The constraints to EU action as a ‘norm entrepreneur’ in the Mediterranean

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Draft! Please do not quote.

...even while I was locked in that cell,
I felt freer than my oppressors,
and that is what gave me strength for all those three years
(Saad Eddin Ibrahim, 2003)

Abstract

Since the 1990s the EU has included a human dimension in its international relations. Beyond and along economic cooperation, the EU tends to export the EU model of political and economic development based upon EU ‘core’ norms assuming that it can prove successful in third countries as it did in Western Europe. In order to assess the EU capacity to act as a ‘norm entrepreneur’ in the relations with the Southern Mediterranean countries, this paper compares EU declared will to ‘extend its norms into the international system’ (Manners, 2002) with the concrete results produced by EU cooperation with Southern Mediterranean countries. 10 years of cooperation within the Euro-Mediterranean Partnership have produced any changes in the political systems of EU partner countries? EU declared support for democracy and human rights has resulted in the improvement of human rights standards and democratic practices in Southern Mediterranean partners? A comparative analysis of presence/absence of democracy and human rights in the Southern Mediterranean countries suggests that the EU has not been able to produce any substantial diffusion of norms, values and principles in the Arab countries. Although democracy and human rights are repeatedly recalled in 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. As the Turkish case reveals, the enlargement process (or just the promise of it) with the adoption of the acquis communautaire, being a much more stringent cooperation process, seems to provide EU partners with the necessary incentives to reform their political systems, adopt democratic processes and increase human rights standards. This is not the case of the EMP, although it is depicted as a comprehensive framework for regional cooperation based upon a set of common norms, values and principles – the so-called Barcelona acquis which largely relies upon democratic principles and human rights.
1. EU’s participation in regional politics: the comprehensive approach of EU relations with the Southern Mediterranean countries

This paper enters into the debate on the type and effectiveness of EU’s participation in international politics. EU international action has been thoroughly analysed in the literature and regarded respectively as ‘actorness’ (Sjöstedt, 1976), ‘presence’ (Allen and Smith, 1990; 1998), ‘role’ (Hill, 1993; 1998), ‘impact’ (Ginsberg, 2001), ‘normative power’ (Manners, 2002). By focusing upon EU relations with Mediterranean countries, this paper provides some empirical evidence to explore the EU capability to act as a ‘norm entrepreneur’, i.e. it seeks to assess to what extent the EU is able to ‘extend its norms into the international system’ (Manners, 2002: 241 ff.). Considering that we are dealing with principled norms, the principles of peace, liberty, democracy, rule of law, and respect for human rights are the EU ‘core’ norms, while social solidarity, anti-discrimination, sustainable development and good governance are the ‘minor’ norms. The hypothesis which is here tested is that, despite EU attempts to act as a ‘norm entrepreneur’ in the Mediterranean, EU effective action is undermined by the EU institutional schizophrenia and by the fact that the adoption of the Barcelona acquis is de facto based upon voluntary adherence, because non-adoption of norms is not sanctioned.

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 fundamental components: (a) political and security cooperation, (b) economic and financial cooperation, (c) cooperation in social and human affairs. Following this three-fold approach to EU international relations, the EU has adopted a Mediterranean policy that addresses 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). As a matter of fact, 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.

In November 1995 the EU and 12 Mediterranean partner countries adopted the Barcelona Declaration and established the Euro-Mediterranean Partnership (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, 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 reflects the linkage between political, economic co-operation, promotion of democracy and protection of human rights. The basic assumption of the EMP is that 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

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1 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 is currently changing towards a stronger Arab component. Following the 2004 enlargement, Cyprus and Malta are becoming 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 and is also involved in the New Neighbourhood policy adopted by the European Council in 2003. 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).
governments, and that only democratic, pluralist governments respecting minority rights can lead to domestic stability (European Commission, 2001a).

2. The EU as a ‘norm entrepreneur’ in the Mediterranean: the declared will of extending EU norms to third countries

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.

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. But not necessarily the domestic political and socio-economic system which proved successful in Western Europe and which has been recently extended to Eastern Europe through the enlargement process can be easily exported to Mediterranean countries. This approach to EU international relations can only be successfully applied provided that the partners are willing to accept EU norms with unilateral adaptation instead of negotiation (Cremona, 1998). They have to be provided incentives to comply with EU norms and values.

The incentives which are offered to EU partners to comply with EU norms and standards play a crucial role. The transposition of the *acquis communautaire* - which can be regarded as the bulwark of the EU norms and principles complex - is much more stringent than the adoption of the *Barcelona acquis*. The enlargement process is producing a diffusion of democratic processes and human rights standards to candidate countries, because they have to face the Copenhagen criteria before they can start the accession process. This explains the different impact EU norms and principles had so far in Southern 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. Moreover, non-compliance with the Barcelona *acquis* is not sanctioned by the EU. For the Arab countries, and for the other countries of the New Neighbourhood Policy, EU membership is excluded, because they can share with the EU *all but institutions* (Prodi, 2002). Then the EU does not seem to be interested in using a tough hand.

