



The Political Economy of Governance in the Euro-Mediterranean Partnership

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Soft-security within the Euro-Mediterranean partnership

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1. Introduction

The Mediterranean area is vital for the European Union, due to its strategic position, the intensive economic and human ties with the countries of its southern shore and the historic and mutual relations between all the countries of the region. It is known as the “Southern Gate” (González, 2004:30), linking Europe with the Middle East, Africa and beyond. The European Union and the Southern Mediterranean Countries started a new relationship based on consensual common principles and goals materialised in the Euro-Mediterranean Partnership (EMP) launched in Barcelona by the Euro-Mediterranean Conference in 1995. The scope of this Partnership, known as the Barcelona Process was threefold: dialogue and cooperation in politics and security, economic and financial cooperation, and co-operation in social and cultural aspects. Today, since the Barcelona Summit in November 2005, a new chapter has been added: migration, social integration, justice and security.

Though the most visible aspect of the Partnership Agenda in the economic area is the creation of a free trade area by the year 2010, the creation of an area of peace and stability is the political final aim of the process. However, while efforts towards that first goal to modernise the economies of the southern partners and forge closer ties in the commercial field have been relatively successful, much less progress has been made toward the latter.

Political relations can contribute to the establishment of an area of peace and stability if they are articulated in order to develop the instruments needed to guarantee certain minimum standards. Among these instruments there are those focused on defence and those linked to human security, commonly known as hard and soft security instruments respectively.

Though the Barcelona Process could be considered in itself an example of soft policy, the objective of this paper will be to analyse the role of certain soft security elements within the Euro-Mediterranean Partnership. Particularly, the research will be centred on the ability of the EMP to tackle some issues of soft security, posing the following question: how far is the Euro-Mediterranean region from becoming an area of peace and stability?

In order to answer this question, the paper starts with a brief explanation of what security means and what is understood by soft security matters. Secondly, the origin and development of soft security within the EMP is analysed as a prior step to the study of its current role. Thirdly, this study analyses what tools the Euro-Mediterranean cooperation has to cope with some aspects of soft security, taking into account the elements that are common to the European Security Strategy and the Hague Programme of the European Union. Finally, specific policy recommendations are made, on possible ways to deal with the soft security aspects that have been identified in previous sections of the paper.

2. Understanding soft security

What soft security means

It is difficult to give a definition of soft security if the term security is not defined in advance. The former is nothing more than a part of the security structure. For this reason, a minimum approach to the security concept is required.

There are many definitions of the notion of “security”, though if the features of all of them were to be added together, the result would be simple: “security consists of a low probability of suffering an aggression” (Avilés, 2002). In other words, “security is defined in terms of perceived threats and risks” and deals with preventing and containing them (Ziyal, 2004).

It is necessary also to distinguish between security and defence. Security policy fights against risks in order to diminish them. It also prevents the transformation of the risks into threats. However, a defence policy is aimed to preserve a subject (an individual, a group, a state or other body) from threats. If the subject to be protected is the state, defence involves a set of measures directed at guaranteeing the essential values enshrined in the concept of security, the highest value protected by law.

According to these concepts, to affirm that a State is secure does not depend on objective data but on a subjective analysis of what each individual considers a risk or a threat. Indeed, it is very often true that people’s perception of security is not directly related to actual security. This is also due to the fact that while it is possible to prove that there has been a security failure, it is not possible to affirm that there will not be failures.

The meaning of national security is ambiguous and flexible, even though there is agreement¹ on the diversity of the aspects that influence its shaping. These aspects can be summed up in the so-called dimensions of security (Buzan, 1991:116-134)²: military, political, economic, environmental and human.

The main objectives of a security policy should therefore be to prevent conflicts and wars; to preserve environmental integrity; to eliminate economic and social conditions that pose a threat to

¹ This agreement is the result of the work performed by the United Nations General Assembly, which adopted a number of resolutions for this purpose: Resolution 2734 (1970), of 16 December, approving the Declaration on the Strengthening of International Security, Resolution 2993 (1972) of 15 December, on the Implementation of the Declaration on the Strengthening of International Security and Resolution 3185 (1973), of 18 December, Implementation of the Declaration on the Strengthening of International Security (A/9448).

