

# Democratic Transition in the Mediterranean and Europe's Role

Michael Meyer-Resende  
*Democracy Reporting International\**

## Resumo

### Transição Democrática no Mediterrâneo e o Papel da Europa

A transição democrática deveria ser entendida através da inclusão da liberalização política e de uma crescente participação política. Embora tenha havido liberalização política em alguns países da região, não há grande progresso no que diz respeito à participação política. Em muitos países as eleições são manipuladas e os parlamentos eleitos não dispõem de poder significativo face ao executivo.

A União Europeia é apenas um actor indutor da democratização na região, promovendo prioridades políticas às quais os regimes com tendência securitária respondem bem. Assim, a abordagem da UE no que diz respeito à democratização é menos assertiva do que em relação àquela adoptada pela UE quanto à política de vizinhança em relação ao leste da Europa. O receio do aumento do Islamismo Político parece aumentar a reserva no que respeita a um maior empenhamento da UE. A União Europeia deveria clarificar a sua posição em relação aos partidos islâmicos, definindo regras mínimas de empenhamento num quadro de relacionamento alargado.

## Abstract

*Democratic transition should be understood as encompassing political liberalisation and increased political participation. While there has been political liberalisation in some countries in the region, there is almost no progress as far as political participation is concerned. Elections are manipulated in many countries and elected Parliaments do not enjoy significant powers vis-à-vis the executive.*

*The EU is only a soft actor of democratisation in the region, pursuing numerous competing policy priorities to which incumbent 'security-oriented' regimes respond well. Thus, the EU's approach on democratisation is generally less assertive than in the EU's Eastern neighbourhood. The fear of the rise of political Islam appears to be an often un-stated additional reason for the EU's reluctance. The EU should clarify its position on Islamic parties, defining minimum rules for engagement in a broader framework of cooperation.*

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\* Democracy Reporting International is a Berlin-based group promoting democracy: [www.democracy-reporting.org](http://www.democracy-reporting.org)

## 1. Notion of Democratic Transition: Political Liberalisation vs. Political Participation

When discussing democratic transitions it is useful to distinguish political liberalisation from increased political participation. Political liberalisation entails a greater respect of citizens' political rights, e.g. freedom of expression, a free press, the right to register political parties (freedom of association) or to demonstrate (freedom of assembly). These are necessary conditions for democratisation,<sup>1</sup> but they are not sufficient, because they do not necessarily translate into political participation. Regular elections are the main mechanism to ensure political participation and accountability.<sup>2</sup>

The right to vote tends to be the most sensitive of all political rights, because it is through elections that positions of power may be challenged. The right to vote has two aspects: On the one hand a genuinely democratic election contest and on the other hand that the elected institution plays a meaningful role in the given constitutional-political context. On both aspects little or no progress could be observed in the Southern Mediterranean. Consequently one cannot speak about a democratic transition of the region.<sup>3</sup>

## 2. State of Democratisation in the Southern Mediterranean

There has been some progress on **political liberalisation** in a number of Arab states in the last ten years, e.g. in Jordan and Morocco, where there is a degree of respect for political rights.<sup>4</sup> Monarchies may be more relaxed about political freedoms, because they rely on other than electoral legitimacies, namely religious and traditional authority.

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1 F. Zakaria suggests that there can be democratisation in the form of regular elections without enjoyment of other political rights leading to 'illiberal democracies'. This is not a useful category: Electoral regimes where political rights are severely restricted are better conceptualised as authoritarian regimes. See F. Zakaria, 'The Rise of Illiberal Democracies', *Foreign Affairs* 1997.

2 The right to vote is also a political right, e.g. enshrined in art.25 of the legally binding International Covenant for Civil and Political Rights.

3 This is also the conclusion of Tobias Schumacher's overview on the region in Bertelsmann Foundation (Ed.): *Bertelsmann Transformation Index 2008*, Bertelsmann Foundation Publishers, Gütersloh: 2008; Freedom house data of the last years confirm a trend of little progress on political rights.