In its relations with the Mediterranean countries, the EU tends to depict itself as a ‘norm entrepreneur’. 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 Southern 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 translate into norms to be coherently implemented.

In order to strengthen the principled approach to EU international relations, the European Commission has recently 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 proposed the mainstreaming of human rights and democracy. The Commission assumes that there is a linkage between security, economic development, human rights and democracy, and this linkage must be reflected in external policies: «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). 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.

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 entrepreneur and transfer to its Mediterranean partners norms, principles and values which are distinctly European (Manners, 2002). After 10 year of regional and bilateral cooperation with Mediterranean countries has the EU been able to facilitate the diffusion of democracy and human rights? Has the EU adopted the necessary instruments to effectively implement the promotion of human rights, fundamental freedoms and democracy? Have the political systems of Southern Mediterranean countries been transformed in the direction of more respect of human rights and fundamental rights and socio-economic pluralism? The empirical analysis will unfortunately show that there is a big difference between the rhetoric and reality of support to human rights and democratization.

It is too early to attempt any evaluation on the effectiveness of the Wider-Europe - New Neighbourhood policy which has been recently adopted to encourage and support EU existing policies for the Southern Neighbours. It will certainly have a close link with the EMP, since many objectives overlap. Also the New 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 the New Neighbourhood policy is the fact that instead of offering substantial new funds, interoperability between the existing instruments (ex. TACIS, PHARE, MEDA) is envisaged. It is as if old wine had been poured in new bottles just to attract the attention away from the real problem of EU relations with the Mediterranean countries: scarce EU resources to help enhance democracy and human rights.

3. Limits and constraints to EU effective action in the Mediterranean

The achievements of the EMP have been so far quite controversial. In 10 years of cooperation the EU has offered a wide framework for cooperation, but cooperation has not progressed in all fields. As far as bilateral cooperation is concerned, new Euro-Mediterranean agreements have been negotiated by almost all Arab EMP partners, proving that economic and financial co-operation remains the primary incentive to co-operation. 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 Second Intifada; the creation of a Euro-Mediterranean free trade area is proceeding at a slow speed (most probably the 2010 deadline will not be met, the most recent documents refer to 2010 as a target date). What about the diffusion of democracy and human rights to Southern Mediterranean partners?

The EU difficulties in acting as a norm entrepreneur 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. The adherence to the Barcelona acquis seems to rest upon voluntary basis. Since the non-adherence to EU norms and values is not sanctioned, the Barcelona Process is not suited to transfer effectively norms to third countries. 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; the Barcelona process is a complete different cooperation scheme. The Turkish case is rather emblematic in this perspective: the EU has offered Turkey the ‘carrot’ of joining the EU, and at the same time it has repeatedly sanctioned the Turkish low respect of the Copenhagen principles. A comparative analysis of change (or absence of change) of domestic political systems in the Mediterranean Arab countries with the constitutional reforms adopted in Turkey to comply with the EU norms, proves that the Barcelona Process does not provide the EU with juridical instruments to act as a norm entrepreneur.

Secondly, the EU seems to prefer a certain rhetoric in favour of political and democratic reforms and respect of human rights rather than directly sanctioning violations of democratic norms and human rights. Since the 1990s all EU agreements with third countries include ‘human rights’ clauses’, but so far there is no evidence of CFSP provisions adopted to react to cases of lack of good governance, democratic practices and values, poor respect of human rights which are still recurrent in Southern Mediterranean countries2. The EU seems to adopt a double standard: despite the political rhetoric, it avoids to directly tackle the most controversial issues such as restrictions on the media, repression of dissent, unfair trials, etc., to favour domestic stability of Arab countries, as if political change towards democratization might be potentially destabilising (Youngs, 2002).

Thirdly, a comparison of EU institutions’ attitude shows a sort of institutional schizophrenia. Each institution has a different approach to Arab countries (non)compliance to EU standards. The European Commission plays the role of policy-entrepreneur: it has a creative vision of external

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2 Negative CFSP provisions have only been adopted by the Union against Libya (http://ue.eu.int/pesc/default.asp).
relations and seeks to elaborate innovative frameworks of co-operation 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 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, for instance through the adoption of 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 accept low human rights standards in EU partner countries; 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. 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’ of sanctions and negative measures in case of serious violations of democracy and human rights.

4. Liberalization without democratization in some Mediterranean Arab countries: Looking for new conceptual lenses?

Democratic principles and human rights protection have become part of the Barcelona acquis and no Arab governments officially denies these principles. However, there is a big hiatus between official declarations of the governments (the political rhetoric) and the way how democratic practices and human rights are implemented domestically. To what extent the Mediterranean Arab countries are progressing towards democratization as wished by the EU? Has the EU democratization policy favoured the spread of democracy in the Arab countries, has it produced “contagion” (Whitehead, 1996)? Is the EU able to act as an external actor of democratization (Huntington, 1991) and help to adopt the democratic adjustments which gradually lead to stable democratic institutions?

