

## **Human Rights and Civil Society in the Mediterranean**

Report of the Euro-Mediterranean Partnership Conference,  
organised by the Friedrich-Ebert-Stiftung,  
the Forum des Citoyens de la Méditerranée, and the  
Euro-Mediterranean Human Rights Network.

Stuttgart, 15-16 April 1999

## **Les Droits de l'Homme et la Société Civile en Méditerranée**

Rapport de la Conférence du Partenariat Euro-Méditerranéen  
organisée par la Fondation Friedrich Ebert en coopération  
avec le Réseau Euro-Méditerranéen des Droits de l'Homme  
et le Forum des Citoyens de la Méditerranée

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## Preface

In the “Barcelona Declaration” of 1995, a comprehensive programme for co-operation between the EU and the Mediterranean countries was adopted.

The 15 EU Member States and the 12 Mediterranean partner countries agreed to comply with the United Nations Charter and the Universal Declaration of Human Rights, among other things. Still, severe deficits remain regarding the respect of human rights. Particularly the conflicts in the Middle East, in Algeria and in Turkey have shown this clearly time and again.

The implementation of the “partnership” between Europe and the Mediterranean must not be left exclusively in the hands of governments.

Therefore a conference on the topic “Human Rights and the Civil Society in the Mediterranean” was organised in the Landtag of Baden-Württemberg on 15 and 16 April 1999, parallel to the Conference of Foreign Ministers in Stuttgart. In co-ordination with the Euro-Mediterranean Human Rights Forum and the Forum des Citoyens de la Méditerranée the Friedrich-Ebert-Stiftung organised this event, in which human rights and civil rights activists from 27 states in Europe and the southern and eastern Mediterranean took part.

Selected representatives of human rights organisations were invited to discuss the state and perspectives of EU-Mediterranean co-operation in the fields of human rights and civil societies with experts on the Middle East, representatives of European institutions and scientists. The results of the conference were officially presented to the EU Council Presidency in a closing event. The publication of the contributions to the conference and its results are supposed to promote the Euro-Mediterranean dialogue.

We thank the Landtag of Baden-Württemberg for the generosity with which it has provided conference facilities, and we thank the EU Commission for the financial support it has granted to the conference. Above all, we thank the participants, who were willing to take part in the conference even though many of them had to take personal risks in doing so, and who represented the people who are committed to human rights activities and the promotion of democracy in their respective countries.

*Christiane Kesper*  
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## Avant-propos

Un programme de coopération compréhensif a été convenu entre l'UE et les Etats riverains du bassin méditerranéen lors de la «Déclaration de Barcelone» de 1995.

Les 15 Etats membres de l'Union Européenne et les 12 pays partenaires de la Méditerranée se sont engagés, entre autres, au respect de la charte des Nations Unies et de la Déclaration Universelle des Droits de l'Homme. Mais d'importantes lacunes subsistent encore en ce qui concerne le respect des droits de l'Homme, comme l'ont montré à plusieurs reprises les conflits au Proche Orient, en Algérie et en Turquie.

La transposition du «partenariat» entre l'Europe et la Méditerranée ne peut être laissée aux seuls gouvernements.

Parallèlement à la conférence sur la Méditerranée réunissant les ministres des Affaires Etrangères, une autre conférence s'est déroulée les 15 et 16 avril à la Diète du Baden-Württemberg sur le thème des «droits de l'Homme et la société civile dans le bassin méditerranéen». Organisée par la Fondation Friedrich-Ebert en coordination avec le «Euro-Mediterranean Human Rights Forum» et le «Forum des Citoyens de la Méditerranée», elle réunissait les défenseurs des droits de l'Homme et du Citoyen de 27 pays d'Europe et des pays du Sud et de l'Est de la Méditerranée.

D'éminents représentants et représentants des organisations de défense des droits de l'Homme y furent invités pour débattre de la situation et des perspectives de la coopération UE-Méditerranée dans le domaine des droits de l'Homme et des sociétés civiles, avec des experts du Proche-Orient, des représentants des institutions européennes et des scientifiques. Les résultats de la conférence ont été remis officiellement à l'occasion d'une manifestation de clôture à la présidence du Conseil de l'Union Européenne. La publication des textes des conférences et des résultats doit contribuer au dialogue euro-méditerranéen.

Nous tenons à remercier le Landtag de Baden-Württemberg d'avoir mis généreusement à notre disposition tant les locaux, l'équipement que d'autres services nécessaires à l'organisation de cette conférence, de même que la Commission de l'UE pour le soutien financier qu'elle nous

a apporté lors de cette manifestation. Nos remerciements s'adressent également, et surtout, à tous les participants et participantes, qui, malgré d'éventuels risques personnels, n'ont pas hésité à prendre part à la conférence, représentant ceux et celles dont l'engagement personnel est dédié aux droits de l'Homme et à la construction de la démocratie dans leurs pays.

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## INTRODUCTION

Oliver Schmolke

### **What does “Sustainable Foreign and Security Policy in the Mediterranean” mean?**

The defence of human rights has become more important politically, but has not become easier as a result. The understanding for the difficulties faced when realising demanding norms of international law is, however, increasing. The political willingness to set up transnational forums and to define procedures which lay down the humanitarian postulates of the “world community”, i.e. define them as actionable rights of the individual, is also increasing. Realisation of the key importance of human rights is increasing. Impatience is increasing. State declarations of intent have gained an extremely bad reputation and are seen as a diversionary tactic. All focus has now been turned towards implementation. The effective and verifiable implementation of human rights commitments is on the agenda.

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The consciousness that the basic rights of every individual must be the benchmark for the value of any peace settlement has, in the last ten years, grown in international relations. The rights for freedom, inviolability of the person and safety from persecution as well as the legitimate demands for active participation in movements within society and political decision-making in state institutions are seen as the norms that every government has to answer to. Terror organisations using political violence stand in front of the same judge. States just as much as liberation movements are discredited if they propagate attacks on the lives and dignity of those people who have been declared enemies because of their ethnic origin, their religion or their secularism. According to the logic of the defence of human rights, the parties in a conflict must make a declaration of non-violence which can then be the basis for a reciprocal recognition of individual as well as collective security and self-determination.

The collapse of Yugoslavia, alongside the Middle East conflict, the Kurdish question and the Algerian civil war, has had a major influence on the new consciousness of human rights. The civil war in Bosnia Herzegovina and the crimes against humanity committed by Serb units

in Kosovo make up the current background for the ambivalent strategic discussion in the European Union.

A tangible result is the progress in international prosecution. The United Nations Security Council, with its resolution 827 from 25th May 1993, established the International Tribunal for crimes committed in the former Yugoslavia. Charges were recently brought against the Yugoslavian president Slobodan Milosevic in this special court. A warrant for his arrest for war crimes, genocide, and for “committing, planning, instigating, ordering” violations against the Geneva Convention has been issued. The setting up of an international court responsible for all states and all crimes against human rights is, however, still facing strong opposition. The statute approved by a sufficient majority of 120 states in Rome in 1998 had seven dissenting votes, including the virtually decisive rejections made by the USA and China, both permanent members of the United Nations Security Council. States which concentrate exclusively on their own power do not trust the jurisdiction of international politics.

The commitment to human rights in foreign policy is, however, also controversial amongst those politicians who vehemently advocate peace. The fact that people in the Mediterranean area are regularly subjected to oppression, are persecuted and forced to flee causes the

foreign-policy-making elite, who defend the precedence of classic interstate stability policies, to have increasing unease about the priority of human rights. At the start of “Operation Allied Force”, with which the 19 NATO states wanted to force the Yugoslavian leadership to recognise substantial autonomy in Kosovo, the warning was made that “holy wars” would be waged in the name of human rights in the future.

This argument does not convince. The fear of moral alarm, which could turn into militancy and give grounds for “out of area” military intervention, is in direct contrast to the principles of the protection of human rights. The outbursts of violence in Kosovo, which OSCE observers and human rights organisations had warned against for many years, and the non-specific reaction with massive air attacks that followed, which the NATO states did not gain approval for in line with the UN charter, do not document a success. In fact, the opposite is true. They demonstrate the failure of an anticipatory human rights policy.

Urgent reaction to a crisis with military intervention – which is inevitable when faced with the massacre of the civil population, but is still an evil, albeit a lesser one, as an act of destruction and a waste of billions of any currency – cannot create any progress in international law on its own. In the best of cases, the escalation of violence focuses attention on the problem of the immense costs of last minute military action, thus aiding the development of international judicial procedures and collective crisis prevention which do not yet exist. The bitter truth is: The elite of the foreign policy makers did not pay attention to the human rights situation in Bosnia and Kosovo when there was still time to react.

War is always the consequence of failures, violence the result of missed opportunities. The search in retrospect for lost diplomatic time should be an indication that conflict prevention can only be effective if there is time and space to act. A slow development in response time is the defining characteristic of crisis de-escalation stemming from the civilian population. For pessimists this means that it is a long time before conflict prevention can be effective. For optimists it means it has a lasting effect. The realistic conclusion is that work has to be started without undue delay, time reserves must be utilised, efforts to prevent conflicts must be reinforced, e.g. the financial basis of the OSCE and the non-state human rights organisations. The wars looming over the next ten years must be prevented.

“The protection of human rights is an instrument of conflict prevention” said Gerd Poppe, the officer of the German Foreign Ministry responsible for Human Rights and Humanitarian Aid, at the conference “Human Rights and Citizenship in the Mediterranean” which is documented here. This conference took place within the framework of the Euro-Mediterranean Partnership and was organised by the Friedrich-Ebert-Stiftung, the Euro-Mediterranean Human Rights Network and the Forum des Citoyens de la Méditerranée. The former GDR dissident Poppe’s position at the foreign ministry was created in 1998, an indication in itself of the elevation in status of a committed civil rights activist. He summarised what activists in civil society link with the “Declaration of Barcelona” – namely the implementation of a new logic in security policy.

The Declaration of Barcelona was approved in 1995 as the basic document for a global partnership of the EU with 12 southern Mediterranean states and it was taken seriously by the NGOs in the Mediterranean area. Human rights and civil rights groups saw the common area of stability, prosperity, social and cultural understanding that was to be set up as a confirmation of their efforts and a commitment by the governments to transform good intentions into programmes of work, with the full participation of civil society. The contradictions between concept and realisation were pointed out even four years ago, however. Representatives of refugee organisations voiced complaints that no perspective for participation for the successor states of the former Yugoslavia had been planned for, even though they are situated in the region concerned. Instead of the non-inclusion of the Balkan states because of unsolved crises, the NGOs called for a reversal of the argument. The offer of a Euro-Mediterranean partnership must stand at the start of conflict resolution. The aggravation of a crisis was seen as the possible terrible consequence of exclusion from stabilising aid programmes.

Non-governmental organisations, who have gained their political experience through support for refugees or through humanitarian aid for suppressed peoples, work in those places where crises affect the individual. They can see, at first hand, how failures in international politics destroy human lives. The civil societies, therefore, demand the operative setting up of a sustainable foreign and security policy in the Mediterranean area.

The principle of sustainability in foreign policy characterises the superordinated target of building up self-sustaining social and political structures which make intervention from outside superfluous. The anticipatory perspective of countering crises and wars at root level, particularly civil wars and secession movements, has priority. Solving problems before they begin makes ad-hoc measures at a later date avoidable or at least aligns them with long-term stability targets. The protection of human rights is at the heart of this matter, as lasting stability within and between states stems from legal structures which guarantee every person a place where they can live in safety. Anybody who loses this area of human dignity will potentially see themselves forced to use armed self-defence. The development of legislation is, therefore, the cardinal precept of a humane peace settlement and is also very much a part of a “tough” security policy.

This normative and long-term definition of stability is constantly being challenged. The southern states in the Mediterranean area, including established regimes such as Algeria, Tunisia and, to a certain extent, Egypt, who are fighting against fundamentalist movements looking to overthrow the governments, are all caught up in a policy of fear. The same applies to the EU states, who are still effectively supporting police-state measures in the crisis regions. The maintenance of rule of law, accountable governments and democratic co-determination do not endanger the cohesion of a society, but certainly do endanger the privileges of an authoritarian leadership which misuses public resources to buy themselves loyalty from a select clientele. The presumptuousness of these leaders in declaring that they protect the “special cultural nature” of paternalism, discrimination against women for example, becomes clear when women’s activists from the affected countries voice their own opinions.

Rachida Tahiri from the Association Democratiques des Femmes du Maroc criticises the lack of representation of women in society and reaches the grave conclusion that the lack of rights for women is written down in law. The legislation in Tunisia, for example, defines women as objects under the control of men, as charges, and not as legally independent individuals. Even violence against women becomes legal.

Equality in the eyes of the law, an equality which is protected by independent law courts; the basic freedoms of public speech, political

assembly, organisation and non-violent opposition; the active and passive right to vote that opens political institutions to groups within society. These universal rights of individual self-determination and participation in society follow a philosophy of mutual recognition in respect and freedom. They are, in practical terms, the conditions for peace. This becomes particularly clear in all questions concerning the protection of minorities or the co-existence of different ethnic groups. In the conflict between the PKK and the Turkish state, the headlines discuss the international terrorism of a radical group. At the heart of the matter, however, is the cultural self-determination of the Kurdish population. Iraq, Iran, Syria and the successor states of the Soviet Union in the Middle East, alongside Turkey, all violate this right and all also suppress every political Kurdish organisation which articulates this violation. There has been, under these circumstances, a civil war in Turkey since 1984. The state has taken military action against a part of its own population in order to strike at the PKK.

The lawyer Kerim Yildiz works for the Kurdish Human Rights Project in London and represents cases of expulsion and torture at the European Court of Human Rights. He points out that in that conflict, which has cost more than 30,000 lives, innumerable Kurds – he talks of 4 million people – have been made refugees within Turkey and that between 3,200 and 4,000 villages have been destroyed by the Turkish army, forcing the inhabitants to live without a permanent residence. In this way, the Turkish government is not only contravening the resolutions of the Geneva Convention, but also its own laws. Yildiz quite rightly denounces the states of the European Union and the “international community” for having failed in the duty of calling Turkey to account and of giving the Kurds an international platform for the peaceful and democratic articulation of their position. Even the protection of Kurdish asylum seekers is no longer guaranteed since Germany and Great Britain declared their assumption that Kurds are safe in the larger Turkish cities. Cases have been documented whereby deportation from Germany led to immediate arrest by Turkish officials at the airport, and then subsequent interrogation, torture and jail.

Before the role of Europe in the de-escalation of conflicts in the South can be discussed, one must first define the responsibilities that all 15 EU members have taken on with the promise of a Euro-Mediterranean partnership for their domestic policy. Refugees and immi-

grants living in Europe must have humane living conditions. That means the right to have protection against persecution as is stated in Article 14 of the Universal Declaration of Human Rights. This right, according to critics in the countries in the southern Mediterranean area, is now hardly anything more than rhetoric. The intensified policies stopping migration, which are mirrored in the erosion of the standards for the right to asylum throughout Europe, also found their place in the “Declaration of Barcelona”. It states, “They (the signatory states) agree to strengthen their cooperation to reduce migratory pressures”. The practice agreed on is in direct contradiction to the idea of a partnership.

Eva Norström from the Swedish Refugee Council points out the inequality amongst people in a world where “an extreme minority has access to almost any part of the globe and take it for granted that they should have so, while the absolute majority has few opportunities to travel at all”. Norström’s conclusion from her assessment of interests in the EU is that the planned sharing of burdens in the refugee question between countries in Europe leads to a common shifting of responsibility: “burden sharing becomes burden dumping (...)”. Restrictive asylum policy has inhumane consequences, some of which unfold silently: “It affects, for example, the way interviews are conducted. Most of the questions put forward to an asylum-seeker are what I would call technical. Which way did you travel? Do you have papers? If you have papers, how come? If you don’t, how can I trust you?”. The mistrust that has found its way into accelerated administrative procedures via political stipulations reduces the refugee to a mere object. Eva Norström makes the following accusation of politicians and the media in Europe: “I remember a time when the stereotypes were that the refugee is a hero, a freedom fighter, a defender of human rights standards. But this has changed. We talk about refugees today as a burden, a threat, members of a crime group, a security risk (...)”

Refugee organisations complain that only the acute consequences, and not the causes, of migration are properly discussed at government level. They also state that the knowledge of the causes of migration, as detailed by academics and NGOs, are not consistently taken into account in foreign and security policy decisions. War and civil war are primary amongst the familiar causes of migration: violent political conflicts place people in a state of fear and lack of perspective for

potentially decades at a time. Second on the list are restrictions in economic development and extreme social imbalance, which makes dignified human existence impossible for a broad spectrum of the lower classes in many countries.

A positive role for Europe in the building up of a Euro-Mediterranean partnership can only be proven under real circumstances. Particularly the peace process in the Middle East, with the Israeli-Palestinian conflict at its centre, is linked to the process of Barcelona for better or for worse. Without political self-determination of the Palestinians including an effective guarantee of safety for Israel, the Mediterranean partnership will fail in exactly the same way the Euro-Arab Dialogue did in the 1970's or the concept of the Conference on Security and Cooperation in the Mediterranean in the 1980's. That is why human rights organisations in the Arab countries demand that the European Union step up economic pressure on the Israeli government in order to pave the way towards the establishment of a proper Palestinian state. At the same time, human rights activists in Israel warn that a one-sided approach against Israel does not take the complexity of the conflict into account and that potential terror attacks on Jewish targets should not be ruled out.

The Middle East conflict shows just how much NGOs are integrated in the polarisation of national collectives. One might hope that cooperation between civil societies could be demonstrated by NGOs defending human rights regardless of culture or origin. Reality has shown time and time again, however, that human rights activists also associate themselves with the national struggle of their country. Eyad El Sarraj, the President of the Gaza Community Mental Health Programme points out the conflict of loyalty that Palestinian intellectuals are faced with when they criticise the Palestinian National Authority for serious violations of human rights, but, at the same time, stand side by side with the PNA when demanding the setting-up of a Palestinian state. Uri Avnery, an Israeli peace activist over many years, has personal experience of political isolation, as his opinions were permanently opposed to the "national consensus": "We believe that peace must be based on the coexistence of two states, the State of Israel and the State of Palestine, that all the occupied territories of the West Bank and the Gaza strip must be lent over to the Palestinian state. We hope that Jerusalem as a united city will be a joint capital of both states. West

Jerusalem as capital of Israel and East Jerusalem as capital of Palestine. These ideas were totally outside the so-called national consensus in Israel (...)

The dialogue between Sarraj and Avnery indicates the enormous demands of a partnership of civil societies transcending national boundaries. It is the capability of becoming a “traitor”, of relativising the dictates of national loyalties, of working with the “enemy” within the context of human rights which, in political conflict, are always the rights of the “enemy” too. This is the basis for attempts to try and establish networks between Palestinian and Israeli NGOs, which would then make a daily routine of the cooperative monitoring of human rights violations and develop joint political demands out of the experiences made working together.

The contributions to the Stuttgart conference “Human Rights and Citizenship in the Mediterranean” collected here have led to a series of demands which human rights organisations from the entire Mediterranean area and from the member states of the European Union are making on the governments of the EU. The understanding shared by everyone is that the Union should orientate its foreign economic policies much more towards a political role in the Mediterranean area. A European foreign and security policy with the defence of human rights as its aim cannot shy away from taking a position in political conflicts. For this reason, the NGOs unanimously welcomed the declaration made at the Berlin EU summit on 26th March 1999, where the member states reaffirmed the non-restricted right of the Palestinians to self-determination including the founding of a state, and also mentioned explicitly that the immediate recognition of this state is included in their considerations.

It is clear from the final declaration of the Stuttgart conference that the human rights organisations, as opposed to the representatives of the European Commission who were also present, have seen no progress in the four years that have passed since the “Declaration of Barcelona”. In their opinion, in fact, quite the opposite is true – the human rights situation in the Mediterranean area has become worse. It would seem that the serious commitment of the Commission of not just rhetorically praising the NGOs as a “safety net”, but also actively supporting them in their work, is flagging. Funds which were promised within the

scope of the MEDA democracy programme have, in many cases, not yet been made available. The very existence of recognised projects to promote democracy has thus been placed in jeopardy.

As the general declarations and promises have not been put into tangible political practice, the demands made in Stuttgart are concentrated on the actual mechanisms which could be used to encourage the implementation of human rights. The conditions for economic aid should be strongly reasserted in the negotiations for the contracts of association which are being drawn up by the EU and the southern Mediterranean states. Demands are being made of the governments that the contract clauses dealing with the setting-up of financial and technological cooperation should only come into force when verifiable steps for the improvement of the human rights situation have been undertaken. NGOs recommend, in order to counter the accusation of interference in domestic affairs as made by governments in the Maghreb and Mashraq countries, that human rights organisations in the countries affected should participate in the negotiations for association. The opinion and assessments of independent groups should be heard when the legal situation of women, unions, the media, non-violent opposition or minorities is being evaluated.

The civil society option of international politics, as articulated by defenders of political, economic and social rights of the individual, brings a new element into the partnership for stability in the Mediterranean. Namely the consideration that a sustainable peace policy for long-term prosperity and security needs shared prosperity and common security for all groups in society. This new logic indicates the impatience of the human rights organisations who want to get down to the serious work of conflict resolution without wasting any more time. It is for exactly this reason that NGOs can function as a decentralised early-warning system, as their agenda is not dictated by the *raison d'état*. It is defined by the violations that people suffer to their dignity. Those responsible for foreign policy decision-making will be working to avoid the wars of tomorrow if they take the naked truth written in the reports drafted by development projects or by refugee organisations into account.

## INTRODUCTION

Oliver Schmolke

### **Que signifie: Une politique extérieure et de sécurité durable dans le bassin méditerranéen?**

Le poids politique de la défense des droits de l'homme s'accroît, ce qui n'en rend pas la prise en compte plus aisée pour autant. Cependant, le passage à des normes ambitieuses dans le domaine du droit des peuples se heurte à des difficultés qui sont de mieux en mieux comprises. Dans le même temps on voit croître une volonté politique d'établir des forums transnationaux et de stabiliser des procédures qui puissent concrétiser les postulats humanitaires de la «Communauté mondiale», pour en faire des droits revendicables et réels. Il apparaît de plus en plus clairement que la réalité sociale des droits de l'homme est en jeu. L'impatience grandit. Les déclarations d'intentions des états sont largement discréditées et sont dorénavant considérées comme des manœuvres de diversion. Tout le monde attend la mise en œuvre. L'efficacité et la transparence de l'engagement en matière des droits de l'homme sont désormais à l'ordre du jour.

En dix ans, la prise de conscience de l'échelle que représentent les droits fondamentaux de chaque individu pour la valeur de la paix n'a fait que croître. Les droits à la liberté, à l'intégrité physique et à la protection contre des poursuites, ainsi que la légitime revendication de participation à des mouvements sociaux et la formation et l'émergence de la conscience politique ont valeur de norme institutionnelle dont doivent répondre tous les gouvernements. Mieux encore, les organisations terroristes, qui utilisent la violence comme moyen politique, se trouvent dorénavant confrontées au même jugement. Les états et les mouvements de libération se discréditent chaque fois qu'ils portent atteinte à la vie ou à la dignité d'êtres humains, qui ont été déclarés «ennemis» en raison de leur origine ethnique, de leur sexe, religion ou pratiques. La logique de la défense des droits de l'homme exige que chacune des parties en conflit renonce à la violence, et c'est sur ce renoncement que pourront se fonder la reconnaissance réciproque d'une sécurité individuelle et collective ainsi que l'autodétermination.

L'explosion de la Yougoslavie, après les conflits au Proche-Orient, la question kurde et la guerre civile en Algérie, ont considérablement pesé en faveur d'une nouvelle prise de conscience dans le domaine des droits de l'homme. La guerre civile en Bosnie-Herzégovine ainsi que les crimes contre l'humanité perpétrés par des unités serbes au Kosovo forment en ce moment la trame de la discussion stratégique ambivalente qui se tient au sein de l'union européenne.

Les progrès réalisés en matière de poursuites judiciaires internationales sont une des conséquences immédiates de cette prise de conscience. Le Conseil de Sécurité des Nations Unies, par sa résolution 827 du 25 mai 93 a mis en place le Tribunal International pour crimes de guerre, à la suite des événements yougoslaves. Le président yougoslave Slobodan Milosevic vient d'être inculpé. Le mandat d'arrêt est établi pour crimes de guerre et génocide, «actions, projets, provocations et ordres» en violation de la Convention de Genève. Cependant la mise en place d'une cour internationale reconnue par tous les états et compétente pour toutes les atteintes aux droits de l'homme se heurte encore à une forte opposition. L'acte passé en 1998 à Rome par 120 états à majorité écrasante s'est heurté pourtant à 7 votes négatifs, dont ceux quasi décisifs des Etats-Unis et de la Chine, membres permanents du Conseil de Sécurité, pays autonomes en matière de sécurité et qui

continuent de se méfier d'un droit politique international. La volonté de garder des options économiques ouvertes représente certainement un handicap à l'engagement au respect d'un droit international.

Cet engagement dans la question des droits de l'homme est également controversé parmi les politiciens de la paix. Le fait que, dans le Bassin méditerranéen des hommes soient régulièrement opprimés, poursuivis et poussés à l'exil en raison de conflits politiques ou d'aléas de développement, provoque un malaise croissant parmi les élites de la politique extérieure dès que l'on pose les droits de l'homme comme principe premier, alors que ces mêmes élites favorisent une stabilité politique classique interétatique. Dès le début des opérations «Forces Alliées» où les 19 états de l'OTAN ont voulu forcer les gouvernants yougoslaves à accorder au Kosovo une autonomie substantielle, on a vu émerger un risque réel: allait-on dans le futur conduire des «guerres saintes» au nom des droits de l'homme ?

L'argument ne tient pas. La crainte d'une peur ethnique qui se transformerait en militantisme pour faire le lit d'un interventionnisme militaire «hors zone» éloigne radicalement de la défense des droits de l'homme. Le début des violences au Kosovo, prévu depuis de nombreuses années par les observateurs de l'OSCE et les collaborateurs des organisations humanitaires, et la réaction indifférenciée, concrétisée par des attaques aériennes massives, déclenchées par les membres de l'OTAN sans l'accord préalable prévu par la charte des Nations Unies, ne peuvent en aucun cas représenter un succès, mais démontrent l'absence totale d'une politique visionnaire dans le domaine des droits de l'homme.

La réaction de crise à court terme, à savoir l'utilisation de la force armée, est un inévitable remède d'urgence face au massacre des populations civiles, mais en tant qu'acte de destruction et d'énorme gaspillage, elle est toujours à considérer comme un mal, qui, même s'il est moindre, ne peut à lui seul engendrer quelque progrès que ce soit. Dans le meilleur des cas, l'escalade de la violence conduit à une prise de conscience ultime des coûts immenses de l'action militaire et contribue ainsi à mettre sur les rails le développement ultérieur de procédures de droit international et de stratégies collectives de prévention de crises. Malheureusement force est de constater que les élites internationales n'ont pas accordé à temps une attention suffisante aux droits de l'homme en Bosnie et au Kosovo.

La guerre découle toujours d'incuries. L'analyse rétrospective du temps perdu par les diplomates devrait démontrer que la prévention des conflits n'est efficace que lorsqu'il reste une marge de manœuvre. La pérennité de ses effets se constate par la possibilité de désamorcer les crises civiles. Les pessimistes diront «il faut du temps, pour que la prévention soit efficace» et les optimistes «ses effets sont durables». Il y a une conclusion réaliste : il faut absolument se mettre immédiatement au travail, utiliser les délais, faire des efforts, ce qui signifie en premier lieu un renforcement de l'OSCE et des organisations non gouvernementales actives dans le domaine des droits de l'homme. C'est contre les menaces de guerres des dix années à venir que nous devons agir aujourd'hui.

«La défense des droits de l'homme est un instrument de prévention des conflits» déclare Gerd Poppe, délégué du ministère allemand des affaires étrangères aux droits de l'homme et à l'action humanitaire durant la conférence dont il est ici question «Droits de l'homme et société civile dans le bassin méditerranéen», organisée dans le cadre du partenariat Euro-Méditerranéen par la fondation Friedrich Ebert, le réseau euro-méditerranéen des droits de l'homme et le Forum des Citoyens de la Méditerranée. L'ancien dissident d'Allemagne de l'Est, Poppe, dont le poste auprès du ministère des affaires étrangères, créé en 1998, témoigne d'une valorisation de l'engagement dans la lutte pour les droits civils, a bien résumé ce qui unit les acteurs citoyens de la «Déclaration de Barcelone»: La mise en œuvre d'une nouvelle logique dans les politiques de sécurité.

Le document de 1995, fondant un partenariat global entre l'union européenne et 12 pays de la zone sud-méditerranée a été pris au sérieux par les ONG de ce secteur. Les groupes de défense des droits de l'homme et des citoyens ont bien vu dans les termes de «création d'une zone commune de stabilité, prospérité, compréhension sociale et culturelle» une confirmation de leurs efforts, et un engagement des gouvernements à faire passer, avec l'aide essentielle des citoyens, les projets positifs, du stade même de projets à celui de véritables programmes de travail. Il y a quatre ans déjà, on s'est heurté aux contradictions existant entre les concepts et la réalisation. Ainsi, les représentants des organisations de réfugiés se sont plaints du fait qu'il n'avait pas été prévu que les états issus de l'ex-Yougoslavie puissent prendre part au processus de Barcelone, malgré leur appartenance à des régions.

Face à une mise à l'écart des Balkans pour cause de crise non résolue, les ONG ont cherché à inverser la démarche. L'offre de partenariat euro-méditerranéen devrait intervenir dès l'amorce de règlement du conflit. En effet la progression de la crise a été analysée comme une conséquence des menaces d'exclusion des programmes d'aide qui apportent une certaine stabilité.

Les organisations non gouvernementales, qui ont acquis leur expérience politique en accompagnant des réfugiés ou par le biais de l'aide humanitaire aux peuples opprimés, travaillent dans des endroits où ce sont les individus qui sont touchés par les crises. Ce qu'ils voient quotidiennement, c'est le bouleversement des vies découlant des incursions de la politique internationale. Ce que la société civile réclame, c'est la mise en oeuvre prioritaire et opérationnelle d'une politique extérieure et de sécurité durable dans le bassin méditerranéen

Le principe de la durabilité en politique extérieure désigne l'objectif supérieur, à savoir l'aide à la mise en place de structures politiques et sociales autonomes qui ne requièrent plus d'interventions extérieures. La priorité ici, c'est d'extirper dès leur naissance les éléments de crise et de guerres, avant tout guerres civiles et mouvements de sécession. Si l'on s'attaque aux causes originelles, on pourra éviter plus tard d'avoir à pendre des mesures appropriées, ou du moins, on pourra les harmoniser avec les objectifs de stabilité à long terme. La défense des droits de l'homme se trouve au cœur de cette affaire. En effet, une stabilité durable à l'intérieur comme entre états ne se développe qu'à partir de structures fondées sur le droit, garantes de la sécurité de chaque personne dans son existence même. Ceux qui perdent de vue la dignité humaine se trouvent précipités dans le militantisme armé de l'affirmation de soi. Le développement de la notion de droit est donc le commandement suprême d'un monde paix, à caractère humain, et ne fait pas moins partie du domaine de la politique de sécurité «dure».

Cette détermination normative et à long terme de la stabilité est constamment contestée. Aussi bien les états du Sud de la Méditerranée, dont les régimes établis en Algérie, Tunisie et pour partie en Egypte, et qui se battent contre des mouvements d'insurrection fondamentalistes, que les états de la communauté européenne, qui, dans les régions en crise continuent à protéger de facto des régimes policiers pour maîtriser les troubles comme les tentations de départ en masse vers des pays d'accueil, tous ces états sont prisonniers d'une politique

fondée sur la peur. La caution d'une réglementation juridique donnée par un gouvernement responsable ainsi que l'adhésion démocratique ne mettent pas en danger la cohésion sociale. Par contre elles remettent en question les privilèges de cercles dirigeants autoritaires, qui détournent les ressources publiques pour faire du clientélisme. La prétention de ces potentats de défendre au nom de la population une «spécificité culturelle» du paternalisme, par exemple la discrimination contre les femmes, saute aux yeux lorsque les femmes qui combattent pour le droit dans ces pays accèdent à la parole.

Rachida Tahiri, membre de l'association des femmes marocaines critique la représentation insuffisante des femmes dans la vie publique, et déplore en conclusion que ce manque de droits soit inscrit dans la loi même, car le droit marocain considère les femmes comme des objets soumis au contrôle des hommes, comme des mineures à protéger, et non pas comme des sujets indépendants. Même la violence contre les femmes est légalisée

L'égalité devant la loi, concrétisée par la garantie des droits devant des tribunaux indépendants, la liberté fondamentale à l'expression publique, à la participation à des réunions politiques, à l'organisation et à l'opposition non violente, le droit de vote passif et actif, la participation à des groupes sociaux qui font progresser les institutions: ces règles universelles d'autodétermination et de participation citoyenne découlent d'une philosophie de reconnaissance mutuelle en dignité et liberté. Concrètement, ce sont les conditions de la paix. Ceci devient parfaitement clair lorsqu'on s'intéresse aux questions de défense des minorités ou à la vie commune de groupes ethniques différents. Dans le conflit entre le PKK et l'état turc, à première vue il s'agit du terrorisme d'un groupe radical opérant à un niveau international, mais au fond ce qui se joue ici, c'est l'affirmation culturelle de la population kurde. En plus de la Turquie, on trouve l'Irak, l'Iran, la Syrie, ainsi que les pays du Proche-Orient, proches de l'union soviétique, pour porter massivement atteinte à ce droit, et opprimer toutes les organisations politiques kurdes qui tentent de s'organiser autour de cette violation. C'est dans ces conditions que l'on arrive en 1984 à la guerre civile en Turquie, lorsque le gouvernement lance l'armée contre une partie de sa propre population, pour atteindre le PKK.

Kerim Yildiz, avocat, travaille pour le «projet kurde des droits de l'homme» à Londres et traite des dossiers d'expulsion et de tortures

devant la cour européenne. Il rappelle, que dans ce conflit, qui pour l'heure a fait plus de 30.000 victimes, un nombre incalculable de kurdes – il parle de 4 millions de personnes – a fui à l'intérieur même de la Turquie, qu'environ 3.200 à 4.000 villages ont été détruits par l'armée turque, et que leurs habitants survivent désormais en nomades. Dans ce cas, le gouvernement turc va à l'encontre non seulement des décisions de la convention de Genève mais à l'encontre de ses propres lois. Yildiz cloue au pilori les états de l'Union Européenne et la «communauté mondiale», il les engage à agir avec rigueur face à cette provocation, à en appeler à la responsabilité de la Turquie pour donner aux Kurdes une plate-forme internationale de règlement paisible et démocratique. Qui plus est, le droit d'asile des kurdes ne serait plus garanti, dans la mesure où l'Allemagne et le Royaume Uni posent comme principe que les Kurdes sont plus en sécurité dans les grandes villes turques. Certains cas bien documentés démontrent que l'expulsion du territoire allemand a été suivie immédiatement d'une arrestation par les officiers de sécurité turcs sur les aéroports, entraînant ensuite interrogatoires, tortures et emprisonnement.

Avant de pouvoir vraiment discuter du rôle de l'Europe dans le désamorçage des conflits la zone Sud, il faut que soient clairement précisées les obligations que se donnent les 15 membres de la communauté européenne ainsi que les promesses qu'ils font en terme de politique intérieure dans le cadre de ce partenariat euro-méditerranéen. Les réfugiés et les populations nomadisées qui vivent en Europe doivent avoir des conditions de vie dignes; entre autre, le droit à être protégé de poursuites, comme il l'est précisé dans l'article 14 de la déclaration commune des droits de l'homme. Ce droit, d'après les critiques des pays du sud de la Méditerranée reste encore au stade de la rhétorique.

La politique renforcée de réduction des flux migratoires entraîne la perte de substance des critères du droit d'asile en Europe, et s'est également introduite dans la «Déclaration de Barcelone». On y lit «les états signataires s'accordent à renforcer leur collaboration pour réduire la pression des flux migratoires». Cette pratique entre, elle aussi, en contradiction avec l'idée d'un partenariat.

Eva Norström, du conseil suédois pour les réfugiés, rappelle l'inégalité qui règne entre les hommes dans un monde où «une minorité extrêmement réduite a accès à presque tous les endroits du globe, et considère ce fait comme allant de soi, alors que la grande majorité des

hommes n'a aucune chance de jamais pouvoir voyager. Norström conclut qu'en raison de leurs intérêts respectifs, à savoir un équilibre entre les différents pays d'Europe, les pays de la communauté finissent par démissionner globalement de leur responsabilité envers les réfugiés. «Le partage des fardeaux tourne en rejet commun du fardeau». Cette politique restrictive du droit d'asile aurait des conséquences inhumaines, qui pour la plupart se développent dans l'ombre. Cela concerne par exemple la façon dont sont menées les entrevues avec les demandeurs de droit d'asile. «Je dirais que la plupart des questions sont techniques. Quel itinéraire avez-vous emprunté pour rentrer dans le pays ? Avez-vous des papiers ? Si vous avez des papiers, comment cela se fait-il ? Si vous n'en avez pas, comment pouvons-nous vous croire?» La méfiance, implantée par facteurs politiques dans les procédures d'urgence mises en place par les administrations, rabaisse les réfugiés au statut d'objets. Eva Nordström accuse les politiciens et les médias européens: «je me souviens de l'époque où le stéréotype c'était: les réfugiés sont des héros, des combattants de la liberté, des défenseurs des droits de l'homme. Les choses ont bien changé, nous parlons aujourd'hui des réfugiés comme d'une charge, d'une menace, comme de membres d'organisations criminelles, d'un risque sur le plan de la sécurité».

Les organisations d'aide aux réfugiés se plaignent qu'au niveau gouvernemental on ne traite que les questions d'urgence et non pas les causes de ces migrations, et que la réflexion sur les raisons de l'exil, telles que les scientifiques et les ONG les rapportent, ne sont pas prises en compte de façon systématique dans les décisions de politique extérieure et de sécurité des territoires. Parmi les causes les plus connues, il faut citer d'abord les guerres et surtout les guerres civiles, les conflits politiques à caractère violent qui, depuis des décennies, maintiennent des êtres humains dans une atmosphère de peur et d'absence d'avenir. En second lieu, il faut évoquer les raisons économiques et les inégalités sociales extrêmes, qui pour une grande majorité de populations exclut toute possibilité de vivre dignement.

Le rôle positif de l'Europe dans la construction du partenariat euro-méditerranéen ne peut faire ses preuves que dans un cas concret. C'est avant tout le processus de paix au Proche-Orient, au cœur duquel on trouve le conflit Israélo-Palestinien, qui est lié au processus de Barcelone et laissé à la grâce de Dieu. Sans l'autodétermination politique

des palestiniens pour une garantie réelle de la sécurité israélienne, ce partenariat méditerranéen échouera aussi sûrement que le dialogue Euro-Arabe des années 70 et que, dans les années 80, l'idée d'une conférence pour la sécurité et la coopération dans le bassin méditerranéen.

