological and safety reasons require for both parties to fight to the end.[55] The conflict has become sectarian in some points and minorities are driven in the arms of the government out of fear for the opposition which is known for its pro-Islamic views. Europe has stayed on the background afraid that the conflict will escalate further and eventually spread to other countries if the international community gets involved.[56]

While it is easy to see the revolutions as an uprising against the old regimes with their unfair wealth, this is probably just one of the reasons.[57] The economic crisis that has also reached the Arab countries has demanded the people to look at the politics of the 'non-capitalist' governments. These governments often have a connection to the United States and their economic dominance.[58] Overall, social economic and political demographic structural imbalances have weakened the authoritarian regimes over the decades and economic hardships forced rules to take away the money from socio-economic appeasement into other areas. The quick showing rise of commodity prices and (youth) unemployment was a result of these imbalances. While revolutions and revolts started out with a clear idea of the issues that had to be changed, only in a fraction of states were the revolts successful in that sense. The states who did manage to remove a leader were; Egypt with Mubarak, Libya with Gadaffi, and Yemen with Saleh.

Trends

A paradigm shift has occurred in the Arab world as perceptions and politics are changing. There are four trends clearly visible at the moment in the MENA region. First of all a rise of the Islamists and Salafis is seen throughout the MENA region. The Muslim Brotherhood is

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[55] R. Smits, D. Wright. 'Egagement with Non-state actors in fragile states: narrowing definitions, broadening scope'. (2012). Online PDF. 12-04-2013.
http://www.clingendael.nl/publications/2012/20121200_cru_engagement_with_nsa_in_fragile_states.pdf.

[56] J. Masters. 'Syria's crisis and the global response'. (03-04-2013). Online. 13-04-2013.
http://www.cfr.org/syria/syrias-crisis-global-response/p28402.

[57] O. Orozco, et al. 'Impact of the global economic crisis in Arab Countries: A first assesment'. (28-09-2009). Online PDF. 22-04-2013.
http://www.clubmadrid.org/img/secciones/Background_Doc_ArabWorld_Eng.pdf.

[58] Orozco. 'Impact of the global economic crisis'. 2009.

expanding its influence in certain regions foremost because it also acts as a social/religious movement, not just political. The Salafis on the other hand are very strict puritan religious people abiding the Shari'a and who have distinct customs. This trend does not mean that engagement with these islamists is not possible. According to Ernesto Braam, strategic policy advisor on the MENA region it is possible to engage with these groups if it is made public and explicit that violence to achieve political goals is denunciated. A second necessity is the commitment in word and deed to the democratic principles; rule of law; pluralism and tolerance and the defending of human rights especially with regard to women and minorities.

A second trend is the jihadi threat. Salafi jihadists now operate in so called 'black spots', power vacuums in which the government is non-existent or has failed; Mali, Libya, Iraq, Syria and Somalia. While the revolutions are originally not religious the power vacuum has given space for extremists to return and gain power.[59]

This trend can be seen in the change from an unipolar jihad started from an ideology of some sort, to a multipolar jihad which is not only no longer centralized but also is divided in having different agendas internationally or nationally. [60]

A third trend concerns the sectarian confrontations. The destructing force of sectarianism has grown and has become more apparent in the image of Shi'a versus Sunni. This is mainly due to inequality and perceived privileges. In Bahrain and Lebanon Shiites are the majority but the Sunni minority is in power. The rise of the Salafis, strict Sunnis brings tensions with the Shiites. This rise of the hard-line Islamists has become possible after the fall of several Arab dictatorships. The Salafis are using violent politics and show hostility towards Christian and Shiite minorities. Their rejection of democracy and call for an Islamist state is creating hostility with secularists and moderate Muslims.[61]

A fourth trend is the geopolitical shift in the Arab countries. Qatar has become more assertive in the last years. Especially after the founding of Al Jazeera many Arab countries see Qatar as a big influence in the region. Besides this, Qatar supports the Muslim Brotherhood, which is of concern for the United Arab Emirates (UAE). Another shift is that there seems to be an unknown resilience of the monarchies during these revolutions. There

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[59] B. Riedel. 'Al-Qaeda Adapting to fill power vacuum in Arab Spring'. (12-08-2011). Online. 12-04-2013. http://www.al-monitor.com/pulse/fa/contents/articles/politics/2012/08/administration-officials-to-as-s.html.

[60] 'Revolt and revolution: the place of Islamism'. (08-05-2012). Critical Studies on Terrorism Volume 5, Issue 2, 2012. Accessed on 12-04-2013. Online access: http://www.tandfonline.com/doi/abs/10.1080/17539153.2012.686658.

[61] S. Benhabib. 'The Arab Spring: religion, revolution and the public sphere'. (21-02-2011). Online. 15-04-2013. http://www.eurozine.com/pdf/2011-05-10-benhabib-en.pdf.

are many reasons to name when looking at the resilience of monarchies during the Arab Spring. One of the first arguments is that monarchies draw on historical and religious legitimacy. As a consequence, people seem not to fight the monarchy as such but rather economic unfairness and human rights issues.[62]

Human rights

This chapter will consist of four subchapters and these subchapters will walk through different aspects of human rights and human rights in the MENA region. Human rights are introduced as a whole because the history explains a lot about where the focus on human rights comes from. The second subchapter will look at specific human rights issues in the MENA region, especially before the Arab Spring. As human rights are not always respected in these countries it is interesting to see what the issues were before the Arab Spring and to have a short overview on the EU's actions. The human rights situation before the Arab Spring gives more clarity on the current situation and shows that many of these issues already played a role. Which in turn gives some background to work with. It will mainly consist of assessments of different NGO's on the most important human rights issues and different recommendations from the EU towards the Middle East. The third subchapter will be an attempt to assess the role of the EU with regard to human rights in the MENA region during the Arab Spring. This analysis will be based on various relevant written and oral expressions of the EU; mainly documents, speeches, resolutions and joint communications of the EC and the EP. Hopefully these sources give an interesting insight into how the EU tries to influence the human rights situation in the MENA region in a positive way. The EU's influence is now only measured from a western or European point of view as the MENA region countries are still in turmoil. A fourth subchapter is the assessment of the EU's foreign policy with regard to the EP's stance, the EC and their different policies. These issues mostly consist of an assessment of the EU's budget and their role in the support to different regimes, as well as support towards NGO's working on human rights.

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[62] V. Menaldo. 'The Middle East and North Africa's Resilient Monarchs'. (2012). The journal of politics, Volume 74, issue 03, p. 707-722. Online access: http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=8646854.

Introducing Human Rights.

The Universal declaration of Human Rights of 1948 states that *'All human beings are born free and equal in dignity and rights'*.[63] Although most countries have said to respect these rights and have signed the international human rights treaties, history shows that these rights have not always been respected or guaranteed. After the Second World War and its horrors, the United Nations was founded in 1945 for the achievement of lasting peace and security. In its first articles the dignity and worth of every person is stated as well as more action orientated statements like maintaining international peace and security and taking collective measures for the prevention and removal of threats to peace. [64] Because the Universal declaration of Human Rights could not be signed, as it wasn't a treaty in that sense, two binding covenants had to be added in the form of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). The adaptation of these covenants in 1976 made the human rights binding.[65]

A distinction is made between civil and political human rights, and economic and social human rights. Civil and political human rights can be summarized as no interference in the exercise of the right and by that prevent torture, extra-judicial killings, disappearances, arbitrary detention, unfair trials, electoral intimidation and disenfranchisement. This is followed by the necessity to act upon breaking these rights. The obligation to protect states that states need to prevent violations from third parties; measuring the prevention of non-state actors from committing such violations like militias, uncivil movements or private sector firms and organizations. The last stage is the fulfillment of policies and the provision of resources to provide for that fulfillment. This can be done by investing in judiciaries, prisons, police forces, electoral authorities, and resource allocations to ability.[66]

Economic, social and cultural rights can be summarized as the prevention of ethnic, racial, gender or linguistic discrimination in health, education, and welfare, and resource allocations below ability. The violations of these rights by 'third parties' should be protected by measures to prevent non-state actors from engaging in discriminatory behavior that limits

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[63] Art. 1 Universal declaration of Human Rights.
[64] Grunfeld & Smeulers. 'International crimes and other gross human rights violations'. 2011. p 5.
[65] World Health Organization. 'International Covenant on Economic, Social and Cultural Rights'. Online PDF. 07-04-2013. http://www.who.int/hhr/Economic_social_cultural.pdf.
[66] United Nations Human Rights. Key concepts on ESCRs – Are economic, social and cultural rights fundamentally different from civil and political rights? (2013). Fact Sheet No. 33. Online access: http://www.ohchr.org/EN/Issues/ESCR/Pages/AreESCRfundamentallydifferentfromcivilandpoliticalrights.aspx.

access to services and conditions. These rights can be protected through the fulfillment of provision of resources and possible outcomes of policies regarding the progressive realization of investment in health, education and welfare, and resource allocations to ability.[67] The violation of human rights can be a warning sign for governments and third parties that conflict is under way. Violation can also be seen as a trigger for escalation or a reason to keep the fighting going.[68]

The European Union has eight guidelines for its human rights policy, although not legally binding. These guidelines have been adopted unanimously by the Council and as a result strongly present in EU policies.

The EU now has human rights guidelines on the following subjects: [69]

• Death penalty (adopted in 1998, updated in 2008)

• Torture and other cruel, inhuman or degrading treatment or punishment (adopted in 2001, updated on 2008)

• Human Rights dialogues (adopted in 2001, updated in 2009)

• Children and armed conflict (CAAC) (adopted in 2003, updated in 2008)

• Human Rights Defenders (adopted in 2004, updated in 2008)

• Promotion and Protection of the Rights of the Child (adopted in 2007)

• Violence against women and girls and combating all forms of discrimination against them (adopted in 2008)

• Promoting compliance with International Humanitarian Law (adopted in 2005, updated in 2009)

These Guidelines are researched upon by the Subcommittee on Human Rights (DROI) and the Council Human Rights Working Party (COHOM). The European Parliament's resolutions before the Arab Spring concerned the Israel and Palestinian Territories, Syria and Iran, which mostly consisted of individual cases.

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[67] Grunfeld & Smeulers. 'International crimes and other gross human rights violations'. 2011. p 6.
[68] O. Ramsbotham, T. Woodhouse, H. Miall. 'Contemporary conflict resolution'. (2011).
[69] European External Action Service. 'Human rights and democracy in the world Report'. (2010). Online PDF. 08-05-2013. http://eeas.europa.eu/human_rights/docs/2010_hr_report_en.pdf.

Human rights issues in the MENA region

There is no such thing as a general human rights situation in the MENA region. The issues on human rights in the MENA region have changed greatly in the last decades and they are really diverse and not easily put under one heading. While the Universal Declaration on Human Rights has been signed by Egypt, Iran, Iraq, Lebanon and Syria, it is still not signed by other countries like Saudi Arabia. According to Anass Bendrif et al., researchers on the human rights situation in the MENA region, citizens in these countries are concerned about the lack of an effective legal framework and the concentration of state power in the hands of small elites, whether or not with western support. Detentions, arbitrary arrests and torture show a lack of justice in general and in most countries the security (of the state) is regarded as more important than the preservation of and respect for human rights. The weakest members of society are further marginalized because of war, oppressive regimes and growing unemployment.

In many countries in the MENA region gender is one of the main human rights issues. Arranged marriages are sometimes forced and the chances are that the man is twice the age of the girl. Child marriages are common with Yemen having the highest percentage, 27% of girls aged 15-19 married. After that it was Syria, with 25% and Palestine with 24%. Not only forced marriage is a problem in the MENA region, the unemployment of women and domestic violence are also big issues.[70] Dialogue with Iran has been frozen since 2006 and since the elections of 2009 the human rights situation has deteriorated even further including; mass executions, stonings and violations of religious freedom. The EU and Yemen have made agreements about certain human rights violations but the implementation of instruments has remained poor. The situation of women, judiciary and rule of law, illegal detention and violations of freedom of expression are still important issues there. Yemen has seen internal conflict in the period of 2008-2009 and the EU has taken measures to protect civilians wishing to escape, facilitating access for the UN and other NGOs to areas where internally displaced are gathered and help medical aid and humanitarian relief.