Some conceptual explanations are required at this point. The EU reference to a ‘democratization’ policy clashes with the largely accepted definition used by democratization literature, which neatly distinguishes the democratization process (i.e. the creation and stabilization of democratic institutions) from the liberalization process (i.e. the opening process which usually starts with of granting individual rights and freedoms). 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 consolidated democratic institutions lead to stability. The picture, then, is much more complicate than the Brussels jargon. Despite the continuous reference to democracy and human rights which is done equally by 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 (Morlino, 2003: 25).

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3 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 (!!).
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). These political changes usually characterize the transition process which in most cases allows the passing from an authoritarian regime to democracy. Is any similar process interesting Arab countries? A long-term analysis of regime change in the Mediterranean Arab countries shows the non-linearity of the liberations process, a process which has been subject to a stop-and-go pace or even reverse trends. The limited reforms which have been adopted by some Mediterranean Arab countries are producing liberalization but not democratization. Elections are regularly held and human rights conventions are signed, but this is short of the democratization process. A long-term analysis shows no democratic change in the Mediterranean Arab countries, in some cases there is liberalisation but also a decline of freedom is registered (see infra). The “third wave” of democracy 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 (Karatnycky, 2003: 101).

A most common habit to Arab countries is the instrumental use of the rights of citizenship. According to Marshall citizenship is made up of the civil, political and social elements; only the full granting of the 3 dimensions of citizenship marks the passing from subjects to citizens. But the Arab countries are often prone to prioritize rights - in line with a typical vision of developing countries – and put on hold political rights in the name of social and economic imperatives.

When assessing political change in the Arab world, 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 is rather undemocratic: the early 2000s have registered deliberalization 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 regimes” (as in Egypt), “blocked transitions” (as in Jordan), “liberalized autocracies”, “hybrid regimes”. Many concepts have been adopted to stress the ambiguity of these regimes. 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’ - see infra Table 1), where the influence of the monarchy over the political and religious spheres remains overwhelming. Pseudo-democracies remain the prevalent regime with some formal aspects of democratic regimes such as elections, constitutions granting fundamental freedoms and political rights, but then there are no real guarantees, for effective participation is limited, censorship prevents a real freedom of expression (therefore dissent cannot be expressed), elections are not free and competitive, multiparty systems is just a façade to defend the prerogatives of a dominant party.
5. A comparative analysis on presence/absence of democratic institutions in the Southern Mediterranean countries

A Methodological Note: how democracy is “measured”

Measuring democracy is always a difficult task which relies upon the creation and use of indicators. Therefore, this is inevitably a subjective process\(^4\). In order to assess presence or absence of democratic institutions in the Mediterranean Arab countries, two independent datasets have been reviewed: Freedom House and the Polity Project. Freedom House is a non-profit organization that monitors political rights and civil liberties around the world; it publishes *The Annual Survey on Freedom in the World*, which is based upon two important indicators of democracy: political rights (i.e. political parties can be formed freely, voters can choose among more than one party, party leaders can compete for positions of power in government) and civil liberties (respect for religious, ethnic, economic, linguistic, gender and family rights; personal freedoms; freedoms of the press, belief and association). The Freedom House Survey uses a seven-point scale ranging from 1 (the most free) to 7 (the least free). A country which scores 7 in both political rights and civil liberties has no democratic institutions. The Polity Project is founded by the political scientist Ted Gurr and gauges political rights in almost every country but uses a different ranking. The current version of the Polity Project - Polity IV - ranks countries on a scale that ranges from “strongly autocratic” at minus 10 to “strongly democratic” at plus 10\(^5\). In order to verify the effect of EU promotion of human rights and democratic practices within the EMP framework, the years 1995 to 2003 (called Barcelona timeline) have been reviewed.

A comparative analysis focusing upon the development of democratic institutions in Southern Mediterranean countries shows that in the Mediterranean the EU has not been successful in playing the role of an external actor influencing democratization, as it did instead in the third wave of democratization (Huntington, 1991). As shown in Table 1\(^6\), almost 10 years of EU regional cooperation within the EMP framework and bilateral cooperation based upon the EuroMediterranean Agreements have not produced substantial changes in the political systems of EU Southern Mediterranean partners\(^7\). The only exception is Turkey, whose cooperation with the EU is more importantly run by the pre-pre-accession process. Since Turkey has been offered the possibility of joining the EU (although no date for the beginning of the pre-accession process has been fixed yet), the Turkish political institutions launched a constitutional reform process which reflects the Turkish will to develop along the lines of EU norms and principles.