Dans les pays arabes, les organisations de défense des droits de l'homme mettent l'union européenne en demeure d'augmenter la pression économique sur le gouvernement israélien, afin de libérer un espace pour l'établissement d'un état palestinien viable. Dans le même temps cependant, les tenants des droits de l'homme israéliens attirent l'attention sur l'erreur qu'il y aurait à exercer une action uniquement contre Israël, renforçant ainsi la complexité du conflit et à négliger les menaces de terrorisme contre des objectifs juifs.

Le conflit du Proche-Orient montre bien à quel point les ONG sont attirées par la polarité des collectifs nationaux. S'il y a bien l'espoir qu'une collaboration sociale et civile conduise les ONG à défendre les droits des êtres humains en toute indépendance par rapport à leurs propres origines ethniques et culturelles, dans la réalité pourtant, on constate régulièrement que les participants aux combats pour les droits de l'homme s'identifient aux combats nationaux de leurs pays. Eyad el Sarraj, président du programme de santé mentale de la communauté de Gaza attire l'attention sur les conflits de loyauté dans lesquels se débattent les intellectuels palestiniens, chaque fois qu'ils critiquent l'autorité nationale palestinienne pour atteintes graves aux droits de l'homme, alors que dans le même temps ils se retrouvent côte à côte avec le PNA pour réclamer l'établissement de l'état palestinien. Uri Avnery, activiste israélien pour la paix depuis de nombreuses années, parle de l'isolement politique par expérience personnelle, lorsqu'il considère sa position pour une coexistence continue hors du «consensus national»: (Nous pensons que la paix doit être fondée sur la coexistence de deux états, l'état d'Israël et l'état de Palestine, nous pensons que les territoires occupés de la rive gauche et de la bande de Gaza doivent être rendus à l'état palestinien. Nous espérons que Jérusalem, ville réunifiée, sera la capitale conjointe des deux états. Jérusalem-ouest, capitale d'Israël, et Jérusalem Est, capitale de la Palestine. Ces idées étaient totalement étrangères à ce que l'on appelle «consensus national» en Israël).

Ce dialogue entre Sarraj et Avnery montre où se situe l'énorme exigence d'un tel partenariat citoyen et social, qui contournerait les

frontières nationales. C'est la capacité à «trahir», à relativiser les exigences de loyauté nationale, à travailler «avec l'ennemi» pour les droits indivisibles de l'être humain, qui dans les conflits politiques sont toujours également les droits des autres. Dans cette perspective, des ONG israéliennes et palestiniennes ont tenté d'établir des réseaux qui intégreraient le suivi conjoint des atteintes aux droits de l'homme dans leur routine quotidienne, afin de fonder sur une pratique professionnelle des exigences politiques communes.

Les contributions à la conférence de Stuttgart sur les «droits de l'homme et citoyenneté dans le bassin méditerranéen» réunies ici convergent en une série d'exigences que les organisations de défense des droits de l'homme de ce bassin et des pays membres de l'Union Européenne adressent aux gouvernements de la communauté européenne. Ce que tous comprennent, c'est que l'union doit lier plus étroitement la détermination de sa politique économique extérieure à son rôle politique dans le bassin méditerranéen. Une politique européenne extérieure et de sécurité, qui se donne comme objectif la protection des droits de l'homme, ne doit pas craindre de prendre position dans des conflits politiques. Les ONG saluent de façon unanime la déclaration du sommet de Berlin du 26 mars 99, selon laquelle les états membres confirment le droit non restreint des palestiniens à l'auto-détermination et à la fondation d'un état et mentionne de façon expresse que la reconnaissance immédiate de cet état sera prise en considération.

On se rend compte en lisant les conclusions de la conférence de Stuttgart que les organisations de défense des droits de l'homme en désaccord avec les représentants de la Commission européenne, ne constatent aucun progrès réel depuis 4 ans, depuis la «Déclaration de Barcelone». Au contraire, la condition des droits de l'homme se serait détériorée dans le bassin méditerranéen. Le sérieux qu'apporte la commission, non seulement à louer les ONG en tant que «filets de sécurité» mais également à les épauler dans leur travail commun semble s'effriter: en effet les aides financières, déjà octroyées dans le cadre du programme MEDA-Démocratie, n'ont pas encore été toutes versées. C'est ainsi que la réalisation même de projets reconnus comme efficaces pour la promotion de la démocratie se retrouve mise en question.

Comme les déclarations générales et promesses ne se sont pas concrétisées dans la pratique politique, les exigences de Stuttgart se

focalisent sur des mécanismes concrets, qui feront progresser la mise en place des normes du droit des peuples. Les conditions d'octroi d'aide économique doivent être renforcées chaque fois que les pays membres de l'Union Européenne et les pays du bassin méditerranéen concluront des contrats. On exigera que les contrats de coopération passés par les gouvernements dans les domaines technologiques et financiers ne puissent prendre effet qu'après que des mesures concrètes et vérifiables aient été prises pour améliorer la situation des droits de l'homme. Afin d'éviter le reproche d'ingérence dans les affaires intérieures, reproche régulièrement émis par les pays du Maghreb et du Mashreck, les ONG recommandent d'intégrer aux négociations officielles les organisations locales de défense des droits de l'homme. Des groupes indépendants évalueront les droits des femmes, les droits des syndicats, des médias, des groupes d'opposition non-violents ou des minorités.

L'option citoyenne en politique internationale, prônée par les défenseurs des droits individuels sur les plans économiques, politiques et sociaux, apporte quelque chose de nouveau à la notion de partenariat dans le bassin méditerranéen: l'idée d'une politique de paix durable, qui installerait un bien être et une sécurité pérennes avec un bien-être partagé mais une sécurité commune à tous les groupes sociaux, répondant ainsi à l'exigence de plus en plus urgente des organisations de défense des droits de l'homme qui veut que soit prise au sérieux et dans les meilleurs délais la résolution des conflits civils. Les ONG fonctionnent déjà comme des signaux d'alarmes avancés et décentralisés, leur action n'est pas dictée par la raison d'état mais par les atteintes portées à la dignité humaine. Chaque fois que les décideurs en matière de politique extérieure et dans le cadre de projets de développement ou par l'intermédiaire d'organisations d'aide aux réfugiés prennent connaissance de la vérité brute, ils travaillent à éviter les guerres de demain.

## OPENING SESSION

Ernst-J. Kerbusch

**“Those who disagree with us are not enemies,  
but partners.”**

Ladies and Gentlemen, I should like to welcome you very cordially on behalf of the Friedrich Ebert Stiftung to our Forum “Human Rights and Citizenship in the Mediterranean”. This meeting forms part of the well-established tradition of accompanying the Conference of Foreign Ministers of EU Member States with their neighbouring and partner States in the Mediterranean within the framework of the so-called Barcelona process – an agreement under which 27 States with very different histories and the most diverse concepts in social policy have committed themselves to close co-operation with each other and to peaceful

resolution of possible conflicts.

We are particularly pleased that there will be the opportunity of presenting the final results at the end of our discussions to representatives of the Conference of Foreign Ministers, thus demonstrating that the States of Europe and the Mediterranean do not consist of governments alone, but of an active civil society which is standing up for its rights and interests and exerting an influence on what those “at the top” decide and do.

The Friedrich-Ebert-Stiftung, ladies and gentlemen, is one of the five political foundations in Germany. Each of these foundations is close to one of the political parties represented in the German Parliament, yet does not depend on this party. The Friedrich-Ebert-Stiftung, having been established as early as 1925, is the oldest of these foundations – one might say the model which has set the standards for political foundations. Even though attempts have been made in many countries world-wide, especially in the western industrialised countries, at

Ernst-J. Kerbusch

copying the system of political foundations in Germany, nowhere else has such a highly developed instrument for accompanying governmental domestic and foreign policy emerged from amongst the institutions with close links to a specific political party: being both an instrument for promoting our own democracy at home and representing the foreign and development policy concepts of societal forces in Germany with the aim of supplementing, strengthening and expanding the foreign policy of whatever government is in power.

The Friedrich-Ebert-Stiftung is active today in some one hundred States world-wide, seeking to promote peace, democracy and development in co-operation with like-minded partners. Representations of the Foundation exist in most of the countries in the Mediterranean, and I should like to invite you cordially to get in touch and to co-operate with them so that our meeting today will not remain a one-off event but the beginning of a more extensive partnership.

Ladies and gentlemen, the community of nations pointed the way in 1948 by adopting the Universal Declaration of Human Rights. Yet this does not automatically guarantee world-wide compliance. There are still some countries in which those who stand up for human rights are exposed to considerable risks. Participants of this meeting have therefore requested not to compile a list of participants. We have met their request – please bear with us on this point.

Peace, democracy and development, ladies and gentlemen, are not yet a reality in all parts of the world. Human rights are not always the guiding principle of political action – and this also applies to Europe and the Mediterranean. We do not even have peace. The Kosovo conflict is dominating public discourse. However, war is not the moment of freedom, nor of development, and it is certainly not the moment of human rights. Willy Brandt, our great model and one of the outstanding personalities in politics, perhaps the most important internationalist in the second half of this century, wrote to his friends in the Socialist International shortly before his death: peace is not everything, yet without peace everything comes to nothing. The exhortation of this message is directed both to those who carry responsibility in politics and to all of us who seek to influence decision-makers through our votes. Freedom, justice and solidarity for all human beings are the fundamental values of the party that I belong to, the Social Democratic Party of Germany. There are no differences, or only subtle ones, be-

tween those and the fundamental values of other democratic parties. They should be supplemented in our contemporary world by the right to development for all peoples and individuals.

If we take these values seriously, if they come first in everything we do, then there is nothing more important than declaring war on war; war as a political method must be banned. I am aware of the fact that this describes a remote Utopia. The United Nations is still far from becoming a world peace organisation. But I repeat Willy Brandt's exhortation: without peace everything comes to nothing.

Please allow me in this context to comment on our work together at this conference. First of all, let me apologise for the fact that in some cases invitations were sent out rather late. The Friedrich-Ebert-Stiftung had only little time for preparing this meeting. We appreciate very much the involvement of our co-organisers, the Euro-Mediterranean Human Rights Network and the Forum des Citoyens de la Méditerranée in compiling the list of guests to be invited and in preparing the programme. Yet we have probably not been able to meet all requests and expectations. Please bear with us.

Finally, I have to thank both the European Union, which has made this meeting possible with a generous grant, and the German Federal Government, which has not only welcomed our coming together with pleasure and satisfaction but will engage actively in this dialogue here in Stuttgart within the framework of the concluding final event for all civil society activities. A word of gratitude is also due to the Presidium of the Parliament of Baden-Württemberg, which kindly made available the premises of the "Haus der Demokratie", the Parliament of the Federal State of Baden-Württemberg, whose guests we are today.

Freedom, let me say this in conclusion, always includes the freedom of those in dissent. This was, in fact, said by Rosa Luxemburg, a German socialist from the turn of the century, who was assassinated by nationalist militia in 1919. Let us ensure in our discussions that those who disagree with us are not regarded as enemies but as partners who make use of the human right of free speech to which they are entitled. In this spirit I should like to wish you a useful and fruitful dialogue.

## **“Human rights constitute an instrument of conflict prevention”**

Gerd Poppe

Ladies and Gentlemen, my first words of gratitude – also on behalf of Foreign Minister Fischer – go to the host of this meeting, the State Parliament of the Federal State of Baden-Württemberg, which has made this conference possible by generously providing the conference facilities and by assisting in its organisation. Moreover, I should like to thank the organisers, the Friedrich-Ebert-Stiftung, which for some decades now has merited praise for its world-wide engagement in a great number of countries with the aim of expanding democratic institutions and supporting non-governmental organisations. Equally, a word of gratitude goes to the co-organisers, the Euro-Mediterranean Human Rights Network and the

Forum des Citoyens de la Méditerranée. Their very existence and their commendable activities are proof of the fact that the involvement of the civil society in the Euro-Mediterranean Partnership, which was desired by the member States of the Barcelona process, is indeed possible and is alive today.

The new Federal Government has identified respect for and realisation of human rights, both nationally and internationally, as one of the fundamental features of its policy. This is why I am particularly pleased by the fact that the Third Europe-Mediterranean Conference of Foreign Ministers is taking place in parallel with a meeting of representatives of those societal groups which are concentrating especially on the issue of human rights. At today's Conference of Foreign Ministers, the Federal Government will use all its energy to once again commit all participants to strengthening democracy and respecting human rights. I hope that this meeting in turn will accompany and support this political process by both strengthening co-operation between the civil societies themselves and by stimulating the human rights dimension of the Barcelona process at government level.

Ladies and gentlemen, the Barcelona Declaration has established respect for human rights as one of the fundamental elements in the Euro-Mediterranean dialogue. This is why protecting and promoting human rights has been and will remain a component part of the Barcelona process. From the beginning of the process, human rights issues have been discussed, and views exchanged about them, on a continuous and increasingly intensive basis. The 27 partners have consistently focussed on human rights at the conferences of Ministers and at meetings of the senior civil servants. The exchange of information about signatory and ratification procedures was concluded. In January 1997, the workshop for the foundation of the Euro-Mediterranean Human Rights Network took place in Copenhagen with support from member States. And in May 1998, the then British EU-Presidency organised the Conference "Strengthening Democracy and Respect for Human Rights" in Wilton Park for government representatives and non-governmental organisations from the member States of the Euro-Mediterranean Partnership. The meeting of experts from the Barcelona States on the issue "Migration as Human Exchanges" in March 1999 in The Hague, with its focus on measures against racism, had an equally strong emphasis on human rights. The Ministries of Justice of Morocco and Spain will prepare a seminar on human rights in the justice systems of the member States as part of the Barcelona process.

As far as the European Union is concerned, the development of democracy and human rights is given pride of place within the MEDA programme, the financial arm of the EU for the Euro-Mediterranean Partnership. In this context, the EU seeks to allocate the funds from this programme earmarked for the promotion of human rights in a way which also benefits the civil society. A human rights clause forms a constituent part of the association agreements of the new type which the EU has already concluded with several Mediterranean countries and wants to conclude with others.

But there are other EU activities which benefit human rights in the Mediterranean region: the "European Year against Racism and Xenophobia" in 1997 motivated the societies and governments of the EU member States to confront these phenomena with greater vigour. It is in particular migrants who suffer from racially-motivated attacks and hostile attitudes vis-à-vis foreigners, and numerous migrants in the EU come from the Mediterranean. The European Year has brought about

many and various initiatives which are continuing to bear fruit in society. As far as Germany is concerned, the “Forum against Racism and Xenophobia” needs to be mentioned as it unites all the governmental and non-governmental players involved in campaigns against racism and xenophobia. The European Preparatory Process for the UN-World Conference against Racism, co-ordinated by the Council of Europe, will also have an impact on the Mediterranean region. In this, the EU is particularly committed to a closer exchange with other regional preparatory processes.

Ladies and gentlemen, bitter experience has taught the community of States that the protection of human rights must become an indispensable part of any secure peace and any system of social justice. Where human dignity is trampled underfoot, where social injustice divides society, where the rule of law is replaced by arbitrary action, the foundation is laid for violent conflicts. Conversely, it holds true that human rights policies constitute one of the most important instruments of conflict prevention. The implementation of human rights as “the foundation of every human society, of peace and justice in the world”, as defined in the Universal Declaration of Human Rights, is therefore not only morally imperative, but in our own best interest – the alternatives would be war, deprivation, destruction and indescribable human suffering. Tragically, the genocide in Kosovo and the displacement of its inhabitants are cases in point.

The participating States of the Euro-Mediterranean Partnership are bearing this in mind. It is not by accident that the Barcelona process links questions of political security to the strengthening of democracy and respect for human rights. Yet it would be too much for governments if they were expected to realise democracy and human rights single-handed. What really counts is the participation of the whole of society.

The experience of the CSCE process – even though not directly applicable to the Euro-Mediterranean Partnership – is proof of the degree of political change which can be triggered by the civil society. That experience is also a good illustration of the interaction between international politics and processes of transformation in society. Thus the CSCE Final Act of Helsinki supported and strengthened the eastern European civil rights groups because it provided the legal grounds on which they could request human rights standards from their own

governments. And without the persistent engagement of these groups, the radical changes of the year 1989 would hardly have been conceivable.

Ladies and gentlemen, the status of human rights and opportunities for improving it cannot and should not be discussed with disregard of the societal and political structures of the State concerned. The protection of human rights does not take place in a vacuum but forms part of a diverse, complex and often contradictory social reality. The very existence of a civil society, or its establishment, therefore makes all the difference where progress in the field of human rights is concerned.

Violations of human rights do not exclusively occur on the part of the State, nor can they be fought by the State alone. Racism and xenophobia, to the degree experienced in many parts of Europe, are primarily societal phenomena, which therefore cannot be effectively halted by the State alone but require an involvement on the part of society. But even in cases where State action intentionally aims at violating the rights of individuals, non-governmental organisations play a crucial role in containing these violations. Wherever a “critical mass” of the population speaks up clearly and loudly against such arbitrary action by the State, instruments of State repression aimed at preserving absolute power structures will sooner or later be doomed to failure.

As demonstrated not only by the eastern and central European experiences – the demand for ending violations of fundamental human rights is frequently merely a first step towards a more comprehensive political transformation. A perception of humanity oriented towards (and I quote from the Universal Declaration of Human Rights) “the recognition” that “the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world” incorporates both: self-determination of the individual by protecting his or her personal freedom and ensuring the right of participation in the decision-making process of the State. Seen in this light, human rights and democracy are like twin brothers with common roots.

Ladies and gentlemen, fundamental rights of individuals are still being violated in many States on the globe. But there is clear proof of the fact that the system of political values is undergoing a change in this respect. Those in government who are opposing human rights standards are no longer supported, they are the pariahs in the community of States. Denying severe violations of human rights will be of no avail in

cases where national and transnational human rights networks have the opportunity of responding in information campaigns. Even to refer to “non-intervention into internal affairs” no longer suffices to calm down public criticism at the international level.

Let me briefly refer to the response of the community of States to the political atrocity of ethnic cleansing in Kosovo in this context. I do not intend to go into the pros and cons of current political and military strategies in connection with this atrocious policy, but to comment on the 55th meeting of the Human Rights Commission of the United Nations in Geneva, from which I have just returned.

At that meeting, a resolution unambiguously condemning the Serb policy was adopted two days ago, which had been jointly submitted by Islamic and European States, including many involved in the Barcelona process, by an overwhelming majority of all States represented in the Human Rights Commission (with one vote against and few abstentions). This can certainly be taken as a clear sign from the community of States that severe violations of human rights are not seen as the internal affair of individual States, but that they must be taken seriously as a concern of all of us.

This example inspires hope that attempts to define the content of human rights in relative terms – either for ideological reasons as in communist times or by referring to an allegedly different perception of human rights owing to cultural idiosyncrasies in specific regions or religions – will be doomed to failure in the longer term. There is no justification whatsoever for ethnic cleansing, nor for torture or discrimination on grounds of race or gender. Nobody can ignore the fact that a set of universal and inalienable rights exists which every individual – irrespective of nationality, race or religion – is entitled to, as laid down in binding form in international law.

Ladies and gentlemen, Eleanor Roosevelt once said “human rights begin in small places”. The important role of the civil society could not be described in more precise and concise terms. It is indispensable as a “transmission belt” to make human rights standards come to life and become reality. It is the basis for inspiring, controlling and correcting State action. Moreover, it plays a crucial role in cross-border transfer of knowledge, as I am sure will be reconfirmed at this meeting.

It must therefore be one of the critical tasks of governmental human rights policy to support those forces in society which have made the

protection of human rights their personal concern, both at home and elsewhere. It is my firm conviction that a strong functioning civil society is in the best interest of any State because only then can the different interests be balanced in society, guaranteeing both national and international stability for good.

The twentieth century has been and continues to be characterised by the most severe violations of human rights. In the light of current events, you may be inclined to believe that humanity will never learn its lesson. But there are, as I have tried to explain, indications of a growing sensitivity in all parts of the world to give greater recognition to human rights. Let us work together and use the opportunity of ensuring that the next century will become the “Century of Human Rights” – as many have proclaimed and even more are yearning for.

## **“The European partners have to live up to their commitment”**

Mr Chairman from the Friedrich Ebert Foundation, Mr Commissioner for Human Rights at the German Foreign Ministry. And I would also like to welcome all of you, my comrades in the fight for civil rights and human rights. Last night I did not really expect to speak this morning. The Friedrich Ebert Foundation, however, asked me to replace Hanan Ashrawi, who could unfortunately not attend this meeting. So I would like to speak on her behalf in order to open this conference.

Hanan Ashrawi, of course, is well known all over the world. She has indeed always fought for a just peace in Palestine and also for the respect of human rights all over this world. So I would like to start by pointing out the close relationship between the respect for human rights and peace, the peace in the Mediterranean in particular.

Unfortunately, and to my deep regret, we have to note that everywhere and particularly in this region there are long-term conflicts in the East, South and also in the North, conflicts which have a very negative impact on ordinary and day-to-day life in this region. And it is indeed extremely difficult to uphold and respect human rights under these conditions. We don't have to go as far as the southern Mediterranean, because in Kosovo we now see the human tragedy that is taking place. I don't think I have to mention this in any great detail; you are all familiar with what is happening. Although terrible violations of human rights are happening there, which led of course to NATO intervention, quite a number of members of NATO are still not prepared to sign the important agreement which was presented in Rome, which is aimed at protecting human rights everywhere. I am talking about the establishment of an International Court of Human Rights. Possibly, this agreement could make it possible even tomorrow,

Abdelaziz Bennani

that the perpetrators of those violations of human rights in Kosovo and elsewhere could be taken to court.

For several decades now Israel and Palestine have been in a state of siege. Hundreds and thousands of people have been evicted from their homelands. The land has been taken away from them, their homes destroyed. Arbitrary acts of arrest are taking place on the part of Israel and the State of Israel. Even the most important legal institutions and government institutions of this state, which considers itself a state under the rule of law, have also contributed to the violation of those human rights. And despite the many attempts to bring the peace process forward, there has not been any success so far, there has been no solution to these conflicts. So in three weeks' time, when the interim period is concluded, you won't even be able to talk about the Oslo process anymore.

I think the violations on the part of Israel are quite evident. Even the most basic rights, which are based in the Geneva Convention, are not respected. Now, how is Europe going to react to this situation? Under the Euro-Mediterranean framework an association agreement has been reached with Israel. My question is: Is it still possible to uphold that agreement without discriminating against the other partners in the Mediterranean? The same question has to be asked in the case of the violation of the Barcelona principles in Turkey: When will the Kurds be able to live in peace and when will this violation against their human rights stop and how will Europe react to this?

For more than seven years in the South now we have seen a situation where hundreds of thousands of Algerians have been killed in the most terrible way. The so-called Islamist groups have killed them and murdered them. We don't know what has happened to hundreds of thousands of people who have just vanished. The NGOs fighting for and promoting human rights have not had the opportunity to try and find out what happened to these people. We also are hoping for free and open elections in Algeria but since yesterday we have lost faith. The Barcelona process changes only to a minor extent the situation in this state. Irrespective of the armed conflict in this country – the state really disrespects the commitment entered into in the Barcelona process.

Ladies and gentlemen, we are trying to fight for human rights and the respect of human rights. But, of course, we should not delude

ourselves in a forum like this. Of course we are trying to seize the opportunity that has been given to us to point out once again that Europe is facing a tremendous challenge at the moment. Especially in the southern states of Europe we see that the civil society is jeopardised. Four years after the Barcelona Declaration we now see that the process that was sparked off by the Barcelona Conference and the Barcelona Declaration will indeed bear fruit. But, however, at the same time we see that we have to go beyond this process which at the moment seems to be stagnating. The European partners have to be true and live up to their commitment. They have to fight for the establishment of peace, which of course is the main prerequisite for the respect of human rights and basic liberties.

I would like to add another thought to this introductory comment: the security concept that is established in the Barcelona Declaration. We who are promoting human rights believe that security is vital but that the interests of security can never be established by force because this once again will lead to a violation of human rights. So a security established by violating human rights is highly unstable indeed. Whereas Europe, of course, likes to establish and would like to see a very stable situation in the Mediterranean. We are really fighting and promoting a different type of security, namely a security in the state of law. In the light of the Barcelona Declaration, the Europeans will indeed promote the establishment of a state of law, but we are not deluding ourselves. Basically it is the civil society of the southern and the eastern Mediterranean who will have to fight for democracy and the respect of human rights in their respective countries. They are fully aware that there can be no true civil society if the foundations of such a civil society have not been laid beforehand. In this context we are mainly concerned about the freedom of opinion and expression and the freedom of association. Unfortunately, these basic civil rights and liberties are not respected by the partners of the Euro-Mediterranean Agreement in the southern and eastern Mediterranean.

Ladies and gentlemen, since I am speaking here on behalf of Mrs Ashrawi, I could not really talk in detail about our network, the Euro-Mediterranean Human Rights Network. This network consists of many different nations, and do believe me, this is a very lively and active network promoting active co-operation between the organisations of the South and the North. So, for the very first time there is a true

partnership being established. A partnership in the framework of a civil society in the Mediterranean.

Ladies and gentlemen, concluding my introductory comments, I would just like to add two comments. First of all, I am very satisfied, and the Friedrich Ebert Foundation can also be very satisfied and happy indeed, because since the Barcelona Agreement was signed independent and non-governmental organisations have been taking action. They are meeting at a conference which is being opened today, and a conference which is taking place in addition to the meeting of the Foreign Ministers. You know that it does not always take place in such a way, at least it is not the case in most of the countries that are represented here. In Barcelona most of the representatives of the so-called civil society were not even present. So the presence, the mere presence of those organisations today, I think, is a good sign, and I would like to thank the Friedrich Ebert Foundation for having made this possible. You jointly, together with the Forum des Citoyens de la Méditerranée and the Euro-Mediterranean Human Rights Network created such a Human Rights Forum. You have made this conference possible, which I think is really a very encouraging first step. I do hope that this co-operation will continue, not just in the socio-economic context, but that we will also be given an opportunity to promote the respect of human rights, because we are all convinced that taking part in an economic process cannot be separated from participation in a social process and development. The respect of human rights and the development and strengthening of democracy are not just a basic value – in which we truly believe – but these are just, vital prerequisites in order to ensure further development in the region. I do hope that our work will bear fruit.

# I. HUMAN RIGHTS UNDER POLITICAL CONFLICT

## 1. The Middle East Peace Process: Crisis and Perspectives

### *Summary*

Human rights need a political, economic and social basis, a basis which is destroyed in violent conflicts. Peace is the political prerequisite for the comprehensive development of human rights standards, which involve both economic prosperity and social emancipation to the same extent. In the Israeli-Palestinian and Israeli-Arab conflict, peace means the recognition and implementation of national self-determination. This includes the right to live in a proper state i.e. the right of the Palestinians to realise their state sovereignty. The current crisis in the peace process stems from the refusal of the Netanjahu government to keep to the agreements that have been signed and to continue with the withdrawal from the occupied territories. Time is a decisive factor, as the Israeli government is legalising new settlements and is continuing to take property away from and force out the Palestinian population in East Jerusalem.

Ilan Halevi from the Palestinian National Authority argues that the State of Palestine was, in line with international law, founded in 1988 so that the interim period after the peace agreement between Israel and the PLO can be seen as a five year suspension of state sovereignty. According to the treaty, the PNA has the right to implement procedures for the founding of a state as of 4th May 1999. Halevi, Isabelle Avran and Uri Avnery call upon the European Union to exercise economic pressure on Israel to stop the construction of the settlements. At the same time, the EU should implement the declaration made at the Berlin summit of 26th March 1999 to formally recognise and actively encourage the founding of the Palestinian state. The Euro-Mediterranean Partnership would make Europe's stronger influence legitimate.

Diego de Ojeda from the European Commission, however, relativises the possibility that the EU has to exert an influence. He states that mutual recognition by the conflicting parties is much more important than pressure from outside. NGOs are, he says, the "safety net" at times

when governments fail. Palestinian and Arab NGOs should stop exercising caution and actively look for contact to Israeli human rights activists. Yitzhak Frankenthal reports, in this context, of his project where Palestinian and Israeli parents who have lost their children through violence learn respect for each other's mourning.

Uri Avnery and Eyad el Sarraj demonstrate clear perspectives. Avnery details the struggle that peace activists in Israel are faced with when trying to establish a majority for their concept of co-existence – the State of Israel and the State of Palestine side by side with Jerusalem as the capital city of both States. Sarraj calls for the democratisation of Palestinian society where, despite the struggle for freedom, a “conspiracy of silence” concerning torture and arbitrary rule may not be allowed to exist.

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# I. LES DROITS DE L'HOMME DANS LE CONFLIT POLITIQUE

## 1. Le Processus de Paix au Proche Orient: Crise et Perspectives

### *Sommaire*

Les droits de l'homme ont besoin d'une base politique, économique et sociale, qui se trouve détruite lorsqu'éclatent des conflits marqués par la violence. Assurer la paix est la condition politique au développement important de normes en matière des droits de l'Homme, qui doivent englober de manière égale prospérité économique et émancipation sociale. Dans le conflit israélo-palestinien et israélo-arabe, la paix signifie la reconnaissance réelle du droit national à l'autodétermination. Ceci inclut le droit de vivre dans un Etat indépendant, autrement dit le droit pour les Palestiniens de réaliser leur souveraineté nationale. La crise actuelle du processus de paix remonte au refus du gouvernement Netanjahu de respecter les accords signés et de poursuivre le retrait des régions occupées par Israël. Le temps est un facteur déterminant, puisque le gouvernement israélien légalise de nouvelles colonies et continue à exproprier et à repousser la population palestinienne, particulièrement à Jérusalem Est.

Pour Ilan Halevi, représentant la Palestinian National Authority, l'Etat de Palestine a été fondé dès 1988 en conformité avec le droit international, de sorte que la période d'interim, après l'accord de paix entre Israël et l'OLP correspond à une mise hors vigueur de la souveraineté nationale pendant cinq ans. Depuis le 4 mai 1999, la PNA, conformément au traité, a la possibilité de mettre en œuvre la création de l'Etat. Halevi, Isabelle Avran et Uri Avnery en appellent à l'Union Européenne, pour exercer une pression économique sur Israël de manière à stopper la construction des colonies juives. Parallèlement à cela, l'Union Européenne doit mettre en application la déclaration du Sommet de Berlin du 26 mars 1999, reconnaître formellement la création de l'Etat de Palestine et la soutenir activement. Selon eux, le partenariat euro-méditerranéen rend légitime une influence de plus en plus grande de l'Europe.

De son côté, Diego de Ojeda, de la Commission Européenne, relativise les possibilités d'influence de l'Union Européenne. Pour lui, la reconnaissance mutuelle des parties en conflit est plus importante qu'une pression venant de l'extérieur. Il considère que les ONG jouent le rôle de «safety net» lorsque les gouvernements ne remplissent pas leur rôle. Les ONG palestiniennes et arabes devraient sortir de leur réserve et chercher délibérément le contact avec les défenseurs des Droits de l'Homme israéliens. Yitzhak Frankenthal nous parle ici de son projet, dans lequel des parents palestiniens et israéliens, qui ont perdu des enfants victimes de la violence, respectent leur deuil.

Uri Avnery et Eyad el Sarraj laissent entrevoir des perspectives claires. Avnery parle du combat que mènent les activistes de la paix en Israël pour essayer de rallier une majorité de gens à leur concept de coexistence entre les deux pays: l'Etat d'Israël et l'Etat de Palestine côte à côte avec Jérusalem comme capitale commune. Sarraj réclame la démocratisation de la société palestinienne, dans laquelle, malgré le combat pour la liberté, il ne devrait y avoir aucune «conspiracy of silence» au sujet des tortures et des arrestations arbitraires.

## Uri Avnery, Israel

I have been thinking all this morning looking through the window at the beautiful landscape outside, how difficult it is when you are in a conference like this – everyone is very polite and very nice – to imagine the situation in the places which we are talking about. That at this very moment nearly a million people in Kosovo and the adjoining countries are existing in the most terrible situation, having lost overnight everything which makes human existence worth living. It is difficult to think about the Kurdish people, and of course, to imagine what is happening in Palestine.

Uri Avnery

It has been said today that human rights are not possible without peace. I would like to add a third element to this: national freedom, national independence and the right to live in a state which belongs to you, to which you feel connected. And therefore, human rights and peace and national identity and freedom are three things bound together. There can be no discussion about human rights without addressing the political basis of human rights.

We in Israel have elections next month. No one knows what the outcome will be. But everything in Israel lives now in the shadow of these elections.

I belong to an organisation called Gush Shalom, peace block, which is the most radical part of the Israeli peace movement. We believe that peace must be based on the co-existence of two states, the State of Israel and the State of Palestine, that all the occupied territories of the West Bank and the Gaza Strip must be turned over to the Palestinian State. We hope that Jerusalem as a united city will be a joint capital of both states: West Jerusalem the capital of Israel and East Jerusalem the capital of Palestine. These ideas were and are totally outside the so-called national consensus in Israel and not one single Israeli party subscribes to this programme, not one single candidate for the office of Prime Minister in the elections next month subscribes to these ideas.

But two months ago we started to circulate a manifesto, a very short one, which says: "We support the right of the Palestinian nation to

declare the establishment of the State of Palestine in all the territories of the West Bank and the Gaza Strip, with united Jerusalem serving as a capital of both states: West Jerusalem as the capital of Israel and East Jerusalem as the capital of Palestine. The co-existence of Israel and Palestine side by side is a basis of peace, security and reconciliation between the two nations.”

We hoped that some dozens of prominent Israelis would sign this declaration. We were surprised, we were amazed, that within four weeks we got 520 signatures of prominent Israelis: artists, writers, men of letters, university professors and peace activists, and it is still an ongoing action. Among them are some of the most important personalities in Israel, an outstanding scientist, the most important poet, some of the most important university professors, nine laureates of the Israel prize, which is the highest civil distinction in Israel. Therefore I believe that the next stage of our conflict should be the establishment of the State of Palestine. It is for the Palestinians themselves to decide when exactly to set it up.

As for me, I don't mind if they set it up next month on the 4th of May. If I were the leader of Palestine I probably would, but I understand that the people who bear the responsibility for the Palestinian people, Yassir Arafat and the leadership of the PLO and the Palestinian Authority, have many things to consider: the international situation, support of the United States, of Europe and so on, and therefore it is up to them to decide when the opportune moment is.

But this is an important point: time does not stand still in our country, things happen every day, and the most important thing which is happening is the establishment of new settlements every day. When we speak about settlements, for people who have not seen them it is an abstract concept; but when you are there, when you see them with your own eyes, it is an ongoing change of realities which is changing the character of the land every day, every week, every month. Gaining time means losing time. Gaining time means that the situation on the ground changes against peace because every new settlement is a landmine on the way towards peace.

Now what are the settlements? You go there and one day you see a small settlement of maybe 20, 30, 40 houses. Then you come back after one month and you see on the next hill already three new houses and on another hill there are three or four mobile houses, and suddenly you

see that this small settlement is a very big thing. You have settlements in Israel which have more land than the town of Stuttgart. A small settlement, few families, but on the so-called town planning of the occupation authority, the so-called Civil Administration – not very civil – this little settlement has a territory which is now being filled up with very great speed by the Netanyahu government, which wants to create so-called facts on the ground before the elections. All over the West Bank, every settlement is trying to grab the hills around it and to build roads between them. To build a road means that you send a bulldozer that destroys everything on its way, maybe hundred-year-old terraces, maybe trees, maybe water pipes, whatever is there. And you see this wound on the landscape, this new road; 150 metres on both sides of the road are automatically confiscated. So you have between an Arab village and its lands, or between two Arab villages, a broad strip of confiscated Palestinian land, which has become an Israeli road connecting Israeli settlements.

I was at a demonstration two weeks ago. Some of you who know Palestine know the place called Herodeon, which is near Bethlehem, a peculiar hill named after King Herod, who once ruled Palestine. There are Arab villages all around, and in the middle of the neighbourhood an institute for juvenile delinquents has been set up. A social worker who has been organising street gangs has taken his people and put them in the middle of this neighbourhood, of this landscape. You find a few huts, huts surrounded by barbed wire, the barbed wire is surrounded by attack dogs, the attack dogs are surrounded by the Israeli army, who defend them. And when the Arabs come to this land to plant a tree – the land belongs to them, as the Civil Occupation Administration admits, it belongs to private Arab farmers – when they come to do something on their own land they are attacked by the soldiers and chased away, because this is now an Israeli settlement.

And this is happening all over the country. Wherever you are, you look around and see new settlements and roads being set up. This is an act that makes peace more and more impossible because peace of course means giving this territory back to the Palestinian people. I cannot conceive of a Palestinian State in less than the complete West Bank and the Gaza Strip. Just to give you an idea: old Palestine, when I was young, was not a big land; it was a small land. I don't know if it was smaller or bigger than Baden-Württemberg, but probably some-

thing like it. All the territories of the West Bank and the Gaza Strip constitute 22% of that Palestine. That means the whole battle now is about 22% of what is left of what at that time was the country of Palestine. I cannot believe that anyone who wants to take away parts of this can really believe in peace.

The battle is about this. All the public opinion polls show that the great majority recognise that there will be no peace without a Palestinian State. I think we have won an immense victory, and by we, I mean the Palestinians and the Israeli peace movement; an immense victory. Not only do the two peoples recognise each other, as they did in Oslo but also that a great majority of Israelis now accept as a fact that there will be a Palestinian State. The question is where, because there are some people including Netanyahu who want to annex at least half of the West Bank to Israel, there are people who want to annex the settlement blocks, some people want to annex the Jordan valley. I believe that any thought about peace starts with the readiness to give back the whole territory of the West Bank and the Gaza Strip.

The second problem is of course the question of Jerusalem. No peace is possible without a compromise in Jerusalem. And you can hear it every day from every candidate to the office of Prime Minister in Israel – from Netanyahu, Modechai, Barak, whoever – that Jerusalem is the eternal capital of Israel and only of Israel. This is something people repeat like a mantra, endlessly – but everybody knows that there will be no peace without a compromise in Jerusalem. I have never met or heard of a single Palestinian or a single Arab or a single Muslim who agrees to a peace which means giving up Jerusalem.

We have to dramatise our conviction that the settlements are the main obstacle to peace, a symbol of non-peace. In order to dramatise this we declared a boycott of products of the settlements two years ago. We have already distributed tens of thousands of lists of the products of the settlements and we only give it to people who ask for them specifically, which means that at this moment there must be many tens of thousands of households that are acting according to the boycott. I wish Europe would join this boycott.

As you know, Europe has a trade agreement with Israel which gives Israel immense economic advantages in Europe, and that is very good, but according to this agreement the settlements do not belong to Israel and the trade agreement does not apply to the settlements. However,

Europe has closed its eyes knowingly for many years. When you go to Stuttgart to the market, you will find, and I looked for it yesterday, products from the settlements but coming here as Israeli products. However, the European Union changed its position a few months ago following our boycott. There was a great storm in the Israeli Knesset. I was invited to that meeting. It is about two hundred million dollars worth of products from the settlements which are coming to Europe, with all the advantages and privileges of Israeli products. I would very much wish that instead of negotiating with Israel about this, the European Commission would take a clear stand and say that as from today all products from Israel which come to Europe are to be clearly marked where they come from, and that products from settlements will not be allowed to enter Europe.