Before the Arab Spring, Egypt had made some real improvements with regard to human rights. Egypt had improved the situation concerning women's rights, and conditions in prisoners. The prisoner situation was one of the main concerns of human rights organizations

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[70] A. Bendrif. 'An introduction to human rights'. 2009.

and international organizations alike. The EU still had some major concerns with regard to the elections and the continuing state of emergency.[71]

Especially in Lebanon the guidelines for children in armed conflict are priority number one for the EU. The CFSP has developed a child welfare strategy plan and the formulation of a child protection policy to address these problems. Besides a focus on children's rights the EU calls for Lebanon to abolish the death penalty and focus on discrimination of refugees.[72]

In Syria the human rights situation has been of great concern for human rights organizations and talks continued constantly until the civil war started. The EU had maintained contact with human rights defenders and also started talking with the government about observing trials and focusing on women's and children's rights.[73]

The focus changed with the revolutions of 2011. As the revolutions became more violent, the need for the protecting of human rights became more urgent. In Egypt people were beaten, tortured and killed by the police with an Amnesty International count of more than 6000 wounded. Crimes against humanity were committed by Mu-ammar al-Gaddafi who was referred to the International Criminal Court but no such action was taken against Syria's president Bashar Al-Assaf. The blockade on Gaza was maintained by Israel prolonging the humanitarian crisis there. Besides this a continuous expansion of the settlements worsened the human rights situation in the West Bank.[74]

Many people who were internally displaced or became refugees had to fear for their lives nonetheless. Migrants originating from Africa were subjects to violent attacks and accused of being recruited by Colonel al-Gaddafi. Those unable to return home were forced into desolate desert camps and to await some sort of resettlement.[75]

The dramatic events in the MENA region have possibly created an opportunity for the European Union to develop a new and value based foreign policy in its neighborhood. There is a real chance to bring together interests and influence, diplomacy, trade and development spending, as well as crisis management. Choices have widened and opportunities for change have grown. As the Arab world is on the crossroad of change, it provides possibilities for the

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[71] EEAS. 'Human rights Report'. 2010. p. 118.

[72] Idem. p. 121.

[73] EEAS. 'Human rights Report'. 2010. p. 122.

[74] Amnesty International. 'Suffocating Gaza- the Israeli blockade's effects on Palestinians'. (2010). Online. 08-04-2013. http://www.amnesty.org/en/news-and-updates/suffocating-gaza-israeli-blockades-effects-palestinians-2010-06-01.

[75] Amnesty International. 'Annual Report 2012- Middle East and North Africa'. (2012). Online PDF. 22-04-2013. https://www.amnesty.org/en/annual-report/2012/middle-east-north-africa.

EU to change its relation with the MENA region countries in a positive way, and to play an active role in the support for democracy and human rights.

Introducing the role of the EU's foreign policy in the MENA region.

'*The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.*'[76]

While much has happened with regard to Arab Revolutions, it is important to look at the role of the EUs foreign policy before these revolutions started. As Article 21 of the Treaty on European states; the EU actions shall be guided on the principles on which it is built. In every agreement with non-European countries, a human rights clause is considered essential and by this it is tied to other parts of the agreements made.

The European Council of Foreign Relations (ECFR) provides an annual assessment of the EUs foreign policy in which the role of the CFSP around the world is analyzed. The strategy of EIDHR in the period between 2007-2010 was the enhancement of respect for human rights in countries and regions where they are most at risk and the strengthening of civil society in promoting these human rights. In this period 35% of the budget went to the Middle East and ENPI because this area required the most action in sense of assistance, observation missions and strengthening justice.

The European Partner for Democracy had discovered a rise in the budget for MENA related missions and actions, which could mean a practical improvement in the human rights situation:

'*In 2002, we observe the Middle East, a region that had until this point been neglected, improving to second position and reaching joint first position with the ACP in 2005-2006. It can therefore be concluded that the region that received most of the*

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[76] European Union External Action. 'Human Rights and Democracy in the World report'. (2008-2009). Online PDF. 06-05-2013. http://eeas.europa.eu/human_rights/docs/2010_hr_report_en.pdf.

aid was Africa, followed by the Middle East and Latin America, with Asia and the EEC and NIS being the regions that received the least.'[77]

This rise in budget was even more visible during the Arab Spring and then mostly in 2011 but saw a decline in 2012 and 2013.

Although action has been taken before the Arab Spring to improve the EUs influence with regard to its foreign policy, the policy department on external foreign policy has concluded that the EU has been held back by some major constraints:

'*There is an insufficient use of high level EU political leverage (particularly in countries where major interests are at stake); the lack of a clearly spelled out joint strategy between the EU and MSs; the tendency to 'ghettoise' human rights, limited leadership to push for the mainstreaming of human rights; and a wide range of downstream implementation problems.*'[78]

Even before the Arab Spring some major initiatives failed to produce coherent and practical actions to work towards a better human rights situation and more democracy.

One other major instrument that the EU set up before the Arab Spring to promote democracy and human rights was the Union for the Mediterranean. This Union was launched by President Nicolas Sarkozy in 2007 including all EU member states and the states from the Balkan, North Africa and the Middle East. This project has been widely called a failure at least. Sarkozy asked all countries to sign but stayed vague about the details of this new Union. The main focus points according to Sarkozy were to be: the cleansing of the Mediterranean, establishment of international shipping routes, creating of a joint disaster protection system, encouragement of alternative forms of energy, university collaboration, and encouragement of the middle class.[79]

Staying rather vague, this list certainly not addressed the most challenging topics and conflicts in that region. The Union did not really start working until 2011 after it chose its Secretariat to be situated in Barcelona. It did not act because many countries did not want to sit with Israel under one roof. Another failed test for the UfM was the migration problem which did not leave much room for cooperation and fostered tensions. It also showed that

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[77] S. Herrero. 'A decade of democracy promotion through the European Initiative for democracy and Human Rights'. (2009). Online PDF. 06-05-2013.
http://www.epd.eu/uploads/ce702c4b2eafbc10b5a4e94c37387ccf.pdf. P. 17.

[78] Directorate-General for external policies of the Union, Directorate B, Policy department. EU action to strengthen respect for human rights and democracy in the process of political changes in the Middle East and North Africa. (2012). Online PDF. 07-05-2013. http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=157642.

[79] Union for Mediterranean. 'Secretariat: objectives'. (2013). Online. 30-005-2013.
http://ufmsecretariat.org/objectives/.

equality was not the basis on which the Union was built. It was asymmetrical and that showed itself in negotiations.[80]

Assessing the influence of the EU's foreign policy regarding human rights during the Arab Spring.

During the Arab Spring foreign policy of the EU had to make a swift change and anticipate on the human rights issues that had become important in that period. Human rights dialogues had to be reinforced and monitored, stated the Joint Communication on 25 May 2011.[81] This first joint communication mainly consisted of goals and not per se specific actions. Although these mechanisms already existed, the goal was to make them less technical, more transparent and reform-led.

The instruments to enforce human rights in the region are used differently by the different EU actors. The next subchapters will show the differences between the EC and the EP and in what way they make use of the different instruments and actors in influencing human rights in the MENA region.

The European Commission and the Council.

Catherine Ashton, Vice President of the EC, had made clear in her speech to the European Parliament in June 2010 that human rights are at the core of what we do:

> '*For the EU, human rights matter. They are at the core of our identity and they are at the heart of what we do around the world. Our own history of entrenching human rights, democracy and the rule of law across 27 member states, is a success story and acts as a source of inspiration for others.*'[82]

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[80] For more information: S. Colombo. 'The UfM: between institutional paralysis and ambiguity'. (2011). Mediterranean and Middle East Programme, Institutio Affari Internazionali (IAI) Rome.

[81] European Commission. 'Joint Communication by the High Representative of the Union for foreign affairs and security policy and the European Commission'. (2011). Online PDF. 12-05-2013. http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf. p.5.

[82] Speech Catherine Ashton. 'Catherine Ashton EU High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission Speech to the European Parliament on human rights Strasbourg'. (2010). Online reference: SPEECH/10/317. 12-05-2013. http://europa.eu/rapid/press-release_SPEECH-10-317_en.htm?locale=en.

Ashton highlighted three necessary actions to be taken for moving forward in reaching this human rights goal: Strengthening actions at the UN and speaking up for human rights on a global stage, tailoring approach to individual situations by establishing human rights strategies for partner countries, and human rights should be at the center of the EU external action, especially in areas of trade and the CFSP.[83] Ashton has made some progress in putting the human rights theme on the agenda during the Arab Spring. Among other things, she has created a post for an EU Special Representative on Human Rights in 2012: Stavros Lambrinidis, former Minister of Foreign Affairs of Greece. Although there are some doubts about this new bureaucratic post, it is certainly a high public profile and can therefore be respected more.[84] Ashton her statements have had an impact on human rights in that way that the statements have put it on the agenda and more in the open. Unfortunately, her statements have not really shown signs of extensive action toward the human rights issue.

Although the CFSP tries to speak with one voice, the different policy areas within the EU are not always coherent in their outings. While they all speech for reforms in the human rights situation, some policies are acting on it more than others. The European Parliament (EP) signed the resolution on the Annual Report on Human Rights on the 18th of April 2012. In this resolution the EP states it calls for contractual relationships with third countries only if and when these countries abide the democracy and human rights clause. If this is not the case, the Commission should use the suspending mechanism if human rights are repeatedly violated.[85]

On the other hand the European External Action Service (EEAS) is providing us with a different view on the European action with regard to the Arab Spring. They point out that the EU has firmly opposed any unjustified restrictions to the right of freedom of peaceful assembly, that they urged the Egyptian authorities to restore all communication networks and that Ashton met with women's representatives and listened to their concerns. In the EEAS report on human rights (2011) Ashton and the EU are put in a very different light than the reports of the EP. A possible explanation is that there are shared strategic goals and soft

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[83] International Relations and Security Network. 'EU action for Human Rights and Democracy in the Middle East and North Africa'. (2012). Online. 11-05-2013. http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=157642.

[84] Official Journal of the European Union. 'Council Decision 2012/440/CFSP' (2012). Online. 07-05-2013. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:200:0021:0023:EN:PDF.

[85] European Parliament Resolution. 'Human rights is the world and the European Union's policy on the matter including implications for the EU's strategic human rights policy.' (2012). Online. 12-05-2013. http://www.europarl.europa.eu/document/activities/cont/201206/20120628ATT47844/20120628ATT47844EN.pdf 54/55/56.

power resolutions as well as a visible necessity to act but this is not translated in the actions expected with these statements and that is made clear in the EP reports. The EEAS is one of the EU instruments that do act more decisively in the human rights area but this mainly focuses on the humanitarian rights of people around the world as can be seen in the case of Syria now.

Inadequacy between the different actors of the EU became more evident during the first weeks of the Arab Spring as Europe did not demand the stepping down of Mubarak but only urged authorities to listen to demands for reform. In these days it was Catherine Ashton who failed to take a stance on the situation and this gave way to some sharp criticism.[86] While Ashton's statements were waited upon, it was the joint statement of Merkel, Cameron and Sarkozy that first came out publically. EU statements on the Tahrir protests lagged behind the U.S. and were often seen as arriving too late. The EU did however freeze the assets of the Mubarak family and other members of the government. It also made 20 million available for several NGOs related to human rights and democracy and the ENP made 50 million available for the same causes.

The European Neighbourhood and Partnership Instrument (ENPI) made a national indicative programme for different MENA region countries for the period of 2011-2013, detailing the contents of operation for this period. It contained of three main strategy priorities which were mainly the same as the ENPI of 2007.

National Indicative Programme for 2011-2013:[87]

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

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[86] Statement by the EU High Representative Catherine Ashton on the Events in Egypt. A 032/11. Brussels, 27 January 2011. Retrieved June 15, 2012 from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/118963.pdf.
[87] European Commission external relations. 'National Indicative programme 2011-2013'. (2011). Online PDF. 19-05-2013. http://ec.europa.eu/world/enp/pdf/country/2011_enp_nip_moldova_en.pdf.

Unfortunately the new NIP did not include support for judicial reforms and the European Parliament saw this as a backing down from the EU at a moment when that is highly unfavorable especially with regard to Syria. While the NIPs provide for much needed strategy it is important to notice that they are more or less guidelines and not always handled upon consequently.

