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**EU attempts to export norms of good governance  
to the Mediterranean and Western Balkan countries**

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October 2004 - JMWP n° 53

**Keywords:** EU International Role - Normative Power - Mediterranean – Western Balkans  
Political Regimes - Democratization - Human rights protection

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**Abstract.** An assessment of the EU international role as a *normative power* and its capacity to export norms of good governance (in particular democracy and human rights protection) to Mediterranean and Western Balkan countries is provided. A normative analysis is adopted to compare the EU Human Rights and Democratization (HRD) policy towards the two regional areas. Has the EU HRD policy the potential to foster political changes in the targeted countries? This comparative analysis suggests that when the enlargement is a long term prospective the EU initiatives can favour the local political reform process (as in the case of the Western Balkans); but when the EU adopts a comprehensive framework of regional cooperation (such as the EuroMediterranean Partnership) it is difficult to effectively promote democracy and human rights protection.

## 1. Introduction

Since the end of the cold war, and also after September 11, the European Union (EU) has increasingly enhanced its responsibilities in the construction of security abroad. The EU has strengthened its international role by developing external relations which include a wide range of political, economic, trade, humanitarian and diplomatic initiatives reflecting EU common values and norms. The EU tends to export to its neighbour countries EU norms and models, including democratic values and practices, rule of law, human rights standards and political dialogue – which all together constitute the *good governance norms*.

The EU multidimensional approach in its external relations is conceived as a way to export to third countries the European political and economic development principles and norms. Apparently, the new international environment offered the EU the potential to strengthen its political and economic role with new instruments and institutions. Regional cooperation initiatives, administrative, judicial and economic reforms, institution-building process towards neighbouring countries and regions are all part of EU's comprehensive security approach. Thus EU relations with the Mediterranean and the Western Balkan countries have been restructured respectively through regional processes, such as the Euro-Mediterranean Partnership (EMP) and the Stability and Association Process (SAP).

This paper aims to provide the ongoing debate on EU's type of participation in international politics with some empirical evidence. So far it has been regarded as “actorness” (Sjøstedt, 1977), “presence” (Allen and Smith, 1990; 1998); “role” (Hill, 1993; 1998); “impact” (Ginsberg, 2001); “normative power” (Manners, 2002). By comparing the EU Mediterranean policy with EU policies for the Western Balkans, we aim to explore the EU capability to «extend its norms into the international system» (Manners, 2002). To what extent values and principles such as human rights and democracy can be regarded as the moving factor of EU external relations? Has the EU declared support for democracy and human rights resulted in the improvement of human rights standards and democratic practices in the partner countries?

In order to provide an evaluation of successes and failures of the EU commitment in exporting the EU model of political development, the constraints in the promotion of good governance norms will be highlighted by browsing the final *achievements* of EU engagement (i.e. stabilization, reconciliation, enlargement, partnership, market liberalisation), the *modalities* (i.e. positive incentives, conditionality, control, contagion), the *partners commitment* (active or passive role of local actors, civil society, political elites). The analysis focuses upon the Western Balkans and the Mediterranean, two regions which are proximate to the EU borders but differ in terms of future enlargement perspective (possible in the former, excluded instead in the latter).

A comparative analysis of EU initiatives adopted in the framework of the HRD policy combined with a survey of presence/absence of democracy and human rights in these countries suggests that the EU is able to produce some substantial diffusion of norms, values and principles when enlargement is conceived as a long-term objective, while regional cooperation within the EMP framework is not suited to produce any substantial change. Although democracy and human rights are repeatedly recalled in EU official documents and political discourses, the EMP as regional cooperation framework is not suited for the EU to produce “contagion” (Whitehead, 1996) and to bring its partners to adopt EU norms. The Freedom House data measuring the democratic development and respect of human rights in the world show that the Mediterranean Arab countries did not improve their democratic performance. As the Turkish case indicates, the enlargement process (or just the promise of it) with the compulsory adoption of the *acquis communautaire*, is a

much more stringent cooperation process and provides EU partners with the necessary incentives to reform their political systems, adopt democratic processes and increase human rights standards.

The Western Balkan countries are recently experiencing an improvement in human rights protection and an advancement in the democratic standards performance. This tendency emerged more clearly since the EU offered to the Western Balkans the status of *potential candidate*. The perspective of EU membership, indeed, seems to work as a worthwhile reward for the Balkan countries and it has become a vital objective for all Western Balkan political elites. However, the massive and multilateral involvement of the international community in the Balkan political systems reminds us that the positive political changes are not due to EU's efforts only nor are they self-sustainable, long-standing and really embedded within the Balkan societies. Still, the positive trend in the political reform process and the improvement of the democratic performances in the Western Balkans since 1999, in contrast with the stuck situation witnessed in the years before, seems to confirm that - despite the lack of a stringent timetable - an eventual EU membership represents a real incentive to proceed with domestic political reforms.

The hypothesis which is here tested is that, despite the optimistic assessment of the third wave of democratization (Huntington, 1991) and EU attempts to act as an external actor of democratization, political change cannot be only externally driven. The EU effective action is possible within the enlargement perspective, while it is undermined by the Union institutional schizophrenia. The involvement of local actors, then, remains the essential factor to foster a real democratic change.

## **2. The comprehensive approach of EU relations with South Mediterranean and Western Balkan countries**

### ***2.1. The EU and South Mediterranean countries***

Since the mid-1990s EU relations with the Mediterranean countries have been reshaped to adopt a "comprehensive approach" made up of a three-fold strategy which assumes as distinct but interrelated the following areas: (a) political and security cooperation, (b) economic and financial cooperation, (c) social and human affairs cooperation. Following this three-fold approach to EU international relations, the EU has adopted the EMP, a restructured Mediterranean policy addressing not only trade and financial issues but also a wide range of non-traditional political security issues such as migration, terrorism, social development, and cultural issues (i.e. the inter-religious dialogue, racism, xenophobia). The change of nature of EU international relations reflects a systemic change which has extended the concept of security to become comprehensive and multidimensional, because threats to security have often a transnational origin and go beyond a purely military dimension to include societal and human dimensions as distinct features of global security (Buzan and Waever, 2003).

In November 1995 the EU and 12 Mediterranean partner countries<sup>1</sup> adopted the Barcelona Declaration and established the EMP, which is namely made up of the Partnership on Political and Security Affairs, the Partnership on Economic and Financial Affairs, and the Partnership in Social,

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<sup>1</sup> The 12 Mediterranean partner countries which adopted the Barcelona Declaration in 1995 are Morocco, Algeria, Tunisia, Egypt, Israel, Gaza/West Bank, Jordan, Lebanon, Syria, Malta, Cyprus and Turkey. The shape of the EMP partners has currently changed towards a stronger Arab component. Following the 2004 enlargement, Cyprus and Malta have become EU members. Turkey has acquired the status of accession candidate. Israel had strong links with the EU even before and beyond the EMP. Libya has acquired the status of EMP observer partner. This group of EU partners made up of Arab countries plus Israel has been identified as the recipient group of the EU actions on Human Rights and democratization with Mediterranean partners (European Commission, 2003a: 3).

Cultural and Human Affairs. The ambitious goal set out in the Barcelona Declaration is «to turn the Mediterranean basin into an area of dialogue, exchange and co-operation granting peace, stability and prosperity».

The EMP expresses the linkage between political, economic co-operation, promotion of democracy and protection of human rights. The basic assumption of the EMP is that economic development in EU partner countries cannot take place without taking into due account political instability and socio-economic disparities, deterioration of the environment, threats to security deriving from illegal migration, terrorism, organised crime, etc. (Barcelona Declaration, 1995). There is a sort of presumption that poverty reduction can only be achieved with functioning democratic institutions and accountable governments, and that only democratic, pluralist governments respecting minority rights can lead to domestic stability (European Commission, 2001).