The only EMP partner that shows a consistent movement towards greater openness is Turkey, the region’s only electoral democracy that improved both political rights and civil liberties respect to

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\(^4\) I am aware that the process of ranking countries according to their levels of political rights and civil liberties is unavoidably controversial and can be subject to criticism by people living in non-democratic countries. Here regimes are surveyed, the non-democratic label does not apply to single individuals.

\(^5\) Data are available on-line at [www.cidcm.umd.edu/inscr/polity](http://www.cidcm.umd.edu/inscr/polity)

\(^6\) Table 1 is based upon Freedom House surveys. The country ‘status’ combines political rights’ and civil liberties’ scores as follows: *free* are countries whose ratings average 1-2.5, *partly free* are countries whose ratings average 3-5.5, *not free* are countries whose ratings average 6-7. ‘Partly free’ countries display a limited respect for political rights and civil liberties; they often suffer from environments of corruption, a weak rule of law, single-party dominance; in ‘not free’ countries basic political rights are absent and basic civil liberties are widely and systematically denied. Political right’s scores have the following meaning: score 5: there is a certain popular influence over the government; score 6: there is a minimum acknowledgement of political rights; score 7: political rights are absent. Civil liberties’ scores reads as follows: score 5: there are some limits to civil liberties; score 6: there are serious restrictions, particularly to freedom of expression and freedom of association; score 7: civil liberties are absent.

\(^7\) Cyprus and Malta have been excluded, since they are entering the EU. Libya has been included due to its status as ‘observer’ country.
‘please’ the EU and meet the Copenhagen criteria which have to be faced to enter the EU. On the contrary, it is meaningful that the 2002 Freedom House Survey included one EMP member (Syria) and the EMP ‘observer’ Libya among the 9 “Not Free” countries with the lowest rating (7/7).

Data show that the EU democratization policy is successful in transforming the domestic political systems of its partners when it is part of the enlargement process (as it did in the southern European countries in the late 1970s-1980s). Despite the suggestive idea of a linkage between political, economic and human dimension development respectful of human rights and democratic processes, within regional cooperation in the Mediterranean human rights and democracy seems a faded frame for economic cooperation.

In the following paragraphs, some specific national cases have been selected to analyse the controversies of political changes affecting Southern Mediterranean countries and the limited effect of EU regional action in support of democratic principles and human rights.

**Jordan and Morocco**: “partly free” countries shifting from monarchical liberalization to deliberalization and/or depoliticization

Jordan and Morocco are the only 2 Mediterranean Arab countries that are considered partly free by the 2004 Freedom House Survey. They are scored 5 for both political rights and civil liberties. This score indicates that these countries may enjoy some elements of political rights, including the freedom to organize quasi-political groups, reasonably free referenda, or other means of popular influence on the government. Elections are free and correct, but parliaments have limited powers and do not guarantee the alternation to power. The monarchy exerts close control over the other institutions (government, parliament, judiciary, police). Pluralism is limited and multi-party system is weak. As far as civil liberties are concerned, there is a combination of high or medium scores for some questions, and low or very low scores on other questions; an example of ‘hot’ issues still to be solved are the question of censorship, political terror, or the prevention of free association. There are restrictions to freedoms of expression and association. Torture, arbitrary arrests and detention are still in use.

Jordan and Morocco are run by traditional monarchs whose power is above all other institutions. In Jordan, King Abdullah ascended to the throne when his father King Hussein died in February 1999. In Morocco King Mohammed VI succeeded to the crown in direct hereditary line from his father, King Hassan II, in July 1999. They belong to a young generation of political leaders, but they have so far conducted limited reforms. There is a big difference with the European constitutional monarchies, which are parliamentary democracies in which the government is accountable to an elected lower house (United Kingdom, Sweden, Denmark, Norway, Belgium, the Netherlands). Are there any prospects for these too monarchs to behave as “enlightened” sovereigns? Are they able to lead the transition process as king Juan Carlos did in Spain during the 1970s? This is still to be demonstrated.

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8 The Lebanese case is another example of deliberalization, but it is not analysed here due to the different time span of deliberalization it experienced. Lebanon experienced three consecutive years of relatively strong political rights before the civil war that began in 1975 and lasted until 1990 (Stepan with Robertson, 2003: 32). From 1972 through 1975, Freedom House rated Lebanon as free, afterwards it has reversed this tendency (Karatnycky, 2003: 103). During the Barcelona timeline Lebanon has experienced a standstill period. The full respect of political rights and civil liberties in Lebanon is currently difficult due to the “stateness” problem caused by the Syrian influence exerted over Lebanon since the Taif Agreement and the 1991 ‘Treaty of Brotherhood, Cooperation and Coordination between Syria and Lebanon’. The Syrian influence over the Lebanese government has set up a sort of political ‘tutelage’ (Hamladji, 2002: 11).

