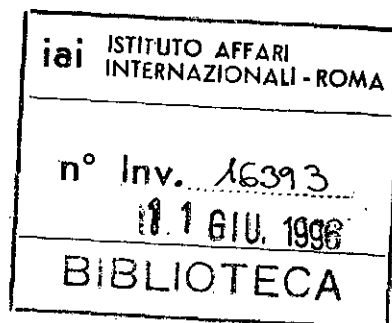


**POLITICAL AND SECURITY COOPERATION IN THE MEDITERRANEAN:
HOW TO ACHIEVE THE GOALS OF THE BARCELONA CONFERENCE**

MeSCo Annual Meeting
Mediterranean Study Commission
Instituto de estudios estratégicos e internacionales
Sesimbra, 7-8/VI/1996

- a. Programme
- b. Participants
 - 1. "Euro-Med: economic and financial partnership"/ Eberhard Rhein
 - 2. "Quelles perspectives pour l'espace euro-méditerranéen à la lumière du cas-type de l'accord entre la Tunisie et l'Union européenne"/ Moncef Ben Slama



MeSCo Annual Conference

Sesimbra, 7 - 8 June

Political and Security Cooperation in the Mediterranean: How to Achieve the Goals of the Barcelona Conference

PROGRAMME

Friday 7 June

- 09.30 *Welcome Address*
José Calvet de Magalhães, Chairman, IEEI, Lisbon
- 10.00 PLENARY SESSION
ECONOMIC AND FINANCIAL PARTNERSHIP
- SPEAKERS **Eberhard Rhein**, Director, Southern Mediterranean and Middle and Near East,
European Commission, Brussels
Moncef Ben Slama, AEI, Tunis
Jawad Al-Anani, University of Jordan, Amman
- 11.15 *Coffee break*
- 11.45 PLENARY SESSION
THE POLITICAL DIALOGUE: NOTIONS OF RULE OF LAW, DEMOCRACY, HUMAN RIGHTS
- SPEAKERS **João Gomes Cravinho**, IEEI, Lisbon
Mohand-Ou-Ahmed Melbouci, Director of Studies, INESG, Algiers
Abdel Monem Said Aly, Director, Al-Ahram Centre for Political
and Strategic Studies, Cairo
- 13.00 *Lunch*
- 15.00 WORKING GROUP SESSIONS
GROUP I *ARMAMENT, DISARMAMENT AND CONFIDENCE-BUILDING*
- MODERATORS **Roberto Aliboni**, Director of Studies, IAI, Rome
Abdel Monem Said Aly, Director, Al-Ahram Centre for Political
and Strategic Studies, Cairo
- SPEAKERS **Mahdi Abdul Hadi**, Director, PASSIA, Jerusalem
Mark Heller, JCSS, Tel Aviv
May Dubarry, IFRI, Paris
- RAPPORTEUR **Volker Perthes**, SWP, Ebenhausen
-

GROUP II *POLITICAL AND SECURITY COOPERATION*

MODERATORS **Álvaro de Vasconcelos**, Director, IEEI, Lisbon
Rachid Driss, Director, AEI, Tunis

SPEAKERS **Gema Martín Muñoz**, CERI, Madrid
George Joffé, RIIA, London
Mohamed Khachani, GERM, Rabat

RAPPORTEUR **Assia Bensalah Alaoui**, CES, Rabat

Saturday 8 June

09.30 WORKING GROUP SESSIONS

13.00 *Lunch*

15.00 PLENARY SESSION
REPORTS OF THE WORKING GROUPS. AGENDA AND SCHEDULE FOR 1996-1997.

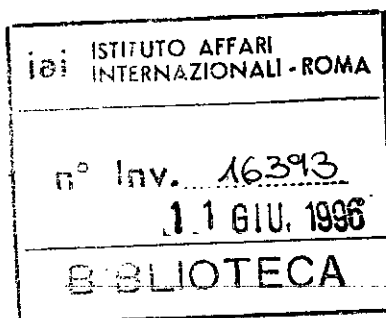
16.00 *Coffee break*

16.30 PLENARY SESSION
THE EURO-MEDITERRANEAN NETWORK AND ITS FUTURE AGENDA
Rachid Driss, AEI, Tunis
Álvaro de Vasconcelos, IEEI, Lisbon
Roberto Aliboni, IAI, Rome

18.00 *Closing Session*
Francisco Seixas da Costa, Portuguese Secretary of State for European Affairs



Conference organised by the IEEI and sponsored by the European Commission



Working languages: English and French



IEEI

INSTITUTO DE ESTUDOS ESTRATÉGICOS E INTERNACIONAIS

5

**1996 MeSCo Annual Conference
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**POLITICAL AND SECURITY COOPERATION IN THE MEDITERRANEAN:
HOW TO ACHIEVE THE GOALS OF THE BARCELONA CONFERENCE**

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n° Inv. 16393
6.1 GIU. 1996

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EURO-MED: ECONOMIC AND FINANCIAL PARTNERSHIP¹

1. At the Ministerial Conference in Barcelona, 27-28 November 1995, 27 EU members and MED countries have agreed to progressively establish a comprehensive partnership among them. This partnership should embrace three main fields:
 - political and security relations;
 - economic and financial relations;
 - cultural relations.

Ministers did not spell out the relative weight they wished to be attributed to each of these three components. They left this, quite understandably, to future developments of the overall relationship.

Looked at from today's Brussels perspective the economic and financial partnership is likely to be the dominant component, at least for some time to come:

- First, the EU's present and foreseeable constitutional developments are likely to leave both security and cultural policies largely in the realm of individual EU member states. With the consequence that there is likely to be lack of policy drive on the European side. In these two areas it would require dramatic changes, e.g. in the security situation, for the EU to get its act together on either the security or the cultural scene.
- Second, it is on the socio-economic front that the MED countries face the most pressing challenges. It would therefore appear normal for both sides to focus their energy on this chapter, at least for the time being.
- Third, it is in the trade field that the provisions of the EU-MED Association Agreements are by far the most precise and explicit². The Agreements call imperatively for action on the part of the MED partners, and to a limited extent also by the Community.

2. What is the meaning of Euro-MED economic and financial partnership? How will it become operative? What effects is it supposed to produce? What problems have to be addressed?

¹ EURO-MESCO, Lisbon, 7 June 1996

² Roughly 75% of the Agreements deal with trade!

2.1 Economic and financial partnership concerns essentially the individual economic operators within the Euro-MED area, i.e. the producers of - manufactured and agricultural - goods and the providers of services (financial, consulting, transport etc.). It aims at closer, more intensive and more frequent working relations between economic operators and at establishing myriads of individual business partnerships between Moroccan, Finnish, Portuguese, Turkish etc. companies.

The primary objective is to encourage more trade between economic operators within the Euro-MED area. More trade is supposed to lead to closer business partnerships (e.g. joint ventures, mergers, license agreements, production sharing etc.).

More trade ought to induce specialisation and increased efficiency throughout and thereby to enhance socio-economic well-being, which, according to conventional thinking, ought to reduce social tensions within and conflict between countries.

2.2 In order to stimulate more trade within the Euro-MED area, Ministers have agreed to transform the present complex trade relationships between 27 partners into one single Euro-MED free trade area. They fixed 2010 as the target date for this objective to be achieved.

What does this mean practically?

- First, eliminating essentially all barriers, customs and non-tariff barriers, within that area.
- Second, establishing a minimum of ground-rules to be generally respected by all operators³.

The elimination of barriers will be a gradual process to be completed within a 12-year transition period:

- Quantitative restrictions will be abolished immediately (for all products);
- The same applies to whatever monetary restrictions on current account operations may still be in force;
- Customs duties on primary and semi-finished products will mostly be dismantled within 3-5 years;
- Customs duties on finished products will disappear latest after 12 years, with some derogations in the case of infant industries or specific sensitive sectors;
- For agricultural products the parties have so far only agreed on progressive liberalisation, and not on fully free trade (cf. Barcelona Declaration)⁴;
- The same applies to trade in services and to public procurement: the parties limit themselves to stating the objective of liberalisation.