The European Commission has strongly contributed to the shaping of this *principled* approach to EU international relations. In May 2003 the Commission has expressed the importance it attaches to human rights and democratization with Mediterranean partners in a Communication to the Council and the European Parliament where it has proposed the *mainstreaming* of human rights and democracy. The Commission assumes that since there is a linkage between security, economic development, human rights and democracy «the promotion of democracy, the rule of law and the respect of human rights and fundamental freedoms constitutes one of the core objectives of the EU's external policies» (European Commission, 2003a: 2). Thus, the Commission recalls with satisfaction that all the documents adopted in the framework of the Barcelona Process - Presidency Conclusions to the Foreign Ministers Meetings, Valencia Action Plan, Common Strategy - reaffirm the joint commitment to promote human rights, fundamental freedoms and democracy.

## **2.2. The EU and the Western Balkans<sup>2</sup>**

The origins of the EU comprehensive approach towards South Eastern Europe can be traced back to the period soon after the wars in Bosnia and Herzegovina<sup>3</sup>. The *Declaration of the process for stability and good neighbourliness for the South East Europe*, promoted by the French government, was adopted in December 1995 in the French town of Royamount<sup>4</sup>. The process aimed to assess the possibility to extend the European Stability Pact also to South East European countries<sup>5</sup>. Emerging from the post war context, the Process' main ambition was to assure Balkan countries with stability and security and in particular «it should try to contribute to reducing the tensions arising from the conflict and preventing a resumption of hostilities, promote a better understanding that it is in the interest of each party to cooperate rather than to try systematically to put obstacles in the way of any undertaking by a neighbour, contribute to restoring confidence and dialogue, and overcome ethnic divisions and hatreds» (Council of the EU, 1996: Annex III). The

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<sup>2</sup> When the EU refers to the “Western Balkans” it includes the following five countries: Albania, Bosnia Herzegovina, Croatia, Serbia and Montenegro, and the Former Yugoslavian Republic of Macedonia (FYROM).

<sup>3</sup> However, EU relations with the countries of the area are not a completely new element. Since 1980 former Yugoslavia - being a non-aligned country, geographically included in Europe and very close to Greece - was benefiting from a Cooperation Agreement with the European Community (EC). By promoting the increase of financial cooperation and technical aid, in June 1990 the Commission declared its willingness to improve relations between the partners, planning to eventually convert the Cooperation Agreement into an Association Agreement. However, the break-up of Yugoslavia and the wars which followed have slowed down this prospective.

<sup>4</sup> The countries involved in the Royamount process are the EU members, the former Yugoslavia countries (Bosnia Herzegovina, Croatia, the Former Yugoslavian Republic of Macedonia (FYROM) and the Federal Republic of Yugoslavia - later named Serbia and Montenegro), the neighbouring countries: Albania, Hungary, Bulgaria, Romania and Turkey plus US and Russia and two regional organizations, the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE).

<sup>5</sup> The European Stability Pact was originally adopted in March 1995 to frame the EU cooperation with Central and East European Countries.

main aim was to build and reinforce the civil structures and the communication means, both at multilateral and bilateral level. So civil society mobilisation was foreseen in order to overcome social and culture prejudices and with the aim to foster reciprocal understanding.

The overall EU political strategy for the Balkans was expressed in the European Council Conclusion in February 1996, when it was envisaged that at the basis of EU regional approach there was not only an *economic* conditionality, but also a *political* one (Pippan, 2004: 222). The establishment of contractual relations, it was remarked, depends on the willingness of the target countries to work for the stabilization of the region, for the human and minorities' rights respect and democratic principles support. The Platform of the EU for the development of the process of stability and good neighbourliness included the following main possible contents:

- «Progressive restoration of the movement of people and ideas, in particular relating to information;
- Organization of regional meetings, restoration of dialogue between different elements of society (intellectuals, journalists, religious figures);
- Provisions to ban propaganda promoting aggression;
- Relaunching regional, cultural, scientific and technical cooperation;
- Initial identification of specific cross-border projects;
- Cooperation in re-establishing civil society, especially in areas of justice and administration (conjointly with the programmes developed by the Council of Europe)». (Council of the EU, 1996: Annex III)

Accordingly, the Royamount process was then part of the “Regional Approach” towards the Balkans launched to supplement the Dayton Peace Accords. Through the regional approach, the EU offered financial assistance, unilateral trade and contractual relations. However, despite its name, the approach was dealing with the Balkan countries *bilaterally* instead of via a *regional* approach. Albania and Macedonia were considered eligible for setting the Cooperation Agreements with the EU, while Bosnia-Herzegovina, Croatia and the Federal Republic of Yugoslavia were involved in the Dayton Peace Process and needed to fulfil some conditions before proceeding with the cooperation agreement (Phinnemore and Siani-Davis, 2003: 174). Conditions for the assistance were the will to accept the free market ideal and the establishment of good neighbourliness relations<sup>6</sup>.

The failures of the 1990s policies, the Kosovo crisis and the need to stabilise the Balkans urged the international community to elaborate a more comprehensive approach which was not only reactive to crisis, but had a long term perspective (Phinnemore and Siani-Davis, 2003: 174). With this framework the Stability Pact for South Eastern Europe was officially adopted in Köln on 10 June 1999. Forty actors among states and international organizations participated in the conference<sup>7</sup>. The Pact involves both countries of former Yugoslavia, which may see the Stability Pact as an “antechamber” of EU membership, and countries like Bulgaria and Romania, that have already started the accession negotiation with the EU (Missiroli, 2003: 15). In order to reach the objective,

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<sup>6</sup> The EU's efforts in the Balkans were operated through the assistance programme OBNOVA adopted in July 1996. OBNOVA regulations included a conditionality clause.

<sup>7</sup> The European Union Member States and the European Commission; the countries of the region and their neighbours: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, FYROM, Hungary, Poland, Romania, Slovakia, Slovenia, Federal Republic of Yugoslavia, Turkey, Moldova; non EU-members of the G8: USA, Canada, Japan and Russia; other European countries: Norway and Switzerland; international organisations: UN, OSCE, Council of Europe, UNHCR, NATO, OECD; international financial institutions: World Bank, International Monetary Fund (IMF), European Bank for Reconstruction and Development (EBRD), European Investment Bank (EIB), Council of Europe Development Bank (CEB); private sector groups represented by the Business Advisory Council to the Stability Pact; regional initiatives: Black Sea Economic Co-operation (BSEC), Central European Initiative (CEI), South East European Co-operative Initiative (SECI) and South East Europe Co-operation Process (SEECIP).

the Stability Pact was institutionally organized in a few mechanisms such as: the South Eastern Europe Regional Table, headed by a Special Coordinator, nominated by the EU with OSCE agreement. The Special Coordinator supervises the three Working Tables on: “Human Rights and Democratization”, “Economic reconstruction, development and cooperation” and “Security Issues” with two sub-tables: “Security and Defence” and “Justice and Internal Affairs”. Although the Pact was launched by the EU, it is neither an EU instrument, nor a new international organization. It is a sort of platform that includes all the international policies towards the region. «The Stability Pact aims at strengthening countries in South Eastern Europe in their efforts to foster peace, democracy, respect for human rights and economic prosperity, in order to achieve stability in the whole region. Those countries in the region who seek integration into Euro-Atlantic structures, alongside a number of other participants in the Pact, strongly believe that the implementation of this process will facilitate their objective» (Council of the European Union, 1999a). As pointed out by Pippan (2004: 227), the more important issue at the time of the launch of the Pact was not the pact itself, but the EU Council Common Position, in which it was stressed the willingness of the EU to integrate the Balkan countries in EU structures when the Copenhagen Criteria are met (Council of the European Union, 1999b Common Position 345/99). This prospective was also stressed at the European Council of Santa Maria da Feira, where the Balkan states’ position as potential EU candidates was endorsed. Having in mind the Kosovo crisis, the EU leaders realised that «a policy aimed merely at economic reconstruction, political reform and regional cooperation is, as such, not enough to bring lasting peace and stability to the region – only the additional prospect of full membership seems to be a promising way to achieve that» (Pippan, 2004: 227).