During the Arab Spring all relations with Syria were frozen, including the suspended bilateral cooperation programmes under the ENPI. This means that it is still possible to resume cooperation after the war is over but it depends under which regime. Although all bilateral programmes and projects have been suspended, the EU kept some canals of information open to keep some influence in the coordination of projects but also increased pressure by introducing comprehensive restrictive measures. In practice this means that one of the EUs instruments, namely the ENP, is not working any longer in the case of Syria.

While the UN has not acted decisively on the atrocities and gross human rights abuses, Human Rights Watch does not see a big role for the EU either. Only from 2012 the EU started with sanctions against individuals and entities that where indicated in human rights abuses.[88] In the case of Syria the League of Arab States (LAS)[89] has played a bigger role as millions of refugees have crossed their borders and are in dire need for shelter and other humanitarian aid.[90] The EEAS is the main sanction instrument for the EU and it has used sanctions extensively in the case of Syria as to prevent materials or assistance from going towards al-Assad and his government. This includes technical military assistance, equipments, goods or technology that can be used for internal repression, or financial assistance that can be used for military purposes.[91]

Catherine Ashton mentioned in a speech on the 12th of April 2012 that aid was continuously given to actors protecting human rights:

> '*We have suspended all types of cooperation: bilateral cooperation, Syria's participation in regional programmes, and the EIB with whom we work closely, has also suspended all its loan operations and technical assistance to Syria. We have*

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[88] For more information on sanctions against Syria and its leaders: Council decision 2011/782/CFSP (01-12-2011). 'Concerning restrictive measures against Syria and repealing Decision'. Online PDF. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2011D0782:20120817:EN:PDF.

[89] The Economist. 'Annan with a plan'. (2012). Online. 16-05-2013. http://www.economist.com/topics/league-arab-states.

[90] Human Rights Watch. 'World Report: Syria'. (2013). Online. 03-05-2013. http://www.hrw.org/world-report/2013/country-chapters/syria?page=3.

[91] Official Journal of the European Union. 'Regulation concerning restrictive measures in view of the situation in Syria'. (25-06-2012). Online. 12-05-2013. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:165:0023:0024:EN:PDF.

nevertheless maintained aid that benefits the Syrian population, students, human rights defenders and the opposition.'[92]

The suspending of all types of cooperation might have come too late for some, but the aid given to other parties than the government has provided much needed support. The cooperation with Syrian students and universities has continued are still very important and the European's commission humanitarian aid and civil protection are playing a major role in providing much needed necessities. The EU is the largest humanitarian donor in Syria with a budget over 626 million going through mandated and professional international organizations and is delivered to all those in need.[93]

For Lebanon the situation has begun differently, as it has not had such a revolution as in Egypt or Syria. As it already had major political problems and a war in 2006, relations were more difficult to begin with. The EU started out in 2010 with a new National Indicative Programme, supporting several reforms, for which there was a 150million budget.

The fall of the national unity government in January 2011 and the new cabinet of Prime Minister Najib Mikati showed a new and strong commitment to cooperation with the EU. This resulted already in summer 2011 in a new ENP action plan with sub-committees resuming their work fast. The European Commission sees human rights and fundamental freedoms respected in Lebanon. The government has become relatively liberal but there are still some major challenges, including: '*Increasing the efficiency and independence of the judiciary, improving the management of prisons and detention centres, abolishing the death penalty, improving the treatment of migrants and refugees and increasing the participation of women in political and social life*'[94] according to the EC progress report of 2012.

In 2012 the situation in Syria took a hold on Lebanon's political 'stability', the implementation of the EU's recommendations and reforms only progressed slowly. As 180.000 refugees entered into Lebanon from Syria in 2012, violent clashes also returned:

'*The High Representative expresses concern at the deteriorating situation in Lebanon, particularly after the decision of PM Miqati to step down. The lack of consensus among political forces in Cabinet and in Parliament has resulted in deadlock, not*

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[92] Ashton. 'Speech on Syria.' 17-04-2012.
[93] European Commission, humanitarian aid and Civil Protection. 'ECHO factsheet Syria crisis'. (2013). Online PDF. 01-05-2013. http://ec.europa.eu/echo/files/aid/countries/factsheets/syria_en.pdf.
[94] European Commission, High President of the European Union for Foreign Affairs and Security Policy. 'Implementation of the European Neighhbourhood policy in Lebanon progress in 2011 and recommendations for action'. (2012). Online PDF. 11-05-2013.
http://ec.europa.eu/world/enp/docs/2012_enp_pack/progress_report_lebanon_en.pdf p.2.

> *least over the elections, while security incidents continue to test the stability of the country.*'[95]

The amount of refugees has already become 265.000 in 2013 with still more than 150.000 people awaiting registration.[96] Not only within the Cabinet conflicts have risen the last year, also between the Syrian refugees and the Lebanese people tensions have become more apparent. Citizens are worried about a growing crime rate, intimidation and losing of jobs because of the refugees. Anti-Racism organizations see a threat in racist outings by the Lebanese who tend to look down at Syrian workers and danger exists in making Syrian refugees the scapegoat in Lebanon. One of the main roles of the EU with regard to human rights should be the protection of refugees and others affected by the conflicts. This has been one of the recommendations for the Lebanese government in 2012:

The ENP report comes up with a number of **recommendations** to sustain implementation of the ENP Action Plan in 2012, inviting Lebanon to:[97]

Adopt a new electoral law, in good time for the legislative elections in 2013, bringing the electoral process further into line with international standards.

Reduce the backlog of draft laws currently before parliament and advance adoption of legislative proposals in key economic and social areas.

Take measures to improve the effectiveness and independence of the judiciary, including increased use of computers in courts and independence of judicial appointments.

Pay special attention to enhancing the role of women in both public and economy sectors respectively.

Take concrete steps to improve rights of the Palestinian refugees to property, employment and social security, while respecting the right of return principle.

Finalise and sign a comprehensive Memorandum of Understanding between the Lebanese

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[95] European Union. 'Statement by the spokesperson of the EU High Representative Catherine Ashton on the resignation of the Prime Minister of Lebanon, Najib Miqati'. (23-03-2013). Online. 07-05-2013. http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/136482.pdf.

[96] S. Dockery, DAILY STAR LEBANON. 'Number of Syrian refugees aided by U.N. exceeds 265.000'. (2013). Online. 19-05-2013. http://www.dailystar.com.lb/News/Local-News/2013/Feb-09/205685-number-of-syrian-refugees-aided-by-un-exceeds-265000.ashx#axzz2TqxaU1nG.

[97] European Commission, High representative of the European Union for Foreign Affairs and security policy. 'Joint staff working document: Implementation of the European Neighbourhood Policy in Lebanon Progress in 2011 and recommendations for action'. (15-05-2012). Online. 30-05-2013. http://ec.europa.eu/world/enp/docs/2012_enp_pack/progress_report_lebanon_en.pdf.

authorities and UNHCR to improve the protection of refugees and asylum seekers.

Improve the management of public finances, including the adoption of the long awaited law on public procurement, and adopt a balanced state budget (this is a precondition for EU budget support).

Advance accession to the World Trade Organisation, by adaptation of laws and progress in bilateral service negotiations, and sign and ratify the regional Convention on pan-Euro-Mediterranean Rules of Origin.

Adopt structural measures in reforming the energy sector; implement the electricity plan and enhance the use of renewables.

Take steps to strengthen the independence of the Telecommunications Regulatory Authority with a view to possible liberalisation of the sector.

Re-launch social dialogue and adopt a strategic framework for vocational education and training in support of job creation.

These recommendations show that the issues of human rights are not completely respected in Lebanon yet. Besides recommendations the EU has stayed relatively low in Lebanon, not only because there is no major conflict there at the moment but also because Lebanon has been somewhat more stable than the other MENA region countries.

This does not mean that the EU does not support Lebanon in these hard times, as Stefan Fule, Commisioner for Enlargement and European Neighbourhood Policy, mentioned:

> '*With the new Action Plan the EU is ready to accompany Lebanon in tackling its main challenges resulting from the need to continue with political, economic and social reforms. The EU supports holding the elections according to the constitutional requirements and in line with international standards. We also stand ready to further assist Lebanon in dealing with the impact of the Syrian refugee crisis and security issues*'.[98]

According to Human Rights Watch (2012) The EU, France and the United States all provide a wide range of assistance in improving the human rights situation in Lebanon:

> '*including military training, seminars on torture prevention, and civil society activities. However, these countries have not fully used their leverage to push Lebanon to adopt concrete measures to improve its human rights record, such as investigating*

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[98] EEAS delegations. 'EU –Lebanon: New phase of intense cooperation'. (2013). Online. 12-05-2013.

specific allegations of torture or adopting laws that respect the right of refugees or migrant workers.'[99]

The European Parliament.

The European Parliament, which has its own human rights committee named (DROI) believes that:

'the promotion and support of non-violence reflects an international value that is an appropriate way of defending and promoting human rights from within, particularly considering that the non-violent methodology offers an effective outcome in terms of the prevention of conflict and support for democracy, rule of law and civil society around the world; proposes giving non-violence a role of relevance and political weight in the internal and external policies of the European Union with support for those initiatives that can sustain and develop non-violent and peaceful activism around the world with the dissemination of practical assistance to support non-violent activists and human rights defenders' –article 66.[100]

This statement makes certain assumptions on the actions of the EU, namely that it is of international importance to support human rights and it suggests that intensive action will be taken to enforce these rights on those actors who do not respect them yet.

The Parliament is more critical on the role of the EU with regard to human rights than other institutions and also more practical in its approach. It touches more sensitive subjects and is willing to question the EUs current policies. It also warns the EU for its seemingly inconsistency in talking and acting:

'Stresses the need for coherence and consistency across all policy areas as an essential condition for an effective and credible human rights strategy and considers it regrettable that there is no specific reference to these principles in the Strategic Framework; reminds the Commission of its repeated commitments, as set out in its 2001 communication and its 2010 Communication on an Action Plan Implementing the Stockholm Programme (COM(2010)0171), to take practical steps to ensure greater coherence and consistency between its external and internal policies; recalls

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[99] Human Rights Watch. 'Lebanon'. 2012.
[100] European Parliament resolution of 18 April 2012 on the Annual Report on Human Rights
[100] in the World and the European Union's policy on the matter, including implications for
[100] the EU's strategic human rights policy (2011/2185(INI))

that the full involvement of Parliament and greater coordination in this area were agreed in 2001; reminds the Member States and the EU institutions that respect for fundamental rights begins at home and must not be taken for granted, but continually assessed and improved, so that the EU can be heard as a credible voice on human rights in the world.[101]

While the EU mainly and foremost supported stability before the Arab Spring, it had to rethink its approach when the people in the MENA region no longer wanted to submit to their rulers. As political reform and stability were seen as the main principles the EU has been right to recommit itself to transform its approach into one in which support for democracy and human rights were again on top of the agenda. The role the EU has been willing to play on the international field is made difficult looking at the mobilization of sufficient resources and the impact of a fast changing environment.

According to the EP the Arab Spring has demonstrated the inadequacy of the CFSP in supporting freedom and democracy and it stresses:

'*The need for the establishment of the European Endowment for Democracy, and 'A partnership for democracy and shared prosperity with the Southern Mediterranean' and the approach taken of shared commitments and mutual accountability as regards the universal values of human rights, democracy and the rule of law, stronger incentive-based conditionality, differentiation of policies, the advancing of multilateral and sub-regional cooperation and the principle of further involving civil society*'[102]

This example makes clear that there is some form of incoherency between the different actors within the EU. These actors do agree on the theoretical aspects of reforms but not the least on the actions that are taken to improve situations in the Middle East and North Africa.

Although there is conflict over the implementation of resolutions within the EU, actions have been taken to improve human rights during the Arab Spring. The EU already has impacted the human rights situation with a resolution on democracy and human rights in 2008 between the EC and the Egyptian authorities.[103] The greater openness of the European

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[101] European Parliament. 'European Parliament resolution of 13 December 2012 on the review of the EU's human rights strategy (2012/2062(INI))'. (2012).
http://www.europarl.europa.eu/document/activities/cont/201301/20130109ATT58706/20130109ATT58706EN.pdf.

[102] EEAS. 'A new response to a changing Neighbourhood'. (2012). Online. 08-05-2013.http://www.europarl.europa.eu/document/activities/cont/201206/20120628ATT47844/20120628ATT47844EN.pdf.

[103] EP. 'Resolution on human rights and democracy'. 2008.