³ Like traffic rules within countries.

⁴ ... will be progressively liberalised through reciprocal preferential access among the parties.

- 2.3 The ground-rules (regulatory framework) that have to be put in place in order to make free trade function in a smooth and non-discriminatory way are simple and few:
- Prohibition of dumping and trade-related subsidies (standard GATT rules);
 - Prohibition of restraint of competition (cartels, monopoly positions);
 - Provision of basic customs rules (origin rules, customs co-operation);
 - Respect of intellectual property (standard IPR Conventions).

In addition to this core framework of common ground-rules, the Euro-MED FTA will have a general harmonising effect. Indeed, the increasing intensity of business relations will almost naturally oblige parties to adopt similar legislation in areas like:

- commercial law;
- company law;
- fiscal law;
- banking law;
- industrial, phytosanitary, veterinary rules/standards.

However, there is no obligation for the future members of the Euro-MED FTA to align their respective legislations. But "market forces" will nevertheless push in that direction⁵.

3. In juridical terms, Euro-MED partnership means:
- 12 individual Association Agreements having similar structure and substance⁶;
 - an open-ended number of agreements (of a less comprehensive nature) between non-EU European countries and MED countries⁷;
 - a series of multilateral and bilateral agreements among MED countries⁸.
4. Euro-MED partnership presently covers the 15 member states of the EU and the 12 MED countries that have subscribed to the Barcelona Declaration⁹.
- In the medium-term, the area is likely to be extended to:
- all riparian MED countries;
 - all European countries (EFTA, CEEC);

⁵ UK had no EU obligation to adopt the metric system; market forces pushed them into it. Similarly, without any compelling legislation European countries have progressively adopted common standards in such areas as paper format (DIN 4) or 220 voltage in households (220 V).

⁶ Of these agreements:

3 are in force (Cyprus, Malta, Turkey);

3 have been signed and are expected to enter into force 1 January 1997 (Israel, Tunisia, Morocco);

3 are being negotiated and might be signed in late 1996 or early 1997 (Egypt, Jordan, Lebanon);

3 are in an exploratory stage (Algeria, Palestine, Syria).

⁷ Turkey and Israel have signed FTA's with EFTA.

⁸ Turkey and Israel have completed negotiations on an FTA; informal discussions on a multilateral FTA among Maghreb and Mashrak countries are being held.

⁹ All riparian countries with the exception of Libya, Albania, Montenegro, Croatia and Slovenia.

- possibly the six GCC countries (and Yemen?).

Such extension may be indirect and/or partial (e.g. through FTA's only¹⁰). It will be progressive and may take place via accession of new countries to the EU.

In any event, there should be no hurry to extend geographical coverage; and the scope should never be allowed to go beyond Europe in a narrow definition (excluding both Russia and the USA).

5. Looking ahead to \pm 2010 the Euro-MED Economic and Financial Partnership is bound to produce a profound shake-up in the relations among
 - the 40 odd states that will make up the future region;
 - the hundreds of thousands of manufacturing (and ultimately also of agricultural) businesses within that region.

- 5.1 The states (governments) will progressively adapt their economic, trade, monetary, fiscal, environmental etc. policies so as to take into account their much greater degree of economic interdependence among them. Each of them will have to progressively abandon a good deal of its traditional sovereignty in defining economic policies; they will all have to take into account the interests of their neighbours and partners when defining future policies.

For the EU countries this is nothing new; they have 40 years of experience.

But for the MED partners this comes close to a revolution in thinking and political patterns.

It may appear far-fetched to call for or to expect the emergence over time of some sort of Euro-MED identity (as has developed within the EU and EFTA); but there is no doubt that a feeling of sharing area, problems, and responsibility will progressively develop within the Euro-MED area¹¹. If this were to happen, it would by itself be of great importance for everyone within the region; for it would, indeed, imply a radical change of perceptions.

- 5.2 The business community within the Euro-MED area will develop infinitely closer links than those existing today. There cannot be the slightest doubt about this.

This goes, of course, for the MED partners themselves, particularly for relations between Turkey and Israel, Israel and its Arab neighbours, but even for Maghreb-Mashrak relations which leave much to be desired.

But it goes equally for the relations of MED partners with northern and eastern Europe which are still under-developed.

¹⁰ This will be the EFTA approach.

¹¹ It is a normal phenomenon; the first tender signs can be detected already.

Business relations mean:

- trade;
- investment (FDI);
- financial relations (banks);
- services (consulting, tourism, transport, insurance etc.).

The nature of trade relations is bound to change profoundly. Competition will lead to specialisation, to higher quality standards. European business will wish to develop out-sourcing of labour-intensive components, much beyond what presently exists with Tunisia and Morocco in the garment sector.

European business will wish to take stakes, through joint ventures, in businesses on the other side. There has not been a sufficient flow of FDI from Europe into the MED so far.

If, in the future, free trade prevails throughout the region and if the investment climate is generally improved, particularly in the Maghreb and Mashrak, business will look for the optimal locations throughout the Euro-MED area.

Thus Egypt will compete with Ireland, Syria, Poland etc. for attracting subsidiaries for the manufacturing of automobile, electronic components, chemical substances, household goods, foundry products, pottery etc.

And the output of such manufacturing is to be marketed throughout the region, and no longer, as at present, just in the country of plant location.

This implies a new ball game. It means the end of many screw-driver factories in Jordan, Egypt etc. which have been thriving despite low productivity because of perfect protection against European and other competition¹².

The type of joint-ventures will change in the future:

- some will continue to serve just the local markets, but they will be in a minority;
- some will specialise in supplying the sophisticated European market; this goes in particular for components;
- but there will also be those who will find it attractive to supply all of the future Euro-MED area from a newly developed MED location. This goes for finished goods like garments, furniture, pharmaceuticals, food stuff, petrochemicals etc¹³.

In this new ball game there will be, of course, relative losers and winners. Some countries will prove more attractive to FDI than others. All of them will therefore have to undertake increased efforts to sell their respective advantages; some have already embarked on that race. The organisation of Euro-MED partenariat business

¹² Some European companies have already announced their intention to close down their inefficient assembly plants in countries like Morocco, Jordan or Egypt. This must be accepted as part of the new division of labour and the new framework under which business will operate in the region.

¹³ One example may be the refinery being set up in Egypt with Egyptian and Israeli capital.

meetings in the region is part of the new strategy of attracting business. So are the MENA business summits to be held every year in a different country of the region (Casablanca, Amman, Cairo).

But it is equally clear that the most sophisticated PR effort is of no avail, as long as the basic policy premises at home are not set. Nobody will in the future invest in a country with a poor infrastructure, badly trained labour force, corrupt or inefficient administration, a slow judicial system, high inflation rates, monetary restrictions etc.

6. The MED countries¹⁴ have at the utmost 15 years before them in order to adjust to the future situation of Euro-MED free trade. That is not a long period, at least for some of them which have hardly started the structural adjustment process (Algeria, Egypt, Syria).

There are therefore - justified - concerns and questions on the part of our MED partners:

- Will business be able to adjust?
- Will the governments have the political will and determination to undertake the necessary changes in the regulatory and policy framework?
- How much is Europe prepared to help in the process?

- 6.1 Business possesses a remarkable ability of adjusting to new conditions, provided it is offered enough time, a clear policy framework and a reasonable understanding of what the future business environment is going to be.

Business in the Maghreb and Mashrak is being offered enough time and clear notion of what to expect by 2010.

In that sense the Association Agreements perform a perfect catalytic function. They constitute a sort of benign pressure on business to undertake internal changes (marketing, cost structure, management, vocational training, product development etc.) that were overdue.

One can already perceive the invigorating influence that the mere negotiation of the agreements is having on the business communities in Morocco, Tunisia, Jordan and even Egypt. There is a renewed interest in Europe, in finding new partners, in participating in industrial fairs, in Euro-Partenariat meetings etc.

Business discovers the merits of strong business associations. They exert pressure on governments to implement reforms (very visible in Egypt). They appreciate the need for better management and vocational training, for increased marketing efforts, reaching into new markets etc.