With the aim of supporting the Stability Pact goals, the EU launched a new range of Association and Stabilization Agreements (SAAs) with the countries not already involved in any agreements. The substantial aim was to favour the transition of these countries towards European values and structures by promoting domestic reforms, and acknowledging that this democratic transition may represent a successful way to reach stability and peace in the region (Balfour and Menotti, 2001). The framework of this commitment is the SAP, which relies upon «a step-by-step approach based on aid, trade preferences, dialogue, technical advice and, ultimately, contractual relations, (...) [which] offers these countries the prospect of full integration into EU structures». The countries that achieve «sufficient progress in terms of political and economic reform and administrative capacity» may sign new contractual relations - the SAAs<sup>8</sup>.

The SAAs are rather different from the Europe Agreements with Central and Eastern Countries as they do not contain an EU commitment for future accession and regard the Western Balkans as only *potential* candidates. Being not clear the exact link between SAA and membership, the Zagreb government decided to apply formally for membership in February 2003 and FYROM was following Croatia by delivering its membership application on 22 March 2004. Croatia has been awarded the status of “candidate for membership” in June 2004, when it has been planned that accession talks with Zagreb government will be launched officially at a bilateral intergovernmental conference in early 2005.

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<sup>8</sup> The former Yugoslav Republic of Macedonia (in April 2001) and Croatia (in October 2001) signed the SAAs, that may be considered as a prerequisite for any prospects of full membership. Albania started the negotiation process for the SAA on 31 January 2003. The assistance programme CARDS (Community Assistance for Reconstruction, Development and Stabilisation) launched by the European Commission on 10 May 2000 funds the SAP process and replaced the other EU aid instruments (like the Phare and Obnova programmes). CARDS funds are expressly directed towards the creation and modernisation of institutions and administrations in order to strengthen democracy, the rule of law and respect for minority rights. They are directed also towards «economic and social policies based on market-economy oriented reforms» (Council Regulation on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia, EC, n.2666/2000, 5 December 2000).

A quality shift in the EU-Western Balkans relation has been witnessed in the last two years, and even if the 2004 enlargement will produce a more cautious approach in the future enlargement, the promise made to the Western Balkans cannot be withdrawn. This has been mirrored in the rhetoric of the Commission's discourses. Prodi has several times stressed the fact that «[t]he historic process of Europe's unification will not be complete until the countries of Balkans join the Union», and «[w]e want you to become members of the Union — with no “ifs” and no “buts”. Europe's history is your history, Europe is your home. Our peoples all want and deserve the same things: democracy, peace and prosperity. Enlargement is based on the sharing of these values - and we want to share these values with all the countries in the region» (Prodi, 2003). Moreover, the fact that the Western Balkans are not included in the European Neighbourhood Policy reveals the different quality of the relations with the Balkans compared with the “neighbour countries”. In order to foster this process and to enrich the SAP, the Commission launched the European Integration Partnership with Western Balkans, drawing on previous and successful experience with Central and Eastern Countries (European Commission, 2003b)<sup>9</sup>. The European Integration Partnership proposes to enhance support for institution building, through “twinning” programmes and reinforcing technical assistance, improving political co-operation and enhancing the possibility for the countries of the Western Balkans to participate in some Community programmes. Concerning the democratization process, the Communication proposes to strengthen «parliaments in the Western Balkans and promote their further integration into the network of regional or international parliamentary structures in order to contribute to good governance in the region» (European Commission, 2003b).

**Table 1: A comparison of EU relations with Mediterranean countries and Western Balkans**

	<b>Mediterranean countries</b>	<b>Western Balkans</b>
<b>Policy Framework</b>	EMP (regional framework); EuroMediterranean Bilateral Agreements	Regional Approach, SAP (since 1999); European bilateral Partnership
<b>Political and Societal System Background</b>	Authoritarian regimes; socio-economic underdevelopment	Post communist countries; ethnic issues
<b>Incipient of EU cooperation</b>	Security management	Security management
<b>Nr of Partner Countries</b>	10 (since 2004 enlargement)	5
<b>Enlargement Perspective</b>	Turkey only	Yes

### **3. The EU as a “norm exporter”: the declared will of extending EU norms to third countries**

The EU tends to export to third countries the EU model of political and economic development based upon economic liberalization and the rules of free market, democratic norms and practices, and human rights protection. Democratic principles, minority rights, equal opportunities and solidarity - *inter alia* - are the values and principles the EU seeks to share with third countries through a principled international action. In all official documents, the EU makes extensive use of “declaratory measures” (Manners, 2002: 248) to export EU norms, values and principles. The discourse and normative analyses reveal a strong EU political commitment to deal with cooperation in the political, economic and social fields by transposing its own experience of political and economic development. But not necessarily the domestic political and socio-economic

<sup>9</sup> The European Integration Partnerships were then officially included in the Thessaloniki Agenda for the Western Balkans endorsed at the Thessaloniki European Council of June 2003.

system which proved successful in Western Europe and which has been recently extended to Central and Eastern Europe through the enlargement process can be easily exported to EU neighbour countries. This approach to EU international relations can only be successfully applied if the partners are provided with attracting incentives to comply with EU norms and values, considering that they have to accept EU norms with unilateral adaptation instead of negotiation (Cremona, 1998).

The political and economic incentives play a crucial role indeed. The transposition of the *acquis communautaire* - which can be regarded as the bulwark of the EU norms and principles complex – through the enlargement process is much more stringent than the adoption of norms via regional cooperation (e.g. the difficult implementation of the *Barcelona acquis*). In the 1990s the enlargement process has produced a diffusion of democratic processes and human rights standards to Central and Eastern European countries, because they had to face the Copenhagen criteria to start the accession process. EU relations with the Balkan countries with the long-term perspective of enlargement seem more promising in the transposition of EU norms, principles and values than the EU effectively export of norms to the Mediterranean countries.

The political instruments adopted explain the different impact EU norms and principles had so far in South Mediterranean partners. The promise of joining the EU, i.e. the “carrot” Turkey was offered by the EU, is producing some tangible results in reforming the Turkish political and economic system, while Arab countries are progressing much more slowly in the implementation of the EU model of political and economic development. For the Arab countries, and for the other countries of the European Neighbourhood Policy, EU membership is excluded, as they can share with the EU *all but institutions* (Prodi, 2002). Moreover, non-compliance with the *Barcelona acquis* is *de facto* not sanctioned by the EU.

### **3.1 The normative basis of EU- Mediterranean relations**

In its relations with the Mediterranean countries, the EU tends to depict itself as a ‘norm exporter’. EU official documents regulating EU relations with Mediterranean countries contain explicit reference to democracy, human rights, fundamental freedoms, rule of law, good governance, sustainable development and solidarity. The participants to the EMP undertake to:

- act in accordance with the United Nations Charter and the Universal Declaration of Human Rights;
- develop the rule of law and democracy in their political systems, while recognizing in this framework the right of each of them to choose and freely develop its own political, socio-cultural, economic and judicial system;
- respect human rights and fundamental freedoms and guarantee the effective legitimate exercise of such rights and freedoms, including freedom of expression, freedom of association for peaceful purposes and freedom of thought, conscience and religion, [...] without any discrimination on grounds of race, nationality, language, religion or sex;
- give favourable consideration, through dialogue between the parties, to exchange of information on matters relating to human rights, fundamental freedoms, racism and xenophobia;
- respect and ensure respect for diversity and pluralism in their societies (Barcelona Declaration, Chapter on Political and Security Partnership).

The Barcelona Declaration includes then most of the values and principles the EU assumes as distinctly European and it is very significant that the South Mediterranean countries subscribed the Declaration and accepted to «conduct a political dialogue to examine the most appropriate means and methods of implementing the principles adopted by the Barcelona Declaration».



However, EU Mediterranean partners seem to express political adherence to principles which they do not intend to translate into norms to be coherently implemented.