9 However, there are significant differences between Spain in 1975 and Morocco today (Maghraoui, 2001: 84).
In **Morocco** the king is the centre of the political system. The king is at the same time the supreme religious and political authority, with legislative, executive and judicial authority subservient to his powers. The supremacy of the monarchy is established by the constitution. The concentration of wide executive and legislative powers in the hands of the monarch *de facto* deprives art. 1 of the 1996 constitution which defines Morocco as a “sovereign, democratic social monarchy”. The democratic character of the constitutional monarchy is weakened by the absence of a government directly accountable to the voters (the king appoints and can dismiss the prime minister and the cabinet, he can dissolve the parliament at his discretion and rule by decree in the parliamentary vacuum). Political pluralism is established by the 1962 constitution which outlawed the one-party system and provided for a multiparty legislature elected by universal suffrage, but the opposition parties are too weak to bring about democratic change. The national and local elections are held regularly but do not legitimate governmental bodies. Although parliamentary elections are free and fair (as they were in 2002), elected institutions are not fully accountable to the electorate due to the absolute supremacy of the king. There is a strong link between the “palace” and the government.

The most serious violations to civil liberties derive from limitations to freedom of expression, freedom of association, government control over the media, torture, arbitrary arrests and detention. Criticism of the monarch (regarded as *lese-majesté*) is forbidden, and journalists can risk imprisonment if freely express their views on the “sacred” Moroccan institutions: the monarchy, Islam, national integrity and the question of Western Sahara. The creation of NGOs is subject to the approval of the Minister of Interior.

Liberalization in Morocco has been gradually *octroyée* first by the king Hassan II and then by king Mohamed VI. The overall judgement on the reforms which have been adopted in Morocco remains critical: «[t]hough favourable to democracy on the surface, Morocco’s liberal reforms have actually worked against it by depoliticizing the public sphere» (Maghraoui, 2002). The concept of *depoliticization* indicates the «marginalization of questions of legitimacy or sovereignty and […] the concomitant political primacy given to economic issues» (*idem*). The major parties who seem to be virtually disengaged from the political sphere can be alleged responsible for this situation. At the 2002 electoral campaign the political parties seemed to be «downplaying their political programs and touting their technocratic and managerial credentials instead» (*idem*).

In the late 1980s **Jordan** saw a liberalization process guided by king Hussein which ended repression, led to free elections, increased power for the opposition and reduced powers for the monarchy. Despite these extraordinary steps towards political opening which at that time put Jordan on the forefront of liberalization in the Arab world (Lucas, 2003: 137), the king has remained the centre of political authority and within one decade this liberalization trend had reversed. Since ascending to the throne in 1999, King Abdallah focused on the domestic politics and launched economic reforms to improve the economic situation; he made some progress in liberalizing the media, reforming the judiciary and improving human rights. However, King Abdallah soon aligned with the late 1990s authoritarian repressive policy used by his father to deal with the mass dissatisfaction linked to economic crisis. Following to the Second Intifada erupted in 2000, the US wars to Afghanistan and Iraq, public protests claimed the annulment of the 1994 Peace Treaty with Israel and fiercely criticized the pro-western Jordanian foreign policy. The young regime showed little tolerance for public manifestations and reacted with a ban on demonstrations. In June 2001 King Abdallah II dissolved the parliament and postponed repeatedly the parliamentary elections; for almost 2 years he governed by decrees and temporary laws. The freedom of expression has been greatly restricted, criticism on the monarchy is not tolerated and control over the press is exerted. Even Al Jazeera’s bureau in Amman has been temporary shut down in 2001. Also freedom of assembly has been restricted. The situation has smoothly improved in 2003.
The Jordanian experience proofs that liberalization is not a straightforward process, on the contrary it is subject to reverse tendencies of deliberalization. In 1995 the two indicators - political rights and civil liberties - were both scored 4, then they worsened to respectively 6 and 5 to improve in 2003 (5/5). The deliberalization process Jordan has currently experienced proofs that the 1990s liberalization did not produce full-fledged democracy because it was not a genuine process of democratization which saw opposition forces and socio-economic actors to gain more permanent power, but rather an octroyée process of constitutional reforms used as a «survival strategy chosen by a monarchy anxious to shore up its legitimacy in the face of domestic discontent» (Lucas, 2003: 138). «[S]ince the initiation of the political liberalization process the Jordanian political system took major steps toward pluralism, but then reversed or stalled many of those steps, leaving full democracy an ideal but not a reality» (Ryan, 2002: 258).

Authoritarian regimes in “not free” countries: Egypt and Tunisia

Egypt and Tunisia can be regarded as “electoral authoritarian regimes” (Diamond, 2002), to indicate regimes that make use of some institutions of democracy (such as the elections) to give the regime an appearance of democratic processes that in practice do not exist at all. Egypt and Tunisia remain authoritarian regimes with two strong presidents.