Parliament was highly appreciated and direct consultation with civil society was a big improvement for opening up the human rights debates on a low scale. Especially human rights activists in Egypt made notion of this improvement. Unfortunately did this resolution fail to get attention in 2011. It seems that the Lisbon promises of unity in the case of Egypt have failed. The EU support for Mubarak did not give the EU a good place in the negotiations for democracy and human rights. As it came down to action, it was not Ashton who made a move but England, Germany and France.

For Egyptians the new government of President Mohamed Morsi did not bring much in 2012. Freedom of expression was restricted and the death penalty still used. Also, physical violence against journalists or others opposing the President has increased. The EP also mentions a setback for women's rights in the political sphere, but also sexual harassments and a lack of action from the government to prevent further problems.[104]

After Mubarak fell, the domestic advocacy became more powerful as well as room for debate on the national media. A second loss of influence for the EU was visible because activists agreed that the EUs new policy had in fact merely a new name, it did not represent a qualitative change. Furthermore a lack of a consistent commitment to democracy and human rights made activists weary of the real meaning of EU policy. This point of view on the inadequacy of Ashton is not repeated by the EEAS. In the case of Egypt the EP urges the EC to take several measures with regard to the human rights situation in Egypt:

Situation in Egypt: European Parliament resolution of 14 March 2013 on the situation in Egypt (2013/2542(RSP)):[105]

14. Urges the VP/HR and the Commission to develop the 'more for more' principle, with a particular focus on civil society, women's rights and minority rights, in a more coherent and practical way, including clear conditions and benchmarks should the Egyptian Government steer away from democratic reforms and respect for human rights and freedoms, and as a cornerstone of the reviewed European Neighbourhood Policy, in the EU's relations with the

[104] Human Rights Watch. 'President Morsi should end military trials of civilians'. (15-07-2012). Online. 04-04-2013. http://english.ahram.org.eg/NewsContentP/1/47753/Egypt/Human-Rights-Watch-President-Morsi-should-end-mili.aspx.
[105] European Parliament. 'European Parliament resolution of 14 March 2013 on the situation in Egypt(2013/2542(RSP))'. (2013). Online PDF. 15—5-2013.
http://www.europarl.europa.eu/document/activities/cont/201303/20130319ATT63481/20130319ATT63481EN.pdf.

Egyptian Government, without creating a negative effect on the living conditions of the country's population;

15. Urges the VP/HR to hold the Egyptian authorities and President Morsi to their commitments to respect for human rights and fundamental freedoms; calls on the EU not to grant any budgetary support to the Egyptian authorities if no major progress is made regarding respect for human rights and freedoms, democratic governance and the rule of law;

16. Expresses its full support for increased EU-Egypt cooperation, whether in the context of the Association Agreement and its action plans, the successful continuation of the EU-Egypt Task Force, regular human rights dialogues, increased business cooperation, improved mobility for Egyptians, particularly students, to the EU, the negotiation of a Deep and Comprehensive Free Trade Agreement or future market integration;

17. Urges the EU and its Member States to make further significant efforts aimed at facilitating the return of misappropriated assets stolen by the former regime to the people of Egypt; calls, in this context, for the establishment by the EU of a group of investigators, lawyers and prosecutors from its Member States and other European countries to deliver legal support and assistance to the Egyptian authorities in this process

For Syria the revolts had a very different result then they did in Egypt. Al-Assad did mention some reforms, but these reforms proved only to be talking and the human rights situation only deteriorated further. The legalization of mass arrest, extended isolated detention and torture made clear that the regime was not trying to improve the situation. Already before the Arab Spring the regime of al-Assad failed to live up to the expectations of reforms. It repressed political and human rights activism; restricted freedom of expression; tortured people; treated the Kurds inhumane; and people kept disappearing.

'*there is no relationship, and definitely not anything that could be called a partnership*'[106], as an EU official in Damascus acknowledges, any form of relation ended with Catherine Ashton echoing the UN and calling for the step-down of al-Assad. According to Ashton al-Assad had lost all legitimacy and should step down. As the UN has failed to act decisively on the conflict in Syria, it has been said by several actors that the EU must act instead. In terms of humanitarian assistance, help was given in 2011 already:

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[106] Human Rights Watch. 'World Report 2012'. (2013). Online PDF. 11-05-2013.
http://www.hrw.org/sites/default/files/reports/wr2012.pdf.

'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[26]. Within the EP, the ALDE Parliamentary Group is recognized as the one which consistently raises human rights and civil liberties issues.' [107]

Analysis

Analyzing the influence of the EU's foreign policy with regard to human rights it has become clear that the EU is everything but consistent in its policy. This goes for sanctions as well as international attention that is not fairly distributed among the MENA region countries. Besides being inconsistent it also fails to make a qualitative change regarding the new policies.

As the Arab Spring continues and has become an ongoing war in the case of Syria, it has become much more difficult to measure the influence of the EU's foreign policy with regard to human rights in the MENA region countries. Especially in the case of Syria, but also in Lebanon, the situation has become so severe that almost no output has been possible from those countries and the influence can now only be measured from an EU stance which can result in a one-sided view. From March 2011 the EU has started taking humanitarian action in the area of refugees especially. Furthermore, the EU has changed its Neighbourhood Policy after it recognized that the old policy was no longer usable. The new ENP was built on a more tailored approach towards countries with different issues. In early 2011 Catherine Ashton and the EC issued joint communications in which an immediate response to the Arab Spring was issued. The first joint communication was 'A partnership for Democracy and Shared Prosperity with the Southern Mediterranean' and the second was 'A New Response to a Changing Neighbourhood'. These joint communications were assessed one year later with a joint communication 'Delivering on a New Neighbourhood Policy' which in turn was accompanied by a 'regional progress report'. Besides the EC the EP reacted fast with several

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[107] Directorate-General for external policies – Policy department. 'EU action for human rights and democracy in the Middle East and North Africa'. (2012). 19-05-2013.

revolutions in 2011. Unfortunately these new policies were merely a re-branding of existing policies and little qualitative change was made.

It has become clear in this thesis that some inconsistency exists between the European Commission and the European Parliament concerning action taking with regard to human rights issues. The EC has acted with sanctions and high-level urges for reform and change. In turn this has been criticized by the EP who urges the EC to act more and talk less. The strategic documents of the EU tend to have high principles called upon in the introductory sections while in the core of many documents these principles are only mentioned on the side. All documents value the position of civil society in the promotion of human rights and democracy strongly. It is said multiple times that civil society can help uphold human rights and can provide much-needed support for reforms.

The EU ignores some important actors and factors when trying to influence the Arab Spring with its policies. Amongst others the EU ignores the impact of independent trade and labor unions, non-governmental CSOs and most of all youth. Ignoring several important actors does not give the EU the credibility it needs to make a difference among the people. There is a certain lack of interest visible in the economic issues concerning the origins of the Arab Spring. Within these joint communication inconsistencies exist in linking economic social issues to the uprisings. The link between socio-economic reforms and democracy is left implicit. First the joint communications state that rights, freedoms and accountability are to be associated with reform while they are actually factors in democracy, later in the text it is stated that the unrest is clearly linked to economic weaknesses and it is depoliticized again.[108]

Timo Behr, academic researcher, sees five changes in the influence of the EU with regard to the Arab Spring.[109] First of all he argues that the Arab Spring has shown the failure of the EU's neoliberal development approach and this has resulted in a reviewed neighbourhood policy in 2012. Nevertheless, while qualitative changes are suggested, many argue that these changes are qualitative on paper. A second change is one on which the EU has yet to focus. The EU focuses mainly on a western-style civil society organization (CSO) while the Arab world is becoming more sectarian and fragmented. The EU can influence this balkanization but it has not yet done so. A third issue for the EU is that the support for democracy can lead to a decrease in the human rights principle. Especially now political Islam is coming to power gender equality; religious freedom and freedom of speech are at

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[108] A. Teti. 'The EU's first response to the Arab Spring : A critical discourse analyisis of the partnership for democracy and shared prosperity'. Mediterranean politics: Volume 17, issue 3, 2012.
[109] T. Behr. 'After the revolution: the EU and the Arab Transition'. (2012). Online PDF. http://www.eng.notre-europe.eu/media/EU_ArabTransition_T.Behr_NE_April2012.pdf.

stake. These interests are conflicting with each other in the sense that the EU cannot support both. As democracy consequently leads to less human rights and vice versa. A fourth factor that influences the role of the EU in the Arab world is the rise of nationalism. The post-revolution era has led to a heightened distrust of western policies and a focus on national sovereignty. Distrust and nationalism make it harder for the EU to influence the human rights situation and democracy in the Arab world as it is seen as intrusive and persuasive. It will also be harder to apply conditionality with democratic elected governments.

The human rights situation in the MENA region has different major issues on which the EU has to focus. These issues have changed with the Arab Spring but also the instruments for the enforcement of better human rights have shifted. Especially in Syria issues have changed from torture and a severe lack of basic freedom to crimes against humanity in one year. The EU has reacted on this change with an immense increase in the amount of sanctions against the government and Ashton has urged Syria to stop fighting. One can say these measures have proved not strong enough, but it can also be plead for that the EU is honoring its system of soft measures and is not changing its beliefs. With its recommendations and resolutions the EC has stayed relatively low on the international field but this cannot be said for humanitarian actions in which the EU has marked itself as the biggest donor of humanitarian aid. The EPs recommendations to the EC have been taken into account and in all three cases the EU has given its support.

Democracy

Introducing democracy

There are many ways to define and measure democracy and these ways will always comprise other factors. In this thesis for the measurement of democracy it can be stated that there are four key elements at the centre. First of all there is a political system for choosing and replacing the government through free and fair elections in which equality of voting is of big importance, each member must have an equal and effective opportunity to vote and they should all be counted as equal.[110] Second the active participation of the people is deemed

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[110] C. Tilly. 'Democracy'. (Cambridge University Press, 2007).

very important in political and civic life, also implying that members of a country should have the control over agenda items.

A third major aspect in measuring a successful democracy is the protection of human rights of all citizens which makes the two aspects highly interrelated. Freedom of speech is a human right, while human rights are part of a working democracy. The fourth measurement is the rule of law, in which the laws and procedures apply equally to all citizens. Naming a country democratic means it has to operate all four elements, while a country does not count as a democracy if one of them isn't working.

The treaty of Lisbon has made the European Union a lot more democratic than it first was by again confirming three principles of democratic governance; democratic equality, representative democracy, and participatory democracy. This happens through direct election of the members of the European Parliament every five years representing the member countries. The European parliament has become more important over the years because it is the most democratic body of the EU. The Treaty of Lisbon has given more powers to the Parliament with regard to lawmaking, budget and international agreements. Extension of the co-decision procedure has given the Parliament in some areas similar powers as the Council which has improved the role of the people. The Lisbon Treaty also aims at giving the national parliaments a greater scope to work alongside the European institutions in the Union. The scope of information is widened and their role in the policies of freedom, security and justice is better evaluated.[111]

Almost all Western states are convinced that democracy is the goal for every non-democratic country (outside the West). Grunfeld and Smeulers are questioning this view on democracy as they do not immediately see democracies as peaceful. Democracies have had just as many wars as other types of polity, with major democratic powers even fighting more wars than minor autocracies. What is seen though, is that democracies tempt to fight not with each other but only against autocracies. In the case of the Arab Spring it should be questioned if the democracies that come to exist will be peaceful or that the transitional period has more unsettling effects than the previous period: '*Contesting democratization appears likely to increase the risk of armed conflicts between democratic states and autocracies, without necessarily threatening inter-democratic peace.*'[112] This is especially the case for semi-

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[111] Europa.eu. Treaty of Lisbon, 'Taking Europe into the 21st century'. Online. 12-05-2013. http://europa.eu/lisbon_treaty/glance/democracy/.
[112] Grunfeld & Smeulers. 'Gross human rights violations'. 2007.

democracy or transitional regimes, while stable autocracies, like stable democracies, are less prone to civil wars.[113]

Introducing democracy in the MENA region

> *The puzzle posed by the Middle East and North African states is not why democracy has failed to consolidate in this region (failure would be expected) but rather why the vast majority of Middle Eastern and North African states have failed to initiate transition at all. Herein lies the exceptionalism of the region.[114]*

This is one of the major questions concerning the MENA region, how is it possible that no transition is visible? Even now, during the Arab Spring, governments in countries like Bahrain have not initiated transition, even though it is very clear that the people crave for more freedom.[115] Countries that have initiated reforms are now again questioned deeply; Egypt has had its democratic revolution but again people are on the streets to protest against the regime that in their eyes has failed to initiate reforms and more democracy.[116]

A good indicator for the degree of freedom and democracy in a country is the Freedom House index which gives numbers from one till seven to measure certain key freedoms in the area of political rights and civil liberties. As seen in figure I the democracy ranking of 2012 shows a very low ranking on democracy in the Middle East, although some major changes have been visible in these last three years. While Syria has become less free, Egypt and Libya are good case examples who have managed to climb up the ranking ladder of democracy, even though the case of Egypt is questionable. For 2013 The Middle East and North Africa have shown some ambiguous results according to the Freedom House. Libya has changed from Not Free to Partly Free, Tunisia showed some real improvements from 2011 onwards and Egypt has shown some moderate progress because of the change in constitution by President Morsi. While some countries fought for their freedoms, this led to

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[113] Idem.