Also the European Neighbourhood Policy recalls liberty, democracy, respect for human rights and fundamental freedoms as values the EU shares with its neighbours (Council Conclusions, 2003). However, it relies upon a different approach from the EMP one. Despite the general framework of achieving long-term common goals, the clear reference to a *differentiated framework* gives the impression that by respecting the neighbours' needs, in the short to medium term the bilateral framework of cooperation will emerge as the most practicable level of cooperation. Moreover, the insistence on the economic cooperation and the neighbours' participation in the EU internal market gives the impression that reference to political cooperation is destined to remain on the backstage. The economic liberalization and the rule of free market – which are also typical EU values - seem to come prior to human rights and democratic principles. Another significant element of this *new* policy is the fact that instead of offering substantial *new* funds, interoperability between the existing instruments (i.e. TACIS, PHARE, MEDA) is envisaged. It is as if old wine had been poured into new bottles just to attract the attention away from the real problem of EU relations with the Mediterranean countries: scarce EU resources to help enhancing economic development and political reforms, including democracy and human rights. It is too early to attempt any evaluation on the effectiveness of the European Neighbourhood Policy which has been too recently adopted to encourage and support EU existing policies for the EU new Eastern neighbours plus the Mediterranean countries, but it will certainly have a close link with the EMP, because many objectives overlap.

The Euro-Mediterranean Agreements the EU has negotiated bilaterally with Arab countries offer another juridical platform to enhance norms of good governance in EU partner countries<sup>10</sup>. Since the 1990s all EU agreements with third countries include “human rights’ clauses”, thus the EU can suspend the agreement to react to cases of lack of good governance, democratic practices and values, poor respect of human rights. The EU disposes then of a juridical tool to sanction the democratic and human rights violations which are still recurrent in South Mediterranean countries.

### ***3.2 The normative basis of EU-Western Balkans relations***

Human rights and democratic values are continuously recalled in EU-Western Balkans discourses. They are included in the Stability Pact and reinforced in the SAP. The EU declared will to export norms of good governance was already well expressed in the first documents after the Dayton Process. Human Rights and democracy promotion in Western Balkans may be regarded as the EU formula to support security and stability, based also on the assumption that the 1990s armed conflicts in the Balkans broke up, indeed, in a contest of massive human rights violations and of regime transitions. Accordingly, EU normative discourses towards the Western Balkans had been grounded on *political* conditionality. The Council Conclusions of 1997 recall in particular the following principles:

- **Democratic principles**, with a stress on representative governments and accountable executives;
- **Human rights and rule of law**, which involve freedom of expression, including independent media; right of assembly and demonstration; right of association; right to privacy, family, home and correspondence; right to property; effective means of redress against administrative decisions, access to courts and right to fair trial, equality before the law and equal protection by the law and freedom from inhuman or degrading treatment and arbitrary arrest;

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<sup>10</sup> EU bilateral negotiations with Arab countries followed a different timetable. While the Euro-Mediterranean Agreement with Tunisia entered into force in March 1998, soon followed by the Agreement with Morocco, the Agreement with Syria was the last one to be negotiated in December 2003.

- **Respect for and protection of minorities**, which constitute a novelty introduced expressly following the Balkan conflicts and refers to the right to establish and maintain their own educational, cultural and religious institutions; the right to constitute organisations or associations; adequate opportunities for these minorities to use their own language before courts and public authorities; adequate protection of refugees and displaced persons returning to areas where they represent an ethnic minority;
- **Market economy reform** with attention paid to macroeconomic institutions and policies necessary to ensure a stable economic environment, comprehensive liberalisation of prices, trade and current payments, setting up of a transparent and stable legal and regulatory framework, demonopolisation and privatisation of state owned or socially owned enterprises, establishment of a competitive and prudently managed banking sector (Council of the European Union, 1997, Annex I).

The guidelines included in the 1997 Council Conclusions reflected the *differentiated* and *progressive* EU strategy towards the Western Balkans. Accordingly, some conditions were applied to all the countries of the region, while others were conceived for the countries also affected by the Dayton Peace Agreements. Moreover, each country may establish closer cooperation with the EU, depending on its willingness to comply with different degrees of political conditionality<sup>11</sup>.

Regional cooperation, human rights and minorities rights respect, free market and the development of democratic institutions are reaffirmed as key objectives also within the SAP. The SAP enriched EU incentives to compliance including the offer of “integration within EU institutions” for these five countries with a progressive road adapted to the specific attitudes. Once the target countries succeeds to meet the SAP conditions and the conditions expressed in 1997 Council Conclusions, the Commission opens negotiations for a Stabilization Association Agreement . In more details the proposed SAAs areas include: democratization, civil society and institution-building, justice and home affairs, trade, economic and financial assistance, political dialogue.

The respect of democratic principles, rule of law, human and minority rights and fundamental freedoms are preconditions for benefiting of CARDS funds<sup>12</sup>. The Cards regulations rely both on *negative* and *positive* measures. *Negative*, in the sense that if the mentioned principles are not respected the Council may take the appropriate measures such as postponement or suspension of cooperation initiatives. *Positive*, when EU promises of financing and supporting projects aimed at developing institutional context for building democracy, rule of law, reconciliation, etc., are implemented.

As it has been observed, the EU’s human rights strategy in the Balkans was linked to the sources of insecurity felt in the region, consequently aid programmes, especially in Bosnia, were mainly directed to support cross-ethnic civil society projects and security objects such as the refugees return or support for moderate leaders (Youngs, 2004).

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<sup>11</sup> For instance, some “autonomous trade preferences” were granted with a low degree of conditionality such as «general, yet unspecified, respect for fundamental principles of democracy and human rights» (Pippan, 2004: 224). While the granting of “financial and technical support” under Phare, Obnova (and recently Cards) needs, beyond credible steps towards democratic reforms and human and minority rights, «real opportunities for displaced persons and refugee to return to their place of origin» and compliance to peace agreement obligations, with special reference to the duty to cooperate with the International Tribunal for the former Yugoslavia in the Hague. At the top of this conditionality scale lies the possibility first to establish and then to conclude “contractual relations”, this requires «the absence of discriminatory treatment and harassment of minorities by public authorities, and the absence of harassment of independent media» (Pippan, 2004: 225).

<sup>12</sup> Council Regulation on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia, EC, n.2666/2000, 5 December 2000.

**Table 2: The EU as norm exporter in Mediterranean and Western Balkan Countries**

	<b>Mediterranean countries</b>	<b>Western Balkans</b>
<b>Regional specific normative corpus</b>	<i>Barcelona acquis</i>	Dayton obligations
<b>Modalities</b>	bottom-up approach via regional cooperation programmes: (eg. EuroMed Heritage, EuroMed Youth, EuroMed Audiovisual) and thematic networks (eg. Archimedes, EuroMeSCo, Femise, UNIMED Business Network)	Conditionality, direct control, contagion through regional cooperation programmes; political dialogue
<b>Financial Tools</b>	MEDA; EIHDR	PHARE, OBNOVA, CARDS; EIDHR

#### 4. Is the EU an effective norm-exporter?

##### *4.1. Limits to the export of norms to the Mediterranean countries*

Now that almost 10 years have passed since the Barcelona Declaration has been adopted, some evaluations can be made to verify to what extent the EU is able to act as *norm exporter* and transfer to its Mediterranean partners norms, principles and values which are at the basis of EU integration (Manners, 2002). The achievements of the EMP have been so far quite controversial. In 10 years of regional cooperation the EMP has offered a wide framework for cooperation, but it has not progressed in all fields. The multilateral cooperation is lagging behind: the adoption of the Charter of Peace and Stability in the Mediterranean has been frozen due to the critical political situation in the Middle East since the beginning of the Intifada Al-Aqsa; the creation of a Euro-Mediterranean free trade area is proceeding at a low speed (fearing that the 2010 deadline will not be met, the most recent documents refer to 2010 as a *target date*), the human dimension is not improving as originally foreseen. As far as bilateral cooperation is concerned, new Euro-Mediterranean agreements have been negotiated by all Arab EMP partners, proving that economic and financial co-operation remains the primary incentive to co-operation.