¹⁴ All except Cyprus, Israel, Malta and Turkey who have already completed the basic adjustment process. Palestine is a sui generis case because of its customs union with Israel.

6.2 But business alone cannot make it! It can only flourish in a sound, transparent environment of policies, laws, financial and monetary stability etc.

Some countries have made remarkable progress in implementing vital macro-economic, structural, administrative reforms, including privatisation and transition to market economy.

Others are still lagging behind, because they have embarked upon the reform process at a much later date.

But there is no doubt that they are perfectly capable of putting in place the necessary reforms, as their neighbours (or under much more difficult conditions Eastern Europe and the CIS countries) have done before.

They only have to decide for themselves that there is no real alternative and that they have to get their act together. Once the political will has been fully mobilised, the set of international agreements to be concluded (GATT, Euro-MED, intra-MED etc.) will give the required impetus for sustained action.

6.3 Europe's rôle in all this is both vital and negligible.

Vital, because it has been at the root of the process; it has to remain committed to fully support it. Europe has to show the direction; it has to be a sort of light-house that indicates the overall direction. It has to show interest, so that its MED partners have the feeling that what they are doing really matters to Europe. (That feeling has definitely lacked in the past).

Negligible, because the real work has to be performed by the MED partners themselves. Whatever the financial and technical assistance that Europe may be able to provide, it can hardly be of more than symbolic importance. It can offer guidance, alleviate the hardships of the adjustment process, but the hard decisions and the resulting actions have to be taken by governments, business and civil societies in the partner countries themselves. There is no way of European "substitution"!

Still, European business will have to play a vital part in this. Without a much deeper involvement, comparable to what is taking place in countries like Poland, the Czech Republic or Hungary, the MED partners will require a long time to be on their own feet. European business seems prepared to play a bigger rôle, provided it is being encouraged both by European governments and through appropriate improvements of the business environment in the MED region itself.

7. In conclusion

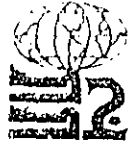
Euro-MED economic and financial partnership is a complex dynamic process. It contains risks like any other socio-economic process. It implies profound changes: it will not be finished in 2010, but open-ended.

At the Barcelona Conference (November 1995) Europe and its southern neighbours have, indeed decided to embark upon a thrilling adventure. The direction has been clearly set: it is now up to the pilots to steer their various ships through the seas, even if these may prove rough at times.

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| n° Inv. 16393 11 GIU. 1996 |
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*Conférence annuelle du MESCO
Coopération sur la politique étrangère et la sécurité en
Méditerranée*

Lisbonne 7 - 8 juin 1996

*Quelles perspectives pour l'Espace Euro-Méditerranéen
à la lumière du cas-type de l'Accord entre la Tunisie
et l'Union Européenne ?*

Pr. Moncef Ben Slama
Université de Tunis

Quelles Perspectives pour l'Espace Euro-Méditerranéen
à la lumière du cas-type de l'Accord entre
la Tunisie et l'Union Européenne ?

La Déclaration de Barcelone (novembre 1995) "succède" chronologiquement à l'Accord d'Association entre l'Union Européenne (U.E) et la Tunisie (juillet 1995).

On observera cependant, outre la concomitance des travaux préparatoires aux deux Actes, que la Déclaration de Barcelone, tant par son contenu général que par sa portée régionale, est en fait le cadre englobant à l'intérieur duquel s'insère le nouvel Accord entre la Tunisie et l'U.E, qui constitue, à bien des égards, un cas-type voire de référence pour les accords subséquents.

On peut donc considérer que "l'illustration par le cas tunisien" a en quelque sorte valeur d'enseignement pour les autres pays de la Rive Sud de la Méditerranée.

La Déclaration de Barcelone souligne l'importance stratégique pour la Méditerranée d'une Coopération Globale et Solidaire en mettant en avant, dans son volet économique, l'objectif de construire une Zone de Prospérité Partagée avec la nécessité, à terme, de réduire les écarts de développement dans la région Euro-Méditerranéenne.

A cette fin, un Partenariat économique et financier est envisagé sur la base de :

- La réalisation d'une Zone de Libre Echange (Z.L.E) avec, pour corollaire, la restructuration des économies du nouvel espace - selon une démarche "attentive" aux conséquences -sociales - par la mise à niveau du secteur productif.

- La mise en oeuvre d'une coopération axée sur la promotion des Investissements Directs Etrangers (I.D.E) et l'engagement des opérateurs à la concrétisation d'actions communes dans différents domaines. Ainsi en est-il en particulier des :

. Programmes de protection de l'environnement : gestion des eaux, des sols, des déchets, maîtrise de l'érosion, lutte contre la désertification, etc...

. Programmes de promotion des potentiels scientifiques et techniques : recherche - développement, transfert de technologies, contribution à la formation, projets de recherche conjoints, intensification des échanges culturels et universitaires, etc...

- L'accroissement substantiel de la contribution financière de l'U.E à ses partenaires pour favoriser une croissance soutenue et mobiliser les opérateurs locaux. Pour cela il est prévu des dotations budgétaires communautaires qui s'ajouteraient à l'intervention de la Banque Européenne d'Investissement (B.E.I) et aux contributions bilatérales des Etats membres.

C'est dans le cadre de ces orientations générales Euro-Méditerranéenne de Partenariat que s'inscrit le "premier cas d'application", à savoir l'Accord sur la Zone de Libre Echange (Z.L.E) entre la Tunisie et l'U.E

On envisagera successivement :

I - L'Accord Tunisie - E.U : Z.L.E et Problèmes de Régulation.

II : Contraintes et Perspectives pour un Co-Développement Durable.

I/ - l'Accord Tunisie - U.E : Zone de Libre Echange et Problèmes de Régulation

I.1 Les relations entre la Tunisie et l'U.E, jusque là régies par l'Accord de coopération à caractère unilatéral de 1976, sont désormais organisées dans le cadre d'un Accord d'Association (17/7/1995) portant création d'une Z.L.E, sur la base du principe de réciprocité, et ce conformément à l'adhésion de la Tunisie au G.A.T.T et à l'Accord de l'Uruguay Raund.

Il faut dire que l'U.E est le partenaire privilégié de la Tunisie : 80% des exportations, 70% des importations, 800 entreprises industrielles (près de 80.000 emplois) sont installées en Tunisie, 80 à 90% des recettes touristiques proviennent de l'U.E, etc..

Du point de vue de l'U.E cet accord est le premier maillon d'une chaîne à étendre à l'ensemble des pays de la Rive Sud.

On retiendra, dans l'exposé des motifs, une volonté d'instaurer durablement des relations fondées sur le RECIPROCITE le PARTENARIAT et le CO-DEVELOPPEMENT.

Actuellement, soumis aux quinze Parlements Européens et au Parlement Tunisien, cet Accord entrera en vigueur deux mois après sa ratification. D'où l'intérêt d'étudier son contenu et d'envisager son impact prévisible.

I.2. L'accord vise à établir, à terme, une Zone de Libre Echange et à intensifier les relations économiques entre la Tunisie et l'U.E.

(i) S'agissant des modalités de circulation des marchandises, l'Accord prévoit notamment :

- 1- L'élimination, étalée sur 12 ans, des droits de douane affectant les biens industriels en provenance de l'U.E. Ce démantèlement tarifaire progressif concernera au départ les biens d'équipement pour s'étendre dans les étapes ultérieures aux produits sensibles.

2 - Le régime préférentiel d'accès des produits agricoles, tunisiens sera reconduit voire amélioré, concernant surtout l'huile d'olive, avec une tendance à étendre à l'ensemble de l'U.E. certains avantages bilatéraux accordés jusqu'ici par la France à quelques produits tunisiens (concentrés de tomates, certains fruits, etc.....) Cependant les parties contractantes adoptent le principe d'une libéralisation progressive de leurs échanges agricoles et pour ce faire s'engagent à examiner la situation de ces échanges à partir du 1er janvier 2000 en vue de fixer les mesures de libéralisation à appliquer à partir du 1er janvier 2001 (cf.Art.18).