I think my time is nearly over. You mentioned that I was once a member of the Knesset. In the Knesset, I suppose like in the Bundestag, you divide time according to the size of your faction. I always belonged to the smallest party, the peace party, so I always had only the minimum, ten minutes, and I stole one or two minutes. So I wish to steal now one more minute, if you don't mind.

I want to say something about human rights in Palestine. I know that my friend, Mr. Sarraj, will talk about it, but there is one point I would like to make in advance because I think it is important to understand this, and it is one which is very often forgotten when there are discussions in Europe about these problems.

The Palestinians are at this moment in time in a unique situation. In all my long life I have never seen a situation like this. When a liberation movement wins, it is a liberation movement until one certain day and the next day it is the government of a state. The State of Israel until the 14th of May, 1948, was a liberation movement, according to our ideas, and the next day we were the State of Israel. The Palestinians are in the unique situation. They are still a liberation movement and still in the middle of their fight for liberation. It is an ongoing fight and still quite far from the end. At the same time there does already exist a Palestinian "State on the way". Now this is a far-reaching contradiction because there can never be a democratic liberation movement; it is impossible. You need in liberation movements a strong leadership, the possibility to make quick decisions and far-reaching decisions. You cannot have transparency in a liberation movement because the mo-

ney goes to all kind of actions. When you are a state you demand human rights, you demand transparency, you demand due process of law – you demand many things from a state. What do you do when you are both? This is now the dilemma of the Palestinians and I would like my Palestinian friends from both sides to voice their opinion about this. I think it is a very unenviable position for the Palestinian leadership, for Yassir Arafat personally. And I believe that the real fight for human rights in the State of Palestine will only really start when there is a State of Palestine.

Now, finally, I am always asked whether I am an optimist or a pessimist. I am an optimist by nature, genetically. My father was an optimist and my grandfather was an optimist, but I think there are reasons to be optimistic in spite of the very dark situation in which we find ourselves now. And it is the privilege of my age that I have a long memory. When we handful of people in the new State of Israel started to advocate peace between Israel and a State of Palestine, at a time when Palestine was partly occupied by Jordan, partly by Israel and partly by Egypt, when we started to talk about this, the whole world was against the idea of a Palestinian State, including, by the way, the PLO when it was founded. Today the whole world recognises the Palestinian right to a state of their own, the whole world is talking concretely when and where a Palestinian State will come about. If you compare this with what was, we have gone an immense way towards the possibility of peace. It is now our job to finish this work in the next few months and years. And I hope there will be an ever closer co-operation between the Palestinian people and the Israeli peace movement, so that we turn peace into reality at long last in our part of the world.

## Eyad El Sarraj, Palestine

Eyad El Sarraj

The chairperson forgot to mention that I was born in Beersheva. I have to insist, because the Israelis deny me that right of birth, they insist on writing in my official papers that I was born in Gaza. This is one of the fundamental rights that Palestinians are denied, the right to identity. Even after the peace process has started and even when the Palestinian Authority was given the right to rule the people, the Palestinian Authority issued passports to Palestinians on which is still the word “travel document”, because the Israelis still try to deny us that feeling of identification with the land, with the place of our birth. The Israelis have used all along different tactics, which I don’t want to go into in detail.

Israelis have abused the right of self-determination that was given to them by the world community, and they have abused the question of security, and they have abused the question of law and human rights to the extent that they have become a school of their own. Israeli governments, Labour and Likud alike, have continuously and deliberately and systematically tried to uproot the Palestinians, and they still do so. And all because of the psychology of the victimisation that the Israelis have been through. And while I sympathise and I identify with the Jewish victims of history, I cannot give them the right to abuse others.

You mentioned the liberation movement, and the dilemma for every Palestinian to decide where he stands. Am I within the liberation movement or am I against it or outside it? I was in the liberation movement and there still is one; I am a member of the first National Council of Palestine in exile, I was part of the Palestinian delegation to the peace talks in Washington, and I consider myself very much a member of the PLO. But that does not give the PLO and the liberation movement the right to abuse my human rights.

Whether it is a state or a liberation movement, there is no excuse to have so much and wide corruption because they cannot be transparent, it does not give the right to the liberation movement to be such a dictatorial one-man show. It is my duty as a national Palestinian to

defend my rights as a Palestinian against the liberation movement itself, and much more than that: it is my duty as a human being to defend the truth. It is my duty as a human being to disclose and expose the truth. And if I do not, then I am part of the conspiracy of silence. And I refuse to be part of a conspiracy of silence, as much as you refuse to be part of the conspiracy of silence in Israel.

The Palestinians have a unique experience. All of the experience of Kosovo makes us remember the uprooting of Palestinians in Palestine in 1947. Hundreds of thousands of Palestinians were forced to leave or flee the conflict. Could you then ask the Albanians today in the refugee camps to be democratic, to respect human rights? My answer is that if the Serbs today uproot Kosovo-Albanians from Kosovo, and if they rape the women, that would not give any right to an Albanian leadership to abuse their own people.

The Palestinians say also, and there is a truth in it, that our unique experience in exile and particularly in the Arab world, has given us a very unique kind of culture, only exposed to dictatorial regimes, only exposed to a culture that has no traditions of democratisation and respect of human rights. The experience under the occupation is unique, too, because it has cultivated a culture that is based on fear.

Today the Palestinians are trying to fight on two fronts: one is to continue the liberation of their land and to establish a Palestinian state on the territory of the West Bank and Gaza. But what I am saying, and what I think is more important, is the liberation of the individual, the human being, because if you don't feel free and dignified within your own liberation movement, how could you then be a soldier? If you know that your leadership is not respecting you, how would you be a good soldier? Palestinians also say, and it is also true to some extent, that we in Palestine are part of the Arab culture, which is basically tribal. We have to respect the tribal structure of the Arab community. And this is a serious problem.

In Europe every individual, every citizen defends his own rights against the authority of the government and he has all the means to do so. But there is a long tradition of fighting for freedom and rights in Europe and the West. In our part of the world there is a lack of that kind of tradition. But what I am saying is that people in order to move forward need a good example from the authorities. Exactly because they are tribal they look up to the head of the tribe, to the leadership, to lead. And leadership is a question of setting examples.

What happened when we received the Palestinian Liberation Organisation coming from Tunisia to rule Jericho and Gaza first? We expected a liberation movement; instead we suddenly found ourselves in such chaos, loneliness, abuse of human rights, torture, detention – and it continues. What happened then? A process of alienation from the authorities. Instead of identification with this liberation movement there is a process of alienation. It also encourages the security within the tribal framework, not the security within the coming constitution. It makes me feel that my own security comes from my own tribe, from my own family. So instead of this liberation movement liberating me from the tribal mentality, it actually strengthens my tribal mentality and makes me more tribal than before.

There is another problem of course for the Palestinians who live abroad in exile in different Arab countries, particularly in Lebanon. Palestinians were all along marginalised in their communities, and within the liberation movement they were acting outside the law. No Palestinian in Lebanon, and today the situation is much worse than when there was a PLO in Lebanon, no Palestinian in Lebanon would be a minister or a member of the parliament or an officer. When they started to work for liberation they used a gun, based on a divine, just cause of the liberation of Palestine. And that gun and the just cause gave them a justification to do everything outside the law. As long as we were a marginal people, it was justified.

The problem is that this mentality continues to be active even today in Palestine. Today the officer who was in Lebanon outside the Lebanese community, a marginal, is in charge, but he still practises the same methods he used to practise when he was marginalised and outside the law. Palestinians say that in order to have respect for human rights we have to have a law. And one of the things we learned about the Israelis, even when they were a brutal occupation, is that they respected the law. The High Court of Justice in Israel ruled recently that torture is legal. So even in this case the occupation force respects the law.

How can you build a state without giving people the right to form political parties? How can you build a civil society without giving people the right to freedom of expression? In an attempt to form a political movement, I myself and a few others applied for registration of this political movement, and we got a response objecting to many of

the clauses that we presented in our internal regulations. One of our objectives was, just to give you an example, that we in this movement would look after our tribe to improve the environment, a very simple and neutral statement. There was an objection to this from the Ministry of the Interior of the Palestinian Authority that you cannot do that without having the approval of the authorities. Another example: As part of the Arab nation we would like to strengthen the relationship between the Palestinian people and the Arabs. Again, they considered this as against the Palestinian Authority regulations, saying you cannot have any contact with Arabs without previous approval by the authorities, and so on. The idea we got is that there is no room for forming a new political movement.

Such a state would only exist for one group of people, it should be led only by one man. Let me object to that: the State of Palestine is for all Palestinians and we all have equal rights before the law, and there is no division and I will not accept that there is any separation or any division or any unequal treatment between an individual citizen and an officer and even the President of the state.

The Israelis have justified their abuse of the law, of the land and of the Palestinian dignity in the name of their security. They have given the world a twisted form of propaganda to justify what they are doing, and what they are doing on the ground is completely against the principles of human dignity. That should not give them today the right in the name of peace to continue to do the same. Peace in so many ways, although there are some major achievements, has meant to us Palestinians further and severe forms of abuse by the Israelis and by the Palestinians.

Today in the Palestinian territories that are ruled by the Palestinian authorities, all the Palestinian land is surrounded. In fact Gaza, that is where I live, is like a big prison. I cannot leave Gaza even though I have a British passport without having a military permit issued by the Israelis. Coming to Gaza through the airport is much worse than flying to Tel Aviv. In Tel Aviv you are stopped for ten minutes and searched and questioned by the Israeli soldiers. Ten minutes. In Gaza airport you are stopped for two or three hours when you have arrived and you are searched by machines that you don't even see in Tel Aviv airport. Coming to Tel Aviv airport as a terrorist will be much easier for me than coming to Gaza.

What kind of security is this when you degrade human dignity to such an extent? If Israel wants to live in peace it is not enough for Israel to recognise the Palestinians, but to recognise their rights, rights of identity, rights of identification to the land they belong to, and the right to have their own state. If the Palestinians want to give a good example for the Arab world based on their unique experience as people who lived under occupation and in the forefront of the liberation movement, then they really have to struggle within themselves, and that includes particularly the leadership. They have to give the better example of respecting law, respecting human rights and respecting the Palestinian dignity. Without Israel getting rid of its racist ideology, without Israel starting to see in me an equal human being, that deserves the same rights, Israel will never live in peace. And without the Palestinian authority respecting me as equal to the President of the Palestinian authority, as an individual citizen, the Palestinian authority will never have a state.

## Ilan Halevi, Palestine

Ilan Halevi

This conference is taking place on the side of the official conference of the governments in Stuttgart, the Euro-Mediterranean Partnership Conference. You know that this idea of Euro-Mediterranean partnership has a long story, has a long history. I remember that it was in the early seventies that the French government launched the idea that time of the Euro-Arab dialogue, but the Euro-Arab dialogue never reached concrete results because of the Middle East conflict, because the idea of organising economic and commercial co-operation between the two or the four banks of the Mediterranean while leading a fight, the

Middle East conflict, was bound to fail. In the eighties it was the Italian government at that time that launched another idea, which was the idea of a conference on security and co-operation in the Mediterranean on the model of the OSCE. It failed for the same reason because it was trying not from a commercial-economic angle, but from a strategic-security angle to create co-operation while leading a fight, the issue of the Middle East conflict. And the fact that Barcelona could take place was because there had been what at that time seemed to be the beginning of a real peace process in the Middle East. It was only because of the Oslo agreements that it was possible to bring Syria and Lebanon and Israel and Palestine together in Barcelona. And it must be clear to us that if the peace process in the Middle East collapses, and it is in real danger of collapsing, then the whole idea of Euro-Mediterranean co-operation will face a very great crisis.

We must understand that there is a direct connection between the success or failure of the hopes that our people and the whole of mankind have put in seeing an end to this one-century-old conflict and the possibility to create new relations between the peoples and the states of all the Mediterranean. Human rights have been discussed a lot here and I think that it is a very good thing. But we must remember that human rights is a concept that we must see in its complexity. Human

rights are not only individual rights: human rights are also collective rights. They are not only political and civil rights, they are also economic and social rights. So we should understand the concept of human rights in all its diversity and see that it is totally futile to try and isolate dimensions of human rights and privilege them at the expense of others. I can give you a very short experience about the Human Rights Committee of the Socialists International, where we see systematically that people in northern countries, where civil rights, individual rights, are respected mostly, tend to insist that these are human rights and these rights are violated in the countries of the South, which puts them in the position of giving lessons. Whereas you see that a lot of people who come from southern countries, where human rights at the individual level, civil and political rights, are systematically violated, insist on economic and social rights, which are violated in the North, and in the South by the North and by the terms of uneven economic exchange between northern and southern countries. So I think we have to reject from the beginning this attempt at splicing human rights and privileging one dimension at the expense of the other. Human rights are indivisible, be they individual or collective, and be they civic and political or economic, social and cultural rights.

If we look at the Palestinian tragedy from this angle we can see that this conflict has been marked from the beginning by a multiform violation of all forms of human rights of the Palestinians by the Zionist movement before the creation of the State of Israel and by the State of Israel since its creation. By the way, it has also involved quite a lot of violation of human rights of Israelis themselves. These violations have involved Palestinians as individuals and as a community. People have been subjected to arrest, house arrest, arbitrary-like detention, summary execution, but they have also been subjected to mass expulsion, to collective punishments, to a denial of collective identity – as my friend Eyad El Sarraj mentioned earlier – and it is still going on. This is still a situation which is marked by massive racism, discrimination, by military occupation and the use of force and by settlement colonisation. Settlement colonisation is not a static process. The Israeli occupation in the Palestinian territories is not a static way of maintaining these territories under foreign domination; it is a dynamic process by which a population is systematically uprooted to be replaced by another population. Because of the crisis in the Balkans in the last five,

six years, everybody knows now what ethnic cleansing is. Ethnic cleansing has been the historical basis of this process and this conflict.

I switch to a second point, which is the state of the peace process. The PLO negotiated a long time ago. Actually, it was in 1974 in the Palestinian National Council (PNC) that the PLO for the first time formally adopted the watchword of creating a Palestinian national authority on any part of the Palestinian motherland which could be liberated, or from which the enemy would withdraw within the framework of a political settlement. At that time, as you remember, many people in the world did not take it seriously. The Israelis said this is only a plan to destroy Israel by stages. By the way, in the Palestinian ranks and in the Arab world, they took it very seriously. At that time the rejection front was created to fight against treason, for defeating our historical rights to the whole of Palestine, but because we engaged then in the civil war in Lebanon, it took many years, before we could explain this approach.

The formal explanation of this approach was in 1988 in the PNC in Algeria, when the PLO adopted the declaration of independence of the State of Palestine, built on the acceptance of the partition of Palestine into two states, built on international law. In 1993 with the Oslo accords there was an interim agreement, by which the PLO as the embodiment of the right of the Palestinian people to statehood, agreed to freeze for a limited period of five-years, the exercise of sovereignty on the territory of Palestine. You remember that there was a very complex architecture and procedure for the agreements and at the beginning of the third year of the five-year interim period the final status negotiations were supposed to begin, and were supposed to come to an end at the end of the five-year period. None of this happened, everything was delayed, everything was only partially and imperfectly achieved and implemented. And you know what the situation is now; the interim agreement has only very partially been implemented, there are no negotiations on the final status, and we are reaching the end of the interim period.

Everybody is talking about a unilateral declaration of independence. But you must understand one thing: a declaration of independence took place in 1988, there will be no unilateral declaration of independence, because the declaration of independence in conformity with international law already took place nine years ago.

What is happening with the end of the interim period is that the agreements by which the PLO agreed to freeze the exercise of nationhood, of statehood, are coming to an end. And in fact on the 4th of May, from a legal point of view, Palestinian sovereignty on Palestinian territory is automatically self-restored. It is not a unilateral act, it is a change of legal framework, which is consistent both with international law and with the spirit and the letter of the Oslo agreements, and of the Cairo agreements, and of the Taba agreement, and of the Hebron agreement, and of the Wye-River Memorandum, which are all together the same interim agreement. This is coming to an end on the 4th of May, and whether we proclaim statehood or not, it will be a sovereign Palestinian decision because the interim agreements which bind the Palestinian authority will no longer have any legal validity. Even if we decide to postpone the accession to statehood for political reasons for one month, two months or six months, it will be a sovereign Palestinian decision and no longer part of binding interim agreements because we have no partner in these negotiations.

Before concluding I want to make a remark about what my friend Eyad El Sarraj has just said about democracy. I think that there are very grave problems with the way that the Palestinian authority deals with Palestinian civil society, and that there are very grave and repeated violations of human rights by the Palestinian authority, and I want to make it clear that I, being very close, belonging to the majority ruling party in Palestine, say this, and I am not the only one. But at the same time I want to make two points. First of all, that none of these violations goes unnoticed. Every time when there was an arrest there was an outcry too. There is not a single violation of human rights by the Palestinian authority which does not create an immediate reaction in Palestinian civil society, and Palestinian civil society is strong and it is organised, and it is fighting, and it must continue to fight, because it is fighting for the Palestinian people. And whether some officials of the Palestinian authority understand this or not, it is their problem. In my opinion all human rights organisations in Palestine would defend human rights even against the Palestinian authority, and they are serving the Palestinian people, whether the officials understand it or not. That is the one point.

The other point I want to make is that when you say if the Palestinian authority does not become democratic and devoid of distortions of

partial power, it will never have a state and so on – I cannot agree with you. Look at the 154 member states of the UN; most of them violate human rights. Why should the Palestinian people be the only people who do not have the right to statehood unless it is totally innocent of crimes. Look at the Amnesty International annual report and see how other sovereign states violate human rights. Why should the Palestinians be the only people whose self-determination should be conditional on the purity and innocence and transparency of its management? I don't see any reason for this. I can see the moral demand, and I agree with this moral demand. But it is not historically true.

To conclude I would like to say that we are here in Stuttgart and in Europe, and the role of Europe in this whole framework is a decisive one that we greeted with very much satisfaction. The last statement issued by the European Summit in Berlin is a very important thing, this recognition by Europe solemnly of our right to self-determination is a very important element in the balance of power in which we are working. But at the same time we also know that there is a difference between a position and an action, as Uri Avnery said. The EU took a very brave position but in my opinion we are still some distance away from decisive European action. This is for one reason, because the Europeans do not have yet a common political vision of what their role should be in relation to the solitary management by the Americans of the whole architecture of the peace process. In fact, if the Europeans want to impact on the situation on the ground directly, they have the means for it. They are the main countries for reconstruction in the area, they are the market and commercial partner for Israel, they have an interim agreement instead of the formal agreement of partnership between Israel and the European Union, and it can be used as a very powerful weapon.

Every time economic pressure has been exerted upon Israel it has worked. When in 1988/89 the European Commission froze some economic negotiations with Israel because Israel refused to allow direct export of Palestinian products to the European Community at the time, Israel gave way. When in 1990 scientific co-operation was frozen with Israel because of the closure of European universities, Israel gave way. When in 1992 the US Administration denied 10 billion dollars guarantees because of the settlement policies, four months after that the Israeli Prime Minister Yitzchak Shamir fell. So I don't believe that the

Europeans don't have the means, or the international community does not have the means to impact on the situation directly. They have the means. It is a question of political will and the question of this political will is directly linked to the ambition of the Europeans to see the Americans give them an accessory role in the management of negotiations. There is a natural tendency to consider that you have to choose: either you want to orchestrate the negotiations or you want to have a direct effect on the ground. And this is the dilemma. This decision that Uri Avnery mentioned shows the way: The European Commission denies tax exemptions within the framework of the partnership agreement with Israel to products from the Israeli settlements. It is the right direction but so far we have not even seen mechanisms of control of the implementation of this very minor, but symbolically decisive European decision. We should go in this direction.

## Yitzhak Frankenthal, Israel

There is a profound difference when we speak about human rights and human duties. Human rights or civil rights, according to my thesis, are against the grain of human nature for several reasons.

1. Some consider rights as being optional; they may, or may not, be granted.
2. Some abhor granting rights without being granted something in return.
3. Civil rights are a direct contradiction to the nature of governments, even the most democratic amongst them.

Therefore, with your permission, I will speak today about the duty of man, the duty of the citizen, and the duty of governments.

Yitzhak Frankenthal

“Duty” means there is no choice. No choice between doing or not doing, no choice between observing or not observing. One must do, one must observe, one must guard, one must demand and one must be granted. When we speak about duty, we do not speak about the philosophy of life but the legitimacy of life. In philosophy one can argue one may think or view things differently, one may find ways to become “a wise guy”, and one may speculate. But where there is a law when things are defined clearly and specifically, there are no two ways about it.

I would prefer to try and link rights to sentiments, and duties to rationality. I believe the problem of human rights and civil rights stems only from a distorted philosophical way of thinking. If every man from the moment he enters the educational system, kindergarten, school, or university, is brought up to understand that it is his duty to respect others, that it is his duty to protect the freedom of all men, that it is his duty to allow any man the freedom of expression, we will then be in a position where we will not speak about “human rights” but of “citizens’ duties”.

I want to reinforce my words with the analogy in Judaism. A child is not obliged to observe the commandments before the age of 13 (for boys), and the age of 12 (for girls). When they come to that age they

become “bar mitzvah”, which means in Judaism “within the commandment”. In other words, the obligation to observe the commandments is the factor that introduces Jewish boys or girls into the Jewish world, not passively, but actively. This activism stems from the duty, and there is no bigger duty in the eyes of a religious Jew than observing the commandments.

Even within the religious world one can find distorted concepts and misdirection. This is because in the Jewish world, apart from the number of “must obey” laws, nearly everything else is based on philosophy and manipulation of the “do” and “don’t do”.

I would like to bring you some personal examples: About four-and-a-half years ago I lost my eldest son, Arik, who was 19 years old and a soldier in the Israeli army. On his way home he was abducted and murdered by Hamas terrorists. Arik, just like myself, always believed in peace and always thought that we must give the Palestinians a state of their own in order to have peace. Since Arik’s death I have devoted my entire time for peace between Israelis and Palestinians, not because “I can” as a bereaved father but because I must act to bring peace closer. I must, because I want my other children to live on, not to die because there is no peace. Arik was not murdered because of who he was; Arik was murdered because there is no peace.

Since his death I have created an association, whose goal it is to realise the project I have conceived, a project that will promote the values of peace to the Israeli and Palestinian public just like one promotes Coca Cola. The objective of the project is to convey to the public messages on the values of peace in Judaism and in Islam. I have no doubt that the public must be educated but education requires prolonged investment in time whereas a media campaign that will “market” the values of peace and will educate the public will attain the same objective faster – in perhaps a year or more.

I do not act out of my “right to act” but out of my duty to act. The Palestinians have no choice and are obliged to fight in order to establish a Palestinian state. Either they become citizens of Israel with equal rights and duties as all other Israelis enjoy, or they must establish their own state. It is inconceivable that two societies live side by side, one of them without any civil or human rights and under prolonged occupation. One does not have to look far – the West Bank or Gaza is a good

example. People there live in poverty and in sub-human conditions, and all this after 30 years of Israeli occupation.

As part of my work for peace I have brought a group of bereaved Palestinian parents to meet bereaved Israeli parents under the patronage of the President of Israel, Ezer Weizmann. For the first time the Israeli public heard that Palestinians grieve the loss of their children just as Israelis do. For the first time the Israeli public heard that the Palestinians do not seek revenge, although they have lost a child, but that they too want peace. These actions were the first step to change public opinion in Israel.

I remember one of the preliminary meetings I had in Gaza designed to bring bereaved Palestinian parents to Israel. I heard this sentence: "Mr. Frankenthal, I very much appreciate you and your efforts for peace, but you must know that your son was a soldier in the Israeli army, an army that conquers us. With all the sorrow and pain involved I must tell you that we had no other choice but to kill your son. I am glad that a soldier of the occupation army was killed, but at the same time I am very sorry for you." It was very difficult for me to hear these words, and in all honesty I asked myself in these very seconds: "What else must I go through in life to promote peace?" These are very harsh and painful words but they express the difference between hatred of the conqueror and hatred of a human being. I did not feel hatred coming out of Palestinians towards Israelis as human beings, but I did feel their hatred towards the conqueror. If I was in their place I have no doubt that I too would have felt hatred towards the conqueror.

Finally, I would like to conclude with a word that we will discuss often in the next two days: morality. There is nothing more moral than respecting and loving our fellowman. When I love others I am being moral. When I love others it is my duty to respect them and their freedom, I want them to have what I have. "Moral" and "love" are high words in philosophy. The higher the words the greater the danger of falling, but a human being as such is measured by his ability to live within the laws of life and society.

## Diego de Ojeda, EU Commission, Brussels

I am sure that some of you might be thinking the same question that I am, which is, why the European Commission is in this forum, which is supposed to be a Civil Society Forum. We are an official body. After the questions being put forward I am regretting not having thought of this earlier, perhaps. I still will try to address some of the points that have been raised, and some others that are also, I think, interesting.

The title of this panel is “Crisis and Perspectives”. I think it is very accurate because the crisis of the peace process is almost permanent. The title points to an important topic, which is the necessity to have well-structured and efficient crisis-management networks if we wish the peace process to continue to move forward. Otherwise it is one step ahead and

Diego de Ojeda

two steps backwards. I think in that respect a civil society can play a role that official bodies cannot, or find it much more difficult to play, especially when everything goes wrong at official levels and it always has in the past. Civil society should continue to provide a safety net. We are in a crisis again, we have almost been in a permanent crisis for the last three years, but I would not say that these crises have completely destroyed the peace process. I think the peace process is alive and kicking. I will come back to that.

The first matter: I think that these three years have not been entirely wasted. It is clear that the Israeli elections are an important element. But it is not a bet, whether we win or we lose, whether the peace process wins or loses, depending on the outcome of the Israeli elections. I think it is just a matter of speed, if, let’s say, the peace camp won, then the peace process would be more likely to proceed at a faster pace. But even if not, peace will still proceed, with perhaps more problems and at a slower pace, but it will proceed.

When in 1993 or 1994 or even 1995 we used to say that the peace process was irreversible, I must confess, and I was not alone, we were not very convinced. Right now I am totally convinced. And that is why I said that the Oslo agreements or the Oslo philosophy is not bad. The

substantial element I would see in the agreement, is that a much larger segment of the Israeli population is behind the concept of land for peace. And that is an element that cannot be neglected, especially considering the centrality of that principle and the fact that it was by no means a consensus position in Israel. I think the peace process is not reversible because everybody has too much to lose. And when I mean everybody, I include everybody, even the right wing in Israel or in Syria or in Lebanon. And returning to an earlier point, that is why Syria and Lebanon are also in Stuttgart and they not only went to Barcelona, but they continue in the Barcelona process. It is true that without a successful conclusion to the peace process the Barcelona partnership will not succeed. But the fact that Barcelona is continuing shows that the peace process is not bad. I mean, it can be used either way, constructive or negative.

Addressing the issue of human rights: Itzhak Frankenthal said before, and I think that is what we all believe, that there is no acceptable political solution without at least a minimum respect of the most basic human rights. We are all aware of many Israeli policies that are in total contradiction of international law, and we are also aware of many violations committed by the Palestinian Authority, although they are not essential for the peace process, they are an important element as well.

The European Union has enumerated and announced all these practices, ranging from torture to confiscation of identity cards to house demolition; these practices were named in the Commission of Human Rights in Geneva. It is quite clear that the situation is not good and it must be improved fast. I would say that it is very important what the civil society, it is very important what governments and official bodies can do. I would disagree with those who said that the European Union only takes positions, but does not act. Of course, that is a legitimate point of view, it may be partially true that we are definitely not the most efficient structure in foreign relations. But aside from that, we have also done some homework, and we are improving.

Our position at least has not changed since the Venice declaration in 1980 until the Berlin declaration just a few weeks ago. It has been consistent, although further developed according to time. Even the fact that we take positions sometimes is expected from us. And by the fact of taking those positions we are taking a share of the burden. On the

issue of the Berlin declaration, clearly, that was what we had to do, and I think it was very important that we did it, and, if I might say, very constructive, and I would underline the word constructive because the policy of the the European Union or the European Commission has been of constructive support. I am sure that on this particular point I could speak as well for the 15 member states. We are not in favour of any sort of negative pressure, we are not going to abandon the peace process, we must stay with it – however difficult the problems, however lengthy the solution might be.

In addition we have declared that Israel has been our privileged partner since 1994, and it will remain so, and that is for the benefit of Israel and the European Union. We have consistently defended as well the support of Palestinian self-determination including a state. We don't think that those two positions are incompatible at all; on the contrary, we think that they are good for each other, and we support them, which of course does not mean that we cannot use carrots and sticks sometimes. It does not have to be followed up publicly, it does not have to lead to a suspension of our trade relations with Israel; on the contrary, at least from our point of view, it would not change anything. What we would like to improve is the situation on the ground. We took action before and we plan to continue to take action and, more important perhaps, we are quite confident that this action will not lead to any sort of political or even trade crisis with Israel, but on the contrary, to substantial improvement of the economic conditions of the Palestinians. They may finally be able to get a fair trade-deal, which would include for instance absolutely safe passages to the West Bank/Gaza and open access to the rest of the world. These are two basic preconditions of development in the economic sphere, but freedom of circulation and freedom of movement are also human rights of the most basic nature.

I would not want to conclude without mentioning the role of civil society. Peace is by no means reached if the left wins the Israeli elections. Equally, if the right won the peace process would not be dead. The right won the Wye agreement, and the Wye agreement will be implemented. It is just the question of who will implement it and how fast. Therefore civil society will continue to have an important role.

I also would like to be critical, because it is very easy to criticise the government or the official bodies for the failure or the problems of the peace process. But civil society should look at itself because in the end peace must come from within. It cannot be imposed by external players, and I think that what Yitzhak Frankenthal said about addressing those portions of the society that are not converted to the cause of peace, is the crucial factor. I totally agree with what has been said about addressing those parts of the Israeli society who are not convinced of paying for the peace, and showing them the price of no peace, which is considerably higher. But on the other side too many times Palestinian and Arab NGOs in general are too reluctant to meet the Israeli partners, acting as if civil society were constrained by official limits, by having to ask for permission. That is a shame, that is a pity. I can understand why it is the case, but I don't think it is helpful for advancing the cause of peace.

As an ending to this rather critical note, I would like to re-emphasize our conviction that by no means are the Oslo agreements dead, by no means is the European Union a totally passive actor. We may not be able to work miracles but we are doing our best. Sure we could do better. It is the job of civil society in Europe to tell us how and to remind us and to push us to better action. I certainly would welcome that. It is by no means the work of governments; on the contrary I think that civil society, both Palestinian and Israeli, is at least one of the key players in this enterprise of a just, comprehensive and lasting peace. It is very much in your hands.

## Isabelle Avran, France

Isabelle Avran

La question de la Paix en Méditerranée renvoie à la situation au Kosovo et plus généralement en Yougoslavie et dans les Balkans. Nous n'avons pas prévu de table ronde spécifique à ce sujet. Mais il est probable que la question va hanter l'ensemble de nos travaux, tant elle est brûlante à tous points de vue. Cette table ronde n'est pas le lieu d'un débat à ce sujet. Je n'ai d'ailleurs aucune légitimité pour intervenir sur ce domaine. Je voudrais cependant, si vous le permettez, me contenter de noter quelques axes de réflexion qui ont à voir assez directement avec le sujet de cette table ronde. Il ne s'agit nullement de comparer des situations incomparables. En revanche, peut-être devons-nous interroger les logiques politiques en oeuvre et leurs conséquences, les réactions de la communauté internationale et les nôtres.

Ainsi, le premier concerne la nécessaire réflexion sur la façon dont les mouvements, associations, ONG, qui interviennent pour la Paix, pour le Droits des peuples – ou bien pour les droits des minorités – pour la Démocratie, pour les Droits de la personne, peuvent agir face aux nationalismes racistes et ethnocistes.

Le second renvoie à la situation des Kosovars réfugiés: réfugiés parce que victimes d'une politique de transfert démographique sur des bases ethniques, racistes. Les méthodes de transfert, des massacres aux rumeurs qui les accompagnent, appellent à la fois, d'urgence et à long terme, interventions et réflexions. Il renvoie aussi aux questions posées par les conditions, dans l'immédiat, de leur accueil et, dans le plus long terme mais aussi tôt que possible, de leur retour avec une pleine sécurité individuelle et collective garantie. Question de justice, mais aussi de stabilité régionale. Ainsi, plus de cinquante ans plus tard, la dramatique expérience de la Nakba palestinienne, ses conséquences humaines, géopolitiques, ne doit-elle pas aider l'Histoire à ne pas bafouiller au Kosovo et dans les Balkans?

Le troisième axe de réflexion renvoie à l'action des divers acteurs de ce qu'il est convenu d'appeler «la communauté internationale». Il n'est pas lieu de débattre ici de la stratégie de l'OTAN, ni de ses conséquences humaines, politiques, militaires... En revanche, ceux qui travaillent au Proche-Orient ou sur le Proche-Orient ne peuvent manquer de s'interroger sur les raisons censées motiver les stratégies si différenciées adoptées par l'OTAN dans la région et peut-être plus largement. Mais également sur les rôles, les choix, les modes de fonctionnement et de décision de l'ONU, des Etats-Unis, de l'Europe.

Les cadres de références historiques auxquels les différents acteurs renvoient et les mémoires collectives qu'ils convoquent ne sont pas non plus anecdotiques. En Europe, «Munich» est plus volontiers cité que Deir Yassine. En Israël l'accueil tardif et médiatisé de réfugiés du Kosovo s'est faite en prenant soin d'évacuer toute comparaison avec les réfugiés palestiniens. Ne faut-il pas réfléchir à ce qui explique qu'avant la médiatisation de cette aide aux réfugiés Kosovars, Tel-Aviv ait privilégié un axe Tel-Aviv/Belgrade/Moscou?

Plus généralement ne serait-il pas fructueux de travailler sur la façon dont les nationalismes utilisent l'histoire dite fondatrice (biblique dans un cas; reposant sur des épopées médiévales parées d'héroïsme et mythifiées dans l'autre...) comme justifications de l'exclusivité de leurs droits sur des territoires de façon éternelle. Ou encore dont ils réécrivent ou manipulent cette même histoire pour contribuer à forger des identités communautaristes excluantes, quitte à gommer des épisodes peu glorieux révélateurs d'une logique politique (je fais en l'occurrence référence au débat soulevé en Israël par les recherches des «nouveaux historiens» sur le transfert des Palestiniens devenus réfugiés). Ou encore dont ils utilisent un passé réel de victimes et/ou de combattants du «bon camp» comme si ces situations demeuraient intangibles. Ou bien dont ils exploitent la peur et le sentiment de péril (d'ailleurs parfois réel, pressant ou oppressant) pour souder des consensus sécuritaires et évacuer toute parole différente alors qualifiée de trahison et fermer ainsi de facto la porte à la Démocratie en même temps qu'à l'Autre.

Dans le monde arabe ou en Palestine, la méfiance vis-à-vis de l'OTAN, que justifient ses options à deux vitesses lorsqu'il s'agit de l'Irak ou d'Israël, n'a pas éclipsé une solidarité au moins de principe avec les Kosovars, laquelle prend des formes diverses: pour les uns, la

Nakba frappe aujourd'hui le Kosovo; d'autres (nationalisme, «coreligionnarisme») s'identifient à leurs frères musulmans des Balkans. En tout cas, cela incite à réflexion.

Enfin, et là n'est pas le moindre, il est bien difficile d'imaginer la Paix et la sécurité en Méditerranée, sans Paix et sécurité pour tous, sur des bases respectant les Droits individuels et les Droits collectifs des peuples.

Le deuxième élément du contexte de notre rencontre, c'est le sommet interministériel euro-méditerranéen qui se tient dans cette ville de Stuttgart. Celui-ci s'inscrit dans la suite des sommets de Barcelone (1995) et de Malte (1997) et est censé à la fois en faire un bilan d'étapes et en prévoir dans le contexte actuel la suite et les perspectives.

Mon propos n'est pas de revenir ici sur l'ensemble du débat sur la nature du processus de partenariat initié à Barcelone, ses objectifs et ses conditions de mise en oeuvre. Je voudrais en revanche rappeler ce qui officiellement le fonde et souligner en quoi l'impasse du processus politique – et en particulier l'échec actuel des négociations de paix israélo-arabes – parasite l'ensemble du processus et conduit le partenariat à l'échec.

En 1995, l'Union Européenne a entamé avec les pays dits «tiers-méditerranéens» un projet de partenariat global en trois volets. Le premier est politique et de sécurité. Il se fonde, dans l'esprit et dans les textes, sur le respect du droit international et de l'état de droit. Les parties s'engagent explicitement «à agir conformément à la Charte des Nations-Unies et à la Déclaration universelle des droits de l'homme ainsi qu'aux autres obligations résultant du droit international et à respecter l'égalité des droits des peuples et leur droit à l'autodétermination».

Le second est économique, dans la perspective d'une zone de libre-échange en 2010. Une série d'accords d'associations ont en ce sens été signés (notamment avec Israël, ainsi qu'avec l'OLP pour le compte de l'ANP, ce dernier sous une forme juridique différente).

Le troisième est social et culturel.

Ce processus n'a pu être envisagé et entamé que parce que les perspectives d'une Paix juste, au moins aux yeux de ses promoteurs, étaient enfin à l'ordre du jour. «Les participants expriment leur conviction que la paix, la stabilité et la sécurité de la région méditerranéenne

sont un bien commun qu'ils s'engagent à promouvoir et à renforcer par tous les moyens dont ils disposent. A cet effet, ils conviennent de mener un dialogue politique renforcé et régulier, fondé sur le respect des principes essentiels du droit international (...)), soulignaient-ils alors dans le préambule de la déclaration de Barcelone. Les participants se disaient «convaincus que l'objectif général consistant à faire du bassin méditerranéen une zone de dialogue, d'échanges et de coopération qui garantisse la paix, la stabilité et la prospérité exige le renforcement de la démocratie et le respect des droits humains, un développement économique et social durable et équilibré, (...) autant d'éléments essentiels du partenariat.» Dès le préambule de la Déclaration de Barcelone, les États participants entendaient rappeler à la fois des principes et un espoir. «Les participants appuient la réalisation d'un règlement de paix juste, global et durable au Moyen-Orient, basé sur des résolutions pertinentes du Conseil de Sécurité des Nations-Unies et les principes mentionnés dans la lettre d'invitation à la Conférence de Madrid sur la Paix au Moyen-Orient, y compris le principe des territoires contre la paix, avec tout ce que cela implique».