What about the EU capability of acting as an external actor of democratization (Huntington, 1991) in the Mediterranean? The EU difficulties in acting as a *norm exporter* are threefold. First of all, the Barcelona Declaration is a politically binding document, not a juridical one. This leaves the contracting parties free to adhere to cooperation projects when and if they are interested in the issue at stake. As far as the transposition of norms is concerned, the difference between the enlargement process and the Barcelona Process is enormous. EU candidate countries have to adopt and implement *in toto* the *acquis communautaire* before joining the EU, while the adherence to the *Barcelona acquis* – in practice - rests upon voluntary basis because the non-adherence to EU norms and values is not sanctioned. Hence, the Barcelona Process is not suited to transfer effectively norms to third countries. The Turkish case is rather emblematic in this perspective. With a "stick and carrot" strategy, the EU has compelled Turkey to adopt the constitutional reforms required to meet the Copenhagen criteria before starting the enlargement process. Nothing similar has been done for the Arab countries, where a lack of democratic change of the local regimes is shown by empirical data on absence/presence of democracy. It seems that the Barcelona Process does not provide the EU with the appropriate instruments to act as a *norm exporter*.

Secondly, a comparison of EU institutions' attitude shows a sort of institutional schizophrenia. Each institution has a different approach to deal with the spread of EU norms and principles to Arab countries. The European Commission plays the role of *policy-entrepreneur*: it has a creative vision of external relations and seeks to elaborate innovative frameworks of cooperation which can combine different national standards and interests in regional cooperation; the Commission has favoured a bottom-up approach and has chosen representatives of civil society as privileged actors of cooperation; they are the Commission's best partners to implement EMP regional cooperation programmes such as EuroMed Heritage, EuroMed Youth, EuroMed Audiovisual, or to create networks such as Archimedes, EuroMeSCo, Femise, UNIMED Business Network. The European Parliament acts as a critical watchdog to denounce violations of human rights and restrictions to individual freedoms and for this purpose it issues the annual report on human rights in the world. The Council tends to opt for a pragmatic approach which is primarily led by political considerations; this implies to accept EU partners' weaknesses in the implementation of democratic reforms or to tolerate low human rights standards in EU partner countries. Thus, a certain rhetoric in favour of political and democratic reforms and respect of human rights prevails over political or economic sanctioning the partners' violations of democratic norms and human rights<sup>13</sup>. The Council adopts a double standard strategy: despite the official declarations, in practice human rights violations and restrictions to fundamental rights are not sanctioned, as if EU member states did not want to destabilize their partners' governments (Youngs, 2002)<sup>14</sup>.

Thirdly, the EU democratization policy's effectiveness is weakened by the paucity of the funds destined to these objectives. In the years 2002-2004, the MEDA regional support envelope certainly did not privilege cooperation to strengthen democratization, good governance and the rule of law<sup>15</sup>. Having a look at the financial breakdown by priority, one finds that only M€ 6 out of a total of M€ 93 were devoted to enhancing rule of law and good governance; the "more advantaged" priority areas were: bringing the Partnership closer to the people (M€ 25); the sustainability of the Euro-Mediterranean Integration (environment, equal opportunities, education and training for employment: M€ 20); regional infrastructures (M€ 17); EuroMediterranean free trade zone (M€ 10). The main-streaming of democracy and human rights proposed by the European Commission in its 2003 Communication clearly deserves a much bigger financial support<sup>16</sup>.

Unfortunately, the result of this inconsistent institutional attitude is a low profile Euro-Mediterranean Partnership which is implementing only a minor part of the goals originally set in Barcelona. A more effective EU action in the Mediterranean should imply instead the possibility of using the "stick" to sanction human rights and democratic norms violations. The European Parliament has singled out sanctions as the instrument to be adopted to defend EU credibility. In its 2003 report on human rights in the world, the EP urged the Council to sanction human rights violations of South Mediterranean partners (European Parliament, 2003). This might be a starting point for a more effective EU support to democratic practices and human rights protection in third countries.

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<sup>13</sup> So far, negative CFSP provisions have only been adopted by the Union against Libya.

<sup>14</sup> For instance, in August 2002 the EU presidency adopted a declaration to *politically* sanction the continuous violations of human rights in Syria. The *casus belli* was the imprisonment of members of the Syrian parliament who had freely expressed their views (!!).

<sup>15</sup> Cfr. Euro-Med Partnership, *The Regional Strategy Paper 2002-2006 & Regional Indicative Programme*.

<sup>16</sup> The Presidency Conclusions to the Euro-Mediterranean Conference of Ministers of Foreign Affairs held in Naples on 2-3 December 2003 reaffirmed that cooperation in promoting human rights and democracy is *crucial* to the success of the EMP, and at the same time the ministers acknowledged that «[s]uch cooperation would be eligible for enhanced EU financial support and the EU will take it into consideration when allocating MEDA funds».

#### **4.2. Constraints in exporting norms to the Western Balkans**

Similarly to what has been said regarding the Mediterranean, the assessment of the EU comprehensive approach towards the Balkans and the EU effectiveness in exporting democracy is quite controversial. First of all, the process of exporting democracy in the Western Balkans and promoting its integration into the European region may not be considered apart from the violence and armed conflicts experienced in these countries and the eventual peace-building process. In this post-conflict environment the EU is not “playing the game alone”: many international actors and organizations were involved in the last ten years and consequently it is not simple to judge the contribution that each different institutions had in exporting “norms” and in paving the way to stability and peace in the area. As far as economic restructuring, infrastructure and private sector development are concerned, a prominent role has been played by the World Bank, the European Investment Bank, the European Bank for Reconstruction and Development and the International Monetary Fund. Whereas the European Commission, the OSCE, the UN, the Council of Europe and some European states endorsed initiatives in post-conflict reconciliation, refugee return, good governance, democratization and institution building. States in the South Eastern Europe region have also received support under the European Community Humanitarian Office aid program, macro-financial assistance to stabilize national budgets and, since 2001 in Macedonia, support from the Community’s Rapid Reaction Mechanism. Within the framework of these joint efforts, EU’s specific support was directed towards human, social and economic reconstruction. These initiatives showed the EU’s aspiration to compete with the strong US political and military involvement in the area during the war. Being the EU challenge to US involvement impossible to be played on the hard security grounds, good governance issues were addressed first through the Royamount Initiative, and then with the SAP.

Secondly, the EU approach towards the Western Balkans appears rather confused and with an unclear long term goal until, at least, 1999. For example, the aims of the Royamount process have changed since its very first beginning. Initially, it was launched as an European Council initiative to enhance the implementation of the Dayton Peace Agreements and to follow a comprehensive strategy for the entire region. Subsequently, it was incorporated within the OSCE. In November 1997, a process coordinator, Panagiotis Roumeliotis, was appointed with the tasks of being the intermediary between EU institutions, international financial institutions, member states and NGOs or regional organisations. Following the coordinator appointment few meetings were held. Lately, the democratization and civil society issues were underlined and in 1998/99 the Royamount initiative was conceived as «an innovative-comprehensive approach in conflict alleviation in a twofold way: a) It is a vanguard of democratization promoting citizen’s dialogue and hence civil European culture; b) it promotes and extends new communications channels among different groups across national boundaries creating cooperation networks among Non-Governmental Organisations becoming thus a meaningful complement to the existing instruments and forerunners of preventive diplomacy and other conflict alleviation initiatives» (ESI, 1999). Notwithstanding these rhetoric discourses, by the end of 1998 there were very little initiatives implemented, a real institutional development was lacking and it was still not clear what the contribution of the Royamount Process consisted in. Furthermore the Royamount Process failed in addressing what were regarded as the key issues for the region stabilization and consequently democratization: *borders* and *minorities*. Moreover, the EU strategy failed to foresee an eventual association of the target countries with the EU. In this way the process lacked in offering “carrots” (Missiroli, 2003: 15).

