



Converging and conflicting ethical values in the internal/external security continuum in Europe

European Commission, 7th Framework Programme

Milestone report 6.2: EU Policies in the three countries of the Mediterranean ENP: Morocco, Egypt and Algeria

Milestone report submitted February 2010 in fulfillment of requirements of the FP7 Project, Converging and Conflicting Ethical Values in the Internal/External Security Continuum in Europe (INEX)

 PRIO	International Peace Research Institute, Oslo	PO Box 9229 Grønland NO-0134 Oslo, Norway	T: +47 22 54 77 00 F: +47 22 54 77 01	www.inexproject.eu
---	---	--	--	--

Table of contents

Summary	3
1. Introduction	4
2. Findings	5
2.1 Marocco	5
2.2 Egypt	9
2.3 Algeria	12
3. Conclusions and future paths	16
References	

SUMMARY

This milestone report highlights the findings of the research conducted by *Work Package 6 (WP6) on EU-ENP security initiatives, premises and consequences in Morocco, Algeria, Egypt*. It also sets out the path that the forthcoming deliverable/s within the work package will aim to pursue. This milestone report will draw particular attention to the approach of the EU on security, justice affairs, fight against terrorism and human rights in the framework of the ENP. The future research by WP6 will focus on the degree of acceptance and implications of the implementation of the ENP and other EU policies in Morocco, Egypt and Algeria.

In that endeavour, WP 6 has identified the following 5 issues as crucial elements guiding the future research: 1) The EU has limited political reform and human rights promotion in order to secure its interests; 2) the EU promises of progressing into free movement of people have been followed by demands of stricter border control (3) despite the EU's declared willingness to achieve an area of peace and stability, little has been done in the realm of conflict-resolution (4) bilateralism and differentiation policies have prevailed when tackling regional problems (5) the EU has intended to promote reforms in the absence of benchmarks.

1. INTRODUCTION

The ENP is a relatively young policy which coexists, in the Mediterranean, with a considerable amount of regional and sub-regional cooperation initiatives. Although the ENP initially targeting Eastern European countries, due to pressures from some EU member states, several Mediterranean partners and with the support of some units in the European Commission, the reach of this policy was extended to the Mediterranean neighbours. This included Libya, which is not a member of the EMP, and excluded Turkey and the Western Balkans because the bilateral relations with these countries fall under the enlargement policy. Thus, the three countries which are the object of this report: Morocco, Egypt and Algeria have all been offered to be part of the European Neighbourhood Policy. As we will see, the degree of acceptance in each of the three countries as well as the performance in the deployment of the ENP has been very different.

Five years after the launching of the ENP, it begins to be possible to analyse if the policy has been obtaining the desired outcomes. The three countries chosen (Morocco, Egypt and Algeria) have some elements in common but they also have many differences, which are even reflected in the kind and level of bilateral relations they establish with the EU. For each of them, it will be analysed the kind and level of relations with the EU, the treatment of political, security and justice and home affairs issues and how the EU is facing the five aforementioned dilemmas when implementing its policies in the three countries. Although this heterogeneity certainly makes more difficult a comparative exercise, there is room for comparison and for extracting conclusions relevant to the entire Mediterranean neighbourhood.

The following pages analyse the preliminary results of the analysis conducted by WP6 on the implementation of the EU policies, with a strong emphasis on the European Neighbourhood Policy, in the three aforementioned countries. After reviewing this findings, this milestone reports presents some conclusions and ways to move ahead in this research.

2. KEY FINDINGS

2.1 Morocco

Morocco is a country that consistently showed an interest in keeping very close relations with the European Union (EU)¹. Since the seventies, Morocco was associated with the EEC under the framework of the EU Mediterranean policy. However, Moroccan authorities asked a differentiated treatment by the EU, justifying this demand on the basis of her decades-old European vocation. Since the mid 1990s, Morocco constitutes a privileged partner on a vast array of issues ranging from political and security initiatives to economic and financial partnership. As a result of the European Neighbourhood Policy (ENP) launched in 2004, Morocco was one of first countries to adopt the Neighbourhood Action Plan in July of 2005. This was consistent with the aforementioned demands for a differentiated treatment.