[114] E. Bellin. 'The Robustness of Authoritarianism in the Middle East: Exceptionalism in comparative perspective'. Comparative politics, Volume 36, No. 2. (2004). p. 139-157.
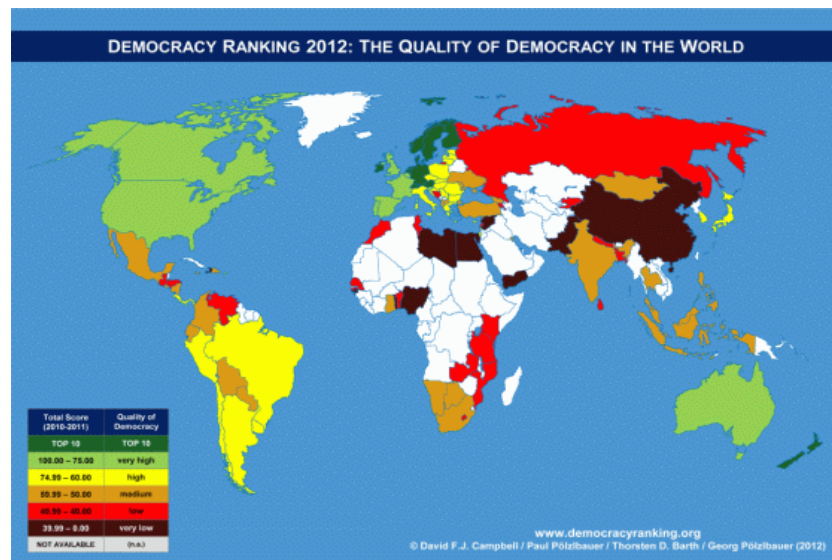
[115] For more information: Al Jazeera Documentary. 'Bahrain: Shouting in the dark'. (04-08-2011). http://www.youtube.com/watch?v=xaTKDMYOBOU.

[116] For more information: Al monitor: the pulse of the Middle East. 'Egypt's post-democracy nears point of no return'. (28-01-2013). Online. 29-05-2013. http://www.al-monitor.com/pulse/originals/2013/01/egypt-crisis-morsi-state-of-emergency-army-chief-warning.html.

setbacks in other countries like Iraq, Jordan, Kuwait, Lebanon, Oman, Syria and the United Arab Emirates.

> '*Gains: Tunisia maintained dramatic improvements from the previous year, and Libya and Egypt both moved from Not Free to Partly Free. Declines: Syria suffered by far the worst repercussions from the Arab Spring. Declines were also seen in Bahrain, Iraq, Jordan, Kuwait, Lebanon, Oman, and the United Arab Emirates*.'[117]

Figure I, Democracy Ranking in the world. [92]

According to the United States institute for peace (USIP) the primary goal towards the Middle Eastern region has been the promotion of economic reform and trade as it has been for a long time. The MENA region is still a very strategic central region in the world not only for trade but also for military goals as well as for all the natural resources.

These efforts did not have the wanted results, mainly because the EU adopted a long-term, cautious approach with as goal preserving stability. This cautious approach held back the economic and political reforms as the EU thought stability to be more important than working against repressive regimes. Conditionality was one of the biggest difficulties for concrete action as the EU members had different interests in the area. After the Barcelona Process became a fact, a more vigorous and coherent democratic-promotion strategy was implemented. Until the beginning of the Arab Spring several obstacles prevented a successful democracy-promotion policy in the MENA region:

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[117] Freedom House, A. Puddington. 'Freedom of in the world 2013, democratic breakthroughs in the balance'.http://www.freedomhouse.org/sites/default/files/FIW%202013%20Overview%20Essay%20for%20Web_0.pdf.

'*First, neither the European Union nor its individual member state had demonstrated sustained commitment to using conditionality as an instrument for reform. Second, government in the region had not signaled their willingness to pursue genuine reform. Third, European democracy-promotion efforts risk being drowned in a sea of bureaucracy.*'[118]

There are some conditions that can make democracy foster. The first condition, according to Paul Aarts Middle East specialist, is the level of economic development, whereas a higher GDP per capita strongly correlates with a democracy. People who are affected by economic growth often have a higher literacy level which in turn provides an educated environment in which democracy thrives. People tend to be more secular, rational and focused on self-expression.[119]

Authoritarian regimes have succeeded for decades to stay in power and created a 'set of interdependent institutional, economic, ideological, social, and geostrategic factors has created an adaptable ecology of repression, control, and partial openness'[120] Authoritarian regimes are often able to stay in power when fluctuating with the masses and sometimes giving more power to the opposition and more openness when required, while at the same time making absolutely sure to protect their own power.[121]

In the MENA region poverty is widespread, although it differs among the regions' countries. In 2011 Libya measured the highest GDP per capita with 12,020 dollar, while in Yemen the average GNP per capita stayed at 1,180 dollar.[122] This does not mean that wealth in itself provides a good environment for democracy. If wealth is concentrated instead of more or less equal among the population, this will not provide the environment necessary. Most of the Arab countries work through a patronage system in which politicians and statesmen are rarely held accountable by the people. The elites mainly focus on keeping their economic power through restricting the power of others and limiting positive economic development.

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[118] M. Yacoubian. 'Promoting Middle East Democracy, European Initiatives'. (2004). Online PDF. 07-05-2013. http://www.usip.org/files/resources/sr127.pdf.

[119] P. Aarts. 'Volksopstand in het Midden Oosten, een mistig seizoen'.(2011). Online. 15-05-213. http://www.wbs.nl/system/files/aarts_paul_en_marcia_luyten_de_arabische_lente_een_mistig_seizoen_sd_2011_4.pdf.

[120] D. Brumberg. 'Why Tunisia revolt could be huge'. (CNN 17-01-2011). Online. 20-05-2013. http://edition.cnn.com/2011/OPINION/01/15/brumberg.tunisia.revolt/index.html.

[121] E. Bellin. 'The robustness of authoritarianism in the Middle East: exceptionalism in comparative perspective'. Volume 36, No. 2. (2004). P. 139-157.

[122] Indexmundi. 'GDP per capita- Middle East'. (2004). Online. 12-05-2013. http://www.indexmundi.com/map/?v=67&r=me&l=en.

A third important democracy indicator is the existence of working state institutions,[123] as is widely mentioned among scholars. Institutional power varies under Arab states that in some cases use institutions to keep elites in power, as was happening in Egypt and Tunisia. On the other hand has Libya been the perfect example of a stateless state, where the government did not have a legitimate monopoly on violence and thus lacked authority to rule and unite.[124]

Now arriving at a fourth factor for democracy; the degree of national unity and homogeneity in a society. It is possible that religious, ethnic, linguistic, tribal, clan or regional conflicts form an obstacle in the transition to democracy. While Tunisia and Egypt are relatively homogenous, this cannot be said of Libya and Yemen. In Yemen it was President Saleh who divided the people through deepening conflict and between tribes with Al-Qaeda in the South worsening the situation.[125]

According to Thomas Carothers, author of many books on democracy promotion, a fifth and final condition for democracy is some sort of historical experience with political pluralism at least:

'*It is clear that relative economic wealth, as well as past experience with political pluralism, contributes to the chances for democratic success. And looking comparatively within regions, whether in the former communist world or sub-Saharan Africa, it is evident that the specific institutional legacies from predecessor regimes strongly affect the outcomes of attempted transitions.*'[126]

Democracy does not have the same meaning for every country or person in this world. Although there are guidelines on which to measure democracy, these guidelines are sometimes more, and in some cases less valued. Democracy in the West does not solely mean free elections; it also means freedom of speech and independent institutions amongst other factors. In the Arab world the focus lies more on free elections above other factors as was the case with Hamas.

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[123] W.A. Hay. 'What is democracy? Liberal institutions and stability in changing societies'. (2005). Online. 09-05-2013. https://www.fpri.org/orbis/5001/hay.institutionsstabilitychangingsocieties.pdf.

[124] M.L. Hermann, P. Seeberg. 'Statelessness and Dual power- Challenges for progress in Post-Qadhafi Libya and the perspectives for EU-Libyan cooperation'. (2013). Online. 17-05-2013. http://static.sdu.dk/mediafiles//3/2/1/%7B3216EEA2-53AA-4BF3-B096-AEF75E785F0C%7D130401%20MLH%20&%20PS%20(1).pdf.

[125] The Current Analist. 'Deadly edge: Yemen could easily become another Pakistan'. (2009). Online. 20-05-2013.http://currentanalyst.com/index.php/conflictsregional/153-deadly-edge-yemen-could-easily-become-another-pakistan

[126] T. Carothers. 'The end of the transition paradigm'. Journal of democracy 13:1 (2002). Online. 20-05-2013. http://www.scribd.com/doc/55202314/The-End-of-the-Transition-Paradigm.

As for the year 2012 Tunisia has shown a real commitment towards a more democratic state. Institution building has been taken seriously and the military has stayed out of politics. For Tunisia it has been an important factor that both Islamists and secularists strive for democratic transition. For Egypt this position is not that strong, as the commitment of some political players to democratic transition is not so strong as for others. Besides an apparent lack of will towards democratization the building of institutions was largely done by the Supreme Council of Armed Forces (SCAF). These Armed Forces not only played a role politically but also economically.[127]

For Libya and Yemen the problems mostly concern the building of a state in which the citizens believe. Legitimate authority is not won yet in Yemen, and Libya still faces rival militias. These two countries should first meet other challenges before transiting into democracy.

Assessing the role of the EU's foreign policy regarding democracy during the Arab Spring

'Article 21 TEU: Principles inspiring the Union 's external action. These principles are democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, equality and solidarity, respect for the principles of the United Nations Charter of 1945 and international law. In Article 21, the EU endorses the principle of 'indivisibility of human rights and fundamental freedoms' committing itself to consider economic and social rights equally important to civil and political rights.

(Article 205 of the Treaty on the Functioning of the European Union (TFEU): General provisions on theUnion 's external action. This article determines that the EU's international actions are to be guided by the principles laid down in Article 21 TEU.) '[128]

The EU has democracy as one of its core values in its foreign policy. This means that the EU strives to support democracy worldwide and at home and export democracy further

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[127] For more information: Egypt elections. 'SCAF, slow return to normal politics in Egypt'. (2012). Online. 01-05-2013. http://egyptelections.carnegieendowment.org/tag/scaf.

[128] European Parliament. 'Fact sheets on the European Union, The EU's external relations: human rights and democracy'. (02-2013). Online. 24-05-2013.
http://www.europarl.europa.eu/aboutparliament/en/displayFtu.html?ftuId=FTU_6.1.2.html.

but not forget that all states have sovereign power and that this is respected. On the other hand is the EU viewed as an actor who does not act when necessary. The EU has supported or justified some of the repressive regimes for decades and by its actions gives way to discontent. This support to repressive regimes can be linked to the EU's need for security especially regarding the migrant communities inside Europe. [129] And most, if not all agreements with the Arab world have included agreements on border controls, migration control and combating terrorism. [130]

During the Arab Spring some major European initiatives have come into being. The European Instrument for Democracy and Human Rights is one of the main supporters of the Arab Spring. Further policy initiatives include the SPRING programme, the Common Strategic Framework (CSF) and the European Endowment for Democracy. The 'Partnership for Democracy and Shared Prosperity with the Southern Mediterranean'(2011) and Joint Communications also have played a role in re-setting the EU's core values. Although for many researchers the Partnership has not brought anything new but is just a rebranding of existing initiatives. Another important policy was implemented on 25 June 2012 . The framework of the EU was complemented with a 'Strategic Framework on human rights and democracy' by the European Council in order to improve effectiveness and consistency. It intended to do this by sending EU election observation missions to the MENA region strengthening democratic institutions.