Les perspectives sont contrariées par la politique de l'actuel gouvernement israélien, qui ruine les espoirs de Paix. Cette politique est connue et a été rappelée ici. Rappelons seulement: Le refus israélien de restitution des territoires occupés depuis 1967, de l'indépendance de l'État palestinien susceptible d'exercer sa souveraineté, de partage de souveraineté à Jérusalem, de retrait des colons, de retour des réfugiés, etc. Le refus israélien d'appliquer les accords d'Oslo et suivants pour la période dite intérimaire censée exister dans le but de «construire la confiance» entre les parties.

Il en est ainsi: des retraits prévus y compris à Wye River, de la politique de colonisation conçue comme créant des faits irréversibles et qui vide de son sens toute la négociation, du «transfert tranquille» de population à Jérusalem, de la bantoustanisisation du territoire, laquelle se complète d'une politique qualifiée par beaucoup d'«apartheid», du blocus économique, du non-respect des Droits de la personne et des conventions de Genève, etc.

Créant les conditions d'une instabilité persistante dans la région, cette politique hypothèque aussi, de fait, l'ensemble du processus de Barcelone. Si ses promoteurs souhaitent lui redonner sens, contenu et

perspectives, ils devront bien intervenir sur le processus politique, donc sur les négociations, en devenant acteurs politiques d'une Paix juste israélo-palestinienne et israélo-arabe.

Le troisième élément du contexte, c'est que nous sommes, en 1999, dans une année tournant, à la fois au Proche-Orient et en Europe. Au Proche-Orient : Je ne tiens pas à répéter ce qui a déjà été dit à la fois sur la légitimité de l'instauration d'un État palestinien, sur l'importance d'un calendrier pourtant sans cesse violé par la partie israélienne, ou sur l'enjeu des élections israéliennes. Je voudrais seulement rappeler que 1999 est effectivement une année qui peut être importante pour le peuple palestinien. Marquant la fin de la période intérimaire prévue par les accords d'Oslo, elle doit permettre l'établissement d'un État palestinien souverain, ce qui signifie le début de sa pleine souveraineté : intégrité et sécurité du territoire, libre exploitation des ressources, droit au développement durable, retour des réfugiés, construction de la démocratie, etc.

Nul ne peut prétendre imposer aux Palestiniens de façon unilatérale la poursuite d'une période intérimaire, négation de leur exercice plein et entier de leurs Droits. Le morcellement actuel du territoire, par exemple, complique toute intervention des acteurs, notamment des ONG, rend virtuelle toute perspective de développement durable. L'absence d'État indépendant, négation des droits nationaux, empêche, aussi, l'épanouissement de la Démocratie, etc.

La société israélienne, elle, est face à un choix. Soit un repli nationaliste, suicidaire, l'isolant à terme de sa région et de la communauté internationale, et mettant le feu aux poudres au Moyen-Orient, soit la possibilité d'envisager enfin une dynamique de Paix, ce qui implique de faire tomber les supposés tabous au lieu de les nourrir pour faire campagne. Je fais référence en particulier à Jérusalem. Quels que soient les résultats du scrutin, Israël devra bien se confronter à l'ordre du jour : l'État palestinien et les vrais dossiers du conflit (Jérusalem, les colonies, les réfugiés, les frontières, etc.).

Mais 1999 sera aussi une année importante en Europe et, comme ONG européennes, il nous faut y réfléchir, élaborer ensemble des interventions efficaces. En juin auront lieu en effet les élections européennes. Après les secousses qui ont atteint la commission et qui, au delà des questions de corruption, ont à voir avec les enjeux forts auxquels l'Europe est aujourd'hui confrontée – et dont elle avait pour une part délégué de facto la gestion à la commission non élue alors même

que nombre de questions sont loin de faire unité – la question de la démocratie et des instruments de la démocratie se pose concrètement. Loin de moi évidemment l'intention d'intervenir ici dans le débat politique à ce sujet. En revanche, je voudrais souligner à quel point cette crise appelle plus encore qu'avant une intervention citoyenne coordonnée auprès des instances et des futures instances de l'Union Européenne, notamment du Parlement.

Les ONG et associations ont matière à se faire entendre concrètement en particulier sur la politique étrangère de l'Union Européenne et de ses États membres, et les futures élections en sont l'occasion. Il s'agit plus que d'une occasion: il s'agit d'apprendre à conquérir une nouvelle voie d'exercice de la démocratie. C'est dans ce cadre que le CECP a lancé une campagne européenne autour d'une idée forte: «L'Europe peut agir pour la Paix, pour un État palestinien souverain et viable».

L'Europe a pris, dans la dernière période, des positions de principe intéressants. Le premier domaine concerne Jérusalem. Le gouvernement de Benyamin Netanyahou cherche à trouver un consensus notamment en faisant croître les tensions sur le dossier de Jérusalem. Vieille recette. Cela passe par: la fermeture d'institutions, la poursuite de la confiscation des cartes de «résidents palestiniens», mais aussi des «pressions» sur les consuls européens pour que ceux-ci ne rencontrent pas d'officiels palestiniens à la Maison d'Orient. Les menaces qui pèsent sur la Maison d'Orient sont sérieuses. Si cela n'est pas nouveau, cela relève d'une négation des droits politiques palestiniens à Jérusalem, ceux-ci étant pourtant reconnus par les accords d'Oslo eux-mêmes (cf. les élections au conseil législatif). Elle permet de brandir auprès de l'opinion publique israélienne l'idée d'un péril extérieur pesant sur la ville et de dramatiser la campagne électorale.

La réponse européenne en mars dernier, notamment par la voie de sa présidence tournante, en l'occurrence le ministre des Affaires Étrangères allemand est ferme et exprime un retour au Droit. Non pas seulement aux résolutions 242 et 338, mais aussi, de façon réitérée, au droit exprimé en 1947 à l'occasion de l'adoption de la résolution 181, celle du partage. Pour la première fois depuis longtemps, l'Union Européenne fait en effet référence au Corpus Separatum, concernant Jérusalem-Est et Ouest. Cela permet de préserver toutes les solutions possibles pour l'avenir du statut à négocier de la ville.

Cette réaction a suscité les foudres du gouvernement israélien. Mais également du parti travailliste. Ehud Barak s'est empressé de réaffirmer ce qu'il considère comme les droits éternels et exclusifs des Israéliens sur Jérusalem. S'agirait-il pour lui, au nom de la campagne électorale, de s'engager à reculer dans la voie d'une paix réelle, respectueuse des droits de chacun?

Le second concerne l'État palestinien dont l'hypothèse d'une proclamation et d'une reconnaissance a été abordée lors du sommet de Berlin et a fait l'objet d'une Déclaration officielle le 26 mars : «L'Union Européenne (...) réaffirme le droit permanent et sans restriction des Palestiniens à l'autodétermination, incluant l'option d'un État; souhaite l'accomplissement prompt de ce droit (...), déclare sa disposition à considérer la reconnaissance d'un État palestinien le moment venu». Elle souligne que «la création d'un État palestinien démocratique, viable et pacifique sur la base des accords existants et à travers des négociations seront la meilleure garantie de la sécurité d'Israël et de l'acceptation d'Israël comme partenaire égal dans la région». Elle «pousse les parties de se mettre d'accord sur une extension de la période intérimaire telle qu'elle a été établie par l'accord d'Oslo», appelle à «une reprise prompt des négociations sur le statut final dans les mois qui viennent sur une base accélérée, qui devraient mener à une conclusion rapide et ne devraient, en particulier, pas être prolongées indéfiniment; exprime sa conviction qu'il devrait être possible de conclure les négociations en visant une période d'un an» et «exprime sa disposition à faciliter une conclusion prompt des négociations».

Ce faisant, l'Union Européenne rappelle d'une part des principes: Le droit du peuple palestinien à l'autodétermination et à un État indépendant, l'application de ce droit comme garantie de la Paix, sa disposition à reconnaître cet État et à intervenir le cas échéant pour aider à l'aboutissement des négociations.

Elle intervient aussi sur la question cruciale du calendrier: là, l'Union Européenne ne rappelle pas le droit, ni ce qu'impose le calendrier d'Oslo, ni a fortiori de date-butoir, elle se situe davantage dans une logique de date souhaitable, elle ajoute cependant que les négociations doivent aboutir le plus tôt possible. Ce n'est en rien une garantie, juste une indication.

L'Europe a légitimité pour intervenir politiquement. Pour des raisons historiques, de proximité géographique, mais aussi du fait du rôle

qui lui a été dévolu dans le processus de Paix. L'Europe (notamment depuis le Sommet de Venise de 1980) était favorable à une conférence internationale sous l'égide des Nations-Unies, l'OLP y participant sur un pied d'égalité avec les autres parties. Cette option n'est pas celle du processus de négociations entamé à Madrid. Il ne s'agit pas d'y négocier l'application du Droit international, mais un compromis sur ce droit lui-même. De plus, cette négociation elle-même est soumise entièrement au rapport des forces. L'Europe a cependant soutenu ce processus, car il se fonde explicitement sur les résolutions 242 et 338, sur la perspective d'échange de la Paix contre les territoires. Si les États-Unis sont censés, comme parrains du processus, garantir l'application des accords, ce qu'ils ne font pas, l'Union Européenne n'est jamais intervenue, et nous le regrettons, pour favoriser un rapport de forces moins inéquitable.

Le rôle dévolu à L'Union Européenne est celui de financeur du processus. L'Europe l'a accepté. Pour être présente, mais également, d'une part dans la perspective du partenariat de Barcelone, d'autre part parce qu'elle est convaincue que le développement économique est la meilleure garantie à terme de la sécurité. Je précise à terme, car on ne saurait envisager de réel développement sans indépendance. Elle a d'autre part participé pour plus de 54% à l'aide aux territoires palestiniens occupés. Mais cette aide qui devait servir au développement, ne sert qu'à la survie quotidienne, du fait de l'ensemble des entraves israéliennes, qu'il s'agisse des confiscations de ressources, des bouclages, de l'absence de voie de passage entre la Cisjordanie et Gaza, de la non-construction du port ou des entraves à l'usage de l'aéroport, de la mise sous tutelle des échanges, etc.

En ce sens, elle a d'une part aidé à la construction d'instruments de la démocratie (notamment dans le suivi des élections). Nous considérons cette intervention comme positive et indispensable – notamment de l'aide à nos partenaires palestiniens de la Plate-Forme des ONG palestiniennes (Pingo), et à leur presse, ou au Conseil législatif.

L'Europe peut-elle, dans ces conditions, continuer à développer ses relations économiques avec Israël, comme si de rien n'était? Certes, l'accord d'association n'est pas entré en vigueur: la France et la Belgique ne l'ont pas ratifié. Pour l'ensemble de ces raisons, mais aussi car le ratifier serait donner un gage à la politique de violation systématique des droits de la personne par Israël, en totale opposition non seulement

avec les Conventions de Genève mais avec l'article 2 de ce même accord. Mais un accord dit intermédiaire l'a remplacé, lui en vigueur, et le Parlement européen vient de décider de nouvelles relations scientifiques et technologiques. L'Union Européenne demeure le premier partenaire commercial d'Israël dans le domaine agricole par exemple. Seule la question des tarifs préférentiels encore accordés aux produits des colonies a été soulevée sérieusement.

Certes l'Union Européenne a, à plusieurs occasions, rappelé le droit, proposé un «code bonne de conduite» c'est-à-dire le respect des accords signés depuis Oslo, mis à disposition un envoyé spécial en la personne de Miguel Moratinos. Mais elle n'a jamais transformé ses principes en actes concrets. C'est précisément cette transformation que nous demandons. Actrice économique, l'Union Européenne doit devenir actrice politique. Elle en a la légitimité, les moyens, le devoir.

Nous demandons à l'Union Européenne de faire pression pour qu'Israël applique l'ensemble des accords qu'elle a signés depuis Oslo avec l'Autorité palestinienne. Dans la perspective de la proclamation de l'État palestinien, nous demandons à l'Union Européenne de s'engager à reconnaître l'État palestinien dès sa proclamation et d'aider cet État à conquérir au plus tôt les moyens de son indépendance et à exercer sa pleine souveraineté. De faire pression sur Israël pour le retrait du territoire occupé depuis 1967 et d'intervenir rapidement et concrètement pour: l'arrêt immédiat de la colonisation, notamment à Jérusalem, et la négociation sur le démantèlement des colonies; le libre accès des Palestiniens à Jérusalem et la négociation sur la Ville Sainte; le respect de l'intégrité du territoire palestinien (voie de passage protégé entre la Cisjordanie et la Bande de Gaza); la libre circulation avec ses voisins (voie de passage vers l'Egypte, la Jordanie, la Méditerranée); la libération des prisonniers politiques; la négociation sur les frontières entre les deux États et le respect du droit au retour des réfugiés.

Pour cela l'Europe peut suspendre de manière provisoire et conditionnelle l'accord économique conclu avec Israël, et les protocoles scientifiques et techniques qui y sont attachés. Il ne s'agirait pas là d'une sanction, mais du gel temporaire d'un accord. Dans un passé récent, des pressions européennes analogues ont montré leur efficacité. En 1986, l'Union Européenne avait refusé de ratifier trois protocoles commerciaux signés avec Israël jusqu'à ce qu'elle obtienne que les

Palestiniens puissent exporter leurs produits agricoles vers l'Europe. En 1989, elle avait conditionné la poursuite de coopération scientifique et inter-universitaire avec Israël à la réouverture par cet État des écoles et des universités palestiniennes.

Il ne s'agit ni d'un embargo équivalent à celui imposé à l'Irak – toujours soumis aux bombardements américano-britanniques – ni d'un blocus comme celui qu'Israël impose à la population palestinienne. Il s'agit de suspendre durant une période transitoire dont la durée dépend d'Israël, un accord préférentiel adopté explicitement lorsque les perspectives de Paix étaient à l'ordre du jour.

Cette campagne est adoptée conjointement par sept plates-formes nationales d'associations à l'échelle européenne. En France, cela représente aujourd'hui 29 associations de la Plate-Forme plus 16 autres associations de solidarité, de défense des droits de la personne, ONG de développement. Elle suppose un travail local argumenté de débats avec nos concitoyens, de signatures d'appels, totalement articulé à un travail de lobbying auprès des acteurs politiques français et européens. Tout cela s'appuie sur l'efficacité de nos précédentes campagnes, en particulier quant au report de la ratification du traité d'association.

A l'occasion de l'élection européenne, nous nous engageons également dans un travail de questionnaires, de rencontres et de recommandations auprès des candidat(e)s et futur(e)s élu(e)s. Nous vous proposons de débattre de ces recommandations, le cas échéant pour les adopter collectivement. Pour la Plate-Forme des ONG françaises pour la Palestine, pour le CECP, c'est la seule voie raisonnable permettant de réhabiliter les espoirs de Paix juste, donc durable, et de coopération entre les peuples, vraie voie du partenariat.

## **2. Crisis and Perspectives of Peace: Democracy and Political Culture in the Mediterranean and the Role of Europe**

### *Summary*

Wars and civil wars are the result of accumulated crises. Dictators produce crises which then serve to justify their dictatorship. The vicious circle of state oppression, violence in society and even tougher oppression does not just hinder the political education of the population and the democratisation of society, but is also a central element in the blockade of economic development. The EU, which is striving towards a common area of prosperity and stability with the Euro-Mediterranean partnership, cannot restrict itself to co-operation in economic and financial questions and the support of established regimes if it does not want to end up with the role of Sisyphus, whose efforts were doomed to failure from the very beginning.

Majid Benchikh, in a global view, assesses the political crises from Kosovo to Maghreb and reaches the conclusion that widespread authoritarianism and the lack of social consensus in questions of society and constitutional law lead to long-lasting and violent conflicts. He calls for the establishment of individual and collective liberties of action amongst which the freedom of political organisation must have priority. This is because people can, through the common organisation of their interests as citizens, step forward from their powerless positions to take part in the political process. With the background of experiences made

in Lebanon during the civil war, Walid Moubarak emphasises the importance of a single citizenship. Religion, local and tribalistic identities must be secondary to the principles of one law for all.

Benchikh demands that Europe play an active role. The EU must demonstrate the universality of human rights in its actions. The principle of non-interference cannot, he says, be the primary maxim, as the meaning of state sovereignty is the protection of the population. Khemmais Chammari sees Article 2 of the treaties of association being drawn up by the EU and Mediterranean Third Countries as one instrument for European influence on democratisation: the universal respect of human rights as detailed in those treaties must be effectively implemented and not remain a formality. Economic co-operation should be made dependent on the progress of political pluralism, he says. The civil society benefiting from this procedure would take steps to ensure the process was implemented.

Dimitri Angelis of the European Commission in his overview evaluates the legal fundamentals of the Euro-Mediterranean partnership. He specifies objectives, instruments, political and financial measures of the Barcelona process which may form a sophisticated network for concrete action if implementation is politically wanted.

*Osc*

## 2. Crise et perspectives de la paix: démocratie et culture politique en Méditerranée et le rôle de l'Europe

### *Sommaire*

Guerres et guerres civiles sont le résultat de l'accumulation des crises. Les dictateurs produisent des crises, qui leur servent ensuite à justifier leur dictature. Le cercle vicieux composé de la répression d'état, de violence dans la société, suivies d'une répression encore plus dure, représente non seulement un obstacle à l'éducation politique de la population et à la démocratisation de la société, mais il est un élément central dans le blocage du développement économique. L'Union Européenne, qui aspire à faire du partenariat Euro-med un espace commun de bien être et de stabilité, ne peut se limiter à une coopération dans le domaine des questions économiques et financières ainsi qu'au soutien des régimes établis, si elle ne veut pas finir dans le rôle de Sisyphe, et voir ses efforts condamnés dès le début à l'échec.

Madjid Bencheikh essaie d'effectuer un inventaire global des crises politiques du Kosovo au Maghreb, pour en conclure que l'autoritarisme largement répandu et l'absence de consensus dans la société en matière d'ordre social et constitutionnel est à l'origine des conflits longs et violents. Il plaide pour une plus grande marge de manœuvre individuelle et collective, et en priorité pour la liberté de pouvoir s'organiser politiquement. En effet, c'est en pouvant organiser ensemble leurs intérêts de citoyens que les hommes sont en mesure de sortir d'une situation d'impuissance, due à leur atomisation, pour pouvoir participer au processus politique. En s'appuyant sur l'expérience libanaise d'une guerre civile nationalo-confessionnelle, Walid Mubarak souligne l'importance d'une citoyenneté (citizenship) unique. Pour lui, les identités locales et tribales doivent s'effacer au nom du principe de l'égalité des droits.

Bencheikh réclame un rôle plus actif de la part de l'Europe: il estime que l'Union Européenne doit démontrer l'universalité des droits de l'Homme dans son action politique. Le principe de la non ingérence ne peut être considéré comme un principe absolu, la souveraineté d'Etat ayant pour but de protéger la population. Khemmais Chamhari voit

dans l'article 2 des contrats d'association passés entre l'Union Européenne et les Etats tiers de la Méditerranée un instrument de l'influence européenne sur la démocratisation: le respect exhaustif des Droits de l'Homme, qui y est ancré, doit passer du stade du formalisme à celui de la pratique réelle. La coopération économique doit dépendre des progrès réalisés dans le domaine du pluralisme politique. Pour lui, la société civile, qui en profite, apportera son soutien à ce processus.

Dimitri Angelis de la Commission Européenne évalue les bases légales du partenariat Euro-Méditerranéen. Il décrit les objectifs, les instruments et les mesures financières et politiques du processus de Barcelone, qui pourrait former un réseau sophistiqué pour des activités pratiques, quand l'implémentation est désirée politiquement.

## Madjid Benchikh, Algérie / France

Madjid Benchikh

Des crises politiques multiples affectent la région méditerranéenne. Chacun peut observer des violations graves et répétées des droits de l'Homme et des libertés démocratiques dans des pays aussi divers que ceux d'Afrique du nord ou de l'Europe. Tous les États d'Afrique du nord peuvent malheureusement être englobés dans ce constat dans la mesure où, dans chacun d'entre eux, on peut constater l'absence d'un consensus social sur un mode de gouvernement qui se traduit par des crises politiques graves qui secouent les régimes. Ces crises politiques sont parfois extrêmement violentes et durables comme en Algérie et dans l'ex-Yougoslavie, parfois violentes mais plus épisodiques comme en Egypte ou en Turquie, plus larvées au Maroc, en Mauritanie, en Tunisie et en Libye.

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La tentative de formation d'une nation yougoslave n'a pas résisté à la disparition de Tito, pas plus que celle d'une nation de Grande Serbie n'a pu venir à bout de l'identité croate, bosniaque ou kosovar. Par contre les problèmes de formation de la nation ne sont pas au centre de la crise politique égyptienne. En Turquie, la question de la nation kurde est au centre de la crise politique, sans évidemment en être le seul élément. Même si la forme contemporaine de la nation algérienne est relativement récente, on ne peut pas dire que c'est le problème de la formation de la nation qui est à l'origine de la crise, quelle que soit l'erreur des gouvernants de ne pas permettre l'expression de la dimension amazigh ou berbère du pays. En Algérie, il semble même que la cohésion de la nation évite jusqu'ici l'anarchie ou l'extension de la guerre civile. Chacun des conflits a donc des causes qui lui sont propres. Les systèmes politiques de chacun des pays qui vivent actuellement ces crises sont eux-mêmes assez différents les uns des autres. Mais dans chacun des pays où se déroule une crise politique d'envergure, le système politique est certainement au centre des problèmes posés. C'est donc sur le système politique qu'il convient d'abord de centrer la réflexion pour tenter de situer la source ou les raisons profondes des

crises politiques dans les pays concernés. Nous verrons ensuite la question de la démocratisation et le rôle de l'Europe.

Les systèmes politiques des pays méditerranéens qui vivent actuellement des crises politiques, présentent évidemment des caractéristiques propres à chacun d'entre eux. L'histoire de chacun des pays est différente et la place et le rôle des partis, des syndicats et de l'armée n'y sont pas les mêmes. Ainsi au Maroc, l'existence, depuis très longtemps, du multipartisme donne une allure particulière à un système politique dominé par le roi. L'armée est, effectivement, mise au service de la monarchie, même si parfois certains de ses chefs (comme Oufkir ou Dlimi) tentent de remettre en cause le fonctionnement du système. Le roi asseoit son pouvoir sur toute l'histoire de la monarchie, sur sa participation à la lutte anticoloniale, et sur l'allégeance de familles et de groupes structurés dans la société: le makhzen au Maroc est au centre de l'exercice du pouvoir.

En Tunisie, le parti socialiste destourien, devenu le Rassemblement Constitutionnel Démocratique, a, avec sa police politique et l'administration, depuis longtemps été l'instrument du pouvoir, exercé pratiquement sans partage par le président. En Libye, depuis le coup d'état contre le roi et la proclamation de la République en 1969, le colonel Kadhafi exerce le pouvoir avec des organisations dites «de masse» qui ne sont en fait que des courroies de transmission. On connaît l'argument libyen: les travailleurs n'ont pas besoin des syndicats, puisqu'ils sont au pouvoir. On ouvre ainsi la voie à la dictature. En Turquie, on sait depuis longtemps, et surtout depuis 1980, le rôle de l'armée dans la direction de l'État. Après avoir exercé directement le pouvoir, elle s'est retirée des avant-postes, sans quitter la scène politique, puisque c'est elle qui a décidé le retrait des islamistes du gouvernement et l'interdiction du parti islamiste, confirmée ensuite par les tribunaux.

En Algérie, l'armée n'a jamais cessé de désigner les chefs de l'État successifs depuis l'indépendance. Or, toutes les constitutions algériennes depuis 1963 octroient des pouvoirs extrêmement étendus au Président de la République. Mais dans la pratique, le chef de l'État, parce qu'il tire sa force de sa désignation par l'armée, ne continue de gouverner que tant qu'il a la confiance du commandement militaire. C'est ainsi que des coups d'état ont été organisés contre Ben Bella en 1965 et contre Chadli Bendjedid en 1992 et que Liamine Zeroual a été contraint de démissionner. Pendant longtemps, l'armée algérienne a

pu gouverner, la paix sociale aidant, par l'intermédiaire de cadres civils, souvent membres ou proches du parti unique (FLN) ou du syndicat unique (UGTA). Mais l'incapacité du système politique à régler les problèmes posés par la société a mené à l'explosion populaire d'octobre 1988. Octobre 1988 indique donc l'échec des politiques de l'armée et de ses formes de gestion. L'État en a été ébranlé, désarçonné. L'ouverture sur le libéralisme et le multipartisme confirme que le commandement de l'armée a pris conscience de la situation, tout en pensant que cette voie permettra d'éliminer des postes de commandement ceux qui sont désormais considérés comme des facteurs de blocage. Mais l'ouverture libérale concrétisée par la Constitution de 1989 ne doit pourtant pas être considérée comme le triomphe des forces démocratiques.

Celles-ci, lorsqu'elles existent, sont embryonnaires ou fragiles. Après plus de 25 ans de répression, la scène politique reste marquée par les décisions et les manipulations des centres du pouvoir dominés d'abord par le centre présidentiel puis, par la suite, par l'État Major de l'armée.

Mais sans qu'il soit nécessaire de minimiser la part des conditions et des caractéristiques particulières de chaque régime politique, on voit bien partout la prédominance de l'autoritarisme, comme l'aspect général et fondamental de chacun d'eux.

L'autoritarisme apparaît comme la caractéristique commune à chacun des États et des systèmes politiques qui connaissent des crises politiques graves autour de la Méditerranée. Au delà des différences que nous avons notées, tous ces systèmes préconisent le multipartisme et la liberté d'association. Mais partis et associations sont, selon les pays, étroitement surveillés ou bridés et manipulés, de sorte que leur développement, leur capacité d'action et de mobilisation sont réduits lorsqu'ils s'opposent au gouvernement. D'une manière générale, ces systèmes autoritaires sont hostiles à toute entité qui voudrait s'organiser et agir de manière autonome par rapport au gouvernement. Le système autoritaire est par définition incompatible avec l'autonomie individuelle et collective. Or, l'autonomie est une condition essentielle du respect des libertés et des droits individuels et collectifs. C'est pourquoi tous les systèmes autoritaires entreprennent de casser et de manipuler les tentatives d'actions ou d'organisations autonomes. En Algérie et au Maroc, comme en Libye et en Mauritanie, en Tunisie et

en Turquie, comme en Yougoslavie, les gouvernements multiplient les obstacles devant la création et les actions des associations autonomes.

Il en résulte que la société ne peut pas exprimer ses aspirations dans un cadre organisé capable de réaliser l'alternance au pouvoir. Lorsque l'alternance semble s'imposer, elle est soit immédiatement étouffée, comme en Algérie ou en Turquie, soit surveillée, bridée, voire vidée de son contenu, comme au Maroc. L'autoritarisme conduit ainsi au mieux à une démocratie de façade, à tel point qu'aujourd'hui on peut dire que celle-ci apparaît, compte tenu des luttes internes pour les Droits de l'Homme et les libertés démocratiques, et compte tenu du contexte international, comme l'avenir de l'État autoritaire.

La démocratie de façade définit précisément un exercice du pouvoir où les principales décisions, tout ce qui est essentiel à la survie du système, sont prises en dehors des institutions constitutionnelles élues. Le peuple et le Parlement peuvent intervenir, mais seulement pour avaliser ou édulcorer les décisions de l'armée, du parti dominant ou de la police politique. Les Droits de l'Homme et les libertés démocratiques connaissent alors une évolution en dents de scie, qui traduit l'appréciation conjoncturelle et les tentatives de manipulation des gouvernants. Vu de l'étranger, les États, notamment européens, considèrent volontiers cette évolution, comme le résultat de leur stratégie et comme un pas vers la disparition de l'État autoritaire, alors que celui-ci l'expérimente comme sa meilleure chance pour durer, sans risquer de perdre l'essentiel.

Comme le dit le Comte Salinas dans *Le Guépard* de Visconti, «Il fallait bien que quelque chose change, pour que tout reste comme avant.» Quelles peuvent être, dans ces conditions, les perspectives démocratiques et quel peut être le rôle de l'Europe pour les favoriser?

C'est une évidence: il ne peut exister de perspectives démocratiques dans un pays, que s'il existe des forces locales qui intègrent dans leur action les Droits de l'Homme et les libertés démocratiques. Dans le cas contraire, la démocratie importée ou imposée de l'extérieur, serait plus un État artificiel, fantoche, au service de l'étranger, qu'un processus de démocratisation.

L'action en faveur de la démocratisation des États autoritaires méditerranéens, exige donc d'analyser l'état actuel des forces démocratiques et les chances qu'elles ont de se développer. On doit d'abord

observer que pratiquement dans la plupart des pays méditerranéens qui subissent des régimes autoritaires, des individus, des associations et des partis politiques, préconisent le respect des Droits de l'Homme et des libertés et des libertés démocratiques. L'État autoritaire est ainsi amené, soit à réprimer, soit à envisager des réformes. C'est ce que les organisations de défense des Droits de l'Homme, nationales et internationales, constatent chaque jour. Le Réseau Euro-Méditerranéen des Droits de l'Homme (REMDH) est particulièrement bien placé pour attester de l'existence de forces démocratiques dans la région et de leur répression.

Cette existence ne signifie cependant pas que ces forces sont partout solidement implantées. La longue période d'autoritarisme et de répression empêche le développement de ces forces. Celles-ci, inégales d'un pays à un autre, sont donc fragiles, d'autant plus que l'État autoritaire ne recule pas devant l'arbitraire, qu'il justifie selon les cas par l'existence de complots internes, de désordre social ou de menaces extérieures.

D'autre part, sans doute le sous-développement n'empêche pas le respect des Droits de l'Homme et des libertés démocratiques, mais il ne facilite pas l'éclosion et l'expansion des solidarités. En effet, le sous-développement, parce qu'il indique une désarticulation des différents secteurs de l'économie, atomise la société. Or, la démocratisation exige l'existence de réseaux de solidarité, concrétisée par le développement d'associations et de partis politiques ancrés dans la société. C'est sur cette base que s'implantent les réformes démocratiques. Comme nous l'avons écrit, «on ne doit pas conclure que l'Homme des pays sous-développés n'aspire pas à la liberté ou à une meilleure protection, ou que rien dans ces pays ne peut être entrepris pour les acquérir.» Au contraire, il apparaît dans cette perspective que, pour vaincre le sous-développement, il est nécessaire de s'engager dans un processus de libération de toutes les énergies économiques et sociopolitiques, et donc de définir et d'appliquer des politiques favorables aux Droits de l'Homme et à la démocratie. On ne peut pas vouloir vaincre la désarticulation économique, sans lutter contre la désarticulation sociale. On est donc, sur ce point fondamental de la problématique des Droits de l'Homme et du sous-développement, à l'opposé de la thèse des États sous-développés autoritaires. Il n'est pas possible d'attendre que le développement économique se réalise, pour instaurer («octroyer») les

Droits de l'Homme et la démocratie. «Au demeurant, rien ne peut faire que ceux dont les droits sont violés «attendent» comme si l'on vivait dans une société sans mouvement. D'autant qu'une telle attente signifierait que seules les forces les plus actives continueraient à bénéficier d'une éventuelle croissance économique, qui se ferait au détriment de la partie soumise de la population. Dans la mesure où elle évite ces déchirures, terrains de futures explosions sociales, la voie démocratique peut être plus efficace à long terme, grâce au soutien librement exprimé des populations et à la constitution de solidarités au sein des forces sociales (...)» C'est donc dans cette perspective qu'il faut envisager les réformes démocratiques. Celles-ci apparaissent comme la seule voie pour mettre fin aux crises politiques diverses qui secouent différents pays. Les perspectives démocratiques ne peuvent être envisagées que sur la base des forces existantes, avec leurs points forts et leurs faiblesses.

Mais ces perspectives ne sauraient être considérées comme ouvertes, uniquement à partir des discours officiels. La réalité du processus de démocratisation doit être appréciée sur le terrain, avec une vigilance de tous les instants. Seules les mesures politiques effectives pour le respect des Droits de l'Homme et des libertés démocratiques doivent permettre de mesurer le degré d'ouverture politique des systèmes autoritaires.

Autrement dit, l'appréciation des perspectives démocratiques exige de faire la distinction entre le discours, la démocratie de façade et les transformations démocratiques effectives. L'ouverture de conférences nationales avec toutes les organisations représentatives, la préparation concertée d'élections libres et honnêtes, le respect des Droits de l'Homme et des libertés démocratiques sont les signes du processus de démocratisation.

Les organisations de défense des Droits de l'Homme, lorsqu'elles sont réellement indépendantes, s'inscrivent déjà dans cette manière de voir. Mais leurs actions restent insuffisantes, compte tenu de l'ampleur des problèmes. Il reste à se demander quel peut être le rôle de l'Europe, de ses organisations humanitaires et de ses gouvernements.

On doit d'abord remarquer que les gouvernements de l'Europe des quinze ne se placent pas toujours nécessairement dans la perspective d'une démocratisation des pays méditerranéens autoritaires. Bien souvent les États européens aident plutôt les gouvernements et les

systèmes en place, soit au nom des intérêts économiques ou géostratégiques, soit par peur de l'islamisme politique. Les accords de Dayton ont été signés avec la coopération du gouvernement Milosevic et jusqu'à une date récente, malgré les purifications ethniques, aucun gouvernement n'affichait son soutien aux forces démocratiques de la Serbie. La même remarque peut être faite en ce qui concerne les autres pays. Les gouvernements de l'Europe n'élèvent la voix que timidement et de façon épisodique contre les violations des Droits de l'Homme en Algérie. Dans les enceintes internationales, le gouvernement français n'observe même pas une certaine neutralité: il aide le gouvernement algérien, en invoquant diverses raisons, telles que le danger qu'il y aurait à gêner les réformes envisagées, à déstabiliser le pays et à favoriser l'islamisme. Les autres gouvernements européens suivent d'assez près les positions du gouvernement français, faisant ainsi confiance à sa «connaissance», voire à son «expertise» en ce qui concerne l'Algérie. On pense ici aux positions de la France et d'autres États membres de l'Union Européenne, soit lors des débats au Comité des Droits de l'Homme et à la Commission des Droits de l'Homme, soit dans les institutions de l'Union Européenne. On rappellera le travail globalement négatif de la délégation Soulier en Algérie. Dans les cas marocain, tunisien ou égyptien, l'UE est encore loin de ce que l'on peut espérer en matière de défense des Droits de l'Homme et des libertés démocratiques. La raison d'état à courte vue l'emporte souvent sur la raison d'état à long terme, qui permettrait d'être plus attentif aux aspirations des populations. Protéger les intérêts de l'Union Européenne pour les 20 prochaines années demande de prendre des distances avec l'autoritarisme actuel et de se rapprocher des organisations politiques démocratiques et de défense des Droits de l'Homme. Dans cette perspective, l'UE et chacun des États membres doivent procéder à un réexamen de leur politique à l'égard des gouvernements autoritaires, sur la base des exigences des conventions internationales relatives aux Droits de l'Homme et aussi conformément à la lettre de la convention de Barcelone. La définition de nouvelles politiques européennes doit tenir compte de la notion d'universalité des Droits de l'Homme, selon laquelle tous les êtres humains doivent être traités conformément à la Déclaration universelle des Droits de l'Homme et aux conventions internationales pertinentes. L'universalité des Droits de l'Homme crée un droit et un devoir de solidarité, sans quoi l'universalité ne serait

qu'une manière de parler. L'universalité des Droits de l'Homme pose dès lors autrement la question de l'ingérence dans les affaires intérieures. Il ne s'agit pas ici de trouver des fondements juridiques à l'intervention armée sur tel ou tel territoire. Le Droit international n'autorise aujourd'hui le recours à la force que dans le cadre de la légitime défense (notamment en réponse à une agression) ou conformément au chapitre VII de la Charte des Nations Unies.

Mais il ne s'agit pas non plus de se prosterner devant n'importe quelle conception de la souveraineté de l'État. Lorsque l'État autoritaire viole délibérément les droits des populations, il contrevient aux principes fondateurs de la constitution de l'État comme sujet de droit international. La protection des populations est au centre de la formation du principe de souveraineté. D'autant que, depuis la Charte des Nations Unies et la pratique des quatre dernières décennies, la souveraineté ne saurait s'exercer contre le droit des peuples à disposer d'eux-mêmes, que la Commission de Droit International a eu l'occasion de considérer comme une règle impérative de droit international.

Quand la Serbie invoque sa souveraineté pour réprimer au Kosovo, elle oublie que le peuple kosovar jouissait d'une autonomie et de droits propres. La suppression de ces droits par la voie autoritaire constitue une violation des droits des peuples à disposer d'eux-mêmes. Tout comme dans cette perspective, la violation massive des Droits de l'Homme constitue un exercice pervers de la souveraineté. Lorsque l'Algérie invoque la souveraineté pour empêcher la constitution d'une commission d'enquête internationale, et qu'elle assimile toute prise de position d'un État ou d'une ONG à une ingérence dans les affaires intérieures, il y a là une entreprise délibérée pour empêcher l'établissement des faits. Il s'agit alors d'une présentation erronée de ce qu'est une commission d'enquête internationale. Celle-ci est une entreprise pacifique, et non un recours à la force.

D'autre part les gouvernements européens prétendent que le fait de coopérer avec les systèmes autoritaires conduit ceux-ci à s'ouvrir graduellement et à respecter de plus en plus les droits de l'Homme et les libertés démocratiques. A supposer que cela soit vérifiable, on doit tout de même observer que, ce faisant, les États européens s'en remettent aux États autoritaires, non seulement sur l'opportunité des réformes démocratiques, mais aussi sur le principe même du respect des droits de l'Homme, qu'exigent les conventions internationales ratifiées. Les

droits de l'Homme ne sont pas définis pour être respectés aux conditions et au rythme des États autoritaires. On rappellera que ces politiques oublient la notion d'universalité des Droits de l'Homme et le devoir de solidarité qu'elle implique à l'égard des populations victimes de l'autoritarisme. Cette solidarité exige plus d'attention et de mesures positives en faveur des organisations démocratiques qui ne cessent de lutter, malgré les risques, contre les États autoritaires.

## Walid Moubarak, Lebanon

It is not uncommon to say that the worst enemy for a weak state has been lack of national unification. We may cite the example of Finland for this purpose. “After World War II this weak country, which is located besides the former Soviet Union, lost much of its freedom to determine its own internal affairs. Having retained its national framework and cohesion as a separate political entity, it can at least maintain the hope of regaining complete independence, sometime in the future.”

Walid Moubarak

The present conditions in Lebanon are not very different from what Finland had to pass into after World War II. What we need in Lebanon is “wholeness incorporating diversity”, or to develop a common culture that would transcend local loyalties. Ronald Beiner points out that the more that citizens become fixated on cultural differences within the political community, the more difficult it becomes to sustain an experience of common citizenship. In other words, what is shared as citizens must have a power to shape identity that at some point overrides, or is more salient than, our local identities.

In Lebanon, the elaboration of a common identity is in the making and requires different efforts at different levels. This is not to say that a relational network does not exist between the individual and his identity group. Because of the ongoing economic crisis this relationship is even stronger than before. It is a patriarchal relationship built on proximity and association, and takes place through the “Zaim” (political leader) and necessarily leads to the enforcement of local loyalties. However, despite everything else, the lessons of the war should have given the Lebanese every reason to develop a common culture and a national identity.