Notons ici que ce "report de discussion" affecte aussi les échanges de Services.

De même que les parties contractantes s'engagent à s'abstenir d'adopter toute mesure ou pratique de nature fiscale intérieure à portée discriminatoire (Art 22) ou de pratiques de dumping (Art24) sous peine de mesures retorsives de "protection".

Des clauses de sauvegarde temporaires (pour une période inférieurs à 5 ans sauf décision contraire du Comité d'Association) ont été prévues, en particulier sous forme de droits de douane rétablis ou majorés - sans excéder 25% ad valorem - pour protéger les industries naissantes ou éprouvant des difficultés de restructuration entraînant de graves problèmes sociaux (Art 14) ou pour faire face à de graves problèmes de balance des paiements (1)

(1) Une déclaration jointe à l'Accord prévoit dans ce dernier cas la participation du F.M.I à toute consultation entre les deux parties sur les mesures à prendre (voire Bulletin du F.M.I du 11/3/86)

(ii) En ce qui concerne les mouvements de capitaux, les deux parties s'engagent à assurer la convertibilité de leurs monnaies pour les paiements relatifs aux transactions courantes (Art 33) et la libre circulation des capitaux concernant les Investissements Directs en Tunisie ainsi que la liquidation et le rapatriement du produit de ces investissements et de tout bénéfice en découlant (Art 34), sous réserve d'une clause de sauvegarde applicable aux transactions courantes (mesures restrictives pour une durée limitée) dans le cas de graves difficultés de balance des paiements conformément aux conditions fixées par le G.A.T.T et aux Statuts du F.M.I

(iii) L'Accord, qui couvre aussi la réglementation de la concurrence et l'harmonisation des règles techniques et normes relatives à la qualité ainsi que les procédures de certification (Art 36 et 40), souligne en matière de coopération économique et sociale l'obligation de soutenir l'action de la Tunisie "en vue de son développement économique et social durable" (Art 42).

Cette coopération doit être prioritairement axée sur les secteurs éprouvant des contraintes et difficultés d'adaptation à la libéralisation des échanges et ceux générateurs de croissance et d'emplois (Art 43) et pour ce faire un accent particulier est mis (Art 47) sur la nécessaire coopération scientifique et technologique (formation, recherche, transfert technologique, etc.....) .

Dans le domaine industriel différentes modalités d'accompagnement au processus de "modernisation" de l'économie tunisienne sont prévues : assistance directe de l'U.E et prêts de la B.E.I, actions de valorisation des ressources humaines, accès aux réseaux d'information, établissement de procédures de co-investissement, mise au point de facilités de communication, etc..

Par ailleurs, cet Accord qui se veut "d'Association" et donc global, prévoit une coopération dans les domaines agricoles, des transports, des techniques de l'information, de l'énergie, etc... .

L'engagement est pris, en outre, d'appliquer aux travailleurs expatriés, en situation "légale", un régime caractérisé par "l'absence de toute discrimination fondée sur la nationalité par rapport à ses propres ressortissants, en ce qui concerne les conditions de travail, de rémunération et de licenciement " (Art 64);

il en sera de même pour les régimes de sécurité sociale (Art 65).

Un dialogue entre les deux parties sur les problèmes sociaux, y compris ceux relatifs à l'immigration clandestine, est aussi prévu (Art 69).

I . 3 On escompte de l'Accord, dont on vient d'esquisser les contenus à grands traits, un effet de croissance à long terme pour l'économie tunisienne.

Toutefois la période de "transition" comportera des contraintes et aléas multiples : disparition d'entreprises, pressions sur le marché du travail moins-values budgétaires, etc...

L'intensité de ces problèmes est en fait tributaire de l'élasticité de comportement (et d'adaptation) des différents opérateurs - producteurs, exportateurs, importateurs, investisseurs étrangers- par rapport au processus de démantèlement progressif des barrières douanières et des mesures d'accompagnement y afférentes.

(i) La libération progressive des échanges devrait induire un mouvement de réallocation des facteurs de production (capital, travail, capacités technologiques et d'organisation) vers les activités, voire les créneaux, "plus productives" pour lesquelles la Tunisie bénéficie d'avantages comparatifs effectifs, notamment dans la zone méditerranéenne.

Ce qui devrait soutenir la tendance à l'amélioration de la productivité totale des facteurs, amorcée depuis la mise en œuvre du programme d'ajustement structurel en 1986. A cet égard le F.M.I relève bien que "l'intensification de la Concurrence devrait réduire les rentes tirées de situations de monopoles et inciter davantage à accroître l'efficacité " (cf Bulletin du F.M.I du 11/3/96).

L'orientation dans le sens de l'outward looking strategy, couplée avec le processus de libéralisation, favorise en effet une dynamique d'absorption technologique et de réformes structurelles. De ce point de vue, l'U.E devrait contribuer, conformément à ses engagements supra, à accélérer le transfert de technologie- l'acquisition de savoir-faire dans le domaine des techniques, de l'organisation de la combinaison productive et de la maîtrise des circuits de distribution contribue de façon décisive à la croissance économique - et assumer une sorte de Co- Responsabilité, notamment au moyen des flux d'investissement direct dans le processus de renforcement de la compétitivité structurelle des entreprises tunisiennes.

De plus l'Accord peut stimuler le programme d'harmonisation des normes aux critères européens en même temps qu'il incite à la réduction des coûts administratifs et de transaction (transport, télécommunications, etc...). Autant de facteurs susceptibles d'attirer de façon significative les I.D.E et d'impulser une croissance auto-entretenu, avec une accélération, à terme, des créations d'emplois.

Au total le nouvel espace pourrait exercer un effet d'entraînement (catalyseur) sur l'économie tunisienne dès lors qu'il permet de dépasser le cadre étiqué du marché local.

(1) L'analyse de R.M Stern (Institut of Public Policy Studies de l'Université du Michigan) aboutit à des conclusions "nuancées" sur l'effet de cet Accord; la Tunisie risquerait de ne rien gagner de cet accord comparativement à une " diminution multilatérale des barrières commerciales".

Cette perspective optimiste justifie la décision, prise par la Tunisie, d'élimination des droits de douane sur les biens d'équipement bien avant la ratification de l'Accord par les Parlements des pays concernés.

(ii) Cependant, au delà des appréciations quelques fois "contrastées" (1) attendu de cet Accord, les effets escomptés supra sont certes, globalement positifs mais impliquent des régulations (coûts) bien contraignantes.

Cet Accord ne manquera pas, en effet, d'affecter le tissu industriel tunisien, où prédominent les petites et moyennes entreprises, de façon préoccupante.

Si les deux tiers du Produit Industriel Tunisien sont concernés par les retombées "négatives" de cet Accord, on estime que :

- Un tiers au moins des entreprises manufacturières risque la disparition par liquidation (pour la plupart) ou la "récupération" par fusion (pour un petit nombre).
- L'autre tiers sera gravement "fragilisé" en l'absence d'une restructuration profonde en matière d'équilibres financiers (problèmes de surendettement), d'organisation générale et de gestion et de maîtrise technologique (normes de qualité, capital humain, adaptation aux innovations, etc...)

D'une façon générale la mise à niveau des entreprises manufacturières tunisiennes consécutive à cet Accord, et notamment l'exigence d'intensification des investissements technologiques (renouvellement du matériel, savoir-faire) est d'autant plus pressante que :

- Les phénomènes d'obsolescence (déclassement "économique" des équipements) affectent la plupart des activités industrielles.
- Les coûts d'ajustement de la main-d'oeuvre (suppression d'emplois, coûts de la mobilité, etc.....) ont un impact social très sensible.

Par ailleurs, outre l'effet, micro-économique au niveau des entreprises, l'impact micro-économique se situe à deux niveaux :

- L'équilibre budgétaire : Les moins values fiscales découlant du démantèlement des droits d'importation sont estimées à \$ 0,75 milliard. Ce qui pose différentes alternatives de "Compensation" : élargissement de l'assiette fiscale en cas d'accélération du rythme de croissance, mise en oeuvre de taxes compensatoires, réduction des incitations fiscales (limitation dans le temps), etc...