Despite being actively involved in the ENP, Morocco expressed its willingness to go beyond this framework. With the early support of Spain (in 2004) and the collaboration, later on, of France, Portugal and the European Commission, Morocco asked to upgrade its relations with the EU. At the seventh session of the Council of Association of October 13th 2008, the EU finally opted for providing Morocco with an “advanced status” enhancing the partnership. In this sense, a series of measures were introduced, specifically in the fields of political and security cooperation, the draft of free-trade agreement, and the progressive integration of Morocco in EU’s sectoral policies. The first EU-Morocco summit, illustrating the upgrading of this cooperation and substantiating this statute will take place under the Spanish EU-term Presidency in the 8th of March in Granada.

The ENP Action Plan identifies several priorities. Some of them are particularly relevant for the INEX project such as democracy and the rule of law; Justice; Human Rights and Fundamental Freedoms; Regional and international issues, cooperation on foreign policy and security, conflict prevention and crisis management; Cooperation in the area of justice, freedom and security; and Regional and international issues, cooperation on foreign policy and security, conflict prevention and crisis management².

¹ Info on the history of cooperation in http://www.delmar.ec.europa.eu/fr/ue_maroc/cooperation.pdf

² Morocco Progress report of 2006, 2008 and 2009 http://ec.europa.eu/world/enp/documents_en.htm

In all Morocco Progress Reports of 2006, 2008 and 2009, there is a particular emphasis on the reform of the Moroccan Judiciary system. The given reforms concern, for the main part, the administrative and financial aspects of the judiciary system such as the simplification of legal procedures, the computerization of 40 jurisdictions, etc.³ On the other hand, the reports also refer to the parliamentary elections and their organization. The EU is also interested by the slow process of decentralization which would eventually lead to enhance local governance; in 2008, a million euros were intended for the program “Non state actors and local authorities in development”.⁴

The ENP also offers significant technical and financial support to Morocco to insure the protection of human rights and fundamental freedoms which implies the adherence to international conventions. The Justice and Reconciliation Authority, investigating the disappearances of political opponents between 1956 and 1999, is the instance where the most progress was observed with the indemnification of 16,000 victims or their relatives, which amounted to approximately US \$85 million.⁵ Beside, the Moroccan press is currently characterized by pluralism and relative freedom although journalists are aware that there are “red lines” set by the palace that ought not to be crossed (religion, the King, monarchy and territorial integrity).⁶

Nevertheless, doubts persist on the scope of these reforms. According to Kristina Kausch, “EU documents and statements about Morocco so far leave no doubt that reforms are expected within the boundaries of the current Constitution and distribution of powers.”⁷ Indeed, in the 2008 and 2009 country report, the Commission recognizes that the reforms undertaken in terms of democracy and human rights were little ambitious but that the changes in the regulations of political parties were a significant advance. However, the Commission “does not develop in priorities the absence of a real guarantee for the principle of separation of powers and the limited parliament power.”⁸

³ Morocco Progress Report 2008

⁴ Morocco Progress Report 2009

⁵ Human Rights Watch, Country Summary “Morocco/Western Sahara”, January 2009

⁶ Reporters without borders, Morocco - World Report 2009,

⁷ Kausch, Kristina “How serious is the EU about supporting democracy and human rights in Morocco?”, FRIDE, May 2008

⁸ Baracani, Elena, “From the EMP to the ENP: A new European pressure for democratization? The case of Morocco”, The Centre for the Study of European Politics and Society, June 2005.

The EU/Morocco Action Plan identifies four main regional security and cooperation priority issues. First, to reinforce political dialogue and cooperation on foreign policy and security matters; second, to enhance cooperation at the regional and international level, as well as in conflict prevention and crisis management; third, to pursue collaboration in the fight against terrorism; and fourth, to carry on cooperation with regards to the non-proliferation of WMS and exports of illegal armament.⁹

Security-based cooperation has also been boosted. This concerns deeper cooperation in ESDP matters, the fight against terrorism and border control. Nevertheless, contradictions have arisen with the goal of promoting human rights. Terrorism is a very illustrative example of some of the legal changes that have occurred in Morocco since the terrorist attacks of May 16, 2003. Indeed, the Casablanca bombings prompted a new anti-terrorist law, defining terrorism in very broad terms, authorizing “the police and security forces to hold suspects without access to a lawyer, to intercept telephone calls, Internet communications, and mail, and to search domiciles and businesses without a warrant.”¹⁰ Furthermore, the bill extends the pre-charge custody from 3 to 12 days, but many human rights associations have identified cases where this period of time was extended. Islamic militants are the main targets of these measures and are often subject to mistreatments and torture during interrogations and more generally, incarceration. Many detainees have also reported the existence of unacknowledged detention centres where terrorist suspects are taken for interrogation.¹¹