The failure of EU policies, up to the end of the 1990s, was reflected by the need to reinforce the modalities of democracy and human rights enhancement. With this end the Stability Pact and the SAP were introduced in 1999. However, the *rush* in order to readdress the EU strategy brought to spread EU policies into plural directions and various modalities. As mentioned above, in

the same period on the one hand the Commission was starting the SAP, on the other, the European Council under the German presidency was launching the Stability Pact. Some other confusion may arise from the still complex organization of the CFSP: the High Representative for Common Foreign and Security Policy “competes” with the Commissioner for Foreign Affairs, and with the Foreign Minister of the rotating Presidency. Moreover, each EU member state pursues its own strategy which reflects national traditions. However, compared to the policies towards the Mediterranean, it is not possible to name the contemporary presence of these approaches as *schizophrenia*, because the SP and the SAP pursue, a common final aim, i.e. the integration in EU institutions, and they are directly linked. What may be accounted for is that, with the Kosovo crisis, EU had to accept that the offer of EU membership was necessary to foster democratization and development in the area; what still remains unclear are the modalities and the schedule to pursue such aim. This uncertainty, though, reflects more the different ideas of member states about including the Balkans into the EU, than the EU institutions’ inconsistency.

##### **5. Blocked democratic transitions in the Mediterranean: liberalization without democratization in some Mediterranean Arab countries**

The normative analysis proved that democratic principles and human rights protection have become part of the *Barcelona acquis* and no Arab government officially denies these principles. However, there is a big hiatus between the official declarations of the governments (the political rhetoric) and the way how democratic practices and human rights are implemented domestically. Empirical data on domestic democratic change show that the Mediterranean Arab countries are not progressing towards democracy as wished by the EU (see Table 3a). The EU democratization policy has not produced the “contagion” (Whitehead, 1996) the EU institutions had imagined. The “third wave” of democratization that has opened up so much of the world over the past 30 years (Huntington, 1991), seems to have left the Mediterranean Arab countries untouched. Despite some ferment and some important instances of democratic opening, countries in the Middle East and North Africa have been resistant to democratization and human rights have stagnated.

Some conceptual explanations are required at this point. The EU reference to a *democratization* policy clashes with the largely accepted definition used by the literature on democratization, which neatly distinguishes the democratization process (i.e. the creation and consolidation of democratic institutions) from the liberalization process (i.e. the opening process which usually starts with the granting of individual rights and freedoms) (Huntington, 1991; Linz and Stepan, 1996). The transition process which usually marks the passing from an authoritarian to a democratic regime implies the creation of political institutions required for democratic governments; but this is not a linear process, because without democratic consolidation, democratic institutions might collapse and lead to the instauration of another authoritarian regime; only stable and consolidated democratic institutions can lead to democracy. The picture, then, is much more complicated than the Brussels jargon. Despite the continuous reference to democracy and human rights which is equally done in EU and Arab political discourses, the Mediterranean Arab countries do not face yet the minimum requirements of democracy, that is to say to have at the same time universal suffrage; free, competitive, recurrent and correct elections; more than one political party; alternative sources of information (Dahl, 1971).

Since the early 1990s most Arab regimes have undergone important political changes: elections, multi-party systems, political and socio-economic pluralism (Brynen et al., 1998: 267). However, this process seems to be much more advanced at the procedural than at the substantive level (Korany and Noble, 1998: 7). Despite these political changes, the transition process has been blocked, without allowing for the passing from an authoritarian regime to democracy. The

liberalization has been subject to a stop-and-go pace or even to reverse trends. The limited reforms which have been adopted by some Mediterranean Arab countries produced liberalization but not democratization. The key issues which emerge from the empirical analysis is that in most cases «these are changes *within* the authoritarian regime which fall short of bringing about a change of regime [...] which thus ceases to be authoritarian and becomes democratic» (Hamladji, 2002: 3).

The overall picture of the Arab regimes remains rather undemocratic: the early 2000s have registered an authoritarian turn in Jordan; non-competitive presidential elections in Egypt and Tunisia deprive this typical institution of democracy of its democratic essence; the Tunisian multi-party system dominated by a single party falls short of political pluralism; elections are not always correct (for example, the 2002 municipal election in Egypt). All these contradictions of the liberalization process have produced “electoral authoritarian non competitive regimes” (as in Egypt), “blocked transitions” (as in Jordan), “liberalized autocracies” (as in Morocco), “pseudo-democracies”. No real democratic change has allowed for the instauration of liberal democracies in the Mediterranean Arab countries, which remain “hybrid regimes” (Diamond, 2002). This concept stresses the ambiguity of regimes which possess some institutions of democracies but remain essentially authoritarian (see Figure 1). In brief, in some countries a certain degree of socio-economic and political pluralism exists, but meaningful political participation and accountability remain absent from the policy process. Governments fully accountable to the electorate are still missing even in Morocco and Jordan (the Arab countries which are regarded as “partly free” according to Freedom House’s ranking), where the influence of the monarchy over the political and religious spheres remains overwhelming.

In most Arab countries elections are regularly held and human rights conventions are signed, but this is short of the democratization process. Democratic elections can be assumed as the discriminating element to qualify a democratic regime. Countries such as Jordan and Morocco, where elections are free and correct, can be regarded as “electoral competitive” authoritarian regimes (Levitsky and Way, 2002: 52). But countries such as Egypt and Tunisia remain “electoral non-competitive” authoritarian regimes: elections are regularly held but they are not democratic, because electoral results (subject to authoritarian control) are easily predictable (with presidential elections providing for plebiscitary results – over 90% - in favour of the unique candidate) and the multiparty-system just provides a democratic façade to the dominant party. These remain authoritarian regimes with some formal aspects of democratic regimes such as elections, constitutions granting fundamental freedoms and political rights, but then there are no real democratic guarantees, for effective participation is limited, censorship prevents a real freedom of expression (therefore dissent cannot be expressed), elections are not free nor competitive, multiparty systems is just a façade to defend the prerogatives of a dominant party.

## **6. Democratic transitions in the Western Balkans**

The political change the Western Balkans experienced in the last decade was characterised by various processes such as the break up of Yugoslavia with the creation of new smaller states, the transition from authoritarian regimes towards liberal democracies and the post armed conflict peace building process. However, today most of the problems and factors underpinning the Balkan wars seem to be over. In particular, as optimistic observers pointed out, the era of nationalism seems to be finished in Croatia and Serbia, the possibility of violent disintegration seems to be more rare and the Euro-Atlantic divisions on the area is overcome (Triantaphyllou, 2003: 64).

Freedom House ratings of the Balkan countries show a positive development; in 2003 they have all reached the “free” or “party free” status (see Table 3b). The Western Balkans countries share some common patterns and structural deficiencies or shortcomings (risks of organised crime and corruption, unemployment, economic stagnation, functioning and capacity of public institutions), however they present also several dissimilarities. Beyond some common consideration, it is necessary to analyse the single countries, «as generic explanations (...) tend to gloss over the distinct profiles of the individual cases, ranging from state weakness without unfinished state building in Albania to inconclusive state and nation building in Serbia. Generic Balkan trends also fail to acknowledge the heterogeneity of outcomes, ranging from Croatia fulfilling the preconditions for EU accession negotiations to other states and entities failing to meet basic European criteria» (van Meurs, 2004). Thus, Western Balkan countries present differences in the speed and modalities of the political change and some dynamics remain country specific. If we refer to the continuum shown in Figure 1, we can classify Bosnia Herzegovina, which is the most critical case of transition in the Western Balkans, as a hybrid regime; the Croatian accomplished transition to democracy allows us to include it in the group of liberal democracies; in between there are Albania, Macedonia and Serbia and Montenegro, which are also experiencing the democratic processes and practices, although in its weak form of electoral democracy which still needs to improve and consolidate.

The strong presence of the international actors is a constituent and powerful element to bear in mind when analysing Bosnia Herzegovina’s political system. Accordingly, Bosnia’s political system has been defined as an *international protectorate*, a *democratic protectorate*, a *controlled democracy*, and so on. Despite some democratic improvement, Bosnia remains a hybrid regime where democratic institutions and mechanisms co-exist with non-democratic ones; the most serious non democratic feature is represented by the *control* of external actors on its political life (Bojkov, 2003: 42). The High Representative, for instance, despite the fact that he has not a popular mandate and is appointed by the international community, has the power to prioritize objectives, to impose laws and regulations, to remove elected officials from office. In this case, then, external actors represent rather undemocratic political elements. However, the so called *agents of control* «would prefer domestic politicians to follow the line prescribed by the Dayton Peace Agreement without the need of employing authoritarian powers» (Bojkov, 2003: 47). The tools used in the democracy promotion in Bosnia are not only conditionality and incentives, but also direct *control*, which apparently should be the most efficient means. It is not any longer a matter of monitoring elections and verifying their free and fair conditions, it is rather a question of offering support to efficient governments which may lead the integration process within the EU.