This chapter will look at several measurements of the EU's influence on democracy. It will assess the different policies discussed above, as well as the use of sanctions to obtain democracy. Hereby also, a distinction is made between the EP and the EC as these actors not always emphasize the same actions.

The European Commission.

The EC is the first and the biggest actor in influencing the policy on democracy, as it continuously produces new Joint Communications, Action Plans and so on. One of the first major actions the EU has taken with regard to the Arab Spring is the Joint Communication of May 2011, '*A new response to a changing neighbourhood*' as part of the European Neighbourhood Policy. This joint Communication introduced two different concepts: deep

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[129] Sergio Carrera. 'The EU's dialogue on migration, mobility and security with the southern Mediterranean'. (2011). Brussels: Centre for European Policy Studies June 2011. p. 4.
[130] For more information: Marks. 'High hopes and low motives'; Claire Spencer. 'Building confidence in the Mediterranean'. Mediterranean Politics 2: 2, 2008, pp. 23–48; George Joffé. 'The European Union, democracy and counterterrorism in the Maghreb'. Journal of Common Market Studies 46: 1, 2008. p.147–71.

democracy: '*aiming at setting a baseline of necessary accomplishments against which progress can be assessed*'[131] and the more for more principle that is rewarding countries willing to make progress making additional funds available.[132]

Three Pillars of bilateral support to deepen democracy:[133]
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.

The ENP has the possibility to use 1.2 billion to fund these pillars and by doing so it introduced the principle of conditionality into its policies. The principle of more for more is directly related with the principle of less for less opposing positive conditionality.[134] The less for less principle is easily related to the case of Syria where more than fifteen rounds of sanctions have been imposed to enforce change.[135] Unfortunately this policy is not very consistent, as free trade areas are negotiated upon in Egypt, Jordan, Tunisia and Morocco while not mentioning legitimacy issues.[136]

European Commission President Barroso and European Council President Van Rompuy, by HR/VP Ashton and Commissioner for Neighbourhood Policy Füle have visited the MENA region multiple times from the beginning of the Arab Spring to ensure that foreign relations are kept warm. While help was rejected earlier, in June 2012, the Egyptian government invited the EEAS to send two electoral experts to assess the conduct of the

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[131] European Parliament, Directorate General for External Policies. 'EU action for human rights and democracy in the Middle East and North Africa'. (2012). Online PDF. 26-05-2013.
http://www.europarl.europa.eu/RegData/etudes/etudes/droi/2012/457141/EXPO-DROI_ET(2012)457141_EN.pdf.
[132] Idem.
[133] Idem.
[134] For more information on conditionality: C. Ashton, and S. Füle. 'Letter to all EU Foreign Ministers, (Conditionality non-paper), Brussels. (2012).
[135] European Commission. 'Restrictive measures into force – Syria (Article 215 TFEU)'. (2013). Online PDF. 26-05-2013. http://eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf.
[136] 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. 'Non-paper: Using EU Trade Policy to promote fundamental human rights'. (2012). Current policies and practices. DG TRADE.

Presidential elections. For 2013 the EU has offered Egypt an Election Observation Mission (EOM) to assess the elections of 2013.[137]

The EU has funded democracy initiatives through three budget lines: ENPI, EIDHR and the Development Cooperation Instrument (DCI). For example Egypt has been given 449 million for the period of 2011-2013 by the ENP. The EU offered its support via observers for parliamentary and presidential elections, but this offer was turned down by the government of Egypt. In a press release in September 2012 Herman van Rompuy pointed out that Egypt was on the right path towards democracy:

> '*President Morsi informed me of the way forward in Egypt's democratic transition: the work of the Constituent Assembly in drafting a new Constitution to be confirmed by a public referendum, and the subsequent parliamentary elections. I welcomed this road map which should achieve the democratic representation of all Egyptians, irrespective of gender and creed, the safeguarding of their fundamental and human rights and the establishment of democratic institutions and balance of powers.*'[138]

This statement does not mention any specific actions of the EU to support this process nor does it urges Morsi to stay on the democratic path.

The EU was able to support the High Electoral Commission with 2 million. In the year 2012 Egypt achieved some major democratic milestones supported by the EU, especially with regard to orderly and fair elections and the expiration of the state of emergency as well as a transition from military to civilian rule. Besides a major power shift the drafting of a new constitution was a big change, although this change was not without setbacks as the process was heavily criticized. The EC sees a big step forward for Egypt but still has some recommendations:

On the basis of this year's report and to sustain implementation of the ENP Action Plan in 2013, Egypt is invited to: [139]

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[137] European Commission Press release. 'EU's response to the Arab Spring: The state of play after two years' MEMO/13/81. (08-02-2013). Online. 26-05-2013. http://europa.eu/rapid/press-release_MEMO-13-81_en.htm.

[138] European Council. 'Press statement by the President of the European Council Herman van Rompuy, following his meeting with the President of Egypt Mohamed Morsi'. (13-09-2012). Online. 29-05-2013. http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/132417.pdf.

[139] European Commission, European Neighbourhood Policy. 'ENP Country Progress Report 2012- Egypt'. (20-03-2013). Online. 26-05-2013. http://europa.eu/rapid/press-release_MEMO-13-245_en.htm.

- Ensure an inclusive dialogue with all political parties and other actors including religious leaders to ensure that the Constitution is co-owned by all Egyptians and enshrines respect for human rights and fundamental freedoms, notably preserving the freedom of religion and protecting minorities.
- Organise within the set timetable fair and transparent parliamentary elections with the participation of foreign election observation missions.
- Completely halt the use of military courts to judge civilians.
- Create conditions conducive to an active and independent NGO community and adopt NGO legislation in line with international standards.
- Pay particular attention to the protection of women's rights and gender equality.
- Implement the Economic Reform Programme that ensures macroeconomic stability and strengthens public finance management in line with international standards.
- Ensure and implement social safety net systems to protect the most vulnerable from the impact of commodities subsidy reductions.
- Engage in the Deep and Comprehensive Free Trade Area (DCFTA) preparatory process in line with the EU-Egypt task force conclusions.
- Sign and ratify the regional Convention on pan-Euro-Mediterranean preferential rules of origin.

While Egypt only acted on some of the recommendations of the ENPI the EU continued to play a role in Egypt's transition. From 2011 The EU set up task forces For Egypt and Jordan to bring together representatives of the EU institutions, different governments, the private sector, international actors and society to form a platform for political and economical reform.[140] The taskforces aimed at deepening democracy in a differentiated way.

Although reform has been very positive, there are still some major concerns on the freedom of assembly, association and expression. Concerns on the freedom of assembly are pointed towards the Egyptian civil society organizations facing increasing pressure of the government. Supporting democracy is for the EU closely linked to welfare and economic prosperity in Egypt. The EC linked democratic reform to economic reform by providing EU macro-financial assistance (MFA) to Egypt, to be launched in 2013.

Specific support has been given by the EIDHR to the One World Foundation. This foundation has supported the objective of strengthening women's involvement in public life:

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[140] Idem.

'it increased the amount of women winning parliamentary elections. It trains women to campaign, fundraise, network and assess a community's needs. Training, information sessions and women-friendly material are also provided to campaign managers, community leaders and media professionals.'[141]

The case of Lebanon provides many examples of EU action in the area of democracy promotion although this assistance does not include the same amount of funds that a country like Egypt gets:

"Continuous support to deepen democracy and enhance social inclusiveness and stability is one the EU's principal objectives. In providing additional support to Lebanon to achieve this, the EU is proving its strong commitment to its partnership with this neighbouring country and considerably strengthening the impact of EU-Lebanon co-operation."[142]

These programs (all part of the SPRING programme) are supported with 22 million on funds especially focused on the support of civil society, reform of the electoral system and assistance to Palestinian refugee camps.[143] The EU is very supportive towards the Lebanese government, as there is an existing democratic state and much progress since the war of 2006:

'The EU recalls the importance of strong, independent and democratic Lebanese public institutions. Their continued work is essential for preserving stability and unity in Lebanon, as stressed by the High Representative during her recent timely visit to Lebanon. The EU welcomes the efforts of the Lebanese security forces, including the Lebanese Armed Forces, to ensure security for all people living on Lebanese territory, with due respect for the rule of law and human rights. The EU recalls its commitment to support Lebanon's institutions and security forces in fulfilling this role.'[144]

EIDHR has many projects that are supporting stability in Lebanon. Amongst others is a project to promote better protection in case of arbitrary arrest and lengthy detentions. The project was implemented by the *Association Libanaise pour l'Education et la Formation*, and it wants to create civil and communal awareness with regard to reducing arbitrary arrest and a focus on respect of the rights of detainees during pre-trial proceedings.[145]

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[141] European Commission, EIDHR. 'Delivering on the Arab Spring'. 2012.
[142] European Commission, Press Release. 'New EU support to promote democratic reforms in Lebanon (IP/12/1357)'. (13-12-2012). Online. http://europa.eu/rapid/press-release_IP-12-1357_en.htm.
[143] Idem.
[144] Council of the European Union. 'Council conclusions on Lebanon, Foreign Affairs Council meeting'. (19-09-2012). Online PDF. 27-05-2013.
http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/133565.pdf.
[145] European Commission, EIDHR. 'Delivering on the Arab Spring'. 2012.

Although support is extensive, the EC still sees some improvements to be made. The electoral law that was approved by the Cabinet in August 2012 was only approved very late by the Parliament with the risk of not being implemented in time. This electoral law was drafted from recommendations of the EU election observation mission and aligns stronger with international standards. Although the EU has been able to help with this draft, no independent electoral commission has been agreed upon, or a fair representation of women.[146]

Unfortunately Lebanon failed to address most key recommendations of the ENP 2011-2013. On the other hand Lebanon and the EU did make progress on the ENP Action Plan, which was redrafted in early 2013 because of close cooperation between Catherine Ashton and Prime Minister Najib Mikati. The ENP action plan stated that freedom and human rights are generally respected in Lebanon, it also has managed to maintain monetary stability. Although cooperation was positive, the implementation of Lebanon's objectives went slowly. It has not yet made progress in joining the World Trade Organization or signing the Convention on pan-Euro-Mediterranean preferential rules. According to the EP Lebanon needs to focus on certain issues in 2013:

• Ensuring that the elections in 2013 are conducted in a democratic way, and that compliance of the electoral framework with international standards is improved.

• Enhancing the role of institutions that can contribute to the stability of the country, in particular the Parliament.

• Working on improving the security situation, law enforcement and border management.

• Improving the effectiveness and independence of the judiciary, including through increased computerisation of the courts and independence of judicial appointments;

• Taking measures to enhance the role of women in public and economic life;

• Adopting the budget on time and improving management of public finances.

• Taking measures to combat corruption, including the adoption of public procurement legislation.

• Making progress toward membership of the WTO.

• Signing and ratifying the regional Convention on pan-Euro-Mediterranean preferential rules of origin.

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[146] European Commission. 'Joint Staff working document, Implementation of the European Neighbourhood Policy in Lebanon Progress in 2012 and recommendations for actions'. (2012). Online PDF. 27-05-2013. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SWD:2013:0093:FIN:EN:PDF.