En tout état de cause, eu égard au poids des droits et taxes à l'importation dans le total des recettes fiscales (près du 1/5), il sera nécessaire d'envisager de nouvelles mesures d'alourdissement de recettes ou de contraction des dépenses pour sauvegarder l'équilibre des finances publiques.

- L'équilibre extérieur - en particulier le solde courant - risque de connaître une détérioration par suite de la hausse prévisible des importations en provenance de l'U.E alors même que le régime des exportations tunisiennes sur l'U.E, hormis une certaine amélioration pour quelques produits agricoles, n'est pas modifié.

il faut dire que l'élimination des restrictions quantitatives et le démantèlement tarifaire sont susceptibles de stimuler la consommation privée et d'altérer quelque peu l'épargne des Ménages.

De plus les gains de productivité escomptés et le surcroît de croissance des exportations conséquent exigeraient, dans le cas d'aboutissement des actions structurelles d'accompagnement, une période de maturation assez longue. D'où la nécessité de flux de capitaux régulateurs du déficit courant, notamment sous forme d'I.D.E.

Différentes études empiriques, menées dans le cadre des nouvelles approches de la croissance endogène, font ressortir que la compétitivité structurelle à l'exportation dépend de moins en moins des avantages comparatifs liés aux prix des facteurs conventionnels (notamment le travail et les ressources naturelles pour les pays de la Rive Sud) et de plus en plus de facteurs dits " hors prix" englobant les intrants technologiques, les facteurs d'organisation et les services d'accompagnement. Ces derniers facteurs impliquent des investissements à rentabilité différée (ou de long terme) et donc un soutien en conséquence des opérateurs de l'U.E.

On ne manquera pas ici de relever que ces attentes, qui répondent à l'esprit de création d'une Z.L.E Euro-méditerranéenne, risquent d'être hypothéquées en raison de l'ouverture intensifiée (commerciale et financière) de l'U.E sur les anciens pays de l'Est.

II / Contraintes et Perspectives pour un Co-Developpement Durable

II. 1 Eu égard aux contraintes ci-dessus présentées, il est nécessaire d'engager un programme de réforme des structures de l'appareil productif tunisien, et en particulier du tissu industriel, afin de mobiliser des avantages comparatifs permettant, à terme, de tirer profit de l'insertion dans ce nouvel espace économique.

Un programme ambitieux dit de Mise à Niveau, qui doit s'étendre sur 10 ans, a été initié dès septembre 1995, il concerne dans un premier temps une centaine d'entreprises industrielles et vise à renforcer leur compétitivité pour les adapter à la déprotection .

Ce programme comporte :

- D'une part, des actions d'appui aux entreprises : assistance aux structures de production, renforcement des moyens d'encadrement, de formation professionnelle, d'organisation, d'innovation, d'information, de communication etc...
- d'autre part, des actions d'aménagement de l'environnement économique : développement du capital humain (refonte de l'enseignement secondaire et supérieur en particulier), intégration du tissu industriel, amélioration des infrastructures (réseaux de transport et de communication), etc...

Autant de facteurs émetteurs d'externalités positives de croissance pour les entreprises.

Le coût de la première phase de ce programme, qui s'étalera sur les 5 prochaines années, est estimé à \$ 2,5 milliards; il implique certes la mobilisation de ressources budgétaires mais requiert aussi un concours actif de l'U.E et des autres partenaires extérieurs (B.I.R.D principalement).

Rappelons, à ce stade, qu'il importe, pour un fonctionnement harmonieux de cette Z.L.E, d'accélérer le programme de réformes structurelles sus-mentionné et de faire face aux risques d'altération des équilibres macro-économiques (intérieur et extérieur).

Pour cela, l'U.E devrait contribuer, conformément à ses engagements, à la mise en oeuvre de ces programmes de "Co-Développement" en mettant l'accent sur un Partenariat authentique et "équitable" (transfert significatif de flux technologiques) et des flux soutenus d'I.D.E.

On mentionnera, à cet égard, que les flus d'I.D.E requis pour une ouverture réussie dans le cadre de la Z.L.E sont estimés par le Président du Patronat Tunisien à un minimum de \$ 1 milliard par an pendant quinze ans.

Il faut dire (voir infra) que les entrées effectives au titre des I.D.E sont loin de répondre à cette attente.

II. 2 A ce stade, il ressort qu'une intégration "positive" au nouvel espace euro-méditerranéen est justiciable, du côté de l'U.E, d'un soutien financier et technique intense.

Il s'agit là d'une obligation de réciprocité dans les prestations à la charge des parties contractantes et donc d'une responsabilité découlant de l'adhésion au principe de Co-Développement. Cependant, la pratique actuelle, à cet égard, est loin de donner un contenu concret aux objectifs de solidarité interméditerranéenne proclamée; cela en dépit de multiples avantages et incitations établies par la Tunisie, à l'instar des autres pays de la Rive Sud de la Méditerranée.

De ce point de vue, il importe de relever, à titre principal, que :

1/ Le problème de la nature et de l'ampleur de l'engagement de l'U.E à la réalisation du programme de mise à niveau des entreprises tunisiennes est bien posé d'autant plus que les actions inhérentes à cette restructuration offrent, à l'avantage des opérateurs européens (notamment le secteur privé), des opportunités d'affaires élargies en matière de diagnostic d'entreprise, de programmes de qualité, de transfert de technologie et de diversification des marchés.

La contribution de l'U.E à la concrétisation d'un programme type de restructuration, celui du Portugal, le P.E.D.I.P, peut servir de "norme approximative" de référence pour délimiter les contours d'un engagement probant pour la réussite d'un programme de préparation à la compétition sur le marché européen.

En considérant, d'une part les besoins de restructuration et d'autre part, les coûts attachés aux différentes contraintes ci-dessus exposées, on ne manque pas de noter que le paquet financier proposé par l'U.E pour l'ensemble de la région méditerranéenne, au cours de la période 1995-99, et qui s'élève à environ \$ 6 milliards reste bien modeste au moment où les apports bilatéraux de capital connaissent une tendance à la compression.

2/ En dépit d'un système d'incitations attractives, les I.D.E. sont très limités : environ \$ 300 millions en 1994, soit moins que 7% des investissements totaux.

De fait les I.D.E ont régressé en 1994 par rapport à 1993, et concernent pour environ 87% le secteur énergétique (matériel de prospection et d'exploitation pétrolière), 6% le Tourisme et l'Immobilier ... et seulement 0,3% les industries manufacturières.

A signaler, en outre, que les sorties de capitaux au titre des investissements directs ont poursuivi en 1994 leur tendance à la hausse; il s'agit principalement de rapatriement de matériel ayant servi pour le secteur pétrolier.

Depuis l'Accord de juillet 1995, un "regain" d'I.D.E pour des secteurs divers (agro- alimentaire, électronique, textiles etc..) semble s'esquisser mais d'une ampleur limitée.

Au total, la réticence des opérateurs privés de l'U.E pour s'engager dans un processus significatif d'investissement direct est d'autant plus :

- *Sensible, que l'on attend les I.D.E dans certaines filières clés - services informatiques, services d'audit, services de télécommunication, services de transport - une contribution décisive à l'amélioration des services rendus et au relèvement du niveau de compétitivité des entreprises tunisiennes.

- *Préoccupante, qu'elle traduit un phénomène de détournement voire un refus d'engagement à long terme dans une entreprise de co-développement durable. Dans ce cadre on peut noter, par exemple, que les flux d'I.D.E français, qui ont été quadruplés au cours de la période 1986-92, se sont dirigés dans leur quasi-totalité (94%) vers les autres pays de l'O.C.D.E contre 2% pour l'Asie Orientale et 4% pour le reste du Monde.