Croatia, without experiencing a direct *control* from outside actors, has had a more positive performance in the democratization process. The end of Tudjman rule, the struggle against isolation made by the Socialist Democratic Party and the good example of the *very close* neighbour (Slovenia), favoured Croatia’s transition. European values gradually have been embedded within Croatia ruling institutions and political structures and in April 2004 the EU admitted Croatia as a candidate country. The fact that in November 2003 general elections the nationalist party HDZ won, is not regarded as a factor of concern for the reform path, being the electoral result linked to the need for a more capable government. Moreover the HDZ made some progress in reforming internally the party and in marginalising politicians of the previous regime (Batt, 2004). Croatia’s application for EU membership seems to be an important generator of administrative and legislative reform<sup>17</sup>. The previous government, under Mesic presidency, was also working hard in improving

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<sup>17</sup> The EU awarded € 62 million to Croatia in 2003, with another € 76 million expected in 2004, for the purpose of, among other things, improving administrative efficiency. The EU also demands reforms in the judiciary and minority returns process—areas that contribute greatly to the perception of inefficient public administration but are actually sensitive political issues (these figures are provided by Freedom House, 2003).



transparency and accountability in the government institutions and the time when Tudjman, minimized the weight of parliament and reduced the powers of opposition parties seems now to be over. Some progress has been acknowledged with regard to minorities rights protection due to the new provisions contained in the Election Laws which grant a number of seats to minority groups. The European Commission, however, is urging Croatia's government to cooperate more with the International Criminal Tribunal for the Former Yugoslavia, and the arrest of Ante Gotovina, a fugitive general accused of committing war crimes, is a precondition for the membership negotiation process (European Commission, 2003b). Concerning media and civil society there are real liberal improvements, however never linear, and western standards seem to be adopted. More than *control* and *conditionality* for the Croatia case, it seems that regional *contagion* (Whitehead, 1996) has been produced. The enlargement prospective seems to have an indirect impact, in the sense, that Croatia has been starting to move towards European values, in competition with the other state candidates from South Eastern Europe (Bulgaria and Romania) and sponsored by Slovenia, new EU member. The *mechanism of proximity* worked as an unintentional form of influence.

Also Serbia and Montenegro witnessed broad political changes in the last years and thus getting the "free" status. The arrest of Milosevic and the new political elite attracted optimistic visions for its transition from the authoritarian regime and expressly from a *competitive authoritarian regime*<sup>18</sup> to democracy; however, the assassination of Serbian Prime Minister Djindjic in March 2003 recalled that the democratic transition is still fragile and the speed of political reforms is not constant. Some progresses in the areas of minority rights and regional co-operation has been acknowledged by the Commission in the Stabilisation and Association Country Report 2004, while the reform of the police and judiciary remain insufficient. The country is also failing to comply with the international obligations concerning cooperation with the (ICTY) (European Commission, 2004a). Concerning human rights, Serbia and Montenegro introduced some positive elements, such as the accession to the Council of Europe in April 2003, the ratification of the European Convention for Human Rights and of the European Convention on the Prevention of Torture (in March 2004), however a real implementation of these norms is still to be achieved, to assess whether there is only a rhetoric commitment or a real one. A big novelty in the reform path was the introduction of the new Constitution, which was demanded by the EU. The recent violent events in Kosovo (March 2004) have shown that stabilization «require a stronger commitment of Kosovo's leadership to a stable, secure, democratic and multi-ethnic Kosovo and to the European integration agenda» (European Commission, 2004b).

With its major minority group of Macedonian Albanians, the FYROM represents a plural society, which faces inevitably more problems in the democratic consolidation «the more the population of the territory of the state is comprised of plurinational, lingual, religious or culture societies, the more complex politic become because an agreement on the fundamentals of a democracy will be more difficult» (Linz and Stepan, 1996). The difficulties faced by the Macedonian government are due to the demands of the Albanian minority concerning a *privileged status* within the country. Following the Ohrid Agreements (2002), the Macedonia parliament got rid of the reference in the Macedonian Constitution of being the "land of Macedonian people", which was strongly contested by Albanians. The Albanian language had also become official language in the municipalities where the Albanian Macedonian are at least the 20% of the population. Concerning the administrative and political institutions, Macedonia has been criticized by the EU for failing to delineate the areas of responsibility between the Defence and Interior

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<sup>18</sup> «In competitive authoritarian regimes, formal democratic institutions are widely viewed as the principal means of obtaining and exercising political authority. Incumbents violates those rules so often and to such an extent, however, that the regime fails to meet conventional minimum standards of democracy» (Levitsky and Way, 2002: 52)

ministers. What is also still quite worrying is the corruption which is spread throughout the society structures, judicial system included.

Although Albania completely lacked any domestic factors that favoured the changes towards a democratic regime, at the beginning of the nineties Albania seemed to be accounted as a relatively successful case of liberalization and democratization. In reality, the apparatus system collapsed violently in 1997, revealing the non-democratic practices of the Democratic Party and the fact that the institutions were captured by powerful economic interests and organized crime. Now, the transition is proceeding with a slow speed and «Albania remains a young and rather unstable democracy» (European Commission, 2004b). The political stability gained in 2002 is really fragile and underpinned by various internal factors, such as the tensions within main political parties. Most of the shortcomings addressed by the European Commission in SAP annual reports continue not to be properly addressed. Even the last elections in October 2003 were characterised by widespread irregularities. The unreliability of local institutions had increased the importance of international influences (Elbasani, 2004) and the EU, with its strategy of managing transition, has become the “primary locus for external relations” and the point of reference for all Albanian parties, notwithstanding political divisions.

## **7. The need to enhance the role of the EU as an external actor of democratization in the Mediterranean and Western Balkan countries**

Despite the EU declared will to rely its relations with third countries upon EU distinctive principles such as democracy, human rights, and good governance, the empirical analysis shows that so far the EU has not succeeded to fill the democracy gap which is still wide in the Mediterranean Arab countries and to strengthen the young and unstable democracies in the Western Balkans. The above mentioned institutional schizophrenia, together with a weak political will to fully implement the EU democratization policy, produced short-sighted and confused policies which produced limited effects. The European Commission rightly seeks to strengthen pluralism, which is a key element of democracy, in order to produce “contagion”, to help the process of learning the democratic practices, to spread democracy from the bottom. Many projects implemented within the EMP framework relied upon the EU bottom-up approach aimed at strengthening civil society to help democratization from below. Similarly, the Commission has supported projects aimed to promote political pluralism, rule of law, respect for human rights in the Western Balkans through the European Initiative for Democracy and Human Rights<sup>19</sup>.

There are no doubts that the role of local actors - civil society included – in the democratization process is fundamental. However, civil society cannot be truly supported if the political elite remains authoritarian: «[a] genuine and securely implanted democratic regime requires the positive support and involvement of a wide range of social and political groupings, support that must be sustained over a considerable period and in the face of diverse uncertainties» (Whitehead, 1996: 15). Transition literature stresses the importance of political actors in the transition from authoritarian to democratic regimes. They can be local leaders who change their politics because they understand change is ineluctable, or opposition forces who guide the transition regime. In any case, the role of the local leadership to launch the opening process which is at the basis of liberalization is essential and cannot be underestimated. Democracy has to be practiced by society at large but also a political choice of the political elite.

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<sup>19</sup> Among EU funded projects there are the support to independent media, to a journalism school in Sarajevo, to a print house in Banja Luka; the restructuring of the public broadcasting, the reforms in primary, secondary and high school; the participation in Tempus inter-university cooperation programme since 1996.