With regards to immigration and border-control enforcement, the Commission praises the result obtained. The only drawback mentioned in the 2009 country report is the lack of progress realized in the area of refugee asylum. What the Commission fails to consider, however, are the means used to achieve such results. For instance, Human Rights Watch reports that a Moroccan naval ship intercepted an embarkation with migrants in the Mediterranean Sea in April 2008 and punctured the inflated dinghy when its crew refused to return to shore. Morocco did not only deny its responsibility in this “incident”, which caused 29 passengers to die from drowning, but it also failed to conduct any investigation that was made public.¹² In 2005 *Médecins Sans Frontières* wrote a report reviewing the different forms of violence undergone by immigrants of sub-Saharan origins. To control

⁹ EU/Morocco Action Plan

¹⁰ Ibid

¹¹ Human Rights Watch, Country Summary “Morocco/Western Sahara”, January 2009

¹² Human Rights Watch, Country Summary “Morocco/Western Sahara”, January 2009

immigration flows, the Moroccan Security forces proceed to systematic raids in the zone with high concentration of immigrants. The pursuits, persecutions, ill-treatments (including torture and collective sexual abuses on minors) and harassments are inflicted to the collective of immigrants and that is despite Morocco's ratification or accession to some international treaties. According to a Moroccan Immigration expert Mehdi Lahlou, Morocco is no longer a transit station but rather a "terminus stop" especially considering that Morocco has accepted to receive the Sub-Saharan immigrants turned back by Spain. Lahlou also laments European Community superficial reaction to the mistreatments and racism faced by the immigrants, that is, by sending NGO and experts to teach [the Moroccans] how to behave better with illegal immigrants who were rejected by the very same EU in the first place.¹³

Although the 2008 ENP report on Morocco refers to Morocco's commitment, under the auspices of the United Nations, to negotiate with the Polisario on the status of the Sahara, the situation has consistently remained in a deadlock. Morocco has presented a plan granting a greater political, economic and social autonomy to the Occidental Sahara but the latter was refused by the Polisario. The 2009 country report does not make any reference to the conflict and neither does the Action Plan or the 2007-2010 Strategy paper.

This issue is a highly sensitive topic in which the stance of the EU has been criticized. With the growing anti-terrorist security cooperation between the EU and Morocco, the issue of Western Sahara seems to occupy a less important place in the agenda of both actors. Moreover, many NGO have blamed the EU for including the Western Sahara in the cooperation and advanced status with Morocco which implicitly includes Morocco's rights over the territory.¹⁴ Furthermore, Morocco is one of the first beneficiaries of Military hardware exports from EU member states and that is despite the existence of a European Union Code of Conduct on Arms export which states its determination "to prevent the export of equipment which might be used for internal repression or international aggression" and "Member States will not allow exports which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination"¹⁵. On the other hand, one must keep in mind that arms sales are included and

¹³ Ksikes, Driss, "Subsahariens. Maroc : du transit au terminus », Tel Quel Magazine, No. 195

¹⁴ Solidariteitsgroep Westelijke Sahara (SWS) "426 organisations demand exclusion of Western Sahara from EU-Moroccan", April 2008, available on http://www.westelijkesahara.be/index.php?parse_news=single&cat=121&art=837

¹⁵ EU Code of Conduct on arms exports

do serve EU soft security interests such as migration, the “material [being] sold to better patrol the coast and to fortify the Spanish enclaves to stop ‘illegal aliens’ from reaching the territory of Europe.”¹⁶

2.2 EGYPT

Egypt’s relations with Europe can be traced far back and have been characterized by alternating periods of cooperation and tension. The first positive developments in the relation can be traced back to the Helsinki conference in 1975. Indeed, it is not until 1976 that Egypt contracted a relation with the European Community by signing a Cooperation Agreement. Similar to other agreements concluded under the EEC’s Mediterranean Policy, this implied the reinforcement of Euro-Egyptian trade links and the EEC’s support to the modernisation of the country through different assistance programmes.