Citizenship as a shared identity should provide national unity and, thus, protection against common dangers. Moreover, the issue of loyalty to the nation should not contradict with ones loyalty to his/her identity group. In a multi-cultural society like Lebanon, loyalty to the

nation and to the cultural group must be complementary. In other words, it would be most harmful when one identity group questions the loyalty of another.

Experience has shown that what Christians and Muslims share as citizens transcends their communal identity. Commenting on the war, Kamal Salibi, a well known Lebanese historian, points out that more and more the political conflict in Lebanon has turned into one between Muslim and Christian moderates on the one hand, and Muslim and Christian extremists on the other, rather than remaining the head-on confrontation between Christians and Muslims with which the Lebanese civil war started. Iliya Harik, a well known Lebanese political scientist, points out that “cross cultural attributes facilitated democratic practices (in Lebanon) and made for a measure of national cohesion, especially by reducing the impact of recurrence of distinctive factors”.

Moreover, because of the war, the Lebanese regardless of their sect or political affiliation have come to value the importance of their territorial state. We may cite two reasons in this context. First, the failure of the ideological models in the region, whether Pan Arab, Islamist or secular, to achieve anything concrete for the Lebanese citizen except rhetoric. Second, with all the shortcomings of the Lebanese political experience, it was democratic and recognised the importance of intellectual and political freedoms. Lebanon’s democratic experience is well entrenched in Lebanese history and has always posed a threat to neighbourly authoritarian regimes. Moreover, Lebanon’s experience in democracy is a further example of the victory of pragmatism over ideology.

Lebanon’s experience in democracy must be seconded with education on citizenship to make our people more aware of the importance of a common culture. Moreover, citizens from all sects, regardless of their grievances against the political system, must be encouraged to get involved in the political process. This is exactly the message of the Pope on his latest visit to Lebanon when he spoke to the Christians encouraging them to participate in the political life of their country and asking them not to give up hope although sometimes they might feel kept out of the political arena. The message of the Pope also stressed the importance of integration into their Arab environment and culture as a main component of this culture. This positive attitude towards the neighbouring Arab countries paved the way for the rapprochement that is occurring now between the Maronite Christians and Syria.

Today, there is more citizen confidence in the Lebanese political system, especially after conducting “clean” municipal elections in the country followed by the election of a new president. Lebanese of all sects support the new president. For them, a new president brings new hope to solve Lebanon’s acute problems. The Christian communities, including the Maronites, feel that by his election, a sense of balance has been restored to the power-sharing formula between the Christian and Moslem communities. Moreover, the new government that was formed immediately after the presidential elections has been keen about reducing government corruption and reforming the bureaucracy. It has worked out a balanced budget that would give more attention to social infrastructure development and reduce Lebanon’s heavy internal and external debt.

The Government is also reconsidering the present parliamentary electoral arrangement. This arrangement, as introduced by the Taif Accord in 1989, introduced two flaws into the system. First, it provided for group representation by promising to eliminate it in the near future, and second, removed all the advantages of constituency-based voting by enlarging the size of constituencies beyond recognition. In other words, the Taif electoral arrangement is a step to perpetuate the domination of communal leaders, vitiate the principle of accountability, reduce the voters’ power, and contribute nothing toward integration and secularisation of the voting process. Moreover, this electoral arrangement has given neighbouring Syria an additional card to manipulate Lebanese politics and decision-making.

With all of what we can do as Lebanese citizens to develop a common culture, it remains a fact that regional politics, especially Syrian influence, will remain a deciding factor in Lebanese politics until an acceptable solution is found to the Arab-Israeli conflict. National sovereignty must be respected if a country is to regain its citizens’ loyalty. In the meantime Lebanon has to wait, for the election of Netanyahu as Prime Minister of Israel has not only delayed a settlement of that conflict but has also put more pressures on Syria to have firmer control over Lebanon. As Michael Handle points out “(...) an exaggerated degree of dependence results in resentment and hatred, rather than in a sense of moral obligation, gratitude, or commitment”. For this reason, a firmer control over Lebanon should be in the form of restoring the balance of power between the Christians and Muslims and not otherwise. A compromised settlement between Lebanon’s identity

groups that would alleviate the feelings of fear and deprivation should also fulfil the security requirements for both Syria and Lebanon.

The lessons of war in Lebanon must have contributed to a common culture of caution against outsiders. Pending a Middle-East settlement and the eventual withdrawal of foreign troops from Lebanon, a culture of caution could work out very well in favour of Lebanon's independence. Moreover, Lebanon's democratic experience is bound to generate pressure for democratisation in other Arab countries including Syria. The end of the Arab-Israeli conflict would mark the end of all pretexts to delay the onset of democracy.

## **Khemais Chammari, Tunisia**

I am not just going to leave aside all the comments on Algeria and Palestine, but I am going to limit my comments exclusively to one particular perspective, namely, I think, that that perspective will really prepare the ground for the contribution by my colleague, namely the promotion of human rights and democracy as we see it in the declaration of 1959 and Article 2 of the association contracts.

Mourad Allal said quite rightly this morning that if the partnership between Europe and the Mediterranean, which started with the Barcelona declaration, will lead to a general framework intended to liberalise trade and economic and financial relationship and also enabling freedom of movement, that this process has opened up new possibilities and new opportunities for the respective civil societies and are ones which they should seize. These opportunities are made possible because of the reference to the democratic principles and the rights of the individual, as is highlighted by the universal declaration of human rights. So this is the basis which is considered to be the foundation of the contribution of the civil society in the Euro-Mediterranean partnership as an essential factor for better understanding and a closer relationship.

But it is also an important factor which contributes in an irreplaceable way to the state of law and the democratic institutions and the rights of the individual. In this spirit, the European Union has launched their programme and also the promotion and encouragement of the respect of human rights, and it is also the perspective and the spirit in which the bilateral association contracts, which have already been concluded and which are being negotiated with the twelve partners, these are the so-called Third Mediterranean Countries, which in the final analysis will enable a free movement of goods.

In Article 2 of the association contracts it is said that the relationship between the contracting parties and all the provisions of the contract will be based on the respect of human rights, both in internal politics and international relationships. You know that five of those

Khemais Chammari

association contracts have been signed. Israel, Jordan, Tunisia are in a process of negotiating these, they have been ratified by all contracting parties now, they have come into effect. Social effects are then created by this free economic area and this also means that a process of democratisation has been started, and there has been a unanimous vote and consensus that all Mediterranean partners favour this process, both at government level, but also those partners at NGO level. The Barcelona declaration was accepted by all participants and this will have a far-reaching effect on the respect of human rights.

The first consequence is that the nations concerned, especially on the southern and eastern shores of the Mediterranean, formally declare that they will respect human rights in all the various fields. You know that of course the universality of rights is not only a theoretical debate and that all the attempts that are made at respecting the universality of those rights will of course have far-reaching effects in respect of the population.

The second consequence is that Article 2, which has been inspired by the negotiations in Barcelona, means that one thing is quite clear, that economic co-operation and the respect of certain conditions, of a political and moral nature, are linked and intertwined: the so-called “conditionality”, “conditionnalité” in French. So there is mutual acceptance and commitment on both parts to accept the principle, that these conditions and the respect of certain moral and political rights are the prerequisite for the establishment of trade relations.

This means that Article 2 and the acceptance of Article 2 will question the idea of absolute sovereignty because this principle has been accepted by all signatory states and that is true from North to South and from South to North. The second consequence for civil society is the following: Apart from all terminological and conceptual debates on “civil society” I would like to stick to this term. I am thinking of media, personalities, associations, whose task it is to protect and promote the rights of the citizens outside government institutions and which favour the formation of an autonomous and pluralist identity.

I would like to underline pluralist on the basis of sovereignty of a nation. In this spirit we can say that in most of our societies where there is an authoritarian regime it is high time that also autonomy vis-à-vis the state and independence vis-à-vis the state and the individual parties were revised and reviewed, and so I think this is really the basic

yardstick which has to be used for all future action, and I think conferences like this and all the human rights networks and the forum of the citizens of the Mediterranean will really favour a development in this direction.

Of course, there is still a long way to go in order to live up to this spirit and the contents of those commitments. There are many reasons why we are not there yet. First of all, if we look at the majority of the regimes of the so-called Third Mediterranean Countries I think it is quite obvious that a lot remains to be done, be it problems of torture, freedom of expression, secularisation of our society, of our traditional system, of the educational system and so on. But one thing I would like to highlight in this topical context here is in the document that has been submitted to the ministers here in Stuttgart by the Human Rights Network which says that guaranteeing a policy of prevention of terrorism must be based on the respect of human rights and also on the right of asylum and the banning of torture.

The second reason why we are not there yet, is that there are a lot of limitations of the mechanisms that are in place at the moment. That is the implementation of all the provisions of this Article 2 and the content of Article 2. It is still very formal. Of course there is the association council, but that does not suffice. I would like to elaborate on this if I may.

In modern history, that is in the last 50 years, the legal international instruments that have been established and the mechanisms to guarantee human rights and the respect of human rights were not created overnight. There is a long development, also against the background of the United Nations. This is something that develops progressively and that develops step by step. And the NGOs have played a very important role in this because they have always been willing to talk, to discuss. There was a spirit of dialogue with the responsible leaders of this Euro-Mediterranean partnership but also with the European Parliament and the necessary groups and institutions in this framework. And then there are also the technical limitations and the administrative limitations of the European institutions. I think a lot of representatives of NGOs can really attest to this, that the procedure is still very ponderous and very difficult to implement and that it needs rationalisation and more efficiency and also more transparency and more visibility when it comes to granting particular aid and particular help, especially for the NGOs and groups of civil society.

And there are also the institutional and political obstacles. Very often as an alibi leaders use the *raison d'état* and sovereignty – a force reluctant to change. A lot of the representatives of the signatory states have opposed an effective implementation of Article 2 and its relevant provisions. So we have seen that even minimum requirements are not taken into account. These minimum requirements are also reflected in the documentation of the UN organisation. Governments can certainly not be criticised for being overly activist or being overly courageous.

If we look at other examples, Syria and others, there are critical recommendations which have been tabled by United Nations organisations accusing those countries of violating human rights, of racism, xenophobia, and so on. The association contracts are not really implemented, even in those present states. So I find it very worrying that we have not made further progress and the various drafts which have been presented to the European institutions have shown that very often our organisation has been marginalised and has not been given the weight it deserves. We hope that the situation will improve very soon.

We do need the help of the European Union in this. I would like to quote the UN Commissioner, Emma Bonino, responsible for human rights. She spoke to the United Nations human rights organisation about the possibility of really implementing the principles of Article 2, which were solemnly declared in Barcelona. I think she really questions the idea of “realpolitik”. She said: Why do we very often quote moral norms and why do we cry that human rights are not respected, when the excuse is always that it is “realpolitik” that counts? That even the fantasists who are transforming their obsessions into law are then smiled upon by the adherents and supporters of this sort of “realpolitik”. And so even if women are deprived of their human rights, we are not taking action. She said that what we need is not somebody supporting “realpolitik”, but “idealpolitik”. I think basically that ethics and morality are things which you can always defend vis-à-vis your parliament and vis-à-vis your people.

## Dimitri Angelis, European Commission, Brussels

The principle of respect for human rights in the Mediterranean is enshrined in a number of instruments including the Barcelona Declaration, the MEDA Regulation, the MEDA programme for democracy and the Association Agreements between the EC and Mediterranean third countries. These texts express the will of the twenty-seven Euro-Mediterranean partners to include this dimension formally in their relations from November 1995. However, this was only an innovation in formal terms, since in practice the texts are based on international human rights instruments of which all twenty-seven countries are signatories.

The most important of these international instruments are the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention against Torture, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention relating to the Status of Refugees. There are also regional instruments, such as the European Convention on the protection of human rights and fundamental freedoms, the African and Arab human rights conventions and the Islamic Charter of human rights.

Unlike the Association Agreements which refer to the Universal Declaration of Human Rights, the Barcelona Declaration, while recognising international and regional human rights obligations, also recognises “the right of each [of the partners] to choose and freely develop its own political, socio-cultural, economic and judicial system”. Nevertheless, the Declaration affirms in three separate paragraphs that the partners undertake to develop the rule of law and democracy, to respect human rights and fundamental freedoms and to give favourable consideration to exchanges of information on matters relating to human rights.

Respect for human rights is an essential element of the Association Agreements between the EU and individual countries (Article 2).

Dimitri Angelis

The MEDA Regulation specifies that it is based on respect for democratic principles, the rule of law, human rights and fundamental freedoms, that these are an essential element of the Regulation and that their violation will justify the adoption of appropriate measures (Article 3).

The MEDA programme for democracy is designed to support the development of democracy, of the constitutional state and of civil society, as well as to establish new interparliamentary relations (remarks on Budget heading B7-705).

There are a variety of instruments for putting the above principles into practice. The most important are the following:

The Barcelona Declaration work programme provides that senior officials of the twenty-seven partner countries should conduct a political dialogue to agree on appropriate means for putting the political principles of the Declaration into practice. Decisions must be arrived at by consensus.

The bilateral Association Agreements provide for institutionalised and regular political dialogue on all subjects of common interest, “examining in particular the conditions required to ensure peace, security and regional development through support for co-operation”.

The Commission and/or the Council have three sources of financing at their disposal to subsidise human rights operations in the beneficiary countries:

The MEDA Regulation (Budget heading B7-440). The reinforcement of democracy and respect for human rights are included under “support for achieving a better socio-economic balance” (Article 2 and Annexe II §II).

The MEDA programme for democracy (Budget heading B7-705), with an appropriation of approximately ECU 10 million per year.

The financial resources of the CFSP (Budget headings B8-010 to 015: support for electoral processes, Special Envoys, disarmament, prevention of conflicts and support for peace processes, preparatory measures and emergency measures).

As regards multilateral discussion, there have been a number of meetings between the twenty-seven senior officials, which have allowed a number of confidence-building measures to be introduced, including exchanges of information on the application of international human rights instruments and the establishment of a centre for co-operation

between foreign-policy institutes in the region. A number of initiatives and declarations on human rights have also been adopted under the CFSP.

160 operations for a total of ECU 27 million were subsidised by the MEDA programme for democracy in 1996, 1997 and 1998.

Operations relating to the peace process in the Middle East have been financed under the CFSP budget heading (ECU 7.6 million for the preparation of the Palestinian elections and ECU 10 million for monitoring them).

### 3. Freedom of Movement and Refugees

#### *Summary*

The status of immigrants, who are the objects of mistrust and xenophobia in Europe, is a constant point of discussion for the southern Mediterranean states. Actions considered to be questions of domestic policy by the governments in the North are seen by observers in the South as massive violations of the Euro-Mediterranean partnership by the EU states. The states who signed the Schengen agreement are forcing to stop immigration through policies which are based on the fear of the domination of foreign influences. This stigmatisation affects all those who appear to be “foreign” due to the colour of their hair or skin or because of their language or culture. The free trade zone planned for 2010 is deemed as cynical from the perspective of the Mediterranean partners, as goods and capital have more respect and freedom of movement than people. The dignity of immigrants, their physical safety, effective protection against persecution, also from xenophobic persecution within the EU, are all not guaranteed and one sees here the darkest chapter in the history of human rights policies in Europe.

Kerim Yildiz describes the position of the Kurds in Turkey. He details the expulsions, the destruction of villages and illegal surveillance measures which the Turkish army uses against the Kurdish population. He deplores the fact that the international community has not recognised that this is a threat to European security and suggests that the OSCE should start a mission in the Kurdish regions. The war declared by Ankara on the PKK, which is, however, waged as an ethnic war against an entire group of the population, has created the Kurdish refugee problem. The EU has, however, been slow to take up these “push factors” of immigration in its political agenda. Eva Norström describes the precedence that defence against immigration has over protection for immigrants using the example of the tighter controls for the procedure of recognition for asylum seekers. She says that standardised questions are designed to prove the lack of proper reasons to flee one’s country, instead of allowing the refugees to describe their own story. Every asylum seeker is seen as a potential criminal. Stefano Leszczynski talks of the invasion syndrome in Europe. He describes the Italian reaction

to the potential mass arrival of Albanian refugees on the country's coasts.

Abdou Menebhi calls for an improved position of the immigrant question within the scope of the Euro-Mediterranean partnership. The definition of the Barcelona process as a liberalisation of trade must be augmented in substance by the social logic of seeing people as a potential for development. Immigrants in Europe may no longer be seen as objects of suspicion. They must be integrated as participants in social co-operation and cultural understanding, in the setting-up of a balanced partnership between European and southern Mediterranean societies. Menebhi demands that basic legal protection must be the same for everyone. Illegal immigrants have the protection of the European Human Rights Convention too.

OSc

### 3. Liberté de mouvement et réfugiés

#### *Sommaire*

Les pays riverains du sud de la Méditerranée reprennent le thème du statut des migrants, victimes en Europe de la méfiance et de la xénophobie. Ce qui est considéré par les gouvernements du Nord de l'Europe comme un point de détail de politique intérieure est ressenti par les observateurs du Sud comme une transgression grossière du partenariat Europe-Méditerranée par les pays de l'UE. Les Etats signataires de l'accord de Schengen adoptent de plus en plus une politique de défense contre l'immigration, caractérisée par la peur d'une surpopulation étrangère, qui stigmatise tous ceux qui apparaissent comme des «étrangers» en raison de la couleur de leur peau ou de leurs cheveux, de leur langue ou de leur culture. Pour les partenaires méditerranéens, la zone de libre échange annoncée pour l'année 2010 apparaît quelque peu cynique, alors que les marchandises et le capital jouissent de davantage de considération et de liberté de mouvement que les hommes. La dignité des migrants, la sécurité de leur vie, la protection efficace contre les persécutions, y compris contre les persécutions xénophobes à l'intérieur de l'Union Européenne, ne sont en aucune façon garanties, et représentent le chapitre le plus sombre de la politique européenne des Droits de l'Homme.

Kerim Yildiz décrit la situation des Kurdes en Turquie. Il nous rapporte les poursuites, destructions de villages et mesures de contrôle illégales pratiquées par l'armée turque contre la population kurde. Il déplore que la communauté internationale n'ait pas su prendre conscience que ce conflit est une menace pour la sécurité européenne. Il propose que la OSCE commence avec une mission dans la région kurde. C'est la guerre qu'Ankara a déclarée au PKK, – guerre ethnique menée contre toute une population –, qui est à l'origine du problème des réfugiés kurdes. Malgré cela, selon lui, l'UE n'inscrit qu'avec réticence dans son agenda politique ces facteurs qui influent pourtant sur les migrations. Eva Norström explique le fait que la priorité soit donnée à la défense contre les réfugiés, plutôt qu'à la protection des réfugiés, par la sévérité accrue des procédures de reconnaissance du statut de demandeur du droit d'asile. Pour elle, l'objectif des questions normalisées est d'établir la preuve que les demandeurs n'ont pas de raison

de fuir leur pays, alors que les demandeurs devraient avoir la possibilité d'exposer individuellement leur destin de réfugié. Elle estime que chaque demandeur d'asile est considéré comme un fraudeur potentiel. Stephano Leszcynski, en s'appuyant sur l'exemple de la réaction italienne face à la menace d'un afflux massif de réfugiés albanais sur les côtes du pays, parle d'un syndrome de l'invasion de l'Europe.

Abdou Menebhi, lui, demande que la question des émigrés soit traitée avec davantage de priorité dans le cadre du partenariat euro-méditerranéen. Les lacunes des dispositions du processus de Barcelone concernant la libéralisation du commerce doivent être complétées par une logique sociale substantielle, qui considère l'Homme comme un potentiel de développement. Les migrants en Europe ne doivent plus être considérés comme des objets de soupçon, mais être intégrés dans la constitution d'un partenariat équilibré entre les sociétés européennes et sud-méditerranéennes. Ils doivent être les acteurs de la coopération sociale et de la compréhension inter-culturelle. Menebhi insiste sur le fait que la protection juridique s'applique à tous les hommes. Pour lui, même les émigrés illégaux jouissent de la protection de la Convention Européenne des Droits de l'Homme.

## Kerim Yildiz, Turkey

First of all I would like to thank the Friedrich-Ebert-Stiftung for inviting us to this conference and giving us the opportunity to tell you about the Kurdish situation in Turkey.

In my short presentation I would like to bring some discussion on the Turkish Constitution and the human rights situation in Turkey and discuss the possible solution of the Kurdish issues.

I would like to briefly introduce you to the work of the Kurdish Human Rights Project (KHRP), an independent non-political NGO founded and based in Britain. The KHRP was established in London in 1992 to bring together people interested in, and concerned with, the rights of Kurdish people in Iraq, Iran, Syria, the former Soviet Union and Turkey. It has its purpose, the protection of the human rights of Kurds. Its means are to work through the mechanisms of international human rights law to make the governments in these countries respect the rights of the Kurds.

The KHRP is not a political body; it is a human rights body. It takes no stand on questions such as how the Kurds should be governed or what particular solutions should be sought in the different parts of Kurdistan. Questions of self-determination are for the Kurds themselves to decide upon. What we insist on doing is ensuring that the fundamental rights of all are upheld so that the conditions exist for a peaceful and democratic future to be established by the Kurdish people themselves in dialogue with the governments.

However, the Turkish Constitution and other existing legislation such as the Anti Terror Law prevent such dialogue between parties in conflict and in general between Turks and Kurds. There are provisions in the Constitution that give the first priority to the protection of national interests and national security. The rights of the individual take second place, rights which can be limited or withdrawn at any time when the state feels threatened. Furthermore, the individual does

Kerim Yildiz

not have a right to express political views laid down by the constitution or which may conflict with state ideology. The notion that the individual or groups cannot form thoughts or opinions which are against Turkish national interest or the principle of indivisible entity of the state may be argued to be a reasonable restriction of freedom of expression but also if it is assumed that the state exercises a fair and democratic policy towards all its citizens.

The Kurds in Turkey, for example argue that their fundamental rights are being violated by the state, that they are a separate people with a separate language, culture and identity and that they should have the right to express their discontent and to form opinions which may be contrary to the Turkish national interest but essential to Kurdish interest in an attempt to obtain their basic human rights.

The Turkish Constitution and legislation such as the Anti Terror Law, prevent such discussion from taking place in Turkey. Therefore it is the duty of the international community to provide a democratic platform for the discussion of possible solutions.

It is important to mention that the international community has never effectively called Turkey to account for the treatment of their Kurdish population, even though Turkey has ratified many of the international agreements relating to human rights. The State of Turkey has relationships with different institutions of the Council of Europe. Let me mention a few of them.

The European Union: The reality is of course that Turkey is not a member of the Union; its Kurdish problem and human rights record is a continuing barrier to membership. There is a question of whether its wish to be a member can still be used as an effective means to change the situation on the ground.

The European Convention on Human Rights (ECHR): It is the main human rights mechanism for the people of Europe; it provides a guarantee of political and civil rights and two means of implementation. First of all individuals can complain to Strasbourg and it so happens that Turkey accepted the right of the individual citizens of Turkey to complain to Strasbourg. It must be noted that the reason Turkey accepted that was that another inter-state case brought against Turkey by the Scandinavian states was compromised and part of that compromise was that Turkey would accept the individual right to petition. Since 1992 the KHRP has been involved with the local

human rights organisation in bringing the largest number of cases to the European Commission and the Court of Human Rights, complaining of the most serious violations of human rights that have ever happened before. A few years ago there were statistically very few cases against Turkey. Now Turkey is among the top number of states in terms of the complaints registered against them. The Court has already passed a number of judgements on destruction and evacuation of villages, torture, rape, disappearances, freedom of expression, intimidation etc. I can say that it is the first time Turkey is being asked to account for its behaviour.

Already some people, victims of these gross violations, are getting some kind of redress and overall it may create pressure both on Turkey and international committees for concrete action.

We in the KHRP believe that the time has come to start to mobilise and pressure states in Europe into bringing another case against Turkey at the level of the state. We feel that the states of the Council of Europe have a duty to act where the public order of the community of Europe is at risk from the violations by Turkey of its international commitments under the European Convention on Human Rights.

Let me move briefly then to the final framework in which one can work for the protection of the rights of the Kurdish people. That is the Organisation of Security and Co-operation in Europe, the OSCE. Within the OSCE, which is not a legal treaty, but a politically binding process, 56 states in Europe and the world, and a new High Commissioner for national minorities will specifically be looking for minority issues in different countries. However, the High Commissioner's main concern is to focus on tensions which have not yet broken into conflict, where early action can be taken, and it is of interest for us to know that when this institution for minorities was being considered, Turkey and Spain insisted that the High Commissioner would have no role in situations involving 'terrorism', which they interpreted of course as including the situation in the Kurdish region of Turkey. We believe that it is the right time for the High Commissioner to look at the Kurdish situation.

I want to mention also a very important statement on the principle of minorities in the OSCE called the Copenhagen Principles. This is a statement which should be read and is binding for the Turkish State. First of all it makes clear that national minorities are matters of legitimate international concern and do not constitute exclusively an

internal affair of the respective state. Every other state has a right, indeed a duty, to consider the situation inside Turkey and the plight of the Kurds. It clearly prohibits all forms of discrimination. It provides for persons belonging to national minorities to have the right freely to express; preserve and develop their ethnic culture, linguistic or religious identity and maintain and develop that culture free of any attempts of assimilation against their will. There is a conflict between the constitution of Turkey and the principles it signed.

As you know, there is a procedure under the OSCE whereby states can diplomatically take initiatives to complain against Turkey, a procedure we have been pressing numerous states, including Britain and France, to undertake. We must maintain that pressure so that there will be established an OSCE mission of long duration in Turkey. This is a body of experts which would be based in the Kurdish region of Turkey and whose duty would be to report on the situation so that the governments of the OSCE may act to protect the Kurds.

We believe now is the time for Europe to acknowledge and act on its responsibilities and to assist both Turkish and Kurdish people to end the present conflict and to find a peaceful, democratic solution through dialogue in the interest of both.

For peace and security in all regions, Turkey must begin a democratic renewal. The constitution must guarantee fully and effectively the social, cultural and political rights of the Kurdish people.

The Barcelona Declaration also very clearly sets out that the participating states have an obligation to address such issues. There is some space for peaceful, democratic, effective legal action at the international level and we hope to continue together to do what we are doing to use some of these processes to the utmost. Without seriously tackling the Kurdish issues and the issue of democracy in Turkey, the public order of Europe and the stability in the Middle East is at risk for a long time.

## Eva Norström, Sweden

Eva Norström

I have been asked to discuss the consequences of the European approach to refugee protection for a general raising of human rights awareness in the region. What I will do is to give you themes for discussion on various levels and dimensions.

As long as human beings have existed they have migrated, and they still do. An extreme minority has access to almost any part of the globe and they take it for granted that they should have, while the absolute majority has few opportunities to travel at all.

In European policy there are three main points: to ease pressure of migration, to establish control over migration flows; and to strengthen the integration of legal immigrants. The methods to do so are by inter-governmental co-operation, and also through various documents, binding legal documents and conventions and non-binding legal documents and conventions. I won't go into that because most of you already know about it.

The measures affecting refugees are joint visa lists, finger prints of asylum-seekers and rejected asylum-seekers, carrier-sanctions, accelerated procedures for many vastly unfounded cases, safe country of origin lists and return to so-called safe countries. These restrictions have led to a number of consequences. One of the consequences is that burden-sharing becomes burden-dumping outside the EU. Another is that only the 1951 Geneva convention counts as a basis for refuge and that other causes of flight are not covered.

Moreover, we see a lack of concreteness in addressing root causes; we talk about root causes, but we do not really address them. These restrictions have also led to other consequences that we do not talk about. It affects, for example, the ways interviews are conducted. Most questions put forward to an asylum-seeker are what I would call technical. Which way did you travel? Do you have papers? If you have papers, how come; if you don't, how can I trust you? These formalities do not cover or give room to things like narrative traditions, feelings of shame, honour, vulnerability, the effects of trauma, stereotyping, age

and so forth. Factors that constitute the essence of the inhuman, factors perhaps hard to actually understand when you are in control and in the judging position. These restrictions and methods in turn lead to changed images of who is a refugee. I remember a time when the stereotypes were that the refugee is a hero, a freedom-fighter, a defender of standards. But this has changed. We talk about refugees today as a burden, a threat, a member of a crime group, security risk, cause of racial tension, potentially unemployed and a selfish person. These changes in images in turn affect all persons arriving in Europe, and not only that. If there is a negative attitude it affects all and everyone, it constitutes lost opportunities and creates fear, intolerance. It diminishes the beauty of life itself.

But not all is negative. The situation of the refugees from Kosovo has touched everyone. I can give you an example from Sweden, where the immigration board has received thousands and thousands of offers from so-called ordinary people who want to be supportive. There are also some measures taken within the European Community. A Commission working document towards the common standards of asylum procedures was made official on the 3rd of March 1999. It says that the Council of the European Union, as amended by the Treaty of Amsterdam, has to adopt measures on minimum standards of procedures in member states for granting or withdrawing refugee status. The paper is meant to serve as a basis for dialogue with, amongst others, the non-governmental organisations. An initiative, I think, one should take very seriously. The Commission identifies the need for legally binding instruments on asylum procedures. And the treaty actually will require the Council to adopt measures on minimum standards of asylum procedures within five years of its coming into force. The Commission underlines that it is essential that asylum procedures contain the necessary safeguards to ensure that all those who need protection are correctly identified and also that the EU's legal instruments will contain specific procedure guarantees or safeguards in relation to children and women.

There are also other actions taken. There was for example an NGO round-table discussion in February 1999, a very constructive round-table discussion where a series of recommendations was produced in order to set some standards connected with migration movements. It was felt that the states signing the Barcelona declaration were only

taking the complexity and the diversity of people into account from a restrictive point of view, motivated by control security reasons and thus ignoring the consequences of persecution and conflicts. The recommendations dealt with human exchanges, factors in migration, migrations and development, integration and the right to fight against discrimination and racism and illegal immigration. The right to seek and enjoy protection from persecution is declared in Article 14 in the Universal Declaration of Human Rights. It is not a juridically binding right, but nevertheless morally binding. Refugee movements are often dealt with as if they were a variation of normal migration. But it is essential to remember that refugee protection is a matter of protecting the values of human rights. In most religions you find the belief that humans are God's creation and thus own a value that must not be violated in any way. By violating humans or by denying refugees protection from violence we violate not only the refugees and humiliate ourselves, but we diminish the wonderful creation that we are part of. To give protection is to execute a right to take action for humanity and the most effective instrument in guarding the human rights for refugees.

## Abdou Menebhi, Maroc/Pays-Bas

On ne peut tout d'abord s'empêcher de constater que les risques d'échec et d'enlèvement du Partenariat Euro-Méditerranéen sont pratiquement à la hauteur des espoirs qu'il a fait naître. L'incertitude et le doute qui marquent et qui marqueront l'initiative de Barcelone dans les années à venir sont tout d'abord liés aux problèmes d'équilibre et de stabilité politique régionale et à l'évolution du processus de paix au Proche-Orient. Comme on l'a vu à Malte, la question palestinienne risque de peser lourdement sur toute cette oeuvre de construction de l'espace Euro-Méditerranéen.

**Abdou Menebhi**

Mais au delà de cela, il faut relever que les principes sur lesquels se fonde cette construction Euro-Méditerranéenne pourraient eux-mêmes se transformer à terme en facteur de déstabilisation pour les économies et les sociétés civiles du Sud de la Méditerranée. En fixant à l'horizon 2010 la création d'une zone de libre-échange Euro-Méditerranéenne, cet accord place en effet les pays du Sud de la Méditerranée face à un défi immense. Pour être à la hauteur de ce défi, les pays tiers Méditerranéens doivent, à tout le moins, s'engager à assainir leurs économies et à réorganiser leurs systèmes de production. Maintenir le statu quo face à un environnement où les échanges commerciaux sont de plus en plus libéralisés signifierait tout simplement le déclin de secteurs entiers des économies des pays les moins bien préparés.

Du côté d'un certain nombre de pays tiers Méditerranéens, on objecte que les chances de succès du Partenariat dépendront étroitement du taux de réalisation effective des projets. Certes, il existe à l'heure actuelle un certain nombre de blocages et de dysfonctionnements dans la politique Méditerranéenne de l'Union Européenne. Il est aussi exact d'affirmer que la destinée du Partenariat dépendra en majeure partie de la détermination et de l'engagement de l'Union Européenne et de ses États membres. Cependant, cela ne peut pas masquer la nécessité

de procéder à des adaptations et à la modernisation des environnements politiques, économiques et administratifs des pays du Sud de la Méditerranée. Pour l'ensemble de ces pays, l'enjeu essentiel d'aujourd'hui, mais aussi celui des quinze prochaines années, s'articule autour de la problématique de la création d'emploi. Ce qui appelle la mise en place de systèmes productifs solides, cohérents et capables de fournir aux populations des alternatives en termes d'emploi, dans un contexte de croissance démographique forte. Il s'agit là de réformes fondamentales qui sont difficiles et coûteuses, mais sans lesquelles le pire est à craindre.

Un échec sur cette voie signifierait que ce sont les populations les moins favorisées du Sud, qui sont déjà malmenées dans le contexte actuel, qui seront à nouveau amenées à en supporter le coût social et humain. Face à ces provisions, le volet social de la nouvelle architecture Euro-Méditerranéenne ne peut pas rester le parent pauvre à l'image de ce qu'il est resté dans le cadre de la construction européenne. Plus qu'à un «volet» social, qui se poserait en quelque sorte comme un instrument supplétif de la logique commerciale et financière, c'est à une logique sociale qu'il faut dès aujourd'hui en appeler et ce, afin que le libre-échange ne constitue pas une entrave au développement humain dans cette région.

Le scepticisme et les incertitudes qui règnent sur l'avenir économique des pays du versant Sud de la Méditerranée ne peuvent cependant pas conduire à l'attentisme. Au contraire, il s'agit pour les acteurs des sociétés civiles et pour les ONG des deux rives de la Méditerranée de s'imposer et d'imposer une visée citoyenne dans ce débat actuel. Car en effet, les problématiques économiques, sociales et humanitaires, que connaissent de nombreux pays du Sud de la Méditerranée ne risquent pas de passer miraculeusement au second plan. S'il ne veut pas accroître les déséquilibres qu'il prétend justement combattre, le nouvel espace Euro-Méditerranéen devra inévitablement s'accompagner d'une dynamique sociale substantielle.

Pour que les sociétés civiles soient capables de prendre la mesure des changements qui vont affecter la Méditerranée dans les quinze prochaines années, il est dès aujourd'hui nécessaire de créer les conditions permettant de développer les dynamiques de solidarité et de coopération. Les travaux menés dans le cadre de coopérations inter-associatives transnationales mériteraient d'être renforcés et d'avan-

tage soutenus. Ainsi que cela a été montré par un certain nombre d'ONG de migrants au cours des dernières années, les migrants ont un rôle incontestable à jouer dans ce type de travail en réseau de la société civile. L'enjeu pour les migrants est de parvenir à structurer les acquis qu'ils ont pu engranger à travers leurs multiples initiatives informelles. Il s'agit aujourd'hui de produire la rencontre entre les acteurs de ces formes de coopération acentrées et informelles d'une part, et les structures publiques de la coopération décentralisée d'autre part. Une perspective intéressante dans ce sens pourrait par exemple consister à appuyer les projets impliquant un échange triangulaire basé sur le savoir-faire des ONG des migrants en Europe, des ONG de la société civile dans les pays du Sud de la Méditerranée et des ONG Européennes.

L'expérience montre que les migrants sont des acteurs de développement qui disposent d'une certaine capacité d'intervention. Le plus souvent, ils ont aussi une vision très claire par rapport à tous ces enjeux qui nécessitent une mobilisation sociale des populations locales dans les pays d'origine. En ce sens, la contribution collective qu'ils peuvent apporter au développement de leur pays se pose moins en termes d'investissement ou d'infrastructure qu'en termes de solidarité et de participation au sein d'un large mouvement d'émancipation sociale. Il est important de poser le cadre de réflexion dans ce sens, dans la mesure où toute une série d'ambiguïtés sémantiques sont associées au concept même de développement. Au Sud de la Méditerranée comme ailleurs dans les pays en voie de développement, une multitude de choix collectifs sont justifiés par rapport aux objectifs de développement, il appartient donc aux sociétés civiles et aux migrants de se réapproprier le «développement», non plus objectif strictement économique, mais bien comme cadre de la mobilisation sociale.

Les questions qui ont été évoquées jusqu'ici touchent l'ensemble des communautés de migrants, qu'elles soient d'origine Turque, Tunisienne, Egyptienne, Marocaine ou autre. Cependant, l'expérience de chacune d'elles est spécifique et il serait erroné d'avancer que les nouvelles dynamiques Euro-Méditerranéennes s'accompagneront des mêmes opportunités et des mêmes contraintes. Il suffit de penser ici au cas douloureux de l'Algérie pour s'en convaincre.

Le principe de la Citoyenneté est acquis à l'égard des ressortissants de la CE. Il est même devenu un droit constitutionnel depuis l'adoption

du traité d'Amsterdam. Toute personne qui a la nationalité d'un État membre peut circuler librement sur le territoire de l'Union et peut s'installer pour y exercer une activité professionnelle ou non. Les États membres ne peuvent prendre aucune mesure qui entraverait le libre exercice de ce droit. La situation est différente pour les ressortissants des États tiers. D'abord parce qu'ils ne relèvent pas du droit communautaire mais des législations nationales. Aussi sont-ils toujours soumis au principe de l'autorisation préalable d'entrée et de ce fait, à l'obtention de visa. Le principe de leur accorder un droit de voyager à l'intérieur de la Communauté leur est toutefois acquis via la convention Schengen parce qu'il s'agit d'une mesure compensatoire indispensable à la suppression des contrôles de personnes aux frontières intérieures du territoire Schengen. Ce principe doit toutefois être ramené à sa juste dimension. Il ne concerne que les étrangers légalement établis sur le territoire d'un État Schengen. D'autre part, tous les États de l'Union n'ont pas adhéré à Schengen et parmi les États signataires, il en est qui ont rétabli les mesures de contrôle aux frontières.

Recommandations spécifiques: favoriser l'accès à la citoyenneté et à la nationalité; assurer la liberté de circulation des ressortissants de pays tiers à l'intérieur de l'espace de l'Union, conformément à l'article 7a du Traité de Maastricht; prendre les dispositions tendant à assurer aux migrants des pays tiers l'égalité des droits sociaux et politiques aux migrants communautaires; abroger la double peine; prendre des mesures, législatives et autres, pour lutter contre toute forme de discrimination et, à cet égard, étendre aux migrants les mesures déjà en vigueur pour la protection de la femme. A cet égard, ils souhaitent que le Parlement Européen établisse annuellement un rapport spécifique sur la question en associant les organisations de défense des migrants.