3- La dynamique Euro-Méditerranéenne subit un effet de freinage inhérent à la persistance, voire l'accentuation, de certaines pratiques protectionnistes non tarifaires

Ainsi en est-il des procédures d'homologation et leur contrôle, qui sont longues et coûteuses, s'agissant notamment de normes techniques et sanitaires qui sont quasiment imposées par les importateurs, cela nonobstant les risques de mise en oeuvre de droits anti-dumping sur des bases discrétionnaires voire arbitraires

De même que les entraves à la mobilité des personnes affectent défavorablement les échanges universitaires et scientifiques (flux d'étudiants, accueil des chercheurs dans les laboratoires, etc...) autant de restrictions à un processus de transfert technologique probant et conforme à l'esprit de la Déclaration de Barcelone.

II - 3 Sur la base de ce qui précède, il ressort que l'Accord régissant ce nouvel espace induit bien certaines attentes positives, mais il recèle aussi des aléas multiples.

Entre une focalisation excessive sur les risques et contraintes, que d'aucuns qualifient de bon diagnostic, et l'anticipation "sans nuance" d'un surcroît de croissance suite à l'établissement de la Z.L.E, il y a lieu de centrer le débat, dans une optique de co-responsabilité, sur les changements structurels qui sous-tendent une dynamique de progrès irréversible.

L'expérience de l'élargissement du Japon et des quatre Dragons sur les autres pays de l'Est Asiatique dans le cadre d'une nouvelle sphère de Co-Prospérité par un processus de forte délocalisation (nouvelle division du travail) est édifiante. Ce qui permet, en particulier :

- La fixation sur place, au moyen de transfert de capitaux et de savoir - faire d'une main d'oeuvre excédentaire qui aurait généré des flux migratoires anarchiques.

- L'élargissement des débouchés pour les secteurs de biens d'équipement et ceux à haute intensité technologique (au profit du Japon et des quatre Dragons) par suite de l'accélération de la croissance des pays " moins avancés" dans la mesure où les entreprises délocalisées suscitent, à partir des marchés émergents, des "effets d'approvisionnement" récurrents (en biens de capital et en biens intermédiaires) générateurs d'effets de croissance assez sensibles dans les pays les plus "avancés".

Cette démarche ne saurait aboutir sans :

- La mise en oeuvre de mécanismes efficaces (ressorts nouveaux ?) de motivation des opérateurs privés européens jusqu'ici assez réticents à s'engager dans des actions d'I.D.E probantes.

En effet, à ce jour, ni les mesures d'incitation, ni l'engagement des Gouvernements Européens ne semblent avoir produit l'effet d'entraînement escomptés en la matière.

- La mise en oeuvre de procédures d'allègement effectif des servitudes de l'endettement extérieur, reconnues par la Déclaration de Barcelone, et entretenues en partie, par la persistance de déficits courants très lourds (outre les risques d'aggravation sur le court terme) au détriment de la Rive Sud de la Méditerranée; comme c'est le cas du déficit courant de la Tunisie vis-à-vis de l'U.E qui dépasse \$ 1 milliard par an.

Au moment où les transferts annuels nets deviennent négatifs et que, parallèlement, des actions tangibles de réduction de la dette extérieure profitent aux pays latino-américains ou de l'Est européen (cf les termes de l'Accord de la restructuration de la dette entre la Bulgarie et le Club de Londres en juillet 1994) il convient de méditer les propos du Directeur Général du F.M.I :

" Nous devons faire tous nos efforts pour que l'aide officielle soit utilisée chaque jour avec plus d'efficacité, mais il serait illusoire de croire que ces gains d'efficacité poursuivis sans relâche peuvent suffire et dispenser les pays donateurs -quelles que soient leurs contraintes budgétaires - de leur devoir de maintenir leur effort pour accroître leur aide en proportion de leur P.N.B. les engagements internationaux qu'ils ont souscrits à cet égard dans le cadre des Nations Unies sont plus justifiés que jamais à l'heure où nous savons mieux ce qu'il faut faire pour que la croissance s'accélère et soit durable" (Bulletin du F.M.I du 24/7/1995).

Est il alors utile de profiter de cette Conférence pour recommander l'intensification des accords de recyclage de la dette (notamment publique) aux fins de financement des programmes de mise à niveau selon les priorités dégagées par les Accords d'Association Euro-Méditerranéenne et par la Déclaration de Barcelone.

En définitive, et au delà de la portée du cas-test de l'Accord entre l'U.E et la Tunisie, globalement transposable aux autres pays de la Rive Sud, il reste à la charge des partenaires de l'espace Euro-Méditerranéen d'accorder les progrès de la construction économique, encore aléatoires, avec leurs engagements politiques.

Moncef Ben Slama.

(Draft: not to be cited)

Euro-Mediterranean Relations: The Issues of Human Rights and Democracy

The Barcelona Conference was not the Act of Creation. The two sides of the Mediterranean have had peaceful, conflictual and indifferent relations for thousands of years so it would be unreasonable to assume that a conference in late 1995 could simply draw a line under all that has gone before and say that we are now to start from scratch. Nevertheless, the Barcelona Conference demonstrates a will on all sides to rethink Euro-Mediterranean relations and it is therefore potentially very important. It is far too early to offer an evaluation of the real importance of Barcelona, but it is possible to make a few considerations about conditions that may contribute towards achieving the objectives that have been laid out. The creation of a free trade area in the Mediterranean will undoubtedly make a large difference, though the precise nature of this difference is as yet unclear and major steps have to be made before it becomes a reality. At the political and security level it is even more difficult to anticipate the changing nature of Euro-Mediterranean relations, presuming that there will in fact be changes. So far few concrete steps have been taken to breathe life into the statements of good will that were made but nothing has been lost yet either.

The objective of this short paper is to look at the Barcelona Conference in its political dimension and see how the declarations fit in with general approaches to democracy and democratization and with the past experience of Euro-Mediterranean relations in this area. In order to assess whether Barcelona will make a difference it is necessary to see what the practice has been to date and what the requirements of Barcelona imply.

The first aspect that is worthy of attention is that a considerable portion of the Barcelona Declaration is devoted to statements of intent that conform to general principles of democracy and respect for the rule of law. There are numerous references to the importance of respecting human rights and developing democracy but these are constantly moderated by references to the freedom of each country to choose its own political and socio-economic systems. Freedom of expression and of association are specifically referred to, and countries are exhorted to disseminate information related to human rights, fundamental freedoms, racism and xenophobia. The equal rights of peoples and their right to self-determination are also mentioned but specific problems are avoided.

Despite the fairly lengthy references to these political aspects in the Barcelona Declaration there is no indication that they are to have any immediate impact upon forms of political organisation of the countries which signed it. An easy and superficial reading of these references could then be that this is exactly what was intended: a declaration full of ambiguity that could be interpreted more or less according to convenience and that would not get in the way of cooperation at other levels, namely in economic and security terms. It is possible that this is in fact the interpretation that some parties make. However, this raises the question of why such elements are there in the first place. One answer would be that the political aspects are there because of the

pressure of public opinion in European countries but this would undoubtedly be an incomplete answer. Pressure from public opinion exists but at the level of foreign relations it is not very strong and it would not be the first time that European countries sign economic and trade agreements without regard to political contexts. So there must be another answer and I think that we will find that the search for a European foreign policy implies a gradual shift towards a greater emphasis upon human rights and democratisation. This is most apparent in the relations between the European Union and the ACP countries which are members of the Lomé Convention and it is also true in the relations between the EU and other regions.

A Common European Foreign and Security Policy is not going to appear overnight: certain aspects of coordination certainly exist but they are far from constituting a coherent body that might be thought of as a European foreign policy. Governments will naturally wish to maintain bilateral relations but most agree that even bilateral negotiating positions can be strengthened by speaking with European support rather than against the grain of partner countries. In any case the Maastricht Treaty points clearly towards the increasing importance of a CFSP and the Inter-Governmental Conference to revise Maastricht is unlikely to water down that commitment. The question then, is how to develop a coordinated foreign policy without harming bilateral relations. The most logical way forward is through the search for common denominators and a gradual process of building upon those denominators. In this respect European attitudes to human rights assume particular importance because they are an element of consensus within European societies and they are a component of all European foreign policies, though naturally in some cases they are more important than in others. One may therefore expect human rights, as a question of principle, to be one of the keystones of a Common European Foreign and Security Policy.