So far the EU has preferred civil society to political leaders in the Mediterranean countries, but this strategy has not proved successful. It is important to involve socio-economic actors in the process of democracy learning, but the political elites must be also involved in the creation of the fundamentals of democracy. As the Turkish case proves, constitutional reforms require a synergy of key political institutions. Norberto Bobbio neatly distinguishes the *fundamentals* of democracy from the *techniques* of democracy. The fundamentals of democracy are made up of individualism, wide information on government's ruling action, transparency (Bobbio, 1999: 345 ff), while the democratic techniques or rules of the game are the democratic procedures, i.e. the majority rule, a diversified political representation thanks to the existence of more than one party and an interest representation system where socio-economic groups are free to associate. The involvement of the political leaders is fundamental to create an individualistic society (or we might say a secular society) where it is not the state but the individual at the centre of politics (where society is the product of individuals and not *vice versa*), to offer citizens (not any longer "subjects") continuous information on governmental action, to guarantee transparency of the bureaucracy (instead of state secrecy), to allow the effective accountability of governments to the electorate.

Concerning the Balkans, the EU has adopted a *wide-ranging* approach, which has included the support to political and social elites and at the same time the isolation of the authoritarian political leaders. The importance of enhancing transparency in the public administration field and supporting efficient institution building has been underlined with the recent proposal to adopt the *twinning*<sup>20</sup> strategy (revealed effective for the Central Eastern Countries) also for the Western Balkans.

This does not imply that the Commission's approach to develop and strengthen civil society is wrong. It should be complemented, instead, by a comprehensive process of democracy-building, since democratic practices must be practiced at all levels.

## 8. A tentative conclusion

Empirical data on domestic change in the Arab countries show that in some cases little political reforms and changes have been produced, but this is far from being the democratic change which has been experienced since the 1970s with the third wave of democratization in most part of the world. Some countries are experiencing a slow liberalization process, which is far from being irreversible and can be prone to reversal trends of deliberalization. It has been difficult for the EU to act as a *norm exporter* in the Mediterranean. The Barcelona Declaration seems to be a sort of detailed "shopping list" drawn upon EU norms, experience, values and principles, that was offered in 1995 to the Arab partners who soon proved that they are not necessarily interested in getting involved in multi-dimensional cooperation with the EU. Ten years of cooperation prove that Mediterranean Arab countries are more interested in bilateral and economic cooperation, than in the adoption of EU democratic and human rights standards. The Mediterranean Arab countries adhered formally to EU principles of democracy and human rights because the EU attaches so much importance to human rights and democracy, but their real interest is to proceed with economic cooperation, and they are simply not interested in reforming their domestic political systems.

Not only political analysts, but also politicians and practitioners should overcome the political rhetoric and propaganda which is still so much widespread on both sides. The EU cannot

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<sup>20</sup> «This involves the secondment of officials from the Member States to their counterpart authorities in the region; it has so far been introduced in Albania, Bosnia and Herzegovina and Croatia and preparations are under way for its introduction in the former Yugoslav Republic of Macedonia and in Serbia and Montenegro» (European Commission, 2004a).

blindly accept that the leaders of South Mediterranean partners adhere to common political documents and treaties and officially plead for democratic institutions which are only formally recognized or partially implemented. The EU should react to the big hiatus which exists between political rhetoric and reality. One thing is the existence of a constitutional article defining Morocco a constitutional monarchy, another thing is to have a government accountable to the parliament. It is nothing but rhetoric the Libyan leader Gheddafi who declares that in his country the power belongs to the people because since 1977 he does not fill official roles.

Western Balkans countries achieved positive reform developments in the last couple of years. However few problems remain and difficulties should not be neglected. The unemployment rate is very high, offering more room of manoeuvre to the organised crime organizations which easily act across the region. According to some observers the present context does not allow to assimilate the Western Balkans' path to democracy to the one already followed by Central and Eastern Countries. Western Balkans peculiarities rests on what is referred as the features of weak states. Most of countries in the region are in fact lacking strong institutions capable to implement the rule of law. Soon after the violent Yugoslavia break up the international attention was focalised in securing free and fair elections to bring to accountable power and representative government; now international institutions are concerned with a more comprehensive dimension of global governance, which has at its core institution-building and civil society development. Western Balkan countries are also lacking what is considered another key feature of democratic development, that is a strong civil society and consequently independent media (Chandler, 2003)<sup>21</sup>.

We might analyse democratization policies in the Western Balkans by taking into account the winding gap between Balkan elites and citizens, and their growing mistrust on politics and focusing on some internal dynamics like: *security* (with the loss of control over the territory by the Balkan governments), the *citizens social condition*, (with a particular reference to the high percentage of unemployment), *corruption* (favoured by the high cost of politics which pushes political parties in corruption exchanges) and *weak institutions* (Krastev, 2002). The EU policies towards the Balkans then need to move from EU standards, norms and values in order to give more credit to Western Balkans' peculiar dynamics.

The third wave of global democratization which has "celebrated" its thirtieth anniversary this year, has failed into two different respects. First and foremost, the emphasis on the international context and the role of external actors of democratization was exaggerated; the EU can play the role of an external actor of democratization and offer the incentives to adopt rules of good governance with the enlargement tool, but then it's up to the local political elite to seize the opportunity to democratize and allow the democratic contagion to produce its effects at all levels (from the institutional to the civil society one) via a real reform process of the domestic political system. Secondly, since the democratization process is more complicated than the simplistic conception of EU institutions, so far the post-cold war world has been marked by the proliferation of hybrid political regimes, rather than stable liberal democracies.

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<sup>21</sup> This fits into what Dahl regards as the minimum requirements of democracy (see above).

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**Table 3a: Presence/absence of democratic institutions in the EMP partner countries**

COUNTRY	POLITY	REGIME	POLITICAL RIGHTS	CIVIL LIBERTIES	PPP	Life Expectancy
			Barcelona timeline	Barcelona timeline		
Algeria	Dominant party	Authoritarian regime	6 ▲	5 ▲	\$5,308	70
Egypt	Presidential dominant party	Authoritarian regime	6 —	6 —	\$3,635	66
Israel	Parliamentary democracy	Liberal democracy	1 —	3 —	\$20,131	78
Jordan	Traditional monarchy and limited parliament	Hybrid regime	5 ▼	5 ▼	\$3,966	70
Lebanon	Presidential parliamentary	Authoritarian regime	6 —	5 —	\$4,308	73
Libya	One party presidential dictatorship	Authoritarian regime	7 —	7 —	\$7,570	75
Morocco	Traditional monarchy and limited parliament	Hybrid regime	5 —	5 —	\$3,546	69
Syria	Dominant party	Authoritarian regime	7 —	7 —	\$3,556	70
Tunisia	Presidential dominant party	Authoritarian regime	6 —	5 —	\$6,363	72
Turkey	Presidential parliamentary democracy	Electoral democracy	3 ▲	4 ▲	\$6,974	69

**Table 3b: Democratic transition in Western Balkan countries since 1995**

COUNTRY	POLITY	REGIME	POLITICAL RIGHTS	CIVIL LIBERTIES	PPP	Life Expectancy
			Regional Approach	Regional Approach		
Albania	Presidential parliamentary	Electoral democracy	3 (3) —	3 (4) ▲	\$3,506	74
Bosnia and Herzegovina	International protectorate	Hybrid regime	4 (6) ▲	4 (6) ▲	na	68
Croatia	Parliamentary democracy	Liberal Democracy	2 (4) ▲	2 (4) ▲	\$8,091	74
Macedonia	Parliamentary democracy	Electoral democracy	3 (4) ▲	3 (3) —	\$5,086	73
Serbia and Montenegro	Parliamentary democracy	Electoral Democracy	3 (6) ▲	2 (6) ▲	na	72

Source: Freedom House data on freedom in the world in 2003 are available at [www.freedomhouse.org](http://www.freedomhouse.org)



Figure 1: *Hybrid regimes: between authoritarianism and democracy*