4 Nevertheless in both countries there are 'red lines', e.g. where private matters of the monarchy are concerned, or in the case of Morocco on the question of Western Sahara.

Furthermore, they remain above the fray of political party competition and therefore have no need to entertain dominant parties.

There has been no liberalisation in the Arab republics, many of which are run under a state of emergency for decades (Syria, Egypt, Algeria). Lebanon is an exception; its multi-confessional set-up results in a weak state with no agenda or means to repress political rights.<sup>5</sup> Likewise there has been a high level of internal enjoyment of political rights in the Palestinian territories, as far as possible in a context of occupation. If the split into *Fatah*-dominated West-Bank and a *Hamas*-controlled Gaza strip affects this remains to be seen.

Looking at the issue of **political participation**, no government in the region is fully accountable to its citizens. Elections are manipulated and many elected Parliaments do not enjoy significant degrees of political authority. Around 2005 there appeared to be some progress, dubbed by the media as an 'Arab spring', with democratic elections in Palestine, the introduction of direct Presidential elections and more open Parliamentary elections in Egypt, relatively free elections in Lebanon, etc. However, there has been a reversal since: The Egyptian authorities have increased the suppression of political opposition, conducted a constitutional referendum in 2007 which made a mockery of a genuine public consultation,<sup>6</sup> the Syrian authorities have cracked down on dissenters, Lebanon is paralysed in political stalemate and the democratic process in Palestine has collapsed into a semi-civil war. Spring has not been followed by summer.<sup>7</sup>

In some countries election laws violate fundamental election standards, e.g. in Syria an absolute majority for the ruling *Baath* party is foreseen by law. In others the political context and the way laws are implemented lead to similar results, e.g. the National Democratic Party enjoys a long-standing 2/3 majority in the lower house of Parliament.<sup>8</sup>

It appears that there is very little voter confidence in elections as illustrated by very low turn-out rates across the region.<sup>9</sup> To increase voters' confidence it would be necessary

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5 But note the string of politically-motivated assassinations of politicians, journalists and law-enforcement officials; but these are not assumed to have been committed by Lebanese state actors.

6 The complex proposal was put to a referendum only one week after it had been approved by Parliament, not allowing for any genuine public debate or campaigning.

7 This is also the conclusion of Tobias Schumacher's overview in Bertelsmann Foundation (Ed.): Bertelsmann Transformation Index 2008, Bertelsmann Foundation Publishers, Gütersloh: 2008; Freedom house data of the last years confirm a trend of little progress on political rights.

8 For an in-depth assessments of the election frameworks of Jordan, Egypt, Algeria and Morocco, see reports by Democracy Reporting International.

9 According to official results only 25% of the electorate voted in the Egyptian 2005 Parliamentary elections and only 27% in the 2007 referendum. According to domestic observers the true turn-out was much lower.

to introduce best practices for transparent elections that are increasingly applied around the world, but not in the Arab region, notably:

- Entrusting the management of elections to independent election commission. Only Palestine has an independent election commission. Otherwise elections are managed by Ministries of Interior.
- Permit domestic and international election observation. Most election laws are silent on the issue of observation and mostly no proper conditions for meaningful election observation are put in place. Palestine is an exception in having a clear framework for election observation.
- Results should be published promptly and in all detail (from polling stations upwards). In most countries in the region only summary results are published making it difficult to re-capitulate the aggregation process.

Morocco's recent elections to the House of Representatives have been seen by many observers as relatively democratic;<sup>10</sup> indeed the country enjoys political party pluralism and an adequate electoral framework. Nevertheless, some important issues remain to be addressed (detailed publication of results) and there were wide-spread allegations of election fraud which need to be investigated and the Constitutional Council should address election appeals swiftly.<sup>11</sup> However, in the past, the Constitutional Council avoided addressing politically sensitive election appeals in good time.