Beyond this functionalist role for human rights as a building stone for CFSP, there is another functionalist perspective that may be exemplified by the experience of the Helsinki Charter. In that case, radically different conceptions of human rights were brought into a process of slow alignment which began with the simple recognition that human rights are a part of international relations. Over a decade or so the Helsinki Charter gradually and increasingly became an important feature of the political process between east and west. The Barcelona Declaration has the merit of introducing human rights as a component of Euro-Mediterranean relations although for the moment it is too early to have a role parallel to that in Helsinki. However, it is possible that at some future date this component will grow in importance and gain real weight with the creation of a legal forum and mechanisms for defending human rights.

Having argued that human rights is one of the elements that can provide a building block for a CFSP, it is necessary to conciliate theory and practice. All or most European countries have pet hates and/or privileged relations with regimes that commit abuses. Even Sweden, for example, which has historically been a country that has used questions of principle to define itself in the international arena, has a good relationship with Indonesia that includes selling arms to that country. Other European states that have sought to base their policies on pragmatism before principle have interests that preclude them from being dogmatic about human rights. The nature of the links between Europe and the southern Mediterranean, and the asymmetrical distribution of power across the Mediterranean, suggest that human rights is likely to

be a more important issue than for example in the relationship between the European Union and China.

So what, specifically, does the Barcelona Declaration say about human rights? The first and most important element is a commitment to act in accordance with the Charter of the United Nations and the Universal Declaration of Human Rights, as well as with other principles of international law, particularly those derived from regional and international instruments to which the signatories are party. There is an element of ambiguity in this formulation because many signatories of the Barcelona Declaration are also members of the Organisation of the Islamic Conference which has adopted the Cairo Declaration on Human Rights in Islam. Although the Cairo Declaration is extremely vague from a legal perspective, as we shall see in a moment, it clearly postulates a different concept of human rights from that which is advanced in the Universal Declaration on Human Rights which was adopted by the General Assembly of the United Nations. By making reference both to the instruments of the United Nations and to regional instruments, the Barcelona Declaration fails to offer a clear hierarchy of reference points. Furthermore, the Barcelona Declaration does not indicate mechanisms for dealing with alleged breaches of human rights and the opportunity for choosing between various international instruments makes the issue vaguer rather than clearer. In other words, the Barcelona Declaration does not legally commit the signatories to anything specific regarding human rights. However, even this timid step is positive in that it places human rights centre-stage as a question of principle.

Paradoxically, some of the groups that are generally grouped together under the title "fundamentalists" have begun to make an instrumental use of human rights as a weapon in their struggles against the governments of their countries. Examples of this are two recent publications by sources close to the armed Islamist movements which criticise the human rights record of the Algerian government.¹ These publications are clearly partisan. They omit any reference to the numerous atrocities committed by the Islamist armed groups so their objective must be assumed to be not so much a defence of human rights as an attack upon the government. Terrible crimes such as the recent murder of seven monks in Algeria by the GIA show very clearly that human rights is not something to which the GIA and others are committed. However, the use of a human rights discourse, hollow though it may be initially, can gain a dynamic of its own and it may well be that in the future this weapon may be used against those who use it now. The important point is that once human rights becomes an issue in the political debate it is more difficult to erase it from discussions in the future.

Related to the question of human rights we also find that the Barcelona Declaration contains various references to the development and deepening of the rule of law and democratization. From a certain European perspective this involves the desirability of a trend to secularisation. Modernist perspectives on the rule of law, shared by most if not all the governments that signed the Declaration, find their philosophical roots in the European thinkers of the Eighteenth century, and political societies in Europe have been secularised over the course of the last two centuries. Of course this does not

¹ *Livvre blanc sur la répression en Algérie* and *Cahier sur la torture: l'Algérie en murmure*, both of which were published in Geneva.

imply that religions should be banned or marginalised, but it was and is considered desirable to separate religion from politics, each in their own sphere. It is impossible to postulate the development of modern societies without taking into account their cultural and religious roots. Indeed, judeo-christian ethical norms are the very foundation of modern European states but the cult of reason which was developed by the French revolutionaries has resulted in a separation of principle between state and church that was taken up by a majority of post-colonial states all over the world. This transition was not easy or peaceful in Europe and nor can it be expected to be easy and peaceful anywhere else. However, a precondition for a successful transition is that regimes must refrain from seeking to harness the force of religion for their particular projects.

The issue of human rights in western political conditionality always raises the question of universalism versus relativism. The principles of sovereign equality of states, and of non-interference in the internal affairs of others, naturally force one to question the legitimacy of western insistence upon a certain code of values. The relevant issue is whether or not a doctrine of human rights is a purely western code or whether it has a universal value, and this issue may be questioned on a philosophical plane or on a purely practical plane. A few brief comments on the philosophical issue are in order before looking at the practical problems. The first point is that the doctrine of human rights, as expressed in the Universal Declaration of Human Rights (1948) clearly stakes its position as universalist. This has been signed by most member states of the United Nations as represented by their governments. Secondly, there are two Islamic declarations on human rights which present a different approach but which also claim to be universalist.² These declarations situate human rights in the context of divine revelation and its specific interpretation in the context of *Shari'a*, which is not defined and which means different things in different countries and periods of time. According to this conception, ultimately human rights can only be fulfilled and guaranteed under the umbrella of a universal faith, Islam. In other words, the question of universalism in human rights does not present a philosophical problem: there is agreement that human rights must be seen in a universal perspective. Differences arise in the sources of human rights, in their specific definitions, and in their interpretation, not in relation to their universal nature. A second and important difference is that the 1948 Universal Declaration on Human Rights is a fully developed legal document which in principle binds the signatories to a number of mechanisms and procedures; the Cairo Declaration makes thirteen references to *Shari'a* which is understood as divine law and which does not allow for further definition.

The practical problem that follows from this is that *Shari'a* is interpreted and applied by states and there is no generally agreed, transnational, codified version of *Shari'a*. The state therefore has discretionary powers in deciding what is *Shari'a* and what is not. The real issue ends up being not which human rights are divinely ordained but what the state considers important in this respect. The dialogue about human rights is therefore a political dialogue, not a theological one, and attempts to use theological arguments must be understood politically. Relativism is present whenever two

² Namely: the Universal Islamic Declaration of Human Rights (1981) promoted by the London-based Islamic Council; and the Cairo Declaration on Human Rights in Islam (1990) adopted by the Organization of the Islamic Conference.

interlocutors seek to come to an understanding and there is nothing very particular about human rights in this regard, nor is there any reason to suppose that it is an impediment to coming to a consensus.

The use of relativism is not simply as a claim by Muslim countries to have a different cultural approach to human rights. Occasionally it serves this purpose but it is also the case that relativism is used as an accusation by Muslim countries against western states. In this sense Muslim states often argue, as do many Third World states, that western countries are selective in their references to human rights. This is the accusation that westerners have double standards on human rights, harshly criticising some regimes and turning a blind eye to others which commit gross abuses on a daily basis. There is a large amount of truth in this accusation, and Muslim countries are often victims of this double standard — it is no coincidence that human rights is a more relevant aspect of European relations with the Maghreb and Mashrek than with China. Furthermore, even within western countries, where respect for human rights is usually taken as a fully acquired dimension of our political societies, a disproportionate amount of the abuses that do exist fall upon immigrants. Of course this can only strengthen the lack of understanding across the Mediterranean on this human rights. An interesting spin-off though, is that the accusation of double-standards undermines claims to cultural relativism, and implicitly accepts that human rights must be understood in a universal fashion, even while maintaining the possibility of different understandings of specific rights.