Although 1995 marked a new era in Euro-Mediterranean relations, the EU-Egypt association agreements was one of the last ones to be agreed upon, in 2001 (after five years of negotiations), and also one of the last ones to enter into force, in 2004. Egypt has also been a latecomer as far as concerns its involvement within the ENP framework

In fact, the Egyptian decision to participate in the ENP has coincided in time with a boost of bilateral relations between Egypt and several member states and with Egypt involvement as co-president of the Union for the Mediterranean, while there has not been any clear step of the Egyptian regime to reform itself. That explains why the EU-Egypt ENP Action Plan was only launched in March of 2007.¹⁷ In fact, following the path opened by Morocco, in 2008 Egypt asked the EU to upgrade the level of their bilateral relations. An *ad hoc* committee has been convened to negotiate the form of this upgraded statute. All in all, Egypt is one of the main recipients of EU aid. The aid allocated for the period of 2007-2010 amounts 558 million euros and aims at providing support to Egypt’s reform process. The EU is also the first trading partner of Egypt with 35% of total volume in 2008.¹⁸

¹⁶ Cavatorta, Francesco; Chari, Raj; Kritzinger, Sylvia, “The European Union and Morocco. Security through authoritarianism?”, Institute of Advanced Studies, Vienna, June 2006.

¹⁷ Egypt Progress Report 2008

¹⁸ ENP Press release

<http://209.85.229.132/search?q=cache:JJB9KI6mIZ0J:europa.eu/rapid/pressReleasesAction.do%3Freference%3DMEMO/09/179%26format%3DPDF%26aged%3D0%26language%3DEN%26guiLanguage%3Den+Egypt+political+reform+2008&cd=12&hl=en&ct=clnk&gl=es>

As with the case of Morocco, the ENP Action Plan between Egypt and the EU identifies as priorities: Democracy and the Rule of Law; Human Rights and Fundamental Freedoms; Foreign Relations; Territorial Disputes and other conflicts; and Justice and Home Affairs. The EU support to Egypt's reform process is allocated through the European Neighbourhood Partnership Instrument, which dedicated a total amount of €558 million for the 2007-2010 period.

In both progress reports of 2008 and 2009, the state of emergency is the first element mentioned in the paragraph reviewing Democracy and Rule of Law in Egypt. Indeed, the 2007 reform of the amendments to the 1971 Constitution included the implementation -- by July of 2008 -- of a new institutional framework and measures to fight terrorism that would put an end to state of emergency. Nevertheless, the state of emergency was extended until 2010 fact regretted in the 2009 progress report.

Among the reforms adopted in 2007, the Parliament was given new powers, and the new electoral law transfers the monitoring of the electoral process from the judges to a new electoral commission. Local municipal elections were held under the auspices of the new electoral law thus showing "a commitment on the part of the government to the electoral process."¹⁹ On the other hand, many legal opposition parties and independent candidates were not allowed to register and run in the local. Consequently, the country advocates the necessity of adopting a new electoral law, which would specify, for instance, clear criteria for eligibility to participate in elections.²⁰

The reform of the judicial area is also a matter of concern in the Commission Progress Reports but the ENP has provided financial and technical support to provide judges, state prosecutors and law enforcement officers with a better understanding of human rights law. Although there are some visible efforts to strengthen human rights, the National Council of Human Rights has condemned the lasting use of torture and the delayed replacement of the Emergency Law by a new anti-terror legislation. Freedom of expression has seen no significant improvement and journalists are still suffering from harassment, arbitrary detention or harsh prison sentences²¹. Yet and despite the cautiously non-pessimistic

¹⁹ Egypt Progress report 2009

²⁰ Ibid

²¹ Egypt Progress report 2009

language in Egypt's progress report, the extent of change needed to obtain substantial democratic advances are colossal and the Egyptian government is little inclined to challenge its power to comply with the agreed principles in the Action Plan with the EU.