While the EP mentions that Lebanon has to focus on some issues, the European Council on Foreign Relations argues that the EU should use its influence to contain the spillover from Syria. Europe can use its status to talk to all sides and go for consensus politics with as main objective to deescalate tensions. This also means that Europe should keep its communication open to Hezbollah instead of shutting them out of conversations. The EU can also help to strengthen Lebanon's institutional capacity and fully support the Lebanese Armed Forces in reaching this goal.[147] The EEAS has made some considerable moves in supporting stability in Lebanon regarding stability: promoting an inclusive and responsible media, developing national capability for security and the rule of law and supporting civil peace.[148]

In the case of Syria it is much more difficult to assess the influence of the EU's foreign policy with regard to democracy promotion. The civil society in Syria, as well as the international community now mainly focus on stopping the violence and ending the war. Nevertheless the democratic values are still mentioned in the EC's press releases: '*The Foreign Affairs Council of December 2012 accepted the National Coalition for Syrian Revolutionary and Opposition Forces as legitimate representatives of the Syrian people. The EU encouraged the Coalition to persist in its commitment to full inclusiveness and the principles of democracy and human rights.*'[149] While mentioning democracy, the EU mainly cooperates with Syria in the area of refugees and their needs of health, education and livelihood. EIDHR is the main EU instrument in the case of Syria, providing much needed support to civil society and documenting digital security, media, networking of activists and supporting Syrian bloggers and independent media.[150] As can be seen in a report of EIDHR of 2012 the projects EIDHR focuses on are for the biggest part democracy projects :

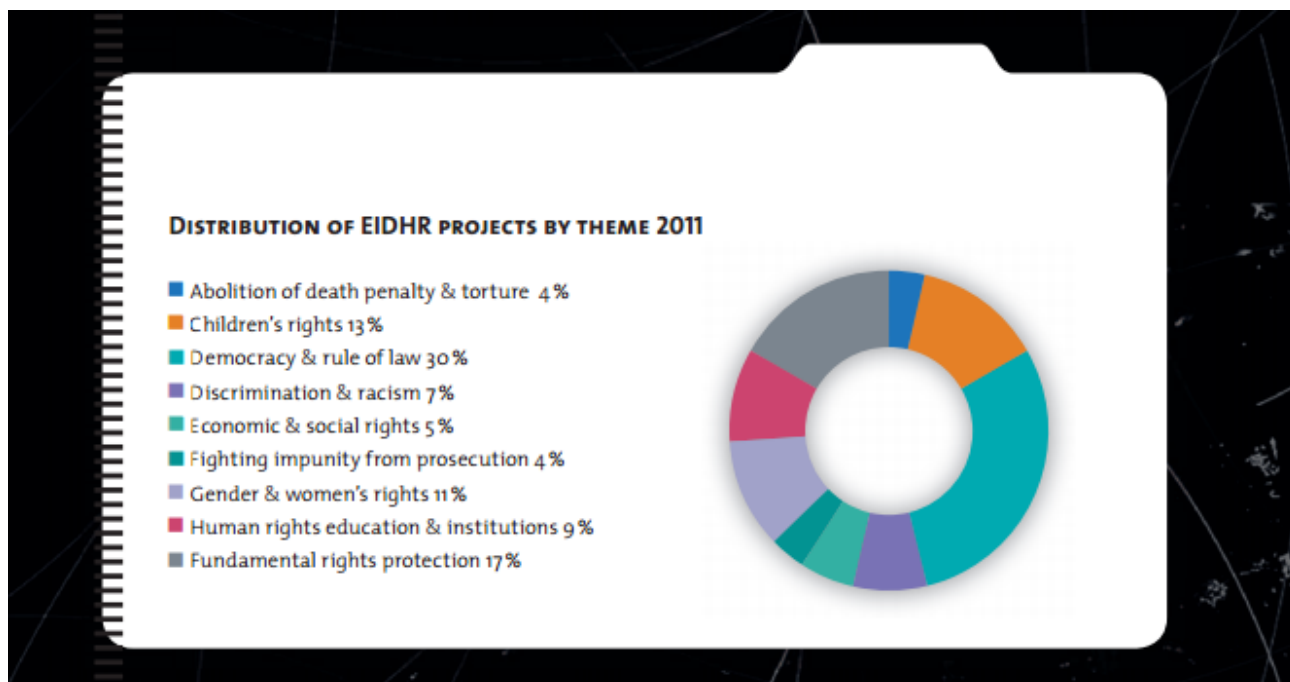[147] http://ecfr.eu/content/entry/lebanon_containing_spillover_from_syria.
[148] For more specific information on the list of project of the EEAS: EEAS. 'The cooperation of the European Union and the EU member states with Lebanon'. Online. 30-05-2013.
http://eeas.europa.eu/delegations/lebanon/projects/list_of_projects/projects_en.htm.
[149] European Commission. 'ENP package Syria, Reference: MEMO/13/255'. (20-03-2013). Online. 27-05-2013. http://europa.eu/rapid/press-release_MEMO-13-255_en.htm.
[150] Idem.

Figure II. Distribution of EIDHR projects by theme 2011.[151]

At this moment the EU and the international community prioritize the humanitarian disaster above supporting democracy.

The European Parliament.

On the 7th of July 2011 the European Parliament took on a revolution on the EU external policies in favor of democratization. Amongst other things it questioned the EU's policy on stability and security with regard to the MENA region: '*Notes that the events unfolding in North Africa and the Middle East have demonstrated the limitations of a focus on security – notably the fight against irregular migration – and stability, which has failed to reduce poverty and social injustice; stresses that 'security versus democracy' is a false dilemma since there can be no human security in a society without a democratic and accountable government; believes that, although there has been economic growth, its benefits have not been distributed fairly; considers therefore that the question of social justice and the fight against inequalities has to become an essential objective of the Union's external policy, as it is an indispensable factor in the building of a peaceful, prosperous and democratic society'[152]* The EP suggests that there is a need to consolidate democracy on the basis of

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[151] EIDHR. Delivering on the Arab Spring. 2012.
[152] European Parliament Resolution. 'European Parliament resolution of 7 July 2011 on EU external policies in favour of democratization (2011/2035(INI))'. (2011). Online PDF. 24-05-2013.

endogenous, sustainable and comprehensive development and that this is not encouraged enough. The EP makes an important remark in saying that democracy should not be forced by external actors but home-grown and not artificially imposed. It says the international community should play an active role in supporting democratic consolidation processes as democracy provides stable and peaceful societies.[153] This statement makes clear why the EU uses soft power in the MENA region as it is not willing to enforce certain policies on countries. This enforcement would decrease the credibility of the EU's core values. While soft power is the standard, the EP does urge the EC and EEAS to be more actively engaged in the unfolding democracies in the MENA region. It encourages these actors to develop party-to-party programmes to deepen cooperation.

Lebanon is one of the countries that has been relatively stable since 2006 but has many trouble keeping stability as a spill-over from Syria is almost inevitable. As this situation is ongoing, it is necessary to stress that this thesis analyses the situation until March 2013. It is therefore possible that the situation has deteriorated later this year.

The European Parliament as well as the European Commission has stressed their concern on the deteriorating situation in Lebanon. The EP has made policy recommendations to the EC to act on the situation there.

In view of the risks of prolonged political instability in Lebanon, the European Parliament could consider the following policy options:[154]

- Lend political support to Prime Minister-designate Tammam Salam as he works to form a cabinet and bring political stability to the country.
- Call on all political factions to agree on an electoral law so parliamentary elections can be held on schedule, as recommended by the European Union and the international community.
- Support Lebanon's policy of dissociation from the Syrian civil war, and call on Syria and other countries to respect Lebanon's territorial integrity.
- Call for increasing the EU's material and political support to alleviate the risk that the

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http://www.europarl.europa.eu/RegData/seance_pleniere/textes_adoptes/provisoire/2011/07-07/0334/P7_TA-PROV(2011)0334_EN.pdf.

[153] Idem.

[154] European Parliament, Directorate-General for external policies. 'Quick Policy Insight: Regional tensions lead to a power vacuum in Lebanon '. (17-04-2013). Online. 28-05-2013. http://www.europarl.europa.eu/delegations/en/studiesdownload.html?languageDocument=EN&file=92370.

> increasing number of Syrian refugees poses for Lebanon's socio-economic and political stability.
>
> - Support strengthening Lebanon's national security institutions, notably the police (ISF) and the Lebanese Army

The European Parliament also stresses some major recommendations towards the EC to be consistent in using the more for more principle. In the case of Egypt the EU should withhold budget support from Egypt if it is not making progress in democracy or human rights. There should be more conditionality when it comes to the 5 billion EU aid for 2012-2013, the EU analyze if improvements are made in the area of women's rights, democracy and elections and economic governance. For now the EP wants to focus on an inclusive political process based on consensus until new parliamentary elections are scheduled.[155] This call of the EP to make the support more conditional already began in December 2012. The EP called on the EC to pressure Egypt and Mohamed Morsi to change back his decision on the constitution and keep Egypt on the track to democracy. Martin Schulz stated: '*The European Union must make it clear that there can be no political nor economic cooperation without pluralist democracy in Egypt'*.[156]

For Syria the EP mostly urges the EU and other international organizations as well as al-Assad and the opposition to stop the atrocities while democracy is only slightly mentioned later in the joint motions. The EP does not mention taking specific action with regard to democracy only that the political process to come should be democratic: '*Believes that the key to solving the conflict lies in political mechanisms facilitating a Syrian-led political process that will promote a swift, credible and effective political solution in conjunction with those genuinely committed to transition, while ensuring full respect for the universal values of democracy, the rule of law, human rights and fundamental freedoms, with special regard to the rights of ethnic, cultural and religious minorities and of women; reaffirms that it is a priority to keep the humanitarian and political tracks separate in order to facilitate access to those in need; calls for the EU and the European External Action Service to develop a*

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[155] European Parliament. 'Egypt: no EU financial support if no progress on democracy, MEP's say'. (14-03-2013). Online. 28-05-2013.
http://www.europarl.europa.eu/news/en/pressroom/content/20130308IPR06308/html/Egypt-no-EU-financial-support-if-no-progress-on-democracy-MEPs-say.
[156] EU business. 'European Parliament chief urges economic pressure on Egypt'. (07-12-2013). Online. 28-05-2013. http://www.eubusiness.com/news-eu/egypt-politics.l4h/.

roadmap for political governance in the liberated areas, including the possibility of lifting the economic sanctions'.[157]

Analysis

The EU is really careful when it comes to the promotion of democracy worldwide. Although democracy and its promotion is mentioned in the Treaty on European Union it is not forced upon by the EU. The EU has mainly and foremost used soft power to promote and introduce democracy in the MENA region. The use of soft power has had as a consequence that some MENA region actors have not taken the EU seriously regarding the use of conditionality. It can be argued that more conditionality was and still is needed to enforce some basic rights; like the right of free speech and free media. Sanctions are mainly imposed on Syria, while a country like Egypt may need this more to stay on the track towards democracy. In the case of Syria sanctions have also affected civil society who have even less resources or media to keep contact with the outside world. For the EU this is the most difficult case, as it pressures the policy of soft power. The EU does not want to interfere in the civil war as this may lead to a prolonged conflict with as a consequence an inevitable western mark on peace-building and democracy. On the other hand there's a moral problem concerning the responsibility to protect(R2P) which the EU highly values. This R2P towards civilians makes it more difficult for the EU not to interfere military in the war. The EU has been indecisive in it actions what has resulted in an inconsistent policy of acting half.

While the EC has provided many reports with recommendations towards Egypt, Syria and Lebanon these recommendations are mainly focused upon the governments while the EU needs to focus on its own role in providing an open environment. EIDHR is an example of a good case practice in which certain specific projects and NGO's have been supported who aim at consolidating democracy in the different countries of the Middle East. These projects have had some real outcomes which are measurable and therefore can be seen as influenced by the EU.

The EP has had more difficulty providing practical support but it does keep an eye on the EC and urges that some recommendations are implemented. It does mention that the EU

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[157] European Parliament. 'Joint Motion: European Parliament resolution on the situation of Syrian refugees in neighbouring countries'. (22-05-2013). Online. 28-05-2013.
http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P7-RC-2013-0199&language=EN.

should play an active role in consolidating democracy but it does not seem to support some major projects that want to do so.

The EU's influence regarding democracy is much more difficult to measure as the EU is really cautious about interfering in domestic politics. In the area of democracy policy recommendations and supported projects mainly stay on the surface and try to influence the region by suggesting rather than forcing options and policies.

Conclusion, debates and policy recommendation

Conclusion

During the Arab Spring the EU has seen the necessity to reform its foreign policy putting democracy and human rights back on the agenda. The EU now focuses on 'deep democracy', 'sustainability' and 'inclusiveness' instead of merely economic and political stability. This change is not only theoretical but has also brought new policies that need to implement these focuses. Although new policies like the European Neighbourhood Policy, the European External Action Service and the EIDHR have brought new incentive in the old polices, liberal democracy and market economy are still the main institutional ideas from which the EU forms its foreign policy. The economic policy shows itself in the continuous agreements of free trade with countries that are in 'transition'.