After a tenuous period of little political opening in the 1980s and early 1990s, the Egyptian regime has progressively limited opportunities for the dispersal of power beyond the President (Brownlee, 2002). Egypt remains a strong presidential system with a façade of multi-party elections and party rule and a weak parliament. Extensive executive and legislative powers are concentrated in the hands of President Mubarak. Elections are not correct (irregularities remain systematic) nor competitive. A high number of parties can run for elections, but then the elections are dominated by one single party, the National Democratic Party (at the 2002 municipal elections it won the 98 percent majority). The presidential elections are not competitive: in 1999 president Mubarak was re-elected with 94 percent votes. The regime is based upon a strong corporatist group structure which does not reflect the existence of strong civil society groups. The state of emergency which is in force since the assassination of President Sadat in 1981 weakens the 1971 Egyptian constitution which included guarantees of freedom of expression and of freedom from arbitrary arrest, seizure of property, and mail censorship, the ban of press censorship except in periods of war emergency. The rule is instead restrictions to many basic rights such as arrests without charges, torture (electric shock included), abuses of detainees; limitations to freedom of the press and freedom of association. Criticism of the president, for instance, can result in the imprisonment of journalists and the closure of publications.

An exemplary case of violation of civil liberties has been personally experienced by Saad Eddin Ibrahim, a well-known sociologist to the European Commission. On 30 June 2000 the Egyptian authorities charged him and other members of the centre he directed, the Ibn Khaldun Centre for Development Studies in Cairo, with crimes connected to his administration of the centre. The Egyptian authorities were following the State Emergency Law. The Chairman of the Ibn Khaldun Centre was alleged of having received foreign funds without permission of the authorities and of having used these funds to disseminate false information damaging to Egypt’s national interests (in particular the allegations referred to a documentary film on Egypt’s elections produced with a EU grant). This gave rise to a cause célèbre which attracted the strong criticism of the European Commission and human rights activists on a global scale (through the web many initiatives were launched in defence of Dr Ibrahim: petitions, e-mail protests, etc). In the summer 2001 the liberal sociologist was sentenced to seven years hard labour on charges that included damaging of Egypt’s
national interests and mismanagement of foreign funding. After 3 years of legal battles and a 15 month detention, Dr Ibrahim was cleared of all charges by the Court of Cassation.

The Centre belonged to international human rights networks and received funds by the European Commission to conduct activities such as research and conferences on democratization, human rights, the role of women in the Arab society, minorities’ rights (ex. the Copts), all issues that are regarded as taboos by Egyptian authorities and thus violate the Egyptian restrictive laws on freedom of association and on freedom of expression. This event had wide repercussions on Egyptian civil society and, more generally, it proved that the European Commission’s bottom-up strategy of strengthening civil society as actor of democratic change cannot produce openness of society if the governmental authority does not grant civil society representatives with substantial freedom of association and of expression.

The Tunisian case is probably the most interesting one. Tunisia has always pleaded for being on the forefront of cooperation with the EU both bilaterally (it was the first partner to sign a Euro-Mediterranean Agreement) and regionally within the EMP framework. However, no internal change has been registered in the last 10 years. The Islamic Republic of Tunisia remains an authoritarian presidential regime similar to the Egyptian one. The president of the republic has extensive powers, and his party dominates the National Assembly. Elections are held regularly, although they have no real impact on the political life. Presidential elections are not competitive (in 1999 President Ben Ali claimed to have won over 99 percent of the vote) and the multiparty system is simply a façade to grant the dominant party (the Constitutional Democratic Rally) the most influential role; political competition is non-existent and political opposition has a strong life. Personal liberties are limited by arbitrary arrests, illegal detention, torture; limitations to freedom of movement rely upon rigid passports control; freedom of expression is restricted and journalists displeasing government officials can be harassed or persecuted; internet is monitored closely; freedom of association is limited. Again, the political rhetoric is not supported by reality.

**How the EU “stick and carrot” policy brought Turkey to adopt EU norms and values**

Turkey is the EMP partner that has progressed the most towards the adoption of EU norms, values and principles. In 1995 it was scored 5 for both political rights and civil liberties, in 2004 it is score 3 for political rights and 4 for civil liberties. This is the result of the EU insistence on democratic practices and human rights protection as important discriminating factors for the enlargement (the so-called Copenhagen criteria).