In that respect, it is worth mentioning that the EU condemnation of torture is rather cautious considering that torture and ill-treatment are practices that have consistently plagued Egyptian society. Both 2008 and 2009 report only briefly mention torture, explaining that if the definition of torture as a criminal offence does not exactly correspond to the UN definition, there have been a certain determination to tackle the issue on part of Egyptian authorities. However, both reports omit the fact that the widespread police or SSI (State Security Investigation, the main intelligence agency in Egypt) tortures and abuses. Arbitrary detentions often target Salafists, young devout men or "men suspected of involvement in non-violent opposition groups like the Muslim Brotherhood", "arrests, interrogates, and tortures them based on little evidence (...) and SSI detains such people indefinitely under Emergency Law decrees."²² In this sense, the EU recommends "training of police officers to counter the culture of impunity remains a priority."²³

Concerning counter-terrorism, the 2009 progress report mentions Egypt's plan to control the use of the internet for terrorist purposes. The wording of the paragraph is very cautious and the meaning is, to a certain extent, ambiguous. Indeed, the whole paragraph seems to be written from an Egyptian perspective, ensuring that such measures would not "sacrifice" freedom of expression. On the other hand, there is no clear allusion to whether or not the EU would support the Egyptian government in this enterprise. It is worth mentioning that the Egyptian has 32 articles penalising the press via criminal law, law on publications, law relating to state documents, on the civil services, political parties, etc.²⁴ According to reporters without border, Egypt has the highest internet penetration rate (20% of the population regularly access internet) in Africa. Furthermore, and as explained by the director of the Arabic Network for Human Rights Information "More bloggers are being arrested in this way than journalists under the state of emergency law. It allows citizens to be arrested without explanation and for them to be held in prison often for several years without any justification."²⁵

²² Human Rights Watch, Country Report, Egypt, December 2007

²³ Egypt Progress Report 2009

²⁴ Reporters Without Borders, Egypt: Internet : a weapon on mass revolution ?, 6 April 2009, available at: <http://www.unhcr.org/refworld/docid/49db16d62.html>

²⁵ Ibid

As far as migration and border management are concerned, there has been no significant progress since the adoption of the Action Plan. The second meeting of Egypt/EU Working Group on Migration, Social and Consular Affairs (Cairo, the 13th of June 2008), is an example of the dialogue and cooperation between Egypt and the EU “ towards a more integrated approach addressing regular migration, synergy between migration and development as well as irregular migration.”²⁶ However, Egypt continues to raise the issue of visa procedures facilitation and considers it a key aspect of the bilateral relations spelled out in the Association Agreement.²⁷

2.3 ALGERIA

The EU/Algeria relations are rather different from the previous cases of Morocco and Egypt. Algeria has not yet accepted to become a partner in the ENP. The historical relations of Algeria do differ from other Maghrebian countries such as Morocco and Tunisia. When the formers established the first commercial exchanges with the EEC, Algeria was still under French colony and therefore under a regime of intra-community treatment which granted member state-level to Algerian goods.²⁸

The independence of Algeria in 1962 was followed by a decade of violence and political turmoil with a coup in 1965 and several additional attempted ones subsequently. This traumatic experience triggered an anti-French reaction in Algeria, which also determined the kind and level of relations that this country established with the EEC in the sixties and the seventies.

The year of 1976 was a double turning point. This year was marked by the promulgation of a long-awaited new constitution and by the conclusion of an agreement between the EC and Algeria. From then on, Algeria was a full partner in the EEC’s Global Mediterranean Policy.

²⁶ Ministry of Foreign Affairs, Arab Republic of Egypt, Statement available on http://www.mfa.gov.eg/MFA_Portal/en-GB/MFA_News/Statements/2542009EgyptEU.htm

²⁷ EU-Egypt Association Agreement

²⁸ Darbouche, Hakim, “Decoding Algeria’s ENP policy: Differentiation by other means?”, *Mediterranean Politics*, Vol. 13, No. 3, November 2008, p. 373

The new political constitution of 1989 – permitting the formation of political parties other than the FLN (from the French acronyms National Liberal Front) -- came to put an end to the deadlock and violent manifestations the country was undergoing. However, the decade of the 1990's was marked by the rise of active Islamist movements together with the perpetration of numerous terrorist acts.

It is in this context, the EC (and France in particular), as well as the United States, began to fear the possibility of radicals controlling Algeria. Indeed and considering “Algeria’s size, resources and sporadic nuclear ambitions, these questions became central to discussions of Mediterranean security and policy toward political Islam, above all in Southern Europe but also in Washington.”²⁹ Yet, due to the political instability and the violence in Algeria, its relations with the EEC, with the exception of the fields of energy and counter-terrorism cooperation, faced many obstacles.