L'immigration irrégulière est en partie liée à la politique de fermeture des frontières entre les pays de la région euro-méditerranéenne, et à l'interprétation restrictive de la Convention de Genève de 1951 sur les réfugiés. Une nouvelle politique migratoire favorisant, d'une part, le développement des pays de la Méditerranée et, d'autre part, une certaine liberté de circuler entre tous les pays de la région, constituerait un moyen efficace de lutter contre l'immigration irrégulière. La pratique d'accompagnement social des immigrés par les ONG, nous portent à demander:

Recommandations spécifiques: que les droits de l'homme fondamentaux soient respectés pour toutes les catégories de migrants, y compris les migrants irréguliers, en conformité avec la Déclaration Universelle des Droits de l'Homme, la Convention de Genève sur la Statut des Réfugiés, la Convention sur la Protection de Droits des tous les Travailleurs Migrants et Membres de leur Famille, ainsi que la Convention les Droits de l'Enfant; que les États Partenaires ratifient et appliquent ces Conventions; que les ONG soient associées à toutes les étapes de la procédure concernant les migrants irréguliers pour garantir le respect de leurs droits; que le fait, pour une personne, d'entrer irrégulièrement sur un territoire soit décriminalisé; qu'une coopération entre les États du sud et du Nord de la Méditerranée soit instaurée pour lutter efficacement contre les réseaux criminels organisés pour le trafic d'êtres humains; que le principe de non-refoulement soit appliqué aux migrants irréguliers; prévention contre l'immigration irrégulière: par des programmes de développement des régions défavorisées; par une campagne de sensibilisation de l'opinion publique dans les pays d'origine.

Les migrants sont des acteurs de développement, qui disposent d'une grande capacité d'intervention. Cependant ces potentialités sont loin d'être actualisées car il n'existe pas à l'heure actuelle de politiques et de programmes suffisamment développés qui permettraient de valoriser et de multiplier leur contribution au développement de leur pays. Une trop grande timidité règne encore sur les programmes de développement décentralisés mis en oeuvre au niveau Euro-Méditerranéen. Il suffit pour s'en convaincre de penser au désintérêt marqué à l'égard des réseaux entrepreneuriaux transfrontaliers développés par les migrants.

Recommandations spécifiques: favoriser les dynamiques de solidarité et de coopération entre les ONG de migrants en Europe et les ONG de la société civile dans les pays du Sud de la Méditerranée afin que des projets puissent être réalisés en commun; soutenir la création d'un réseau Euro-Méditerranéen Migration-Développement (comme le réseau Euro-Méditerranéen des Droits de l'Homme); accorder des soutiens institutionnels et financiers aux activités d'appui des immigrés à des initiatives menées dans le pays d'origine et aux actions valorisant le rôle des immigrés dans le développement; ce soutien devra faire l'objet d'un programme MEDA spécifique qui serait

largement justifié par l'ampleur et la diversité des contributions des populations immigrées au Nord à la solidarité méditerranéenne; l'ouverture des débats entre les ONG des immigrés, les ONG des pays d'origine et les États pour une nouvelle approche sur la question de l'immigration; ouvrir des centres multifonctionnels dans les pays d'origine ayant pour tâche l'information, l'accompagnement, les échanges culturels et le développement des projets pilotes.

Il est urgent de réaffirmer qu'un développement durable ne peut être indéfiniment déconnecté de la revendication pour une démocratisation profonde et significative des pays du Sud de la Méditerranée. A l'heure actuelle, les déficits démocratiques qui existent conduisent à des situations lourdes d'injustice et d'inégalité. Le développement économique doit aller de pair avec la participation de la société civile.

Recommandations spécifiques: soutenir les ONG qui luttent pour les Droits de l'Homme, le développement et l'émancipation, surtout les ONG des femmes. La participation directe des populations est une condition nécessaire au développement des sociétés. En conséquence, la coopération internationale doit se réaliser directement entre les peuples via leurs organisations de base; coopérer, c'est agir ensemble dans un rapport d'égalité. Ceci implique d'une part la liberté de mouvement et de circulation des personnes et d'autre part la réciprocité, la symétrie et la parité dans les relations humaines pour les garantir contre la domination et l'exploitation; élargir le droit au séjour temporaire pour les étrangers participant à des actions de solidarité internationale. Cela peut prendre deux formes complémentaires: attribution de visas de long séjour à entrées multiples; et délivrance simplifiée de titres de séjour temporaires avec la mention «coopération internationale»; accorder des soutiens institutionnels et financiers au développement de programmes d'échanges humains entre les deux rives, en suscitant une plate-forme civile Euro-Méditerranéenne; lever les réserves qu'ils ont faites à la Convention pour l'élimination de toutes les formes de discrimination à l'égard des femmes; que le 21 mars, le jour international contre toutes formes de discrimination, soit un jour de solidarité avec les victimes de la discrimination dans tous les pays méditerranéens.

## Stefano Leszczynski, Italy

As an Italian citizen it is quite difficult to explain Italy's attitude toward immigration and refugee issues. This is due to two reasons: first of all, because Italy, as a NATO country, is actually responsible for the dramatic refugee flows coming from Kosovo; and secondly, because Italian migration and refugee policy is full of complicated contradictions.

Freedom of movement and refugee protection in Italy is strictly connected to Italian foreign policy, within the framework of the European Union, as well as in the Euro-Mediterranean Partnership. Furthermore, one should not forget that Italy has been, since the end of World War II, a country under the influence of American pan-Atlanticism. All these elements have to be considered in order to make a correct analysis of the migration and refugee situation in Italy and in the northern part of the Mediterranean area.

It is a given fact that issues of freedom of movement and refugee protection have, to a large extent, been considered a 'soft' security issue by the EU countries, especially in the framework of the Barcelona process. The so-called 'invasion syndrome' which hit Italy and Europe at the end of 1998 isn't really anything new. Ten years ago, when the communist regimes collapsed in Eastern Europe, the Western Governments and their populations feared an invasion of migrants from Poland, Hungary, former Czechoslovakia, Romania, former USSR and the Baltic countries. But nothing really happened. Migration flows were much smaller than during the existence of the illiberal regimes in those countries. Nowadays it is possible to presume that the opening of the borders at that time promoted a balanced exchange of human resources and a balanced and sustainable development between East and West.

Today the same result could be reached with the same methodology in the Mediterranean region. The European 'fortress', armoured with the Schengen agreements, is in this context absolutely counter-productive. With the closure of its borders, Europe caused a situation

Stefano Leszczynski

of extreme danger for its economic, cultural and social development. The lack of freedom of movement in the Mediterranean is one of the main reasons for a stable 'undocumented' migration in the entire European Union. Moreover, it is an obstacle to a balanced sustainable development in the region, and to a cultural enrichment of the citizens of the Euro-Mediterranean partner states.

Concerning more specifically the Italian legislation on migration and protection of refugees, it is possible to state that a great effort was made recently by the Italian authorities in the attempt to provide a solution to the malfunctioning of the 1989 law – the so-called 'Legge Martelli' – and the way immigrants were processed in Italy. Nevertheless, the result was a complete failure. The new law of March 6th, 1998 on immigration – known as 'law 40/98' – could not be applied properly because of the dramatic situation inherited from the previous legislation. At the beginning of 1998 the Italian authorities estimated that the number of immigrants in Italy was 1,240,721, of which only 168,125 came from EU member states. About 28.3% of the immigrants came from Africa: in particular, 131,406 Moroccans and 48,909 Tunisians. The number of undocumented migrants was presumed to be about 200,000. A massive regularisation of more than 200,000 undocumented immigrants was realised before the end of 1998 by the new centre-left government coalition. In the event, there were far more applicants than anticipated: an extra 100,000 people – 150,000 according to the NGOs – applied unsuccessfully for the regularisation.

The result of this event, which was however welcomed by a large number of politicians and human rights activists, gave rise to great concern. The large number of newly regularised immigrants upset the visa and work permit programme for 1999 (this programme provided only 38,000 work permits, of which 3,000 were reserved for Albanian citizens, 1,500 for Moroccan citizens and 1,500 for Tunisian citizens). In fact, the number of visas and work permits to be released in 1999 according to the new law, had to be cancelled. This situation will most likely provoke a new series of undocumented entrances in the country and within a few years the need for a new massive regularisation.

The situation is no better with reference to the legislation on refugee protection. For several years in fact, the draft for a new law on refugees languished in the Italian Parliament due to the slowness of the

Italian legislative procedures. At the moment, and till the year 2000 when the new law will be discussed in Parliament, provisions concerning asylum and refugee protection are included in the law 40/98 on immigration. Asylum seekers in 1997 were less than 2,000.

We all well know that since the signing of the Barcelona Declaration the human rights situation in the Euro-Mediterranean region has not improved at all, in particular with reference to freedom of association, protection of human rights defenders, freedom of the press, women's rights situation. The responsibilities of European countries are enormous.

The lack of will to discuss political issues, within the framework of the Euro-Mediterranean Partnership is one of the basic obstacles to an implementation of basic human rights principles in the Mediterranean region. This situation probably won't change until the Partnership is considered by the governments to be more than a simple instrument for economic, financial and trade business. The recent agreements of July 1998 between Italy and Morocco, and Italy and Tunisia, on the re-admission of undocumented migrants are probably the most enlightening evidence of this attitude. Of course, Italy is not alone; the lack of a political ethic is affecting other countries as well. The European policy with reference to the Öcalan case is another example.

Particularly worrying, especially in the last weeks, is the political exploitation by governments of humanitarian and human rights emergencies, often in order to obtain economic and financial aid, or trade facilities from other states or international organisations. The idea of opening refugee camps in Turkey administrated by international organisations, which was proposed as a possible means of protecting refugees from being exploited by illegal criminal organisations, was transformed after the explosion of the NATO-Yugoslav war. Turkey finally accepted the project of creating refugee camps but only for refugees coming from Kosovo. A praiseworthy initiative in normal conditions. But it is easy to presume that it is aimed at sweetening the memory of the Kurdish issue and to gain future acceptance as a member of the European Union.

In conclusion, all that is being done at the moment in the Euro-Mediterranean region with reference to the issues we are discussing, is in order to create an area of security and stability in the Mediterra-

nean. This way, we members of the civil society, stand by powerless as one of the main paradoxes of the history of European human rights unfolds – namely the creation of an area of security and economic and political stability through a complete disregard of internationally guaranteed human rights standards.

## II. HUMAN RIGHTS AND DEVELOPMENT

### 1. Democracy and Participation

#### *Summary*

Human rights are not only based on legal protection of the individual but also demand an independent influence of the active citizen on the political process. Human rights are not a retractable act of mercy carried out by a paternalistic state, but are rather the self-determination in practice of the citizen and also a democratic principle. The right to participate, vote and influence public affairs is a decisive driving force in social and economic development.

Gemma Aubarell, who was one of the organisers of the first civil forum of NGOs in Barcelona in 1995, reports on the experiences made through the inclusion of civil society in the process of the Euro-Mediterranean partnership. She says that civil society mobilises pressure for democratisation. Aubarell calls for more attention to be paid to those targets and methods being used by academics and civil rights campaigners who are working in the context of the third, “social” chapter of the “Declaration of Barcelona”. Aubarell counts inter-religion and secular-religion dialogue and the position of women in the Mediterranean amongst those subjects which should be analysed more closely, alongside the question of immigration.

The participation of women is of key importance for the development of society. The struggle against poverty, over-population and illiteracy requires not only education programmes, but also the active political influence of women, as participants in development, on government decisions. Rachida Tahiri, who concentrates on the situation in Maghreb countries, calls for women to be seen as a potential and an advantage within a society. She shows, however, how few women are represented in public institutions and accuses the legislators in Morocco and Tunisia, where women are subjected to the supervision and mercy of men as defined in the penal code. The suppression of women is, she says, still propagated in the media. Control and state monitoring of the media is described by Sa’eda Kilani using the example of Mashraq countries. Censorship, intimidation of authors and journa-

lists, arbitrary arrests and disappearances are all normal practice, she says. The struggle for freedom of expression is a struggle for the legislation: Kilani reports of the arguments surrounding the press legislation in Jordan. The liberalisation of this country has made open discussion of the peace process, corruption and social norms possible. The oppression of freedom of opinion is detailed by Nazmi Gür using the example of Turkey, where 152 laws, particularly the anti-terror law, deal with the suppression of the right to freedom of speech. Sentences of up to 100 years have been passed for offences connected to opinions on the Kurdish question.

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## II. DROITS DE L'HOMME ET DÉVELOPPEMENT

### 1. Droits de l'homme, Démocratie et Participation

#### *Sommaire*

Les droits de l'Homme supposent que les individus jouissent non seulement de la protection de la personne humaine, mais qu'en tant que citoyens actifs, ils participent de manière indépendante et autonome au processus politique. Les droits de l'Homme ne sont pas un acte de clémence révocable accordé par un Etat patriarcal, mais un principe démocratique et la mise en pratique de l'autodétermination des citoyens. Le droit de participer, de voter et d'avoir une influence sur les affaires publiques représentent une force motrice déterminante pour le développement social et économique.

Gemma Aubarell, qui fut l'un des organisateurs du premier forum civil des ONG en 1995 à Barcelone, parle des expériences qui ont été faites en matière d'intégration de la société civile dans le processus du partenariat euro-méditerranéen. Pour lui, la société civile mobilise la pression pour obtenir plus de démocratie. Aubarell plaide pour un renforcement des objectifs et méthodes des scientifiques et défenseurs des droits de l'Homme, qui agissent sous l'égide du troisième chapitre « social », dans la déclaration de Barcelone. Parmi les thèmes qui doivent être traités de manière plus précise, il cite la position des femmes dans le bassin méditerranéen, les questions d'immigration, du dialogue interreligieux et entre séculaires et religieux.

La participation des femmes est une des clés pour le développement de la société. La lutte contre la pauvreté, la surpopulation et l'analphabétisme nécessitent non seulement des programmes d'éducation, mais également l'influence politique active des femmes qui doivent agir pour faire évoluer les décisions des gouvernements. Rachida Tahiri, qui se concentre sur la situation dans les pays du Maghreb, demande que les femmes soient considérées comme un potentiel et un avantage dans la société. Elle montre combien sont peu nombreuses les femmes représentées dans des institutions publiques, et accuse les législateurs du Maroc et de la Tunisie, où les femmes, selon le droit pénal, sont livrées à la surveillance et à l'arbitraire des hommes. De plus, la sou-

mission des femmes est propagée par les médias. Sa'eda Kilani nous monte comment les médias sont dirigés et contrôlés par l'Etat, en prenant l'exemple du Mashrek. Censure, intimidation d'écrivains et de journalistes, arrestations arbitraires, disparitions inexplicées sont des pratiques courantes. La lutte pour la liberté d'opinion est une lutte pour modifier la législation. Kilani parle des débats concernant la loi sur la presse en Jordanie. En effet, la libéralisation de cette dernière a rendu possible des discussions franches sur le processus de paix, la corruption et les normes sociales. Nazmi Gür explique le problème de la répression légale de la liberté d'opinion en Turquie, où 152 lois, en particulier la loi anti-terrorisme, sont destinées à lutter contre la liberté de parole. Selon lui, des peines de prison allant jusqu'à 100 ans ont été prononcées pour des délits d'opinion concernant la question kurde.

## Rachida Tahiri, Morocco

I would also like to thank the organisers very cordially for inviting me to attend this conference because this gives me the opportunity to address all of you and to speak about human rights and development within the Mediterranean. I haven't got much time to speak, but I would like to use this time to speak about participation of women in public and political life. I would like to do this against the background of our general subject of human rights and the participation of women in the Mediterranean.

Rachida Tahiri

This is indeed a very topical subject, because both in the northern and southern Mediterranean women are now claiming their rights, whether it is equal rights for women in France or in any other European country, whether it is by seeking quota regulations for limited periods of time. All these are measures and methods which are designed to allow women to cut up with men. Irrespective of whether you look at legislation, several laws still put women at a disadvantage here, or in the participation of women in economic and social life, you will see that women are usually under-represented. Women are never involved where the decisions are made, where the big decisions for the future are made. This is where you do not find women properly represented. When we speak about women-participation, we have to admit and be aware of the fact that women are still marginalised and not involved in decision-making. This is what more or less unites women of the Mediterranean or is a common feature of a woman's life in the Mediterranean, they are usually excluded from where things happen.

We said yesterday that our future must be a democratic one, but our future must be guided by the indivisible human rights. This is an obvious fact to state, but the question which arises in this context is: can we create a democracy if we keep marginalising women, if we keep denying women their rights? If the answer to this question is no, if we say in our declarations and agreements that we do indeed want to

involve women, then this must also be put into practice. It is no good just writing it on paper and leaving reality be.

Look for instance at national parliaments. Women are hardly represented there. And their share is usually just between 11 to 17%, which, if you look at it from the other side, means that 80% of the national parliaments consist of men. And parliaments are just one case: when you look at women participation in political parties or decision-making bodies, then their percentage is even lower. This is to name just a few examples.

As far as the southern Mediterranean countries are concerned, the position of women is even worse. Women are even less represented there in national bodies, where their share is merely 0.6%; in Morocco and in other countries of the southern Mediterranean maybe 7% of the MP's are women. What is the root of this inequality? What is the difference between men and women? And where is the problem?

In Tunisia, for instance, women are still severely disadvantaged under law. In Morocco the man has under law or by law the right to keep his wife under observation. He is also seen as the head of the family, and the man has the right to keep strict control of his wife, even when it comes to exercising her legal powers. And that is also the basis for further discriminating legislation. Look at the penal code, for instance. Under the penal code in Tunisia women are disadvantaged, and when it comes to violence against women, violence in marriage, this is more or less sanctioned by law because women are supposed to be obedient or wives are supposed to be obedient to their husbands.

And that of course forms the basis for the inequality in our culture, which is then further propagated by the media, and which is also reflected in the way school text books are written. If we go on like this, relations between men and women will never be equal. Women do not have rights, they do not enjoy the same privileges as men. So women are not even proper citizens in the societies. They do not enjoy the rights and privileges, the status indeed, of a citizen, and this puts them in a very difficult situation. If women are to participate in building a democracy, of course they must be given civil rights, social and political rights. Only then can a woman actively help to build a democracy and actively enjoy the rights of a democratic system. Only then can women make it. Women should be viewed as an advantage in society and not as a disadvantage to society.

Obviously, what is needed here is to give women the same rights as men. Within the Euro-Mediterranean partnership we have a possibility of strengthening the rights in civil society and women's associations are a part of civil society, in fact they are a constituent element of civil society. This gives us the possibility to support the role of women as well, and to strengthen the role of women in the conferences and fora of our association. We as women have a very big role to play in society. We must table this problem of discrimination of women, of sex discrimination, and work towards a removal of this discrimination. We have to accept the responsibility here under our agreements as well, and I would suggest designing criteria for the agreements which help to recognise the rights of women.

We have to become proactive so that the disadvantages of women, which have been here for centuries, can be removed. We want to do something for women and we cannot wait any longer, we have to become active now, because now is the right time.

## Sa'eda Kilani, Jordan

Sa'eda Kilani

There are too many demands to make and complaints to be voiced in this subject but I will limit the points to a general assessment of the status of freedom of expression in the Euro-Mediterranean region and the European role in these developments, since it seems that the human rights provisions in the Barcelona declaration are no more than ink on paper.

First of all, the Barcelona declaration, with all the ambitious provisions it includes on human rights, has not dissuaded the governments in the Euro-Mediterranean region from violating it in letter and in spirit. On the contrary, during this period from 1995-1999, violations of basic principles of freedom of expression increased and restrictions on the press, media and freedom of thought more than doubled in many countries in the Euro-Mediterranean during these years, while European partners failed to take action or move to condemn these violations.

In most countries in the Euro-Mediterranean region, a series of crackdowns on publications, the media, and the press were carried out without inhibitions. The lack of a mechanism of accountability has made worthless all the international treaties and covenants that several Euro-Mediterranean countries signed. Despite the increasing demands of local and foreign human rights organisations and mounting pressures on governments to respect the minimum rights of the individual, the governments are continuing to harass journalists and writers, and impose different types of censorship in contradiction of the minimum standards adopted in the universal declaration of human rights but also in the Barcelona declaration.

Ranging from an extended state of emergency in Egypt, systematic detentions and long imprisonments in Syria to total intimidation in Tunisia, the Euro-Mediterranean countries suffered greatly from increased setbacks and a total blackout of information.

Intimidation, threats, imprisonments and emigration are the least means of reprisals that writers and thinkers face. If news that dis-

pleases the authorities is seen in print, authorities unleash their anger on writers and journalists through the customary means of trials, detentions and disappearances but also through the tolerance they have for the extremists' intimidation. While the governments brand the opposition movements as terrorists, they in fact rely on their arguments and take advantage from their existence to harass writers and thinkers.

Human Rights Watch explains in its 1998 world report on human rights, how "Religion provided the mantle for the violation of rights. The Algerian tragedy was held up by some governments as a reason to go slow on democratisation. In Tunisia, going slow was a euphemism for going backwards, towards intolerance of all forms of political dissent. Across the region, those in power employed common methods to suppress or limit opposition, whether peaceful or violent."

You can refer to particular cases in the Reporters Sans Frontières' annual reports, which explicitly show how governments turn a blind eye when writers and thinkers are harassed by extremist movements. But also, the fact that the Egyptian authorities have expanded the censoring role of the highly respected Islamic research institute of Al Azhar is a direct move to control new ideas and thoughts, a pre-trial of thinkers and writers not only in Egypt but also in the neighbouring countries, especially as fatwas issued by Al Azhar are highly respected and followed by disciples everywhere.

Nasser Hamed Abu Zeid, an Egyptian writer who was forced to flee to Europe following a court ruling that he be separated from his wife because of what they termed as "apostate writings", is a stark example of the Arab regime's tolerance and even encouragement of the religious intimidation on freedom of thought and expression.

Likewise, many Arab writers have fled to Europe and taken with them their ideas of reform and liberalisation that were unwelcome in their own societies. Over the years, England, France, Germany, Italy and many others have become, out of the geographical and cultural closeness between the Euro-Mediterranean countries, a safe haven for oppressed Arab writers but also the basis for independent immigrant Arab press.

Al Hayat, Al Sharq Al Awsat, Al Quds Al Arabi and many other recognised Arabic publications which are known for their professionalism and credibility because of the large margin of freedoms they enjoy

outside their countries, have based their offices in Europe. The repeated confiscation of these publications by the authorities in the Euro-Mediterranean region and the harassment their correspondents encounter unfortunately predicts that these newspapers will not make their way back to their countries in the near future unless draconian steps are taken to change the situation.

While the Barcelona declaration and the Association agreements have been to many of these writers, publishers and journalists, even to those who are opposed to peace with Israel, a hope to see support from the Europeans as to their plight and perhaps a change in the attitude of the governments, what has really materialised on the ground has fallen far short of expectations. In fact, conditions for oppressed writers have deteriorated in the Middle East and North Africa and there has been no implementation of the human rights conditions stipulated in the Barcelona Declaration. What's more, is that European partners went ahead with signing and ratifying partnership agreements with these countries, disregarding the continual violations of human rights principles.

In the 1997 summit in Malta, where the foreign ministers of the European Union member states and the twelve Euro-Mediterranean partners met, the communiqué from the meeting, according to the Human Rights Watch report, was issued several months later and contained only passing reference to the rule of law, democracy and human rights. No European government demanded human rights improvements from the governments of Israel, Tunisia or Morocco as a condition for ratifying the Association agreement.

Despite intensive efforts carried out last December by the Euro-Mediterranean human rights network and the support of seven highly recognised human rights organisations, the European parliament did not make a move to condemn the severe restrictions the government of Jordan imposed in the press law of 1998.

Other countries that are signing or have signed the partnership agreements are changing laws and imposing restrictions haphazardly without an obvious system of accountability that forces these governments to refer to a defined set of principles when legislating laws.

Now as Jordan's regime and the government are leading the way for a new press law and a new era of openness, I invite all human rights

organisations and European partners to take part in the process to advise and probably lead the move in the right direction. The positive changes that are expected to take place in Jordan can set an example to other countries in the region and can have an enormous impact on the process of democratisation and liberalisation in many countries. However, if the basis were not sound and strong enough, a setback might happen again.

I remind you here of Jordan's experience that started in 1989, when democratisation was introduced. After seven consecutive years of positive developments in the liberalisation of the system including the change of the press law, the endorsement of the first law that allows political parties to operate in the open, and the holding of the first free parliamentary elections in 25 years, everything came to a halt in 1997. The press law was changed and restrictions on freedoms in general were imposed. There was no mechanism to stop the government, any government, from changing a law overnight or a guarantee to preserve the rights acquired or stipulated internationally.

The move, which was seen as an attempt to muzzle anti-peace-with-Israel opinions, has produced the opposite effect in addition to its negative implications at the economic and political levels. While debates in the private press were opened to all trends and opinions, providing a forum for pro- and anti-peace advocates, the restrictions on the press left no margin for pro-peace advocates to express their opinions.

The private press's tackling of corruption cases without reservations or fear for the first time in Jordan's history enhanced confidence and trust in the system and therefore encouraged capital and investments to return to the country. More important is that the freedom the press enjoyed encouraged an atmosphere of tolerance and substantially isolated extremist voices. The press had become the refuge for many liberals and thinkers to address issues that had been considered as taboos for the past ten centuries. In fact, Jordan had become the first Arab Muslim country that experienced free exchange of opinions and had seen heated debates in the pages of its newspapers on polygamy, apostasy and freedom of belief without fear of extremist reprisals.

The setback of 1997 and 1998, when the worst press law in its history was introduced, might be coming to an end now with the

determination of the regime to open up to all political forces and the promise of a better press law. This time, however, there should be a guarantee in the system that there is no going back on the basic principles of human rights and it is here that international partners and treaties should take a role and help Jordan take the right path.

## Nazmi Gür, Turkey

Human rights are universal and everyone is granted these rights from birth. The Universal Declaration of Human Rights, which was adopted by the UN in 1948, deals with all human rights together; civil and political and also economic, social and cultural rights. The first 21 articles of the Declaration define civil and political rights. Articles 22-27 define the right to social security, the right to work, the right to equal pay for equal work without any discrimination, the right to form and to join trade unions. The core of our struggle is to protect and to promote all human rights without any discrimination.

Freedom of thought and freedom of expression and freedom of organisation are the fundamental freedoms which are the basis of the international human rights standards. Freedom of expression and freedom of organisation do not constitute only the main point of the Western democracies but they are a prerequisite for the full enjoyment of human rights as defined in the Universal Declaration of Human Rights (UDHR) and in the European Convention of Human Rights (ECHR). These two fundamental freedoms are also very important in terms of the full enjoyment of democracy. Article 10 of the ECHR, which regulates freedom of expression, is a kind of continuation of the freedom of thought, conscience and religion which is regulated in Article 9 of the ECHR. Article 10 is closely linked to Article 8 which regulates the right to respect for one's private and family life, and Article 11 regulates the right to freedom of peaceful assembly and freedom of association with others.

The freedom of thought and the freedom of organisation defined widely in international human rights documents, are the freedoms which are not respected very often. This is mostly because states generally have a kind of very curious understanding concerning the protection of the territorial integrity, national security and public safety.

Turkey has a constitution as many democratic countries have. Turkey has all the institutions and organs which are expected in many democratic societies, such as a parliament, judiciary organs, govern-

Nazmi Gür

mental bodies, a presidency etc. According to the Turkish Constitution, elections are held every 5 years and Parliament and governments are composed accordingly. Despite all of these views it is hardly possible to say that Turkey is a democratic country. The reason is because of the grave human rights violations and the big difference between the 'reality' and the 'view'. Intensified human rights violations have continued for years in Turkey. Freedom of thought and freedom of expression are under grave threat due to legal and bureaucratic restrictions. Since there is not a free atmosphere for debates, it is not possible to enjoy the freedom of organisation.

Although Turkey has adopted and/or ratified many international human rights documents, there are many legal obstacles – in particular the Turkish Constitution – preventing the enjoyment of the freedom of thought and expression. Article 90 of the Constitution states that international treaties which Turkey is a party to shall be regarded as domestic law. However the laws which are in force pose great obstacles to the enjoyment of the rights and freedoms and these laws make the enjoyment of freedom of thought almost impossible.

Restrictive laws remain the main obstacles to freedom of opinion and of expression. There are a total of 152 different laws and 703 provisions, in particular the Anti-Terror Law, and Articles 311, 312, 158, 159 of the Turkish Penal Code, which restrict the freedom of opinion.

Magazines, books and newspapers are being confiscated and banned; TV and radio channels are being closed down. Thousands of people are being tried for the expression of their opinions. According to the Human Rights Association's (HRA) monthly report issued in March 1999; there are currently 154 prisoners of conscience in Turkey.

Mr. Ebber Yaomurdereli, a human rights and peace activist, was put in prison to serve a prison term of 22 years for a speech he made at a meeting in October 1998. Akin Birdal, President of the Human Rights Association, will be jailed on the 3rd of May 1999 to serve a prison sentence which was given due to a speech he made at a public "Peace and Freedom Meeting" on the 1st of September 1996. Likewise, Eren Keskin, lawyer and the chairperson of the HRA's Istanbul branch, faces a prison sentence. Sociologist, Ismail Bebiçci has been in prison for a few years. If the situation does not change he will be in prison for the rest of his life to serve his almost 100 years' prison sentence. Many court actions have been brought against intellectuals and journalists,

and most of them have been imprisoned (Haluk Gerger, Ragip Duran). The chairman of the People's Democracy Party (HADEP), Murat Bozlak, along with 34 HADEP executives are still in prison because of the opinions they expressed.

Those who express a contrary opinion are not tried as the offenders of thought but as the offenders of terror. It is particularly those who express their opinions concerning a political and peaceful solution to the Kurdish question that are put under severe pressure and are prosecuted and imprisoned.

There are also crucial problems in terms of the freedom of organisation in Turkey. When freedom of thought and of expression are denied and restricted, one cannot expect to be able to form his/her association, foundation, trade union, co-operation and political party freely. In recent years, 7 political parties which put the solution of the Kurdish question on their agenda have been closed down. As I mentioned before, many HADEP executives have been imprisoned. A court action was brought against HADEP for its closure. The Democratic Mass Party chaired by Perafettin Elci was closed down last month.

The workers' rights, such as the right to organise, the right to establish organisations, the right to establish federations and confederations, have not been fully recognised due to constitutional and legal obstacles. Employing workers without paying insurance premiums is a widespread practice. The right to syndicate has not been recognised for public workers. Although ILO Conventions which are directly linked to the protection of the economic and social rights of workers, have been ratified by Turkey, they are not reflected in the domestic laws of the country. Political parties, associations and trade unions are being closed down. Such practices violate the right to organise.

These practices have crucial effects on human rights associations as well. Human rights defenders are arrested and prosecuted, and human rights organisations are prevented from carrying out their activities. A total of 15 executives and members of the HRA have been killed since 1990. Just at the 50th anniversary of the UNDHR, the president of the HRA, Akin Birdal, was subjected to an armed assault in the headquarters of the association and was seriously wounded.

Minority organisations are also under pressure and have faced grave human rights violations. Foundations and cultural organisations of minorities are subjected to repressive practices.

Turkey as a party to many international documents, does not act in compliance with its obligations, and because of anti-democratic practices of the state, these international standards cannot be reflected in the domestic laws of the country.

There are significant differences between North Mediterranean and South Mediterranean countries in terms of the enjoyment of freedom of thought and of expression, and the freedom of organisation. Therefore, we non-governmental organisations, have the responsibility to act and to work for the creation of a common basis between the North and the South. Our main strategy should show our solidarity for the establishment of international standards with regard to these two fundamental freedoms in the Euro-Mediterranean region. Universal norms and standards related to the freedom of thought and of organisation should be recognised and fully implemented in all Mediterranean countries to create a Mediterranean region where peace, democracy and freedoms are fully enjoyed by all people.

I would like to make a proposal on this. The title of the Project can be “Solidarity Programme for the Freedom of Thought and of Organisation in the Mediterranean”. In this framework constitutional and legal structures of the countries in the Mediterranean region should be reconsidered and the legal obstacles in terms of the enjoyment of the freedom of thought and of organisation should be identified. For the achievement of this, national and regional NGOs can take responsibility to carry on this work. Based on this work, an Action Plan can be organised. The Action Plan should be implemented by the participation of NGOs from Western countries.

Once freedom of thought and of organisation are guaranteed, other problems in the region will be able to be solved much more easily. I do believe that in the 21st century we will manage to bring the Mediterranean peoples together, to create international solidarity, to have an information network and to work for the amendment of the legal structures of Mediterranean countries.

## Gemma Aubarell, Spain

I am here as a representative of an institution that was also responsible for organising civil society fora in Barcelona. I would like to thank all the organisers here, the three organisations, the Friedrich Ebert Foundation, the Euro-Mediterranean Humans Rights Network and the Forum des Citoyens for organising this event. It is extremely important for us to keep up the momentum with these fora and not to stop this movement which started with the Barcelona process. I think what we have heard before was very important, namely that it really was an important fact that we did not only organise the civil society forum, but also the preparatory work was extremely important. I think the statement was very pertinent, that we do need time, as we have heard this morning, to prepare events of this kind. If we want to have an exchange of opinions between the ministries and everybody involved, it will really ensure a fruitful conference. We have seen that sometimes we have had to change our organisation before we actually proceeded to final planning as really a result of preliminary discussions. I would like to talk about our own experience with the Civil Society Forum in the last five years.

Gemma Aubarell

Of course what is important to know is that this juncture is to take note of the current status. I think Barcelona and Stuttgart are really two very different fora. Why? At this state of the Euro-Mediterranean partnership the situation is extremely diverse and is also a subject to continue exchanges. You can never expect these fora to be the same and similar, because many important processes have happened in the meantime. I think what we achieved in Barcelona was to actually establish a practice of having a Civil Society Forum in addition to the official conferences. In Malta we also tried to have a parallel Civil Society Forum. And also at Palermo and Naples we organised these Civil Society Fora. So obviously we have done something right. We could manage to really establish this as a current practice to have these two parallel events: institutional and official fora and the Civil Society Fora.

We have seen that of course civil society is extremely varied in its different aspects. Here in Stuttgart we are also covering a very wide range of groups of civil society. And what I like about Stuttgart, what is different to Barcelona, is that we do indeed talk about this important subject of human rights and gather together so many different groups. We could not really organise this in such a targeted fashion in Barcelona, but we did have various working groups and we have seen as a result of these working group sessions that human rights indeed is a very important subject. So I think indeed, that we have actually made a big step forward by choosing and focussing on this important subject here in this forum. We have tried to create and establish a committee to follow up the institutionalised and the institutional fora and have a continuous debate on the part of the civil society representatives, but this we have not achieved, I am afraid. For this reason, of course, there were various initiatives after Barcelona.

If you look at all these various civil society initiatives, colloquia, meetings and so on, that was really very successful indeed, but what we did not achieve was to institutionalise this. There was also a restructuring on the part of the community. Of course there was money available, but it was not quite clear on what these funds are to be spent. There was restructuring and reorganisation which destroyed the whole process. But what we did achieve was that we could carry out some research at our institute and we found that we really have to redefine the Euro-Mediterranean partnership. Five years after Barcelona we have to redefine our status, decentralise co-operation, we have to define what we understand by civil society in the North and in the South. And in the view of yesterday's debate we really have to redefine what we are. I think it should really be a definition which will allow us to work in a proper environment and have the proper instruments at our disposal.

We have seen that the mere fact that there are so many different players in the third chapter – research, media, culture, religion – means that it is extremely difficult to work on a specific project. If you say social chapter, that is everything that covers a multitude of sins, if I may say so, and then we can just go ahead. We need a targeted definition. We have seen that some research was done under this umbrella, but the European Union needs a structure similar to what we have seen for the economic chapter and the political. And so this fact,

that we cover such a wide variety of subjects, and have different leadership, means that we are really morally a step behind the thought of the Barcelona process. Well, there have been a lot of meetings of civil-society representatives but very little came out of those meetings, and if we look at the results, the specific and concrete results, of course we have discussed extensively, we have had a lot of debate and dialogue, but after the meeting we could not really see any practical results. We concluded that there is indeed a risk of cutting civil society off from the rest of the development. A risk that civil society is a very sheltered ivory tower. And we have seen that if you manage to have a well-targeted objective and topic, and then get representatives of very different groups of society with conflicting views and objectives, in the end the results are more specific, more concrete and more representative, rather than holding colloquia and fora for experts or just representatives of just one particular group of society.

We also considered it important to re-interpret the various fields of co-operation, and the NGOs play a vital role, but why? Not just because they can act as intermediaries between North and South and can organise support from the North to the South, but they actually act as multipliers, and can mobilise society and great parts of society and keep up the momentum of democratisation and participation.

But it is also very important to concentrate on the NGOs working in the northern part of Europe because they have to create more public awareness in the societies. We get a lot of requests from northern NGOs and say: Well, could you tell us what is happening in the South? Can we understand, because sometimes there are preconceived ideas. Of course we have started to work with the civil societies in the South. Our findings are only very recent, but still a lot of our colleagues contact us to get some information in order to have a proper basis to work on. And I think that this is also a very important and interesting task.

We have published these reports, and there are more than 400 recommendations. But when you look at these recommendations, you see that they have been repeated every year for five years. We always see the same recommendations, we seem to be re-iterating them. What we need is further development and to really work on those recommendations and develop them further, make them more detailed, more targeted.

We have worked on three specific fora, the cultural dialogue, the forum for women, and immigration. I think that is really much in line with what we have heard today, so that these and also inter-religious dialogue are really indeed focal points. We know that we have to go beyond this, and so we have seen that we also have to work on a dialogue between the laic groups, the secular groups of society and Islam. What is needed is not just inter-religious Islam-Judaism-Christian dialogue, but we also have to organise dialogue between secular parts of society and religious groups of society.

We were also asked to organise a Human Rights Forum and to do research in the image of various cultures, and we also found that we have to develop a community programme, mainly targeted at women and youth, also to promote education and training in human rights at all levels of schooling. Women's associations also got in touch to promote the rights of women, also to promote the rights of immigrants fighting racism, viewing migrants as an integral part of an integrative development and also to promote and support decentralised co-operation at local and regional level, because we believe that this is a very good way of working, and that this is possible in a democratic environment.

## 2. Social and Economic Rights and Economic Development

### Summary

In the field of economics, the discussion of human rights – as in the sense of the right of the individual to have regulated working conditions and social security – is less controversial amongst human rights organisations than amongst economists. The latter tend to make the assumption that the liberalisation of the markets will create enough economic growth to do away with poverty. The “Declaration of Barcelona” also follows this logic with its strong emphasis on a free trade zone in the Mediterranean. The economic data of the southern Mediterranean countries, however, speak against the expectation that a comprehensive socio-economic development integrating a broad population spectrum has been achieved through globalisation and deregulation.