The Helsinki European Council in December 1999 acknowledged Turkey with the *sui-generis* status of non-negotiating candidate country, that is to say the political decision was taken to let Turkey enter the EU, but since important reforms were still needed no firm date was indicated as when to start the negotiations. The EU has adopted then a ‘stick and carrot’ strategy, since it promised the enlargement (it offered the ‘carrot’), but at the same time it subordinated the beginning of the enlargement process to the fulfilment of the Copenhagen criteria (it used the ‘stick’). In 2001 the Turkish Parliament adopted a package of 34 important constitutional amendments and approved revisions to the civil code. These reforms were aimed to reduced the influence of the military on the political life, to strengthen guarantees in the fields of human rights (including the rights of detainees) and fundamental freedoms (to guarantee freedom of thought, expression, association and press). An important decision was the ban of death penalty (restricted only to terrorist crimes). Some innovations concerned the protection of the Kurdish minority cultural rights.
The European Commission in its 2002 report on Turkey’s progress towards EU accession welcomed the progress towards strengthening guarantees in the fields of human rights and fundamental freedoms; however, it cautioned that a number of restrictions on the exercise of fundamental freedoms have remained (Commission, 2002: 46). Accordingly, the Copenhagen European Council in December 2002 invited the Turkish government to adopt, alongside the constitutional amendments, all the norms required to implement these reforms.

The Council’s wait-and-see position reflects the contradictions of this country. Turkey is a parliamentary democracy in which political parties from all ideological positions run for positions of institutional power. However, the strong influence of the military remains a characteristic of the Turkish polity. The Kurdish minority still suffers from repressive measures. Many restrictions on the exercise of fundamental freedoms and human rights still remain. It is meaningful that the Freedom House Survey ranked Turkey 3 for political rights and 4 for civil liberties, because some restrictions to pluralism still exist. Civil society is restricted in many activities, since any political role is excluded; and students can associate, but they can only deal with education (politics is excluded).

The role of the Turkish leadership in the adoption of EU norms, principles and values has been fundamental. The Turkish political system has been reformed via an elite-led gradual process of liberalization.

6. A brief corollary on Islam and democracy: a possible relationship

The cultural explanation to democratization lists the Islamic religious culture among the impeding factors to democracy (Huntington, 1991), as if ideas and beliefs of Islam per sé were against democracy or against the development of democratic practices. This comparative analysis does not allow to assume Islam inherently incompatible with democratic institutions. The Turkish case offers some useful insights on the relationship between Muslim religion and democracy which allow to overcome such a simplistic association. Turkey is a Muslim-majority country which is run by a Muslim party since its victory in free and fair elections held in 2002. This change of government has not reversed the constitutional reform process which had started in 2001 under the strong influence of EU (i.e. the promise of launching the pre-accession process).

There is no empirical evidence of a Muslim electoral gap as such, it is rather an “Arab” gap, because «non-Arab Muslim majority countries clearly have a better record on political rights than do Arab Muslim-majority countries» (Stepan with Robertson, 2003: 33). The big difference between Turkey and Mediterranean Arab countries is represented by the secularisation process which brought the former to the separation between religion and the politics, while such a process has not taken place in the latter countries. The laicization process launched by Kemal Atatürk when he found the Laic Republic of Turkey at the beginning of the 20th century has allowed, in the long run, modernization. The separation between politics and religion is more important than religion per sé. This is the most distinctive element.

The role of ‘enlightened’ leaders in the secularisation process of Islamic countries has proved fundamental also in another case. In the 1960s the Tunisian leader Bourguiba, who believed in a more liberal interpretation of the Quran, launched a reform process to reduce the influence of Islam on the Tunisian society (he had even begun a campaign against the traditional observance of

10 Dealing with the relation between Muslim countries and democracy, one might mention also Senegal, a Muslim majority country that since 2002 has been regarded as free, or Bahrein, that is shifting towards a constitutional monarchy (Karatnycky, 2003: 104). However, these cases remain outside our geographical area of interest.
Ramadan, but due to the popular protest he had to retreat). A personal status code was adopted that led to the promotion of women’s emancipation: it abolished polygamy, established a minimum age for women to marry, it provided women with the right to sign their own marriage certificate and permitted them to demand divorce. His idea of women’s role in society was far-sighted; he «denounced in public the veil as a “dishrag” and viewed traditional Muslim customs for women as “servility, decadence and Bondage”» (White, Entelis and Tessler, 2002: 476). As a result, Tunisian legislation on social equality for women is more advanced than elsewhere in the Arab world.

This is clearly not an apology of Ataturk of Bourguiba, but it is a proof of the important role leaders play in the reform of society and political systems. In this case the reduction of the influence of Islam on societal practices was at stake, ant it worked.

7. The constraints to the EU as an external actor of democratization in the Mediterranean

Despite the EU declared will to rely its relations with third countries (Southern Mediterranean countries included) upon EU distinctive principles such as democracy, human rights, and good governance, 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. The above mentioned institutional schizophrenia, together with a weak political will to fully implement the EU democratization policy have produced a short-sighted policy which produced very limited effects. The European Commission rightly seeks to strengthen pluralism which is still limited in Southern Mediterranean countries, as pluralism is a key element of democracy. The ultimate aim of the European Commission’s support to issue networks (Archimedes, UNIMED, FEMISE) is to produce “contagion”, to help the process of learning the democratic practices. Many projects implemented within the EMP framework relied upon the EU bottom-up approach aimed at strengthening civil society to help democratization from below.