In this sense, it is worth mentioning that Algeria has consistently tried to involve the *West* in its domestic “counter-terrorist” struggle. Nevertheless, “it was not until the domestic political and security environment improved in Algeria and the ‘fight against terrorism’ went ‘global’ after 9/11, that the two sides were able to finalize AA negotiations, including the issue of terrorism in October leading to its adoption in December of the same year.”³⁰

The Association Agreement of September 2005 has officially replaced the 1976 cooperation agreement that regulated bilateral relations between the EU and Algeria. It is worth mentioning that Algeria has been one of the most difficult partners insofar to comply with EU exigencies, criticising the philosophy and priorities of Euro-Mediterranean relations. As explained by Çelenk, the country benefits from additional policy options thanks to its position in the global economy as an energy supplier, which “has enabled the Algerian government to refuse to take part in the ENP framework, as the incentives provided were not considered as important stakes for political reform.”³¹ Furthermore, it did refuse the vertical orientation of this policy and accused the EU of interfering in its

²⁹ Policy toward Algeria after a Decade of Isolation; Lesser, Ian *Mediterranean Quarterly*; 2001 Vol. 12, p 8-21, 14 p.

³⁰ Darbouche, Hakim, “Decoding Algeria's ENP policy: Differentiation by other means?”, *Mediterranean Politics*, Vol. 13, No. 3, November 2008, p. 375

³¹ Çelenk, Aye Ashlhan, „Promoting democracy in Algeria: the EU factor and the preferences of the political elite“, *Democratization*, February 2009, Vol. 16, No. 1, p. 182

internal affairs³². Therefore, the Algerian government seems to have stood its ground choosing to focus (exclusively) on the effective implementation of the Association Agreement.

Hence, in the absence of an EU/Algeria Action Plan, this section will be based on the Association Agreement and Algeria Strategy Paper 2007-2013, as well as on the National Indicative Programme 2007-2010. Based on article 1 of the Association Agreement, this legal framework regulating bilateral relations between Algeria and the EU establishes an adequate basis for political dialogue and cooperation.³³ Nonetheless, just as in the AA signed with Morocco and Egypt, only three articles are devoted to the political dialogue (out of 91 articles) in contrast with the ten articles dealing with cooperation in Justice and Home Affairs. Among the priorities stated in the ‘2007-1013’ strategy paper, it can be seen political reform, democracy, good governance, rule of law and human rights on top of the list. Yet, the National Indicative Programme (NIP) does not allocate any budget to the *direct* promotion of the former. The NIP priorities are distributed as follows: justice reform (17 million euros), economic growth and jobs (113 million euros) and finally the improvement of public goods (90 million euros). In other words, only 7% of the NIP funds would be granted to improve the only democracy-related issue it has set in its list of priorities. Again, the reforms focus on the organization, legislative and administrative aspects of the judiciary to the detriment of in-depth structural reforms.

There are references to human rights but means of promotion or collaboration in this area are very scarce or inexistent. Security is considered an important field of cooperation between the EU and Algeria.³⁴ In all three cases that interest us, the Commission prioritizes security whether migration or terrorist-related and stability over democracy promotion. Consequently, this context has predictably reinforced the position of the political elites.

The European Commission clearly states that “cooperation in the field of justice and home affairs is one of the most important features of the AA”.³⁵ Algeria is particularly insistent

³² Ian Lesser in Çelenk, Aye Ashlhan, “Promoting democracy in Algeria: the EU factor and the preferences of the political elite”, *Democratization*, February 2009, Vol. 16, No. 1, p. 185

³³ EU-Algeria Association Agreement
<http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=821>

³⁴ European Commission, Algeria - Strategy paper 2007-2013
http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_algeria_en.pdf

³⁵ http://ec.europa.eu/external_relations/algeria/agreement/index_en.htm

on the circulation of individuals and the facilitation of visas. In contrast, most of the cooperation in terms of immigration predominantly focuses on negotiations of readmission agreements between Algeria and EU Member States. On the topic immigration, the strategy paper of 2007 points out that Algeria is both a country of emigration and transit to Europe. Moreover, the Commission reports its support program to the Algerian police due to the colossal number of sub-Saharan emigrants reaching the Algerian territory. Indeed, an article published in *La Tribune* announced that 70% of sub-Saharan migrants actually settled in Algeria. This fact added to the already existing problem the country is facing to dissuade its own citizens from leaving to Europe should have enticed more dialogue and cooperation between Algeria and the EU, meaning beyond the readmission negotiations.