Beyond the shortcomings of election processes, the role of elected parliaments tends to be limited. Most parliaments in the region do not fully perform key functions of legislatures such as holding the executive accountable, providing a forum for public debate or playing a major role in legislating. It appears that laws drafted by the executive are adopted without changes in most countries. In the monarchies significant powers rest with the Kings who control the executive. There has been some progress in that the Moroccan King appointed a prime minister from the biggest party in Parliament, rather

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In the 2007 Moroccan elections only 37% of *registered* voters turned out, representing around 25% of the electorate.

10 See e.g. preliminary statement by the National Democratic Institute, 8 September 2007. Statements by domestic observers were less positive.

11 See more in Democracy Reporting International/Transparency Maroc: 'Evaluation qualitative des elections à la Chambre des Représentants', Berlin/Rabat, November 2007.

than a non-partisan Prime Minister as was the case after the 2002 elections. Nevertheless, democratic accountability remains very weak across the region.

### 3. Europe's Role

The EU is a 'soft' actor of democratisation in the region: The European Commission supports human rights NGOs in Arab countries and has agreed on political and election reform issues in action plans with a number of Arab countries under the European Neighbourhood Policy. Many European governments and non-governmental organisations support democratisation. However, the EU has a wide range of competing policy priorities (energy supplies, migration control, combat of terrorism, Israeli-Palestinian negotiations) to which the current security-oriented Arab regimes can respond well, at least in the short-term. Though this is rarely officially acknowledged, many European policy-makers are reluctant towards democratisation in the Arab world, believing that it would only benefit Islamic parties which they perceive as being un-democratic or hostile to Europe.<sup>12</sup> Consequently, democratisation is not an over-riding EU priority in the region.

This contrasts with the EU's approach in its Eastern neighbourhood where democratisation takes a more prominent role. E.g. the EU has imposed various sanctions on Belarus, *inter alia* for carrying out fraudulent elections. No such sanctions have ever been considered for fraudulent elections or wide-spread human rights violations in countries of the 'Southern Neighbourhood'. This is also reflected in the EU's level of involvement and analytical information on elections: In Eastern Europe elections are observed by the Organisation for Security and Co-operation in Europe and the Council of Europe. There is thus available information on election frameworks and the conduct of elections, which the EU can use for election reform efforts. In the Arab world such an involvement is elusive.<sup>13</sup>

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12 President Sarkozy has been open about France's position, stating in his 2008 new years' press conference that he prefers President Mubarak to the Muslim Brothers and President Bouteflika to a 'Taliban-regime' in Algeria, implicitly acknowledging the priority of the status quo over giving Arab people the right to make their choice.

13 But there have been EU election observation missions to Yemen, Palestine and Mauritania.

## Conclusion

There are no signs of a democratic transition in the Southern Mediterranean countries, on the contrary since 2005 there appear to be more reversals than progress. Morocco may be an exception, but if its development can be described as democratisation, it is at any rate very slow.

The EU promotes democratisation to some degree, but has many competing political short-term interests. The deep-seated problems of the region, exposed in a series of widely covered UNDP reports<sup>14</sup> cannot however be solved without genuine liberalisation and democratisation. The EU should therefore give democratisation a higher priority. For this to succeed, the EU should define a position on Islamic political parties. In many countries in the region they present the most powerful political alternative to incumbent parties. While the EU negotiates EU accession with a government formed by an Islamic party in Turkey (the AKP), it often seems reluctant towards Islamic parties in Arab countries. Islamic parties are obviously not all the same, some being more moderate others more radical. The EU should clarify its essential pre-conditions for engagement with such parties.

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14 The first UNDP Arab Development Report, published in 2002, identified three key deficits: Knowledge acquisition; freedom and good governance, women's empowerment. Subsequent reports explored these aspects in more detail.