Kamal Hamdan summarises the state of underdevelopment in the Arab countries over the last 15 years. He says that there has been a stagnation of growth in the region since 1985. The unemployment rate is one of the highest in the world, the official rate of inflation is somewhere between 15 and 20 percent, but is, in some cases, realistically as high as 40 per cent. The level of industrialisation is very low, and industries are not linked to each other to any great extent. The percen-

tage of the national budget spent on the military is also amongst the highest in the world, whilst debts have increased strongly since the end of the 1980's, due to the drop in oil prices amongst other points. These macro-economic data are augmented by Rudolf Bindig with an analysis of socio-legal standards: the right to establish unions, to go on strike or the freedom of assembly have been denied or have been effectively suspended. Minimum wages, the integration of women in the labour market and prevention of child labour are all points which cannot be guaranteed. Hamdan and Bindig argue that the privatisation demanded by the World Bank and the free trade zone offered by the EU are not sufficient to develop the societies in the southern Mediterranean area. State budgets might well have been redeveloped, but economic growth, the combating of unemployment and the balancing out of the enormous gap between rich and poor are not guaranteed. Kamel Jendoubi warns that the social challenge of the Euro-Mediterranean partnership has not yet been fully understood in the South.

Amir Salem calls, in a self-critical appeal, for the participants in civil societies to respond to the full extent of social malaise. Values and traditions must be examined, paternalism and subjugation must be seen as obstacles to socio-economic development. In this way, a serious strategy for the realisation of human rights can be developed. Salem advises the NGOs to talk of democracy, but also to practise it within their own organisations and not perpetuate a tribalistic elitist consciousness. He warns that the paternalistic influence of state institutions on NGOs is increasing.

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## 2. Droits sociaux et économiques et Développement économique

### *Sommaire*

Dans le domaine de l'économie, parler des droits de l'Homme, c'est à dire du droit individuel à un travail régulier et à la sécurité sociale, est moins contesté chez les associations de défense des droits de l'Homme que chez les économistes. Ces derniers ont tendance à considérer que la libéralisation des marchés produit suffisamment de croissance pour éliminer la pauvreté. C'est cette logique que suit également la «Déclaration de Barcelone», qui met fortement l'accent sur une zone de libre échange dans l'espace méditerranéen. Cependant, les données économiques des pays du sud méditerranéen vont à l'encontre de l'hypothèse selon laquelle la globalisation et la dérégulation suffiraient à elles seules pour atteindre un vaste développement social et économique, qui intégrerait toute la population.

Kamel Hamdan décrit l'état du sous-développement dans les pays arabes au cours des quinze dernières années, en expliquant que depuis 1985, le taux de croissance de la région est en baisse. Selon lui, le taux de chômage y est parmi les plus élevés du monde, le taux d'inflation est officiellement entre 15 et 20 %, mais se situerait en fait à 40 %. L'industrialisation est faible, avec un tissu industriel peu développé. La part des dépenses militaires par rapport au budget global atteint des valeurs records, alors que l'endettement, provoqué également par la chute des prix du pétrole, a fortement augmenté depuis la fin des années 80. Rudolf Bindig complète ces données macro-économiques par un inventaire des standards atteints en matière de droit social. Pour lui, le droit de créer des syndicats, le droit de grève et le droit de réunion seraient refusés ou de facto suspendus. Tout ce qui concerne les salaires minimum garantis, l'intégration des femmes dans le marché du travail et les mesures de protection contre le travail des enfants serait inexistant. Selon Hamdam et Bindig, la privatisation demandée par la Banque Mondiale et la zone de libre échange proposée par l'Union Européenne ne suffisent pas pour développer les sociétés sud-méditerranéennes. Certes, les budgets des états auraient fait l'objet de mesures d'assainissement, mais la croissance économique,

la lutte contre le chômage et le comblement du fossé immense qui sépare les riches des pauvres ne seraient pas d'actualité. Kamel Jendoubi attire notre attention sur le fait que le Sud n'a pas encore vraiment compris le défi social que représente le partenariat euro-méditerranéen.

Dans un appel autocritique, Amir Salem invite les acteurs de la société civile à prendre toute la mesure du malaise social existant. Pour lui, il convient de revoir les valeurs et les traditions, de considérer le paternalisme et la soumission comme un obstacle au développement socio-économique, pour pouvoir mettre au point une stratégie sérieuse destinée à donner corps aux droits de l'Homme. Salem reproche aux ONG de parler de démocratie sans la respecter dans leur propre organisation interne, de perpétuer un élitisme tribal et de se faire absorber par des institutions étatiques.

## Kamal Hamdan, Lebanon

I would like to start this panel session by trying to draw some conclusions from previous contributions. I think that one thing is quite certain, that economic, social and basic human rights are interdependent and if one is jeopardised, all the others are jeopardised as well.

The main features which emerge when looking at the current status in the field of social rights and economic rights in the southern Mediterranean region are the following. We are talking about a region where growth rates have been on the decline since about 1985. It is true that the declining trend in growth is closely related to the fall

Kamal Hamdan

in fuel and crude oil prices, but I also think this might be attributed to some structural and development factors. We also see a rising rate of unemployment which is among the highest in the world, especially in Palestine, Iraq, and to a certain extent in Egypt. And even in the other countries of interest, there is also steep inflation ranging between 15 and 20%, which is the official rate, but the underlying development, I think, is even higher – recording between 30 and 40%.

The contribution of women in the active population, as compared to the other developing countries, is very low indeed. Also military expenditure is among the highest in the world. There are also deficits when it comes to food and the provision of food. In addition, industrialisation is very low, and there are very few relations among the existing industries in the various regions. All these are the underlying factors which justify the drop recorded in growth rates since 1985.

Also, the social network structure is really in a deplorable state. Resources are unfairly distributed among the various social groups and regions. In some segments of societies the public service sector is somewhat further developed, but it still does not correspond to the needs of that region.

The southern region, which since the end of the eighties has really become a region, is highly indebted. Of course in the seventies and at the beginning of the eighties the petrodollar was still strong and funds were coming in, but at the end of the eighties these countries became part of this tremendous number of underdeveloped countries that were directly hit by the problem of indebtedness and particularly very high external debt burdens.

I would like to conclude by stressing the fact that the southern Mediterranean region compared to other developing countries is a region where we see that inequality is very marked indeed. The gap between the haves and the have-nots is very big, even among the highest in the world. That region is experiencing at the moment the phenomenon of massive poverty. The percentage of those who live beneath the poverty line is, I think, 30%, and that is one of the highest levels internationally. Of course, these are just some of the available social indicators and they vary from region to region, from town to town. I am just generalising and looking at the average. But I think I am presenting a fair status about the whole region.

The globalisation and liberalisation trends adopted since the seventies have affected the various countries and regions in different ways. For instance, around six Arab countries have started a policy of restructuring and privatisation, as reflected by the various reports of the World Bank and other institutions, and they have reached different results. The primary impact of these policies was a relative control of current account deficit and balance of payments. Budget deficit, public debt and inflation problems could also be kept under control, though to a lesser extent. However, on the level of real economic growth and employment the impact was unclear, as the corresponding results have been conflicting. The relationship between restructuring and privatisation policies on one side, and economic growth rates on the other side seems weak. And obviously the two do not necessarily go together, as was expected at the beginning of this phase.

I think that Barcelona has achieved a positive step forward by proposing this partnership project and by including social integration and the social rights as an integral part of this partnership. I also think that, in this context, Barcelona does indeed constitute a considerable step forward. However, I would like to conclude by making three comments on the future of the Euro-Mediterranean partnership.

First, we are looking at a balanced development locally, and on the other hand at the integration into the global market. I believe that the first objective, a balanced and fair internal development, should have priority, because one cannot have integration into the global markets prior to achieving internal development. If we talk about participation in the global markets, I think it is important to have and create free-trade zones and custom unions amongst the southern states and also between the south and the north. And I think these two have to go together and be harmonised.

The second comment I would like to make is that I think that our countries, the countries of the South of the Mediterranean, have to ensure that this partnership does not lead to a situation where the financial markets are jeopardised and are at risk of collapse, as we have seen in Asia.

Finally, as regards civil society in the South, we have to establish co-operation with the various players of the North of the Mediterranean, Civil Society Groups, institutions and so on, but I think the main priority for the civil society in the South is first of all to intensify their relationships with each other, so that first and foremost they concentrate on developing their internal networks and take well-targeted action. And that would then be a prerequisite for international integration.

## Rudolf Bindig, Germany

Rudolf Bindig

Ladies and gentlemen, in this panel we have been focussing our attention on social and economic human rights, the two areas which are covered under Chapter 3 of the Barcelona declaration. It is important to stress at this point that the social and economic human rights contained in Chapter 3 are not inferior to anything mentioned in the previous chapters. So there is not an order of magnitude involved here. It is not that foreign and security policy takes first place, that financial co-operation takes second place, and that social and economic human rights take third place. It is not a matter of importance, but we must stress that Chapter 3 is as important as all the others, and they must be tackled together in parallel, simultaneously.

If you look at the platform we have created, it sounds very promising, because it talks about the comprehensive partnership in social, cultural and human affairs that should be created. And I think where the objectives are stated, we have addressed the real issues to improve the conditions of life and work, to increase the level of employment in the countries of the Mediterranean, especially address the issues of women and the most needy groups of society, respect the basic social rights, and the states also declared their intention to co-operate closely with one another in order to achieve these aims, because now there is a gap between the objective put on paper and the reality, and also the information we have about progress from paper to reality.

In order to make this more concrete or to express it in more practical terms, I will try to do an analysis of the situation in the various countries with whom we have entered upon a dialogue.

Fortunately the country report on human rights is a very good source of information. It is issued annually by the US State Department and they use the same pattern to evaluate all countries. It is really a catalogue, which makes it very easy to compare not only political and civil human rights, but also social and economic human rights, such as workers' rights, rights to convene, working conditions in later years,

rights to organise, women's rights, children's rights, and as this is all listed, it is a very good, an important source of condensed and compiled information.

I would like to share with you some of the information that I have found. I have just taken a few examples to illustrate the problems and I am not looking at any country in particular. Under workers' rights, for instance, in one country it is said: Still the constitution provides for its workers the right to set up trade unions, still laws have not explicitly banned strikes, but in fact a strike law is not in existence, there is no law that bans forced labour and the minimum wage does not allow a worker an adequate standard of living for him and his family. It says elsewhere, the right to strike, though provided for in the constitution, has been restricted, especially for workers in certain industries.

When it comes to the right to convene and organise, there is information saying that the right does not exist in a material sense of the word; in very many cases people are obstructed when trying to exercise their right. Or when it comes to women's rights, as has been mentioned before, it would say that there is strong social pressure against women in the labour market; only in certain sectors can women find work, for instance in the medical area or in education. And when you go back to general human rights, you will find that women need their husbands permission if they want to take up an activity in society at all.

Another area has not been mentioned yet, and that is child labour. In one country, it says that 2 million children aged 15 to 16 are employed, are working. The children are only protected up to the age of 12 from industrial production, and that in farming and agriculture, children may even start work at the age of 6. Another country bans payment of child labour, but it is still very widespread, and child labour in family enterprises is not qualified as child labour at all.

And then dealing with racial or ethnic or religious minorities, we very often find discrimination rampant in very many countries. So it is easy to identify the problems that exist in these societies, it is easy to identify the areas that need to be worked upon in our dialogue, where we must urge governments and societies to address individual areas and use society's dialogue to improve matters.

And what does it say in the Malta paper? It talks about results. In the cultural arena there have been a number of meetings and conventions, there has also been an exchange of experience, but when you

look at the social area, you will find that here we are still lacking in development, and also the Euro-Mediterranean dialogue has not been properly extended to social affairs. We therefore need more activities in order to make everyone more aware of the social dimension of the problems. The question is: what are our criteria for success, what are the objectives, what are we aiming at?

Now here, I would like to refer to the social charter of the Council of Europe. This may help us, because it defines principles and standards for social issues that may serve as a guideline for a dialogue. I would also like to object strongly to the fact that some governments within this dialogue say that these social issues cannot be resolved and that therefore we shall leave them out altogether, or just not identify them as a real problem.

The European Union must make sure, must urge, that these social aspects are more strongly integrated into the dialogue and also indeed identify expectations and make it clear that the Union expects governments to address at least the biggest social problems. We do realise that not everything can be addressed or solved at once, but one may start somewhere and, for instance, address the issues of certain working conditions for certain groups of workers, or you may start with child labour or women's working conditions and then demand that these sectors be addressed first and be improved first, that efforts be directed at targeted sectors.

To me, the principles and standards as laid down in the European Social Charter, serve as a yardstick or as a definition of objective. We don't have to re-invent the wheel here, because minimum standards have already been defined and these standards may well serve us as an objective. We can then strive to create partnership or co-operation between trade unions or other groups in society, and also bring in the political parties in order to improve matters socially.

## Kamel Jendoubi, Tunisia

Let me start with some general statements. The Euro-Mediterranean partnership has a very clear target. We have set ourselves the target of developing a free-trade zone, as the agreement says. This will greatly affect our own countries and it presupposes major changes in the southern countries of the Mediterranean. One declared aim of the free-trade zone is to reduce migration. Whether or not we can achieve this objective and how we can do it, is not yet clear. It also gives rise to one question which was an open question when the Barcelona declaration was signed. What are the conditions that we need to create so that some immigrants that have already left their countries can actively participate in this project?

Kamel Jendoubi

My second remark refers to the rights of immigrants. The European Union has signed a number of agreements with countries from the southern Mediterranean, and these agreements really need to be updated, because the issues dealt with by the agreements were addressed in a period of prosperity and growth. This no longer applies; the agreements have to be updated, and we should strengthen the rights of the immigrants because in some of these agreements the rights of women are not addressed at all. It is said that women by nature of their sex have a lower status and receive lower wages than men. Here we should issue a recommendation right away, because women must be given equal rights, at least in these treaties and agreements, as a matter of course.

Now this third remark: co-operation between Europe and the Mediterranean countries has an enormous impact not on Europe, but on the countries of the southern Mediterranean. And I believe that the governments of these southern countries have not even discussed or looked at the impact that this may have. The people in the southern Mediterranean have had no possibility to talk about these issues at all, and even the elites of the countries have not been able to talk about it. They have felt that this project of co-operation is something completely alien, it is not theirs and therefore they do not identify with the

partnership project at all or find it difficult to relate to it. All the while their very future is at stake. And the future of the countries of the northern and the southern Mediterranean is indeed at stake. Indeed we find ourselves in a very strange situation there.

The fourth remark: talking about immigration does not just mean talking about immigrants in Europe, but also immigrants that live in the southern Mediterranean. We must have the courage to analyse their fate, the destiny of these immigrants, because there is also discrimination and inequality in the Arab countries; there is sometimes even institutionalised racism actively promoted by the authorities.

These were my four general remarks. Now, how did the forum of civil societies address the problem of migration? Looking at the papers, I can read that partnership agreements recognise the fact that democratic development will play an important role in the future, that democratic developments must be promoted and favoured, and everyone agrees to that. And of course everyone also agreed to acknowledge the importance of the problem of migration, but it does not go any further than that. What is migration? Does it have an economic effect, what is the economic impact, the social impact? Nobody took the trouble to analyse this in any greater depth.

When you look at illegal immigration, the wording becomes much more precise, because all countries agree that they will co-operate in fighting illegal immigration and that in this context they will also work out measures against illegal immigration, which are then to be included in bilateral agreements in order to give them the possibility to send illegal immigrants back to their countries of origin. So far, and as far as I know, no two countries have ever met to talk about these subjects, but there were 14 meetings at a high level that looked into the economic aspects of integration. Isn't that a little strange? The only initiative was taken by Ireland. Ireland organised a seminar under the Euro-Mediterranean partnership where an expert gave a speech. And this expert asked and appealed to non-governmental organisations to issue recommendations. I think these recommendations are available here in a four-page document, and therefore I will not go into it. It summarises the recommendations of this committee of experts. We have made much progress in addressing the issues of immigration, migration and its social impact.

Hundreds of thousands of people really live at the edge of society; they are not being taken care of. All the governments are concerned about is to control immigration: how do I police it, how can I keep track of the immigrants or get rid of them? That is really all they are worried about. But none of these problems are taken up in the bilateral relations between two countries. No two countries have tried bilaterally to actually assist the refugees, the migrants, the immigrants – to support them and to improve their lives, their destinies. This may be a difficult thing to do, but only if we can do it, will we be able to address the issue of migration positively and constructively. Then we will no longer limit ourselves just to controlling immigration or using police and military force or regulations and the authorities to control immigration. And this would be quite different from what was decided in 1995.

So we are all asked to become active in whatever we stand for in all our own countries, and there are indeed groups who wish to make a contribution to help. But so far the Euro-Mediterranean partnership has not actively expressed the will to address the problems of migration and of immigrants; they have not made a joint effort together with their partners and the immigrants to give concrete and precise answers to the challenge of migration and immigration.

## Amir Salem, Egypt

It has become increasingly evident that there is an impossibility in structuring an Arab strategic vision for spreading the culture of human rights, working for it and applying it, learning about it, or teaching it, under the current, existing state of this Arab nation from the Gulf to the ocean. Studying the status of this nation requires scores of books, and ironically, many of them already exist in most of our Arab countries. We shall only discuss a definite issue in this statement, which is the problems that face activists in the field of human rights within Arab countries. We shall also discuss goals and future strategies.

Amir Salem

1. Arab communities suffer from widespread backwardness, way behind other progressing countries, and suffer from a fair share of poverty and illiteracy that impede the consciousness of human rights.

2. Arab communities suffer from values, customs and traditions that consecrate dependence, servility and humility, as a result of having endured long centuries under the tyrannical rule of the Memeluk regime, the Ottoman rule, and Western colonialists. Coupled with that is the dominance of religious concepts that create a patriarchal power system that has spiritual supremacy on the lives of people. Power here has a distinguished, tyrannical, Eastern peculiarity: the State, the father of the family, the Big Family Man, the tribe, the President of the Institution, even if that institution is non-governmental, and even if it is a human rights institution. This is a prominent aspect which clearly restrains democratic operations, and likewise suppresses the ability to create and produce and hence the ability to change for the better.

3. If the religious institution has any role at all, it is undoubtedly the role of precluding the use of the mind, safeguarding the permanence of backwardness, and supporting concepts that have long been out of fashion.

4. More important than the role of the religious institutions, is the role of the subsequent governments, who are accustomed to operating religion as one of their control tools, establishing their supremacy over people, so much so, that in some cases the government institution became blended with the religious institution.

5. We now suffer from a backward political Islamic wave, which seeks to attract Arab societies, and regress with them on all levels. The worst this might lead to is extremism and religious fanaticism, as well as discrimination among people of the same nation, based on religious beliefs. Those fanatics believe they are the sole owners of the absolute truth, which ultimately leads society to stagnancy, maintaining moulded religiosity in all walks of life.

6. The predominance of concepts that discriminate between people: women's status, for instance, lies at the base of Arab societies, where women are required to be confined to housework. Not only women, but also the treatment of citizens who embrace a different religion, as second class citizens, and, in some cases, as unwanted citizens who are better off leaving.

7. Based on the above, there are two important issues: the first is on the level of countries, where some countries refuse to sign international charters for human rights, and most of those who sign tend to keep reservations on several articles of those charters, especially those regarding the equality between men and women, or anything that concerns discrimination against women. The second is on the level of individuals, where most intellectuals refuse or are at least conservative with regards to the entire human rights movement, considering it a Western product. Sadly, even some of those who have had a Western education go as far as considering the movement of human rights as the new Trojan horse by which the imperialist West, which constantly seeks new forms of colonialism, is attempting to dominate and manipulate. Here, the mistakes of confusing between the governments of the West on the one hand, and Western people on the other, are crystal clear. All are placed in one basket in the eyes of our intellectuals, and this confusion exhibits their ignorance in their political analysis regarding this new human rights movement. Indeed, the governments of those countries sought, and will always seek, using any documents of any kind, to consecrate control and supremacy, whether on the national level or on the international level. Some Western governments,

with notably effective international influence, do precisely what the weakest governments of the third world do and use religion, the new one, human rights in this case, as a future horse of the 21st century. The human rights movement is used for ornamentation. Where is the misapprehension then? In the human rights movement itself, or in the governments themselves? Do the humanistic and political concepts have any geographic boundaries that, once crossed, become colonialist and hence a violation of national supremacy?

We consider the new phenomenon of human rights both conceptually and as a movement, a historic confrontation and a civil confrontation between the new and the old. It strikes at our notions and beliefs, our customs and traditions, criticises both the state and the religious institution, and attacks society and its intellectuals.

8. When talking of societal obstacles in the Arab region, as in other regions, one must not lose sight of tribal, ethnic and familial loyalties, which all combine to thwart and obstruct human rights education and democracy. No voting occurs in any Arab community, at all levels, in any institution, even if it is a simple syndicate, without tribal loyalties and political partisanship having the upper hand.

9. The problematic of the enormous gap in wages and in social status because of unfair division of wealth leads to an absence of social justice. Hence talking with the poor about human rights, equality among people, and international charters, becomes mere plain talk and wishful thinking, devoid of any reality.

10. The obscurity of the concepts of human rights themselves, even to intellectuals and thinkers, and, unfortunately, law makers as well. We do not exaggerate when we claim that this also applies to many of those who actively partake in the human rights movement.

11. The education institutions and the media institutions on the Arab level, and what they dictate and exaggerate regarding ideas and traditions that are, at times, a complete violation of human rights, and the power of those two institutions on both the educated and the illiterate alike. Those two institutions represent a hard wall, thwarting the development of a consciousness of the concepts and culture of human rights.

Some might conceive political obstacles that face the human rights movement as one-sided: from the people in authority. But we claim that there are two sides that constitute typical components in creating and

consecrating political obstacles in the face of this movement: first, the ruling authority, and second, its competitors who are the intellectuals themselves as well as the political movement.

Our Arab nation has lived, and still does, under high-pitched national mottoes that at times amount to chauvinism and are characterised by demagoguery. This tends to confuse the genuine with the false, as regards important issues such as the nation's independence. Tragically, during the worst times of subordination, countries of this nation claimed that they were faithful to national independence and were the country's sole protectors, claiming national supremacy. Those regimes, and they are the majority, produced a one-party rationalism, and at best, in cases of plurality, there is a ruling majority that controls all things, the most important of which is the power to make decisions. As a consequence of this system and this twisted logic there was a total absence of people's participation, absence of freedom of expression in all its forms, and absence of the right to organise and form independent organisations.

This has also led to the scandalous weakening of the society's and the individual's ability to make either collective or individual initiatives, leaving us now facing an unarmed society, deprived of the tools and means of political participation, unable even to defend its own national independence, hence unable to defend rights and democratic freedoms. The weaknesses and flaws in the constitution, and the existence of an arsenal of laws that constrain freedoms, with the abiding logic of protecting internal security. We do not exaggerate when we consider those Arab legal systems with their ability to twist and turn words, as systems laden with many obstacles that hinder the application of the international human rights charter. Some of our countries sign those international human rights charters without genuine faith in their contents, but merely out of a desire to remain in diplomatic circles and conferences, using them as part of an adornment for the contemporary state, trying to show that they, too, respect human rights. More significantly, some countries embrace the charter only to "pull the rug", so to speak, from beneath the new-born human rights movement.

Despite the existence of a new movement in our societies, particularly during the 80s, and despite its promising future in support of human rights, intellectuals, and especially those who are politically oriented,

act as though they have vowed to take with them, to any new institution, their own political organising and conceptual illnesses.

Attempting to resolve this issue has become increasingly problematic. It is weighed down with narrowness of horizons, dogmatism, confusion between political and old ideological concepts on the one hand, and the new concepts of human rights on the other. It also uses lobbying methods in the movement, and in organisation. One finds oneself confronted with people who manage human rights institutions by speaking too much about democracy, while actually being afraid of applying it, whether in managing the institutions or even as plain members. It is just as though they are afraid of dying, and they limit the details of the movement, work, experience and relations to the extent of confining them in themselves. From their point of view, if they apply democracy, it will be only among a chosen elite based on personal relations.

We are thus confronted with a small, new dictator in every institution. The common reasoning which every dictator uses, is that he wants to limit the democracy circle in order to “protect” the institution. The real problem is that ironically, those models and their organisations that are both carrying political illnesses, are merely displaying the other side of the coin, which is claiming to have the sole, absolute truth. Each one of them again finds himself the only loyal one, and the sole guardian of the general good of both the institution and the nation.

In conclusion, and on account of those illnesses, we find ourselves confronting a handicapped institution, unable to spread the consciousness of human rights, despite the fact that some of those institutions have regional reputations, and have a consultative status with the United Nations. They also have funds, budgets and employees, to the extent of confining their roles to publishing a limited newsletter, with limited distribution, perhaps just to keep people quiet, or perhaps because it is truly incapable of performing its role. Still, it is because of the political environment that the Arab perception of human rights has developed this way, being as yet mainly an elite movement, confined to a certain enclosed circle of intellectuals, and ex-authority personnel, crowding in with the youthful militants from here and there.

Since this movement has been in the hands of the elite, it has been easy to pinpoint the illnesses that are commonly recognised throughout their history: isolationism, claims to intellectual superiority – whether cultural or political, wilfully or unintentionally. These types of

political intellectuals are used to making an isolationist wire fence around themselves, then promptly complaining, confusing between isolationism enforced by the political and security regime, the fragility of their society and the decline of values on the one hand, and on the other hand, self-imposed isolation.

The danger in all the aforementioned lies in that the human rights movement will eventually be afflicted with the same illnesses as other political movements, whether previous or current, from party systems to syndicates, thus converting the human rights institution into a frail and easily destroyed institution, liable to be placed under governmental pressure.

In all cases, the human rights institution is falling into the hands of opportunists of a new and distinguished kind, and one is instantly faced with a mere name called "human rights institutions", hailed by the opposition media (sometimes), and by Western human rights organisations, whenever it produces a statement on human rights violations, distributed by fax. The bitter truth is that there is no development in the human rights movement, and no spreading of its culture, and thus no real change in the reality of Arab human rights.

Planning a serious strategy needs in itself, continuous teamwork among those concerned with human rights on the national and regional levels. Constructing plans on paper, however explicit, remains incapable of providing for real needs, and incapable of expressing reality or even facing it.

We shall therefore start giving our perception of this issue, and our speech here is directed at institutions and human rights activists. There is a vital necessity to begin with a strategy through several meetings (seminars and workshops), writing research papers, and beginning long-term projects, which may eventually result in creating a comprehensive strategy for the Arab human rights movement, through democracy, taking into consideration all opinions and views of human rights activists, intellectuals, artists, writers, from parties, syndicates, organisations, and all those interested in building a regional strategy. Then there should be a serious study of all ideas and opinions that have been discussed, emanating from a fundamental basis, which is that no one can claim he/she has the absolute truth, nor the complete perspective or vision, but rather, the vision becomes complete through collective discussions and shared thinking.

The Arab reality which we pointed to previously, represents a challenge in itself to all those working in the field of human rights, even without any violations from any particular regime or power. Carrying the very banner of human rights in those countries becomes like touching fire or doing new missionary work with a new consciousness, and we do not exaggerate when we say a new religion of the future.

We believe that the centralised concept of creating an Arab human-rights strategy is through a comprehensive confrontation with our personal reality, by which we mean the following: a comprehensive confrontation with the illnesses of the movement, politically, conceptually and organisationally; a comprehensive confrontation with all sorts of human rights violations, not differentiating between the right to form parties and the prevention of torture, on the one hand, and between women's rights to full equality on the other; nor differentiating between the civil and political rights and between the social, economic and cultural rights; a comprehensive confrontation with the violators of human rights, whether they be the regime or a political group, or a non-political outside power.

## Conclusion

### Pour une participation active de la société civile au processus de Barcelone

Monique Prim

Il y a plus de trois ans la tenue, à Barcelone, du premier sommet des chefs d'Etat des pays d'Europe et de Méditerranée, avait suscité un grand intérêt et beaucoup d'espoir. Alors que les perspectives de paix en Méditerranée étaient à l'ordre du jour, l'idée d'un espace régional euro-méditerranéen commençait à prendre forme, articulant l'indispensable coopération entre les Etats et les institutions transnationales de la Région avec le rôle non moins indispensable accordé à l'intervention de la société civile.

Monique Prim

Le premier «sommet civil euro-med», qui s'est tenu à cette occasion, a montré un potentiel extrêmement riche par la diversité et le foisonnement des participants et en même temps il a révélé ses limites: la présence ne suffisait pas, l'espace citoyen méditerranéen était à construire. Pour cela il fallait de toute évidence une réflexion plus coordonnée des sociétés civiles, à la fois sur le processus entamé et l'ensemble de ses conséquences, sur leur rôle propre et sur le développement indispensable de leurs relations.

Après Barcelone, Malte et Naples, nous sommes réunis à Stuttgart pour un nouveau sommet euro-méditerranéen. Encore une fois, la société civile a su se mobiliser pour être en phase avec l'agenda officiel et créer ici à Stuttgart plusieurs lieux de rencontres et de débat entre organisations syndicales, journalistes, associations et universitaires venus des différents pays de l'espace méditerranéen. Je tiens à remercier très chaleureusement tous ceux qui ont contribué à la réussite de notre rencontre et en premier lieu la Fondation Friedrich Ebert qui, en trois mois, a fait un travail formidable, sans lequel nous n'aurions pas

pu nous retrouver ici, et en particulier Christiane Kesper et Achim Vogt qui ont été pendant ses trois mois des interlocuteurs efficaces et compréhensifs.

Mais je voudrais aussi vous remercier tous pour la qualité de vos contributions, fondées sur une expérience citoyenne riche et diverse, qui feront de la rencontre de Stuttgart un événement marquant.

Notre collègue irlandais nous a fait remarquer hier soir que le programme était trop dense et je crois savoir qu'il n'est pas le seul à le penser; certains auraient préféré travailler en atelier pour approfondir les sujets et donner plus de temps à l'expression de chacun. Je partage cette préoccupation et je sais qu'on part toujours d'une rencontre comme la nôtre à la fois content et frustré de toutes les paroles rentrées, de toutes les réflexions et expériences qui n'ont pu s'exprimer. En même temps je voudrais vous faire comprendre et partager notre choix de travailler en séance plénière. Les ateliers thématiques ou régionaux amènent à parler entre des personnes intéressées par un même sujet. Si nous voulons construire ensemble un espace citoyen en Méditerranée nous devons décloisonner nos débats, dépasser nos horizons habituels en croisant à partir de nos expériences particulières, l'ensemble des problématiques qui nous préoccupent.

Notre rencontre s'est tenue dans un contexte politique international particulièrement grave et tendu, notre ordre du jour était en conséquence très fourni, chargé des préoccupations de tous ceux qui veulent construire une Méditerranée plurielle et fraternelle, fondée sur le respect des droits de la personne et les valeurs de justice et de paix.

Trois an et demi après Barcelone, notre rencontre était l'occasion d'un premier bilan d'étape.

Les constants dressés à travers les différentes tables rondes nous permettent de dire que l'heure est aux inquiétudes; l'espoir est retombé et le processus de construction régionale semble bloqué par l'impasse des processus politiques. Plusieurs raisons concourent à cette situation:

Le blocage par Israël du processus de paix au Proche-Orient qui avait déjà largement dominé la Conférence euro-méditerranéenne de Malte en Avril 1997 et dont il a été rappelé à la première table ronde à quel point il conditionne tout le processus de Barcelone.

Les tensions au Maghreb et l'enlisement de l'Algérie dans une guerre civile qui ne dit pas son nom et qui est en fait une guerre contre la société civile.

Des espaces de liberté âprement disputés à la société civile par des pouvoirs qui perpétuent leurs modes d'expression les plus autoritaires au Sud et qui sont peu enclins à une approche réellement décentralisatrice et participative au Nord.

La prise en compte insuffisante des effets sociaux induits par la mise en place d'une zone de libre échange dans la région euro-méditerranéenne.

La persistance en Europe d'une approche sécuritaire des problèmes de l'immigration et de la gestion des conflits et plus généralement des relations avec le Sud.

A cela s'ajoute la logique ethnicide en œuvre au Kosovo, et la guerre menée sur le sol même de l'Europe et dont les effets déstabilisateurs sur les Balkans, sont aussi lourds de menaces pour cette partie de la Méditerranée.

Le martyr du peuple Kosovar nous a accompagné tout au long de nos deux journées de travail, comme une angoisse qui nous ronge, une injustice qui nous indigne. Après notre rencontre, ici à Stuttgart, il faudra rapidement des initiatives de la société civile pour manifester clairement notre solidarité pas seulement sur le plan humanitaire, mais aussi sur le plan politique en évitant d'enfermer les Kosovars dans un statut de victimes, en les aidant à s'affirmer en tant qu'acteurs politiques et sociaux autonomes, à reconstituer leurs expressions politiques, leurs journaux, leurs organisations sociales, partout où ils se trouvent, dans le combat, la clandestinité, la dispersion des camps de réfugiés, la diaspora. Mais le Kosovo ne peut se penser indépendamment des Balkans, là comme ailleurs toute solution politique passe par la paix, une paix juste et viable fondée sur le respect des droits individuels et collectifs et du droit international, une démocratie qui reconnaisse l'égalité des droits de tous les citoyens quelques soit leur ethnie, et sur les valeurs du multiculturalisme et de la coopération entre les peuples. Peut-être qu'il faudrait aussi déjà commencer à tracer des perspectives pour que les Balkans trouvent une place dans la construction de l'espace non seulement européen, mais aussi méditerranéen. Dans l'immédiat, nous ne pouvons cacher notre inquiétude face à la logique de guerre qui s'installe dans les Balkans. Si la réaction indispensable de la communauté internationale à cette situation ne s'inscrit pas dans le cadre de l'ONU et de sa charte, cela peut mener à une catastrophe difficilement maîtrisable et aux conséquences certainement dramatiques pour tous les peuples de la région.

Pour revenir au débat de nos deux journées de travail, ceux-ci ont permis de dresser non seulement des constats, mais aussi de formuler des recommandations constructives, qui nous semblent de nature à contribuer à la relance du processus de partenariat euro-méditerranéen sur des bases qui intègrent le respect du rôle de la société civile. Elles vont vous être présentées et soumises à votre approbation dans quelques instants.

Je voudrais simplement souligner qu'elles reflètent bien le travail de nos différentes tables rondes, mais qu'elles s'appuient aussi sur tout un travail qui a été fait en amont par nombre d'entre nous.

Je voudrais mentionner en particulier le travail de la plate forme des ONG françaises pour la Palestine et de ses partenaires dans les autres pays européens dans le cadre de l'ECCP. Leur campagne en faveur d'une intervention politique européenne pour la paix et l'indépendance de la Palestine, pour l'exercice de la souveraineté palestinienne permettant enfin le respect plein et entier des droits de la personne, la construction de la démocratie et le développement économique et social. Un travail qui commence maintenant en partenariat avec les ONG palestiniennes.

Je rappellerai également la rencontre des réseaux d'ONG euro-méditerranéennes qui s'est tenue sur les migrations et les échanges humains à La Haye fin février, et dont les résultats ont été présentés ici lors de la dernière table ronde.

Mais je voudrais saluer aussi le travail de préparation de Stuttgart qui a été fait en France par de très nombreuses ONG en lien entre le Ministère des Affaires Etrangères et le Comité de liaison des ONG avec l'Europe et dont les conclusions étaient disponibles ici parmi la documentation mise à votre disposition.

Et bien sûr l'A.G. du Réseau euro-méditerranéen des droits de l'homme.

Ceci me permet de dire en conclusion qu'il faut saluer ce travail préparatoire important qui traduit aussi l'expérience et la richesse des multiples initiatives qui se sont développées ces dernières années, tant dans le champ de la coopération décentralisée que dans la mise en réseau des ONG autour d'objectifs partagés. Cette maturation nous permet de dire que le moment est venu pour les ONG de prendre toute leur place en tant qu'interlocuteurs reconnus dans la construction du processus de coopération euro-méditerranéen.

La Déclaration de Barcelone reconnaissait «la contribution essentielle que peut apporter la société civile dans le processus de développement du partenariat euro-méditerranéen», et elle invitait à renforcer et à mettre en place les instruments nécessaires à une coopération décentralisée pour favoriser les échanges entre les acteurs du développement.

Après les crises qu'a connues la mise en œuvre des différents programmes Med de la Commission européenne, il nous semble plus indispensable que jamais de concrétiser cet objectif. Il ne s'agit pas seulement d'inventer de nouveaux programmes, mais de donner véritablement un sens au partenariat qui peut se nouer entre la Commission européenne et la société civile.

Nous proposons aujourd'hui de constituer un comité de suivi entre l'ensemble des organisations et réseaux qui ont commencé à se constituer dans le domaine des droits de la personne, des migrations ou de la citoyenneté, et nous demandons avec insistance, que l'Union européenne reconnaisse ces réseaux et adapte ses instruments institutionnels et financiers pour prendre en compte la spécificité du fonctionnement des ONG.

Le comité de suivi pourrait structurer un travail permanent et éviter l'effet déplorable de discontinuité entre les différentes rencontres de la société civile à l'occasion des sommets officiels. Il pourrait, dans un premier temps, rappeler les recommandations formulées lors des sommets successifs, et contribuer à leur mise en œuvre.

Il pourrait également prendre, en lien avec les ONG partenaires, des initiatives pour contribuer à défendre et à développer les espaces d'expression de la société civile dans les différents pays de la Méditerranée, et à promouvoir l'esprit de coopération et la culture de paix.

## EURO-MEDITERRANEAN PARTNERSHIP

### “HUMAN RIGHTS AND CIVIL SOCIETY IN THE MEDITERRANEAN”

**Euro-Mediterranean Human Rights Network  
and the Forum des Citoyens de la Méditerranée,  
Stuttgart, 15th-16th April 1999**

Conference organised by the Friedrich-Ebert-Stiftung

#### RECOMMENDATIONS

PROPOSALS BY THE FORUM DES CITOYENS DE LA MEDITERRANEE  
AND THE EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK

*These proposals were worked out by the two organising networks  
following two days of work and then augmented by the participants.*

The process of Barcelona, started more than three years ago, has opened new possibilities and created opportunities that civil society can grasp. All of the provisions mentioned in the association agreements are based on the observance of the democratic principles of human rights. The signatory parties committed themselves to orientating both their domestic and foreign policies towards these principles in order to make the Mediterranean a “zone of shared peace and prosperity”. In this context, the Declaration of Barcelona insisted strongly on the promotion of the role of civil society, particularly of NGOs, in the implementation and evaluation of this process.

Before formulating the recommendations which resulted from the discussions undertaken by the civil society during this conference and beyond, the participants would like to indicate that they see civil society as the collection of those authorities, associations, persons and the media who have the authority to guarantee or protect, *outside of all state institutions*, the proper execution, by peaceful means, of public liberties and to favour the emergence and *independent affirmation* of

a collective pluralist identity based on the universal values of human rights and the promotion of a citizens culture.

### **The peace process and conflict resolution**

It must be realised today that neither the peace process nor the respect of human rights have progressed in the region. In fact, quite the opposite is true. The peace process in the Middle East, the region at the centre of this discussion, has been ruined by the policies of the current Israeli government which has placed the region under dangerous pressure and violates the agreements signed since Oslo for the interim period, which will end in a few days.

We see that the dead end in the Israeli-Arab and Israeli-Palestinian peace process is slowing down the entire process of the Barcelona partnership.