Our contemporary conceptions of human rights, in their origins, come from the European political debates that inaugurated the modern age, and this is something western states can justly be proud of.³ However, there has always been an element of ambiguity in the approach to modernity of most post-colonial states, and indeed of many that are not post-colonial. Modernity has been used selectively, privileging the material aspects but setting aside the cultural essence which is freedom of thought and participation in decision-making. In many countries cultural specificities have been used as a defensive shield against dissidence, and there are many examples of Islam being used in this manner. However, this interpretation of Islam has naturally provoked different political manifestations of religion which are as uncondusive to political pluralism as the versions offered earlier by the state. Fatima Mernissi has convincingly argued that the forms of fundamentalism that are to be found throughout Muslim societies result directly from the abusive use of religion that took place at an earlier stage.⁴ Other authors like to think of a juxtaposition between state and civil society but this relationship is by no means simple or linear. State and civil society are involved in a constant dialectic that does not permit us to think of one in abstract without the other. Political forms of religious expression are inevitably linked to political attitudes towards religion that have been diffused through the state, though the exact form of that linkage varies from place to place and time to time.

³ Due credit, of course, must be given to the vast contribution of the Islamic renaissance to the European renaissance.

⁴ Fatima Mernissi, *Islam and Democracy: fear of the modern world*, Reading, Mass.: Addison-Wesley, 1992, in particular chapters 3 and 4. Another interesting example is Hugh Roberts' case study of Algerian Islamism, "From Radical Mission to Equivocal Ambition", in M.E.Marty and R.Scot-Aplbyeds, 1994, *Accounting for Fundamentalism*, Fundamentalism Project, Vol.IV (Chicago).

Although many of the regimes in North Africa and the Middle East are under threat from politically organised groups that claim to represent Islam, these regimes also use Islamic references on occasion. The cultural roots of peoples are undoubtedly of the greatest importance in determining the most adequate political regime and Islam, like all politico-religious manifestations, gains specific meanings according to the context. However, within any given society there are a plurality of views on what Islam represents or should represent in terms of organising the society. When regimes forbade pluralism in the name of Islam it is only natural that differences of views should be expressed in terms of Islam. Dissatisfaction with the regimes that inherited the state could be expressed in no way other than through religion. In many ways this phenomenon continues to this very day and in fact is becoming more pronounced by the increasing difficulty of alternative forms of expression regarding the political organisation of society. The recent arrest of the director of the Tunisian League for Human Rights — which is by no means a radical organisation calling for the overthrow of the state — is simply the latest manifestation of such difficulties. There are plenty of examples that one could cite from other countries.⁵ It is true that in a number of countries a relatively free press has emerged over the past few years. This is a very positive development, even if it is a limited one, and should be supported by governments on both sides of the Mediterranean. Foreign publications have been subject to control and in some cases they are banned for criticizing the authorities.⁶

Secularisation means reducing the possibilities and the need for using religion as a means of political expression. This cannot happen unless there are other channels for political expression, and in times of social crisis, when alternative political views gain strength, it is all the more important to ensure that such channels exist. The problem in this regard is that regimes naturally tend to be much more emphatic about the need to maintain a united front when societies are facing great difficulties but when this is done by making it harder for alternative political views to be expressed it is only to be expected that religions end up being used for political purposes. Cooperation between the two shores of the Mediterranean implies greater political sensitivity by European countries towards this dilemma, and greater support for regimes that are willing to take this difficult step towards secularisation.

Secularisation, or *laïcité* in the more accurate French expression, can be abusively interpreted to be anti-religious in the name of a new religion: modernity and positive rationalism. This was what happened in Russia and in Eastern Europe during the communist period and the lesson is clear: religious identity gained political legitimacy and strength as the expression of opposition to regimes which inhibited the plurality of ideas. It follows from this that secularisation must be accompanied by tolerance both towards religions and towards other forms of political manifestation. The alternative is absolutely evident: religion becomes strongly political, and this is by no means limited to Islam: it is true of christianity and it is true of animist religions in many parts of

⁵ See the article "Le Maghreb en privation de libertés" in *Le Monde* of 7 May 1996.

⁶ In Morocco, one of the countries with the highest levels of press freedom in North Africa, the magazine *Jeune Afrique* has been banned since November 1995. Other European publications, both books and newspapers, have also been subject to banning or censorship and have even led to intense diplomatic rows which are difficult for the European public to understand or accept. The issue of *lèse-majesté* as a crime is one that must be handled with sensitivity. In some societies it is consensual but it can be misused to stifle alternative ideas which criticise the regime rather than the state.

Africa. The difficulty is that democratization and pluralism require secularisation, but in a situation where religious identity is strongly politicised democratization has to accept the existence of politically organised expressions of religious identity.

This transition of secularisation and democratisation is part of the stated objectives of most regimes in the southern Mediterranean and there is general agreement in the European Union that such a transition would be desirable. It is therefore fully legitimate to expect support from the EU in undertaking that transition but obviously in international relations nobody ever writes blank checks. EU support will only be justifiable in terms of its own needs if there are clear assurances of the paths to be followed. For the moment this situation appears too delicate for there to be strong EU support so this question is certain to be left for a more appropriate opportunity. The question that must be asked though is how long the present instability can be sustained, and how the situation will develop over the next five or ten years. There seem to be few clear ideas on this and yet European countries remain reluctant to make any heavy political investments in North Africa until a clearer picture has emerged.

On the other hand, European political pressure is usually interpreted in a very unfavourable light, namely as foreign interference in internal affairs and this view is a legitimate one. However, political and economic support never comes for free, even when it is called cooperation, so there must also be a clear perspective in the southern Mediterranean about the nature of political organisation of society that they want to create. One of the problems of European ideas about political reform is that reform is usually far too simplistically equated with elections. Some form of popular consultation is of course essential in a pluralistic society, but pluralism involves much more beyond the simple organization of elections, and it is legitimate for southern Mediterranean governments to expect European support for the creation of mechanisms that allow for the expression of different political views. It is these mechanisms, and not repression or spontaneous elections that will allow for the secularisation of societies.

Transmediterranean cooperation should by no means be seen as a one-way flow. It is certainly the case that there is greater political stability in the European Union than in the southern banks of the Mediterranean, and the security implications of this have tended to focus attention on the political reforms that are being undertaken in the Maghreb and Mashrek. However, the EU countries are already undergoing profound social difficulties and the forecasts for rising unemployment are likely to mean that these difficulties are going to get worse rather than better. One of the groups in Europe that feel these difficulties most closely are immigrants to the continent and a large contingent of immigrants come from North Africa. It is an unfortunate historical fact that sentiments of racism and xenophobia become more widespread in periods of social crisis and there are clear indications in Europe that these phenomena are growing. Again unfortunately, there is probably no country in Europe that can claim to be immune to this problem.

One of the areas where North African governments can be most supportive of EU governments is in working with them to deal with these problems as they affect North African immigrants. The lack of political channels for these immigrants to use in their host countries has provoked and is provoking similar reactions to those described above: the politicisation of religion as a means for voicing frustrations. In France one

finds this in the appeal of manifestations of supposed cultural authenticity that provide elements of communal identity. It is difficult to take these manifestations at face value when one knows that some of the strongest supporters of these movements are the children of North African immigrants who were born in France or went there very young, and who know very little about the societies their parents came from. When they claim to be searching out their roots their reference points are not so much the rural or urban contexts of North Africa that their parents knew, but the difficult social realities of the banlieux of large French cities where they live in the present. The rejection of the society that marginalises them and places them in ghettos is a phenomenon that has been very badly dealt with in Europe, and it is extremely positive that countries of the Maghreb insisted upon the references to racism in xenophobia in the Barcelona Declaration.

Once again, however, it is necessary to go beyond the well meaning words of Barcelona and to identify means of cooperation that can promote the well-being of immigrants in Europe. Failure to do this can only mean a growing use by these immigrants of a North African identity as a means of protesting against their treatment in Europe. This is clearly an area where European governments need to be more sensitive and imaginative than they have been up until now, and North African governments can offer strong support by lobbying for an improvement in the living conditions of their immigrants in Europe, and above all by pointing out problems in the defense of the human rights of those immigrants. Banning veils or scarves in schools is highly unlikely to contribute towards this end, and it would be beneficial to all if there were a good deal more dialogue across the Mediterranean on such issues. The Barcelona Declaration, if taken at its word, could offer a great contribution on this matter.