There are no doubts that the role of local actors - civil society included – in the democratization process is fundamental. However, civil society cannot be supported by neglecting the political elite: «[a] genuine and securely implanted democratic regime requires the positive support and involvement of a wide range of social and political groupings, 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 elites 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 a the basis of liberalization is essential and cannot be underestimated. Democracy has to be a political choice of the political elite.

What is going on in Mediterranean Arab countries? These countries interested by political change, political reforms and change are run by monarchs. So far the EU has preferred civil society to political leaders, 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 proved, constitutional reforms required 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,

11 Following to the Weberian typology, the leadership can be charismatic (the leader has charisma), personalistic (the leader possesses patrimonial or traditional power), or rely upon rational power. The leadership in most Arab countries can be regarded as patrimonial or traditional.
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. For these fundamental changes, the top-down strategy is required.

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

The EU democratization policy’s effectiveness is also 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\textsuperscript{12}. Having a look at the financial breakdown by priority, one finds that only 6 M€ 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); EuroMed free trade zone (M€ 10).

MEDA projects and the European Initiative for Development and Human Rights (EIDHR) activities are complementary. In the financial year 2000, 80 percent of EIDHR funds have been used through civil society representatives (NGOs, professional associations, foundations, etc.) (European Commission, 2001b: 25). If one compares the emphasis the EU puts on initiatives to strengthen democratization and human rights protection with the amount of these financial chapters, one gets a real picture of the EU aid offered to Southern Mediterranean partners in these fields. In 2000 the EU allocated through EIDHR M€ 2.5 to Algeria to be spent in the following priority areas: strengthening democratization, good governance, rule of law; conflict-prevention and resolution; the fight against torture and impunity; other cross-cutting themes. M€ 2.5 were allocated to Israel and West Bank/Gaza to cover initiatives to strengthen democratization, good governance, the rule of law; conflict prevention and resolution; fight against discrimination and other cross-cutting issues. M€ 1.5 were allocated to Tunisia to finance initiatives to favour democratization, good governance, rule of law; to strengthen institutions; to improve conditions of detention. M€2 were allocated to Turkey to strengthen the capacity of human rights NGOs; freedom of expression and independence of the media; rule of law, good governance, fight against torture, to preserve cultural diversity (European Commission, 2001). Needless to say, these are peanuts to cover such a wide range of initiatives.

The main-streaming of democracy and human rights deserves a much bigger financial support. 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, but 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.» Now facts should follow.

8. A tentative conclusion

The adoption of the Barcelona Declaration in the mid-90s was accompanied by a certain enthusiasm about the EU capacity to transfer the EU normative corpus to the Southern Mediterranean countries. The EMP had restructured EU relations with the Southern Mediterranean countries within a multilateral cooperation framework - strengthened and paralleled by a bilateral level of cooperation - largely relying upon EU norms, values and principles. Ten years have passed since the Barcelona Declaration was adopted and the results produced by regional cooperation have not faced the original expectations yet. The achievements have been modest compared with the ambitious goals set in the Barcelona Declaration. The multilateral cooperation – particularly the fields of cooperation under the first chapter – has been slowed down by the renewal of the Israeli-Palestinian conflict. The bilateral cooperation remains the preferred dimension by Arab countries, but it is proceeding at a differentiated speed because each country has followed a different calendar to negotiate the Euro-Mediterranean Agreements with the EU (or probably it is the preferred cooperation level due to this differentiation). What is more impressive, is that the EU initiatives adopted to spread democratic practices and strengthen human rights protection have not produced effective change in the political systems of the Southern Mediterranean countries.

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 far from being irreversible can be prone to reversal trends of liberalization.

It has been difficult for the EU to act as a norm entrepreneur. 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. Third countries did not influence much the early stages of EMP policy-making; they could only take it or leave it, in 10 years they proved to be more interested in bilateral and economic cooperation, to become half-hearted in other areas of cooperation. The real interest of Mediterranean Arab countries is to proceed with economic cooperation, they adhered formally to EU principles of democracy and human rights because the EU attaches so much importance to human rights and democracy, but they are far from implementing these principles at domestic level.

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 blindly accept that the leaders of Southern 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 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.

The EU should strengthen the financial instruments to implement the EU democratization policy and should set up control instruments to verify the respect of the Barcelona acquis. The European Parliament has singled out sanctions as the instrument to be adopted to defend EU credibility. In its annual report on human rights in the in the world, the EP recently urged the Council to sanction human rights violations of Southern Mediterranean partners (European Parliament, 2003). This can
be a starting point for a more effective EU support to democratic practices and human rights protection in third countries.

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

* Since 1997.

13 Economic data refer to 2002.