In this respect, the conference participants call upon the European Union:

- to apply pressure on Israel to implement the agreements made since Oslo with the Palestinians.
- to intervene through all means to ensure that Israel retreats from the occupied Palestinian territories, Golan and South Lebanon, the immediate cessation of colonisation, particularly in Jerusalem. The status of this city must be the subject of negotiation.
- to commit itself to the recognition of the Palestinian state once it has been proclaimed and to help this state establish its independence as soon as possible and to help it exercise its full sovereignty.

Other countries (especially Algeria and the Balkan countries) are currently experiencing dramatic situations which constitute major obstacles to achieving the objectives of the partnership. In this respect, the participants express their concern regarding the major human-rights crisis in Algeria. They call upon all parties in the partnership to encourage every action that could lead to peace and to a political solution of the crisis in this country.

The situation in Kosovo has caused the demons of the past to reappear and demands urgent and dramatic action to help the people of Kosovo, who are victims of ethnic cleansing. This situation once again poses the problem of the observance of international law and demonstrates the urgent need for a new international rule of law capable of preventing and resolving conflicts.

This situation also echoes the status and the oppression forced upon minorities in several countries in the partnership, notably the Kurdish minority (Turkey, Iraq, etc.) and the treatment of the question of cultural diversity and pluralism in the region (Lebanon, European Union countries, etc.).

In other respects, the participants have noted the evolution of the relations between the European Union and Libya with interest and express the wish that this country take its due place in the partnership so that its citizens can contribute to the communal work.

### **Human rights situation**

As was mentioned in the recommendation of the European Parliament on 11th March 1999, the human rights situation (to be understood in the sense of the rights of the human person) has deteriorated to a serious extent in the region since the conference in Barcelona. The partnership countries have not established a regional work programme for the promotion and protection of human rights, nor have they set up clear and efficient mechanisms to follow up, together with NGOs and defenders of human rights in the region, the observance of human rights in the Mediterranean area.

In this field, the participants call upon the parties in the partnership to establish a programme of work for the next two years, including the following recommendations in particular:

- The guarantee that legislation and active policy will conform with the declaration on human rights (“Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms”), as adopted by the General Assembly of the United Nations on 9th December 1998. The participants express their deep concern regarding the “explanatory declaration” signed by 26 countries, five of which are in the Euro-Mediterranean partnership, and which contradicts the provisions detailed in the declaration on human rights.
- Explicit mention of the question of respect for human rights should be made in the agendas of the Association Councils and the inter-parliamentary forum.
- The Commission should set up an annual assessment of the observance of human rights in the 27 countries of the partnership, which

would then be submitted to the European Parliament and to the national parliaments of these countries.

- Before each Association Council meeting, meetings should be organised between the European Parliament, the Commission and the missions of the European Union in the 27 countries of the partnership and the NGOs defending human rights so that the latter can express their views on the progress of the partnership.
- The Treaty of Rome establishing the International Criminal Court should be signed and ratified without delay – and, if necessary, national legislations should be amended as a consequence – particularly with the aim of putting an end to impunity.
- The commitment to respecting the provisions of the 1951 Geneva convention concerning the status of refugees should be solemnly reaffirmed, in particular Article 33 forbidding refusal of entry.
- Programmes of education should be encouraged and reinforced and a culture of human rights should be promoted.

### **Promotion of inter-human exchange and the struggle against discrimination**

The participants emphasise that inter-human exchange, particularly questions linked to migration, are treated by the signatory States in flagrant contradiction with the basic principles included in the Barcelona Declaration. The complexity and diversity of the movement of persons are not taken into account. This can be seen in the fact that the restrictions motivated by security considerations ignore the dramatic consequences of the persecutions and conflicts which weaken the region and hold up the process that has been started. The participants express their very real fear when faced with the increase of xenophobia and racial discrimination in the countries in the Mediterranean area and the seemingly banal status these topics have taken on in these countries. In this context, the participants call upon the parties in the partnership to:

- revise the legislation and regulations of the conditions for entry and residence for foreigners in the European Union, as in other countries, so that the free movement of persons can, within a short period of time, have the same status as the free movement of capital and merchandise on a long-term basis. In this respect, the participants call for the discontinuation of short-term visas and the revision of

the special agreements in this area in order to withdraw any clauses which are more restrictive than common law. The participants hope that the extension of the law concerning the temporary residence of foreigners will help to build up international solidarity.

- provide both institutional and financial assistance for the development of programmes of inter-human exchange between the two sides, for supportive activities for actions increasing the standing of immigrants in local economic development and initiatives in the country of origin.
- do everything possible, in the North as in the South of the Mediterranean area, to promote the social and civil rights (by encouraging their integration in public life) as well as the economic and cultural rights of immigrants.
- hold periodic conferences concerning migration which would include governments, parliaments, local collectives and non-governmental institutions (unions, associations protecting immigrants, etc.)
- take specific measures in the member states of the European Union in favour of access to citizenship and nationality, to cancel double sentences, and treat immigrants in a both just and humane manner in irregular administrative situations.

### **Women's rights**

In our region, women are the subject of many discriminations which are written in the national laws and reinforced by the mentality and public policies at all levels of economic, social, cultural and political life. Many countries in the partnership ratified the convention calling for the elimination of all forms of discrimination against women, but also formulated reservations which were in direct contradiction to this convention and the subject it dealt with. As victims of sexual harassment and of domestic and social violence, women are the first targets of political violence in the event of a conflict. The participants are convinced that there cannot be a democratic society without real equality between men and women and call upon the states in the partnership to:

- withdraw the reservations they made in the convention for the elimination of all forms of discrimination against women.
- adjust their national legislation (particularly criminal law) to conform with international instruments in order to guarantee real legal equality.
- draft and implement real public policies in order to correct the negative images of women at all levels (education, the media etc.).

- encourage the setting-up of a Euro-Mediterranean women's network at various levels: political, economic, cultural or in the media.

### **Participation of civil society in the partnership's process**

With the concern of contributing towards a better understanding of the action and of the place of the civil society in the Mediterranean area, the participants recommend:

- the setting-up of a permanent framework for discussion with all of the forums in civil society (unions, organisations for the protection of the environment, the regional committees of the Council of Europe in the Mediterranean)
- the setting-up of national authorities to follow and assess the process of the partnership in an annual report by the commissioner charged with this task. This report would be augmented by dialogues with representatives of civil society.
- the immediate establishment of dialogue with NGOs and the representative authorities of civil society in order to start preparations for the next Euro-Mediterranean summit.
- the mobilisation of adequate means with the political aim of reinforcing the civil society by:
  - taking measures to encourage the European Commission to immediately release funds that it has already committed itself to granting to NGOs within the MEDA programme for democracy;
  - improving access to information on the financing modalities of the NGOs through the publication, for example, of an annual report on strategic orientation and the use made of the funds allocated within the scope of the MEDA programmes;
  - improved clarity of the criteria for eligibility of the NGOs and the criteria for the selection of projects;
  - the simplification of financial procedures and of the procedures for case scrutinization;
  - the setting-up of a consulting institution in the definition, evaluation and following-up of these actions.

## **PARTENARIAT EURO-MEDITERANEEN**

### **«LES DROITS DE L'HOMME ET LA SOCIÉTÉ CIVILE EN MEDITERRANEE»**

**Réseau Euro-Méditerranéen des droits de l'Homme et  
le Forum des Citoyens de la Méditerranée,  
Stuttgart, 15-16 avril 1999**

Conférence organisée par la Friedrich Ebert Stiftung

#### RECOMMANDATIONS

PROPOSEES PAR LE FORUM DES CITOYENS DE LA MEDITERRANEE ET LE  
RESEAU EURO-MEDITERRANEEN DES DROITS DE L'HOMME

*Ces propositions ont été élaborées par les deux réseaux organisateurs, à  
l'issue de deux journées de travaux et ont été enrichies par les participants.*

Le processus de Barcelone, engagé il y a plus de trois ans a ouvert de nouvelles possibilités et crée des opportunités dont la société civile peut se saisir. C'est ainsi que toutes les dispositions contenues dans les accords d'association sont basées sur le respect des principes démocratiques des droits de l'Homme. Les parties signataires se sont engagées à faire en sorte que leur politique intérieure et extérieure soit guidée par ces principes en vue de faire de la Méditerranée une «zone de paix et de prospérité partagée». A cet égard, la Déclaration de Barcelone a fortement insisté sur la promotion du rôle de la société civile et particulièrement des ONG dans la mise en œuvre et l'évaluation de ce processus.

Avant de formuler les recommandations issues des discussions engagées par la société civile au cours de cette conférence et au-delà, les participants tiennent à rappeler qu'ils entendent par société civile l'ensemble des instances, associations, personnalités et médias, qui ont vocation à garantir ou protéger, en dehors de toute institution de l'Etat, l'exercice effectif, par des moyens pacifiques, des libertés publi-

ques et à favoriser l'émergence et l'affirmation autonome d'une identité collective pluraliste fondée sur les valeurs universelles des droits de l'Homme et la promotion d'une culture citoyenne.

### **Processus de paix et résolution des conflits**

Force est de constater aujourd'hui que ni la paix ni le respect des droits de l'Homme n'ont progressé dans la région. Bien au contraire, le processus de paix au Proche-Orient, au centre de cette ambition, est aujourd'hui ruiné par la politique de l'actuel gouvernement israélien, qui soumet la région à des tensions dangereuses et viole l'ensemble des accords signés depuis Oslo, pour la période intérimaire qui se termine dans quelques jours.

Nous constatons que l'impasse du processus de paix israélo-arabe et israélo-palestinien grippe l'ensemble du processus de partenariat de Barcelone.

A cet égard, les participants à la conférence demandent à l'Union européenne:

- De faire pression sur Israël pour qu'il applique l'ensemble des accords signés depuis Oslo avec la partie palestinienne.
- D'intervenir par tous les moyens pour le retrait d'Israël des territoires palestiniens occupés, du Golan et du Sud Liban, l'arrêt immédiat de la colonisation, notamment à Jérusalem, dont le statut doit faire l'objet d'une négociation.
- De s'engager à reconnaître l'Etat palestinien dès sa proclamation et d'aider cet Etat à conquérir au plus tôt les moyens de son indépendance et à exercer sa pleine souveraineté.

D'autres pays (et tout particulièrement l'Algérie et les pays Balkans) connaissent des situations dramatiques, qui constituent des obstacles majeurs au parachèvement des objectifs du Partenariat. A cet égard, les participants expriment leurs inquiétudes quant à la crise majeure des droits de l'homme en Algérie. Ils demandent à toutes les parties au partenariat d'encourager toute action pouvant mener à la paix et à une solution politique de la crise dans ce pays.

La situation au Kosovo fait resurgir les démons du passé et appelle une action dramatiquement urgente en faveur du peuple Kosovar victime d'une entreprise d'épuration ethnique. Elle pose à nouveau le problème du respect du droit international et met en évidence l'urgence d'un nouvel ordre juridique international susceptible de prévenir et de résoudre les conflits.

Cette situation renvoie également au statut et à l'oppression dont font l'objet les minorités dans de nombreux pays du Partenariat et notamment la minorité Kurde (Turquie, Iraq, etc.) et au traitement de la question de la diversité et du pluralisme culturels dans la région (Liban, pays de l'Union européenne, etc.).

Par ailleurs, les participants enregistrent avec intérêt l'évolution des rapports entre l'union Européenne et la Libye et expriment le souhait de voir ce pays prendre la place qui lui revient dans le partenariat afin que les citoyens de ce pays puissent prendre part à l'œuvre commune.

### **Situation des droits de l'Homme**

Comme mentionné dans la recommandation **Mourad Allal** t européen en date du 11 mars 1999, la situation des droits de l'Homme (entendus au sens des droits de la personne humaines) est gravement détériorée dans la région depuis la conférence de Barcelone. Les pays partenaires n'ont établi ni programme de travail régional pour la promotion et la protection des droits de l'Homme, ni mécanismes transparents et efficaces pour le suivi, en lien avec les ONG et les défenseurs des droits de l'Homme et de la région, du respect des droits de l'Homme en Méditerranée.

Dans ce domaine, les participants appellent les parties au Partenariat à établir un programme de travail pour les deux années à venir incluant notamment les recommandations suivantes:

- Garantir que la législation et les pratiques soient en conformité avec la Déclaration sur les défenseurs des droits de l'Homme («Déclaration sur le droit et la responsabilité des individus, groupes et organes de la société de promouvoir et de protéger les droits de l'Homme et les libertés fondamentales universellement reconnus»), adoptée par l'Assemblée générale des Nation Unies le 9 décembre 1998. Les participants expriment leur profonde inquiétude à propos de la «déclaration interprétative» signée par 26 pays, dont cinq engagés dans le partenariat euro-méditerranéen, et qui vide de son sens les dispositions de la Déclaration sur les défenseurs des droits de l'Homme.
- Inclure explicitement à l'ordre du jour des conseils d'association et du Forum interparlementaire la question du respect des droits de l'Homme.

- Faire établir par la Commission un bilan annuel du respect des droits de l'Homme dans les 27 pays du Partenariat, qui devra être notamment soumis au Parlement européen et aux parlements nationaux de ces pays.
- Organiser, à la veille de chaque conseil d'association, des rencontres entre le Parlement européen, la Commission et les missions de l'Union européenne dans les 27 pays du Partenariat et les ONG de défense des droits de l'Homme, afin de permettre à ces dernières d'exprimer leurs vues sur l'avancement du Partenariat.
- Signer et ratifier sans délai le Traité de Rome établissant la Cour pénale internationale – et, si nécessaire, amender leurs législations nationales en conséquence –, notamment en vue de mettre fin à l'impunité.
- Réaffirmer solennellement leurs engagements à respecter les dispositions de la Convention de Genève relative au statut des réfugiés de 1951 et notamment de son article 33 qui interdit le refoulement.
- Encourager et renforcer les programmes d'éducation et de promotion d'une culture des droits de l'homme.

### **Promotion des échanges humains et lutte contre les discriminations**

Les participants soulignent que les échanges humains, et tout particulièrement les questions liées aux migrations, sont traitées par les Etats signataires en flagrante, ainsi que la complexité et la diversité des mouvements de personnes ne sont prises en compte, dans les faits, que sous l'angle restrictif du contrôle motivé par une démarche sécuritaire ignorant les conséquences dramatiques des persécutions et des conflits qui minent la région et bloquent le processus engagé. Les participants expriment leur vive inquiétude face à la montée et à la banalisation de la xénophobie et des discriminations raciales dans l'ensemble des pays du bassin méditerranéen. Dans ce domaine, les participants appellent les parties au Partenariat à:

- Réviser la législation et la réglementation sur les conditions d'entrée et de séjour des étrangers dans l'Union européenne, comme dans les pays tiers, afin de mettre rapidement et durablement la liberté de circulation des personnes au même niveau que celle concernant les capitaux et les marchandises. A cet égard, les participants demandent la suppression des visas de court séjour et la révision des accords particuliers dans ce domaine pour éliminer les clauses plus

restrictives que le droit commun. Ils souhaitent l'élargissement du droit de séjour temporaire aux étrangers participant à des actions de solidarité internationale.

- Accorder des soutiens institutionnels et financiers au développement des programmes d'échanges humains entre les deux rives, des activités d'appui aux actions valorisant les immigrés dans le développement économique local et les initiatives menées dans les pays d'origine.
- Mettre tout en œuvre, au Nord comme au Sud de la Méditerranée, pour la promotion des droits sociaux, civiques (en encourageant leur participation à la vie publique), économiques et culturels des immigrés.
- Tenir une conférence périodique sur les migrations associant les gouvernements, les parlements, les collectivités locales et les acteurs non-gouvernementaux (syndicats, associations de défense des migrants, etc.)
- Prendre les mesures spécifiques aux Etats membres de l'Union Européenne pour favoriser l'accès à la citoyenneté et la nationalité, abroger la double peine, traiter de manière juste et humaine les immigrés en situation administrative irrégulière.

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### **Droits des femmes**

Dans notre région, les femmes font l'objet de multiples discriminations, inscrites dans les lois nationales et renforcées par l'état des mentalités et les politiques publiques à tous les niveaux de la vie économique, sociale, culturelle et politique. De nombreux pays parties au Partenariat ont ratifié la Convention pour l'élimination de toutes les formes de discriminations à l'égard des femmes tout en formulant des réserves telles qu'elles vident cette convention et cette substance. Victimes du harcèlement sexuel, de la violence domestique et sociale, les femmes sont, en cas de conflit, les premières cibles de la violence politique. Convaincus qu'ils ne saurait y avoir de société démocratique sans une égalité effective entre hommes et femmes, les participants appellent les Etats parties au Partenariat à :

- Lever les réserves qu'ils ont faites à la Convention pour l'élimination de toutes les formes de discrimination à l'égard des femmes.
- Mettre en conformité leurs législations nationales (et notamment en matière pénale) avec les instruments internationaux afin d'assurer une réelle égalité en droit.

- Concevoir et mettre en œuvre de réelles politiques publiques en vue de corriger à tous les niveaux (éducation, médias, etc.) l'image négative véhiculée sur les femmes.
- Encourager la mise sur pied de réseaux Euro-Méditerranéens de femmes à divers niveaux: politique, économique, culturel ou médiatique....

### **Participation de la société civile au processus du Partenariat**

Dans le souci de contribuer à une meilleure lisibilité de l'action et de la place de la société civile en Méditerranée, les participants recommandent:

- La mise en place d'un cadre permanent de concertation avec l'ensemble des foras issus de la société civile (syndicats, organisations de défense de l'environnement, comités des régions méditerranéennes du Conseil de l'Europe)
- La mise en place d'instances nationales de suivi et d'évaluation du processus du Partenariat en rapport annuel du Commissaire chargé du suivi du Partenariat, élaboré en concertation avec les représentants de la société civile.
- L'ouverture, dès maintenant, d'un dialogue avec les ONG et les instances représentatives de la société civile en vue de la préparation du prochain sommet euro-méditerranéen.
- La mise en adéquation des moyens mobilisables avec les objectifs politiques de renforcement de la société civile par:
  - La prise de mesures pour que la Commission européenne libère immédiatement les financements qu'elle s'est déjà engagée à octroyer aux ONG qui doivent en être bénéficiaires au titre du programme Méda-démocratie;
  - Un meilleur accès à l'information sur les modalités de financement de l'action des ONG par la publication, par exemple, d'un rapport annuel sur les orientations stratégiques et l'utilisation faite des fonds alloués dans le cadre des programmes MEDA;
  - Une meilleure transparence des critères d'éligibilité des ONG et des critères de choix des projets;
  - La simplification des procédures financières et des procédures d'instruction des dossiers;
  - La mise en place d'une instance consultative dans la définition, l'évaluation et le suivi de ces actions.



## Biographical Notes

**Dimitri Angelis** from Greece is a lawyer and an expert in European Law. Since 1981 he has been working for the European Commission. He deals with questions of democratisation and human rights in the Mediterranean.

**Gemma Aubarell** from Spain works for the Institut Català de la Mediterrània and the Generalitat de Catalunya in Barcelona. She was involved in the organisation of the first Euro-Mediterranean forum of civil society organisations in Barcelona in 1995.

**Uri Avnery** from Israel is an author, journalist and peace activist. He was a member of the Israeli parliament for three legislative periods, he founded the independent movement Gush Shalom (Peace Block) and was the first Israeli to meet Yassir Arafat in Beirut. In 1998 he received the Palestinian Award for Human Rights.

**Isabelle Avran** from France is a member of the Association France Palestine, the Plateforme des ONG françaises pour la Palestine and the Comité Européen de Coordination des ONG sur la question de la Palestine (CECP).

**Madjid Benchikh** from Algeria is a Professor of Law at the University of Cergy-Pontoise (Paris). He was consultant of the Organisme de Coopération algéro-français in Algiers, Professor, Doyen and President of the Scientific Board of the Faculty of Law at the University of Algiers. Until 1991, he was President of Amnesty International's section in Algeria. Since 1998 he has been President of the Comité International pour la Paix, les Droits de l'Homme et la Démocratie en Algérie (CIPA).

**Abdelaziz Bennani** from Morocco is President and member of the Executive Committee of the Euro-Mediterranean Human Rights Network.

**Rudolf Bindig** from Germany has been a member of the German parliament for 23 years. As representative of the Social Democratic Party in the permanent Human Rights Committee of the Bundestag he is concerned with the interrelations between economic development, social rights and political democratisation.

**Khemaïs Chammari** from Tunisia is an expert consultant of the Centre Méditerranéenne pour les Droits de l'Homme in Paris and member of the Euro-Mediterranean Human Rights Network.

**Yitzhak Frankenthal** from Israel is co-founder and General Manager of the Parent's Circle. This independent peace movement of bereaved parents supports tolerance, Judaism and democracy in Israel.

**Nazmi Gür** from Turkey is Vice Secretary General of the Turkish Human Rights Association and member of the Euro-Mediterranean Human Rights Network.

**Ilan Halevi** has been a Palestinian politician and human rights activist for many years. He works with the Palestinian National Authority and is a member of the Forum des Citoyens de la Méditerranée.

**Kamal Hamdan** from Lebanon is a Professor of Economics and Head of the Economic Division of the Consultation and Research Institute in Beirut. He is the author of many macro- and micro-economic studies, including socio-economic studies on Lebanon for the World Bank. He acted as a member of the Committee for the Reform of the Ministry of Economy (1979-1986).

**Kamel Jendoubi** from Tunisia is an economist and Director of the Fédération des Associations pour l'Enseignement et la Formation des Travailleurs Immigrés et leur Familles in Paris. He works for the Comité pour le Respect des Libertés et des Droits de l'Homme en Tunisie and is member of the Executive Committee of the Euro-Mediterranean Human Rights Network.

**Ernst-J. Kerbusch** from Germany is Head of the Division for International Development Cooperation of the Friedrich Ebert Stiftung.

**Sa'eda Kilani** from Jordan is a journalist and correspondent of the French daily La Croix. She is the author of books and reports on press freedom and human rights and is a member of the Euro-Mediterranean Human Rights Network.

**Stefano Leszczynski** is the Project Director of the Italian Helsinki Committee in Rome and member of the Executive Committee of the Euro-Mediterranean Human Rights Network.

**Abdou Menebhi** is the President of the Centre Euro-Méditerranéen Migration-Developpement in Amsterdam.

**Walid Moubarak** from Lebanon is Associate Professor of Political Science and holds the Chair of the Division for Social Science and Education at the American University in Beirut.

**Eva Norström** works for the Swedish Refugee Council in Stockholm. She is a member of the Executive Committee of the Euro-Mediterranean Human Rights Network.

**Diego de Ojeda** from Spain is a lawyer and an expert in European Law, English Law and international relations. Since 1992 he has been working in the European Commission dealing with the EU's policy in the Middle East.

**Gerd Poppe** is Officer for Human Rights und Humanitarian Aid of the German Foreign Ministry. The former GDR dissident and member of the Green Party is the first civil-rights activist to represent Germany internationally in all questions of human rights. He is officially entitled to conduct bilateral and multilateral human rights dialogue and to build up close relations to Non-Governmental Organisations.

**Monique Prim** from France is the president of the Forum des Citoyens de la Méditerranée.

**Amir Salem** from Egypt is a lawyer and head of the Legal Research and Resource Center for Human Rights in Cairo.

**Eyad El Sarraj** from Palestine is the President and Director General of the Gaza Community Mental Health Programme. He also served as Commissioner General of the Palestinian Independent Commission for Citizen Rights.

**Oliver Schmolke** from Germany is a Political Scientist. He is the author of studies on civil society networks in the Israeli-Palestinian peace process and on the Euro-Mediterranean Partnership. He works as a consultant for the Friedrich Ebert Stiftung.

**Rachida Tahiri** from Morocco is a founding member of the Association Democratique des Femmes du Maroc and member of the Euro-Mediterranean Human Rights Network. She is a consultant for the Ministry of National Education.

**Kerim Yildiz** from Turkey is a lawyer. He is the Executive Director of the Kurdish Human Rights Project in London and a member of the Euro-Mediterranean Human Rights Network. He represents individual cases at the European Court of Human Rights in Strasbourg.

## Notes biographiques

**Dimitri Angelis**, Grèce, est juriste et spécialiste du droit communautaire.

Il travaille depuis 1981 pour la Commission européenne. Il s'occupe de questions concernant la démocratisation et les droits de l'homme dans les régions du bassin méditerranéen.

**Gemma Aubarell**, Espagne, travaille pour l'Institut Català de la Mediterrània et le Generalitat de Catalunya à Barcelone. Elle a participé à l'organisation du premier forum euro-méditerranéen d'organisations de sociétés civiles, à Barcelone en 1995.

**Uri Avnery**, Israël, est auteur, journaliste et militant pour la paix. Il a été membre du parlement israélien pendant trois périodes législatives, il a créé le mouvement indépendant Gush Shalom (Alliance pour la paix) et fut le premier Israélien à rencontrer Yassir Arafat à Beyrouth. En 1998, il a reçu le prix palestinien des droits de l'homme.

**Isabelle Avran**, France, est membre de l'Association France Palestine, de la Plateforme des ONG françaises pour la Palestine et du Comité Européen de Coordination des ONG sur la question de la Palestine (CECP).

**Madjid Benchikh**, Maroc, est professeur de droit à l'université de Cergy-Pontoise (Paris). Il a été consultant de l'Organisme de Coopération algéro-français à Alger, professeur, doyen et président du Conseil scientifique de la faculté de droit à l'université d'Alger. Jusqu'en 1991, il a été président de la section d'Amnesty International en Algérie. Depuis 1998, il est président du Comité International pour la Paix, les Droits de l'Homme et la Démocratie en Algérie (CIPA).

**Abdelaziz Bennani**, Maroc, est président et membre du comité exécutif du Réseau euro-méditerranéen pour les Droits de l'Homme.

**Rudolf Bindig**, Allemagne, est membre du parlement allemand depuis 23 ans. En tant que représentant du parti social-démocrate au Comité permanent pour les Droits de l'Homme du Bundestag, il s'occupe de la corrélation entre le développement économique, les droits sociaux et la démocratisation politique.

**Khemais Chammari**, Tunisie, est expert-conseil du Centre Méditerranéen pour les Droits de l'Homme à Paris, et membre du Réseau euro-méditerranéen pour les Droits de l'Homme.

**Yitzhak Frankenthal**, Israël, est cofondateur et directeur général du Cercle des parents. Ce mouvement indépendant pour la paix de parents endeuillés soutient la tolérance, le judaïsme et la démocratie en Israël.

**Nazmi Gür**, Turquie, est vice-secrétaire général de l'Association turque pour les Droits de l'Homme et membre du Réseau euro-méditerranéen pour les Droits de l'Homme.

**Ilan Halevi**, politicien palestinien, milite pour la paix depuis de nombreuses années. Il travaille avec l'Autorité nationale palestinienne et est membre du Forum des Citoyens de la Méditerranée.

**Kamal Hamdan**, Liban, est professeur d'économie et chef du département économique de l'Institut de consultation et de recherche à Beyrouth. Il est l'auteur de nombreux essais macro-économiques et micro-économiques et a réalisé des études socio-économiques sur le Liban pour la Banque mondiale. Il a été membre du Comité pour la réforme du ministère de l'économie (1979-1986).

**Kamel Jendoubi**, Tunisie, est économiste et directeur de la Fédération des Associations pour l'Enseignement et la Formation des Travailleurs Immigrés et leurs Familles à Paris. Il travaille pour le Comité pour le Respect des Libertés et des Droits de l'Homme en Tunisie et est membre du comité exécutif du Réseau euro-méditerranéen pour les Droits de l'Homme.

**Ernst-J. Kerbusch**, Allemagne, est chef de la section pour la coopération du développement international à la fondation Friedrich Ebert.

**Sa'eda Kilani**, Jordanie, est journaliste et correspondante du quotidien français La Croix. Elle est l'auteur de livres et de reportages sur la liberté de la presse et les droits de l'homme et membre du Réseau euro-méditerranéen pour les Droits de l'Homme.

**Stefano Leszczynski** est chef de projet du Comité italien Helsinki à Rome et membre du comité exécutif du Réseau euro-méditerranéen pour les Droits de l'Homme.

**Abdou Menebhi** est président du Centre euro-méditerranéen Migration-Développement à Amsterdam.

**Walid Moubarak**, Liban, est maître de conférences en sciences politiques et titulaire de chaire au département Sciences politiques et Pédagogie à l'université américaine de Beyrouth.

**Eva Norström** travaille pour le Conseil suédois des réfugiés à Stockholm. Elle est membre du comité exécutif du Réseau euro-méditerranéen pour les Droits de l'Homme.

**Diego de Ojeda**, Espagne, est juriste et spécialiste du droit communautaire, du droit anglais et des relations internationales. Il travaille depuis 1992 à la Commission européenne où il s'occupe de questions concernant la politique de l'Union européenne au Moyen-Orient.

**Gerd Poppe** est responsable de la section Droits de l'Homme et Aide humanitaire du ministère allemand des affaires étrangères. Ancien dissident de la RDA et membre du parti des verts, il est le premier militant des droits civils à représenter l'Allemagne au niveau international dans toutes les questions concernant les droits de l'homme. Il est officiellement habilité à mener un dialogue bilatéral et multilatéral sur les droits de l'homme et à établir d'étroites relations avec des ONG.

**Monique Prim**, France, est la présidente du Forum des Citoyens de la Méditerranée

**Amir Salem**, Egypte, est juriste et chef du Centre de Recherche légale et de Ressources pour les Droits de l'Homme au Caire.

**Eyad El Sarraj**, Palestine, est président et directeur général du Programme d'hygiène mentale pour la Communauté de Gaza. Il a également exercé les fonctions de commissaire général auprès de la Commission indépendante palestinienne pour les droits des citoyens.

**Oliver Schmolke**, Allemagne, est spécialiste des sciences politiques. Il est l'auteur d'études sur les réseaux de sociétés civiles dans le processus de paix israélo-palestinien et sur le partenariat euro-méditerranéen. Il travaille comme consultant pour la fondation Friedrich Ebert.

**Rachida Tahiri**, Maroc, est membre fondateur de l'Association Démocratique des Femmes du Maroc et membre du Réseau euro-méditerranéen pour les Droits de l'Homme. Elle est consultante auprès du ministère de l'éducation nationale.

**Kerim Yildiz**, Turquie, est juriste. Il est directeur exécutif du Projet kurde pour les Droits de l'Homme à Londres et membre du Réseau euro-méditerranéen pour les Droits de l'Homme. Il représente des affaires individuelles à la Cour européenne des droits de l'homme à Strasbourg.

## **Euro-Mediterranean Partnership: “Human Rights and Civil Society in the Mediterranean”**

Conference organised by the Friedrich-Ebert-Stiftung in co-ordination with the Euro-Mediterranean Human Rights Network and the Forum des Citoyens de la Méditerranée

from 15 to 16 April 1999 in Stuttgart

### **Programme**

#### **Thursday, 15 April 1999**

- 8.30 h Registration of participants
- 9.15 h **Opening Session**  
*Ernst-J. Kerbusch*, Friedrich Ebert Foundation  
*Gerd Poppe*, Foreign Office, Germany  
*Abdelaziz Bennani*, Euro-Mediterranean Human Rights Network
- 10.00 - 10.30 h Tea / Coffee break
- 10.30 h **Human Rights under Political Conflict  
Presentations and Plenary Discussion**  
**First Panel**  
**The Middle East Peace Process: Crisis and Perspectives**  
*Ilan Halevi*, Palestine  
*Eyad El Sarraj*, Palestine  
*Uri Avnery*, Israel  
*Yitzhak Frankenthal*, Israel  
*Diego de Ojeda*, EU Commission, Brussels  
*Isabelle Avran*, France  
Chair: *Gema Martín-Muñoz*, Spain  
Rapporteur: *Pierre Galand*, Belgium
- 13.00 - 14.30 h Lunch break
- 14.30 - 16.00 h **Second Panel**  
**Crisis and Perspectives of Peace: Democracy and Political  
Culture in the Mediterranean and the Role of Europe**  
*Madjid Benchikh*, Algeria / France  
*Walid Moubarak*, Lebanon  
*Khemais Chamhari*, Tunisia  
*Dimitri Angelis*, European Commission, Brussels  
Chair: *Gudrun Krämer*, Germany  
Rapporteur: *Bernard Ravenel*, France
- 16.00 - 16.30 h Tea / Coffee break

- 16.30 - 18.00 h **Third panel**  
**Freedom of Movement and Refugees**  
*Kerim Yildiz*, Turkey  
*Eva Norström*, Swedish Refugee Council  
*Abdou Menebhi*, Morocco/Netherlands  
*Stefano Leszczynski*, Italian Helsinki Committee  
 Chair: *Ilan Pappé*, Israel  
 Rapporteur: *Brigitte Ernst*, Amnesty International
- 19.00 h Dinner-Reception at the "Landtag"  
 (Parliament) of Baden-Württemberg  
 Welcome address: *Jannis Sakellariou, MEP*

### Friday, 16 April 1999

- 9.00 - 10.30 h **Human Rights and Development**  
**Presentations and Plenary Discussion**  
**First Panel**  
**Human Rights, Democracy and Participation**  
*Rachida Tahiri*, Morocco  
*Sa'eda Kilani*, Jordan  
*Nazmi Gür*, Turkey  
*Gemma Aubarell*, Spain  
 Chair: *Paul Balta*, France  
 Rapporteur: *Anna Bozzo*, Italy
- 10.30 - 11.00 h Tea/Coffee break
- 11.00 - 12.30 h **Second Panel**  
**Social and Economic Rights and Economic Development**  
*Rudolf Bindig*, Germany  
*Kamel Jendoubi*, Tunisia  
*Amir Salem*, Egypt  
 Chair: *Kamal Hamdan*, Lebanon  
 Rapporteur: *Rana Hussein*, Jordan
- 12.30 - 13.15 h **Results and Recommendations of the Conference /**  
**Closure Meeting of the Chairpersons and Rapporteurs**  
*Monique Prim*, Forum des Citoyens de la Méditerranée  
*Driss El-Yazami*, Euro-Mediterranean Human Rights Network
- 13.15 - 14.30 h Lunch break
- Subsequently Transfer to the Neues Schloß, Weißer Saal
- 14.30 - 16.00 h **Europe and The Mediterranean –**  
**Governments and Civil Society in Dialogue**  
 Plenary  
*Ludger Volmer*, Minister of State, Ministry of Foreign Affairs, Germany  
*Mohamed Fathy El Shazli*, Vice Foreign Minister, Egypt  
*Enrico Cioffi*, General Director, EU Commission, Brussels  
**Rapporteurs of civil forum conferences**  
 Discussion
- Subsequently Reception hosted by the Foreign Office of Germany and the  
 Government of Baden-Württemberg

## Partenariat Euro-Méditerranéen: «Les Droits de l'homme et la Société Civile en Méditerranée»

Conférence organisée par la Fondation Friedrich Ebert en coopération avec le Réseau Euro-Méditerranéen des Droits de l'Homme et le Forum des Citoyens de la Méditerranée

du 15 au 16 avril 1999 à Stuttgart, Allemagne

### Programme

#### Jeudi, 15 avril 1999

- 8.30 h Inscription des participants
- 9.15 h **Séance d'ouverture**  
**Ernst-J. Kerbusch**, Fondation Friedrich Ebert  
**Gerd Poppe**, Ministère Allemand des Affaires Etrangères  
**Abdelaziz Bennani**, Réseau Euro-Méditerranéen des Droits de l'Homme
- 10.00 - 10.30 h Pause café / thé
- 10.30 h **Les droits de l'homme dans le conflit politique**  
**Présentations et discussion plénière**  
**Première session de travail**  
**Le Processus de Paix au Proche Orient: Crise et Perspectives**  
**Ilan Halevi**, Palestine  
**Eyad El Sarraj**, Palestine  
**Uri Avnery**, Israël  
**Yitzhak Frankenthal**, Israël  
**Diego de Ojeda**, Commission Européenne, Bruxelles  
**Isabelle Avran**, France  
Présidence: **Gema Martin-Muñoz**, Espagne  
Rapporteur: **Pierre Galand**, Belgique
- 13.00 - 14.30 h Pause déjeuner
- 14.30 - 16.00 h **Deuxième session de travail**  
**Crise et perspectives de la paix: démocratie et culture politique en Méditerranée et le rôle de l'Europe**  
**Madjid Benchikh**, Algérie / France  
**Walid Moubarak**, Liban  
**Khemäis Chamhari**, Tunisie  
**Dimitri Angelis**, Commission Européenne, Bruxelles  
Présidence: **Gudrun Krämer**, Allemagne  
Rapporteur: **Bernard Ravenel**, France
- 16.00-16.30 h Pause café / thé
- 16.30-18.00 h **Troisième session de travail**  
**Liberté de mouvement et réfugiés**  
**Kerim Yildiz**, Turquie  
**Eva Norström**, Suède  
**Abdou Menebhi**, Maroc/Pays Bas  
**Stefano Leszczynski**, Italie  
Présidence: **Ilan Pappé**, Israël  
Rapporteur: **Brigitte Ernst**, Amnesty International

19.00 h Dîner – Réception au “Landtag”  
(Parlement) du Land Baden-Württemberg  
Mots de bienvenue: **Jannis Sakellariou, MPE**

## **Vendredi, 16 avril 1999**

- 9.00 - 10.30 h **Droits de l’homme et Développement**  
**Présentations et discussion plénière**  
**Première session de travail**  
**Droits de l’homme, Démocratie et Participation**  
**Rachida Tahiri**, Maroc  
**Sa’eda Kilani**, Jordanie  
**Nazmi Gür**, Turquie  
**Gemma Aubarell**, Espagne  
Présidence: **Paul Balta**, France  
Rapporteur: **Anna Bozzo**, Italie
- 10.30 - 11.00 h Pause café / thé
- 11.00 - 12.30 h **Deuxième session de travail**  
**Droits sociaux et économiques et Développement économique**  
**Rudolf Bindig**, Allemagne  
**Kamel Jendoubi**, Tunisie  
**Amir Salem**, Egypte  
Présidence: **Kamal Hamdan**, Liban  
Rapporteur: **Rana Hussein**, Jordanie
- 12.30 -13.15 h **Résultats et Recommandations de la Conférence /**  
**Séance de Clôture**  
**Monique Prim**, Forum des Citoyens de la Méditerranée  
**Driss El-Yazami**, Réseau Euro-Méditerranéen des  
Droits de l’Homme
- 13.15 - 14.30 h Pause déjeuner
- Ensuite Transfert au Neues Schloß, Weißer Saal
- 14.30 - 16.00 h **L’Europe et la Méditerranée – Dialogue entre les**  
**Gouvernements et la Société Civile**  
Assemblée plénière  
**Ludger Volmer**, Ministre délégué aux Affaires Etrangères,  
Allemagne  
**Mohamed Fathy El Shazli**, Ministre Adjoint des Affaires  
Etrangères, Egypte  
**Enrico Cioffi**, Directeur Général de la Commission Européenne  
**Rapporteurs des conférences des Fora Civils**  
Débat
- Ensuite Réception offerte par le Ministère allemand des Affaires Etrangères  
et le Gouvernement du «Land» de Baden-Württemberg