Besides, the strategy paper does not allude to the treatment of Sub-Saharan migrants. It is also worth mentioning that the EU does not show much concern about the implications of the recently approved penal code criminalizing illegal immigration in Algeria.³⁶ This new measures will have direct repercussions on the already precarious situation of human rights in the country and more specifically, in increasingly overcrowded detention centres.

Terrorism is seen as an area of intensive cooperation between the two partners, Algeria cooperating with Interpol, Europol and NATO. However, the definition of terrorism in the Algerian penal code is very broad, as it comprises “any action that targets state security ... via actions whose purpose is to ... attack the symbols of the Nation and the Republic ... or obstructs the functioning of public institutions ... or the applications of laws and regulations.”³⁷ Gathering or creating a crowd in a public place can also be considered an act of terrorism, which could have an impact, in the Commission’s words, on an already restricted freedom of assembly.³⁸ As a matter of fact, Algerian authorities regularly use “state of emergency powers to ban most public demonstrations and many gatherings”, such as the panel discussions organized by the Algerian League on October 2008 for the Defence of Human Rights on the 1988 Algerian riots.

More recently, Algeria has accepted to discuss with the EU a road map to develop further its Association Agreement. However, it is unlikely that Algeria will require an upgrade of

³⁶ Algeria - Amnesty International report 2008. Human Rights in People’s Democratic Republic of Algeria

³⁷ Human Rights Watch, “Algeria”, Country Summary, January 2009

³⁸ Algerian Penal Code, Section 4 bis, Art. 87 bis

the relations in the form of an advance statute as this would imply a unilateral convergence with EU.

3. CONCLUSIONS AND FUTURE PATHS

Some concluding remarks can be drawn from this preliminary analytical exercise. The first is that the implementation of the ENP and other EU policies in this area proves that: (1) the EU has limited political reform and human rights promotion in order to secure its interests; (2) the EU promises of progressing into free movement of people have been followed by demands of stricter border control (3) despite the EU's declared willingness to achieve an area of peace and stability, little has been done in the realm of conflict-resolution (4) bilateralism and differentiation policies have prevailed when tackling regional problems (5) the EU has intended to promote reforms in the absence of benchmarks. The analysis of these issues for each of our case studies will be guiding the future research of WP6.

The initial research indicates that inter-state relations often transcend the EU-neighbour relations. Incorporating this dimension to the analysis would give us a more complete and accurate panorama of these relations. Moreover, a significant number of measures proposed in the ENP can only prosper through a greater coherence between the EU and its Member States. Thus, the research to be conducted by WP6 has to complement the analysis of the ENP with other policies implemented by the EU and its Member States.

Finally, despite the heterogeneity of the three cases analysed in this report, WP6 identifies common elements that have determined the EU policies towards this region. These elements comprise the fight against terrorism, rise of fundamentalism and extremism together with the control of migration flows. However, the kind of relations established between the EU and the three countries as well as the magnitude of the dilemmas and contradictions faced by the EU is conditioned by the degree of geographical proximity, interdependence, neighbours' willingness to pursue reforms and the perception of the EU's legitimacy as either an interfering neo-colonial model or as a model to converge with.

REFERENCES

Baracani, Elena, “From the EMP to the ENP: A new European pressure for democratization? The case of Morocco”, The Centre for the Study of European Politics and Society, June 2005

Cavatorta, Francesco; Chari, Raj; Kritzinger, Sylvia, “The European Union and Morocco. Security through authoritarianism?”, Institute of Advanced Studies, Vienna, June 2006

Çelenk, Aye Ashlhan, “Promoting democracy in Algeria: the EU factor and the preferences of the political elite”, Democratization, February 2009, Vol. 16, No. 1, p. 182

Darbouche, Hakim, “Decoding Algeria's ENP policy: Differentiation by other means?”, Mediterranean Politics, Vol. 13, No. 3, November 2008, p. 375

Kausch, Kristina “How serious is the EU about supporting democracy and human rights in Morocco?”, FRIDE, May 2008

Ksikes, Driss, “ Subsahariens. Maroc : du transit au terminus », Tel Quel Magazine, No. 195

Lesser, Ian, “Policy toward Algeria after a Decade of Isolation”, Mediterranean Quarterly, 2001 Vol. 12, p 8-21, 14 p.