While the EU has the instruments to play a major role in the Arab Spring it is held back by different factors. The CFSP has not acted like it should have, as the states were divided on response tactics. This divide has been characteristic for the Common Foreign Policy and it made it extremely hard to accomplish some major steps in protecting human rights and step up against repressive regimes even though the whole idea of the CFSP was to be able to provide more unity.

In this thesis it has become clear that; although theoretical change has been made on a big scale, the instruments of the EU have all been used differently and are in some cases in conflict themselves. This is especially true for the EP and EC who both have different initiatives and focus points. The EP has a very strong focus on human rights and therefore sees too little action from the EC to protect human rights in the MENA region.

The problem of not being able to act is debated as it is hard to see the EU takes only that little action. Although in the case of Syria the EU is merely a spectator when it comes to military action, on the other hand the EU is an actor in the giving of extensive humanitarian

aid. Overall the EU has changed from being only a spectator and a bystander during the repressive regimes of Mubarak and Assad towards an actor mostly in the area of human rights. Especially acting military has proven to be difficult as unanimity is still necessary in areas of defense and security. In April 2013 the EU has acted in such that it has allowed France and Britain to supply the rebels with arms. One of the major factors that the EU struggles with are the inter-institutional struggles that prevent and held back decisions from being implemented. Another factor is that the MENA region countries distrust the EU as it has supported the repressive regimes in the past and failed to act in the violence during the uprisings on Tahrir square, in Bahrain and of course in Syria. The EU could become a major actor if it would implement its policies consistently and decisively. Unfortunately, that is again made difficult by the amount of instruments used by the EU and the actors that are all involved, wanting to carry out their idea of a good policy.

The countries that have been used to research the influence of the EU have shown that the EU is not cohesive in its actions. In the case of Egypt, the EU was very supportive towards the regime change, but failed to do something after Egypt fell back towards autocracy. Lebanon on the other hand, with its Hezbollah backed regime, is supported extensively. Egypt is still of major strategic importance and this might have had an effect on the amount and the goals of the aid. Syria, on the other hand, is of minimal strategic or political importance for the EU although peace has been a goal in itself.

The countries that struggled for a regime change during the Arab Spring were also the ones suffering from the conditionality practices of the EU. People in those countries knew of the unconditional practices the EU had implemented before, and therefore not all were enthusiastic to invite the EU on the table. In a post Arab Spring environment conditionality and its sanctions may no longer be seen as viable instrument. The top down enforcement of institutional change or lack of enforcement has not brought democracy closer to the MENA region. The EU now tries to influence change by developing democracy and human rights on a micro-level instead of top down. This means that EIDHR supports small nongovernmental initiatives that work with fair elections or human rights defenders in danger.

Debates

One of the most important conclusions of this thesis is that of the EU's inconsistency. How can this inconsistency be explained? Different debates react on this problem and try to explain and analyze the problems the EU faces regarding its inconsistency.

The institutional struggles prevent the EU from working coherently in the area of foreign affairs. Not only do the various institutions support different goals, they also have as a consequence that they stagnate because of these disputes. The independent and separate institutions as Moravcsik (1998) mentioned are in constant tension with the concept of a single institutional framework. Already in article 3 TEU it is mentioned that the Union shall be served by a single institutional framework although other articles of the TEU divide tasks between institutions. Moravcsik sees that the national parliaments still dominate EU policies and that power has not shifted to the executive. According to him actions are still mainly controlled by national governments and therefore the EU strengthens the state. He points out that: '*the most significant institutional development in the EU in the past two decades has been the increased powers of the European Parliament in the legislative process and in the selection of the Commission. National governments no longer dominate outcomes where significant independent agenda-setting power has been delegated to the Commission, for example under the codecision procedure and qualified majority voting in the Council. Hence, indirect accountability via national executives in the Council is weak under these 'supranational' policy mechanisms, as particular national governments can be on the losing side on an issue-by-issue basis. However, the EU has addressed this potential problem by significantly increasing the powers of the European Parliament in exactly these areas.*'[158] The increase of legislative powers is said to have a more democratic effect on the EU but has it also increased the unity and coherent acting? This debate has not yet been solved. While it is possible to see the EU as a good working and powerful system, the other side mentions that the EU could do so much more. The instruments and possibilities are there, but the EU is lacking unified action.

Another debate is about the apparent objectives of the EU's foreign policy. On the one hand there are normative objectives and on the other hand strategic objectives. According to Clara Portela this debate can be explained as the difference between indirectly security-relevant objectives and directly security-relevant objectives in which the indirectly security-relevant objectives are the promoting of human rights and democracy. The directly security-relevant objectives are those in which the fight against terrorism plays a role, just as post-conflict stabilization and support of the peace processes and the promotion of regional peace and stability.[159] Especially the fight against terrorism and fighting for human rights are

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[158] A. Follesdal, S. Hix. 'Why there is a democratic deficit in the EU: a response to Majone and Moravcsik'. Vol. 44, Number 3. 2006. Journal of Common Market Studies. p. 533-62.
[159] Portela. ´Where and why does the EU impose sanctions?'. 2005.

difficult to combine. The fight against terrorism seems to need some level of violence to achieve its goals and this violence often goes against the declaration of human rights. These conflicting goals make it very hard for the EU to work with a consistent policy even more so because the different institutions within the EU have different focus areas and thus will hold each other back on certain issues.

A third debate consists of the global character of the EU's foreign policy. Is it global or regional and are different standards used when talking about sanctions? '*Even in an era of globalisation, geography is still important. It is in the European interest that countries on our borders are well-governed. Neighbours who are engaged in violent conflict, weak states where organised crime flourishes, dysfunctional societies or exploding population growth on its borders all pose problems for Europe.*'[160] This may also mean that the closer a country or region is to the European Union, the more sanctions it gets. A possible explanation for this is that the EU needs more stability in its neighborhood because of a possible security threat. But even within its neighborhood the amount and severity of certain sanctions differs per country. The amount of sanctions for Syria is way higher than in Egypt, while the oil states are more lucky. This policy of sanctions can be debated as a good soft power measure instead of armed violence but it is also very much prone to inconsistency and favoritism.

A third debate concerning the CFSP is that further CFSP integration can lead to a stronger influence of the EU in world affairs which can in its turn result in the surrender of national sovereignty and consequently a European federation. On the other hand, there is already deeper integration in many policy areas than some could have imagined. It can also be a positive trend towards another form of democracy, according to McCormick: '*In many instances the EU has strengthened democracy and the rights of citizens e.g. The European Human Rights Convention and the principle of subsidiarity which has enabled decisions to be made at the closest level to the citizen thus enhancing democracy.*'[161] A more unified institutional power can lead to more consistency concerning the foreign policy. Unfortunately this is not yet happening at the moment as certain countries do not want to lose their sovereignty. This has not only to do with military issues, as is one of the problems for

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[160] General Secretariat of the Council of the European Union. 'Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy'. (15-12-2009). Online PDF. 17-04-2013. http://register.consilium.europa.eu/pdf/en/09/st17/st17464.en09.pdf.
[160]

[161] M. Curley. 'The Common Foreign and Security Policy of the European Union: Can it Survive in the twenty first century?' (2012). Online PDF. 16-04-2013.
http://www.ucc.ie/en/government/governmentandpoliticsreview/currentissue/TheCommonForeignandSecurityP olicyoftheEuropeanUnion,canitsurviveinthetwentyfirstcentury-MarkCurley.pdf

Sweden, but also with the amount of percentage of aid given as some countries in Europe cannot agree upon.

Policy recommendation

As a policy recommendation it is good to keep in mind that the MENA region consists of more than 60% of youth under 30 with 35% between fifteen and thirty. For the past twenty five years youth have faced increased exclusion from several milestones in politics and culture that are vital for normative transitions to adulthood. There are four main areas driving this exclusion: institutional rigidities, low quality education, poor employment opportunities and delay in family formation.

In the area of employment the opportunities for youth have declined which, combined with a limited access to finance gives even less opportunities to develop. For many companies it is restricted to hire new entrance due to rigid regulations. This said, it is important to include youth in current political and economic activities as they have to take over in a few years. This should also become more of a focus for the EU and its different policies especially to integrate youth in the changing political context and to manage their expectations on policy formation. The EU can focus on different policies regarding youth: fostering of youth entrepreneurship, access to finance and possibilities to set up own companies, facilitating in informing youth on their rights and possibilities regarding politics. The success of such a focus depends much on sustainability, technology and partnerships.

At this moment the youth movements are either social or political but they have one thing in common and that is that they do not like help from the outside as they are convinced their victory will be taken from them. These organizations only have in common that they are all young, but this also means that they do not have experience and expertise on which to fall back and this makes them unorganized and not able to grow. This is where the EU can make a change and include these organizations in higher level talks and provide for cultural exchanges in order to produce an environment of open-mindedness.[162]

Regarding the different trends the EU stays on the background. The rise of the Islamists and Salafis is of concern for the EU as there is a possible threat of terrorism in the rise of extremism. This threat though mainly shows itself in the jihadi threat which is of bigger concern for the EU as this trend is growing. The gain of power of extremists can be of great influence for the foreign relations of the EU which might become more difficult with

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[162] For more information on Arab youth issues: ASDAA Burson-Marsteller. 'ASDA'A Burson-Marsteller Arab youth survey 2013'. (2013). Online website. 26-05-2013. http://arabyouthsurvey.com/.

extremists having filled up the power vacuum. A third trend on which the EU does not specifically focus is the trend of sectarian confrontations. This trend should be focused on more as it is a very dangerous one that can lead to big scale scapegoating and worse. Especially in the case of Lebanon it is important to support openness and communication between different groups to prevent discrimination and sectarian conflict.

A fourth trend is the geopolitical shift within the MENA region that also means a political shift for the EU. The political transformation of the MENA region has resulted in a decrease of the EU's political impact. The EU is currently held back by the economic crisis as well as by reduction in development aid budgets compared to earlier years.

The EU's human rights policy deals with eight human rights guidelines of which some are more important than others with regard to the MENA region countries. In these countries the most important human rights issues for the EU are torture, violence against women and human rights defenders; especially during the Arab Spring the other five issues have stayed on the background.

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Appendix

Freedom House Checklist questions on democracy.

Freedom in the World 2011

Each numbered checklist question is assigned a score of 0-4 (except for discretionary question A, for which a score of 1-4 may be added, and discretionary question B, for which a score of 1-4 may be subtracted), according to the survey methodology. The bulleted sub-questions are intended to provide guidance to the writers regarding what issues are meant to be considered in scoring each checklist question; the authors do not necessarily have to consider every sub-question when scoring their countries.

POLITICAL RIGHTS CHECKLIST
A.   ELECTORAL PROCESS

- **Is the head of government or other chief national authority elected through free and fair elections?**
- **Are the national legislative representatives elected through free and fair elections?**
- **Are the electoral laws and framework fair?**

B.   POLITICAL PLURALISM AND PARTICIPATION

- **Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?**
- **Is there a significant opposition vote and a realistic possibility for the opposition to increase its support or gain power through elections?**
- **Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?**

- Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

C.   FUNCTIONING OF GOVERNMENT

- Do the freely elected head of government and national legislative representatives determine the policies of the government?
- Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTIONS:

A.

- For traditional monarchies that have no parties or electoral process, does the system provide for genuine, meaningful consultation with the people, encourage public discussion of policy choices, and allow the right to petition the ruler?

B.

- Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group?

CIVIL LIBERTIES CHECKLIST

D.   FREEDOM OF EXPRESSION AND BELIEF

- Are there free and independent media and other forms of cultural expression? (*Note*: In cases where the media are state controlled but offer pluralistic points of view, the survey gives the system credit.)
- Are religious institutions and communities free to practice their faith and express themselves in public and private?
- Is there academic freedom, and is the educational system free of extensive political indoctrination?

- **Is there open and free private discussion?**

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS

- **Is there freedom of assembly, demonstration, and open public discussion?**
- **Is there freedom for nongovernmental organizations? (*Note*: This includes civic organizations, interest groups, foundations, etc.)**
- **Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?**
-

F. RULE OF LAW

- **Is there an independent judiciary?**
- **Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?**
- **Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?**
- **Do laws, policies, and practices guarantee equal treatment of various segments of the population?**

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS

- **Do citizens enjoy freedom of travel or choice of residence, employment, or institution of higher education?**
- **Do citizens have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?**
- **Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?**
- **Is there equality of opportunity and the absence of economic exploitation?**