² The concepts of national and international security are not going to be analysed in this paper, neither the scope of collective, co-operative and shared security.

the life and security of people and States; and to anticipate and manage crises before they degenerate into armed conflicts.

Focusing on the nature of threats and risks, a distinction between two categories of security is possible: hard and soft security. Commonly, the term “hard security” involves military defence of a State whereas “soft security” as a non-military concept focuses on political, social and economic potential threats to a State (Moustakis, 2003:6). “Soft-security is thus apparently about almost everything except defence proper” (Becher, 2005). Although there is not an exhaustive list of both kinds of threats, it is generally accepted that war, invasion and weapons of mass destruction are hard threats, while extreme poverty, disparity among societies, disease, inter-ethnic conflicts, illegal immigration, international organised crime, corruption and trafficking in human beings are soft threats.

This initial difference has been blurred since the end of the Cold War and nowadays there are no clear-cut dividing lines between soft and hard security, which are inter-linked and require a comprehensive and inter-disciplinary approach. In fact, a soft threat can easily turn into a hard one and a specific threat can be part of both types of threats. Making profit from illegal migration or drug trafficking in order to finance illicit activities could be a good example of how terrorist organizations transform a soft threat into a hard one. Terrorism is today an example of a soft and hard threat at the same time.

Due to this evolution, there could be cases where a threat cannot be classified as hard or soft on an independent basis. In this case, other aspects of security policy make it possible to determine the kind of risk existing, such as: the subject of the threat, the values threatened and the potential instruments for dealing with the threats. The scope of this paper does not include the analysis of the characteristics of hard security, but only the distinctive features of soft security. The answers to questions on security “for whom”, security “for which values”, and security “by what means”, will therefore be related only to soft security. These answers will be based on the two main schools of study of soft security issues and their relationship with “Human Security”³: Mahbub ul Haq and the

³ This concept of Human Security first arose in 1994 in the Human Development Report presented by Mahbub ul Haq (UNDP, 1994).

United Nations Development Program (UNDP) on the one hand and the studies for the Canadian Government on the other (Bajpai, 2000:4-26).

Soft security is not about States and nations, but about people, meaning that the primary point of reference thereof is the individual. However, this does not exclude State security because ultimately State security means individual security, and the State is in the end the provider of security for its citizens.

In this connection, the fundamental values that must be protected in the face of soft risks are individual safety, well being and the dignity of all people everywhere in their daily lives. In addition, certain other values must be borne in mind due to their relationship with human security, namely economic security, food security, health security, personal security, community security and political security.

Soft security requires development, not arms. Such development must cover not only human aspects but also political ones. Human progress is promoted through a more equitable satisfaction of basic needs, the establishment of steps towards sustainability, a greater democratization and civil participation at all levels of global security. However, the passing of global rules, creating global institutions, making a more collective use of force and imposing sanctions if and when necessary are also essential steps for the encouragement of political maturity.

In conclusion, soft security or human security is aimed at people; it nurtures individual safety and freedom against threats both of national and transnational origin which can be both direct or indirect; and it has as its aim the neutralizing of the potential violent nature of soft threats and preventing them from becoming hard threats in the long run, through enhancing cooperation and dialogue, as well as extending financial assistance and development programs.

3. The role of soft security within the EMP

“War, invasion, antagonism and extremism, have long been the lot of the Mediterranean. The end of the Cold War, and the second Gulf War have brought a qualitative change” (Ounaies, 2000). The Barcelona Process, launched in the Conference on 27-28 November 1995, was born out of the optimism that existed in the Middle East in the middle of the 1990’s. However, a few days before the Barcelona Conference, the centrist Israeli Labour prime minister, Yitzhak Rabin, was

assassinated by an ultra-nationalist. From 1996 onwards the political situation in the region deteriorated. The cooperation initiated in order to take profit of the potential benefits coming from a neighbouring peaceful area became the sole mechanism available to implement a soft security policy.

We could say that in the post Cold War era, “States can no longer afford the luxury of waiting until soft security issues evolve into hard issues, no matter how distant they may be, since in an era of globalization distance has become a relative concept” (Ziyal, 2004). The European Union had to cope with this issue using a tool which was not created, in principle, for that purpose. The instrument was not conceived to be used in order to solve the increasing political tensions within the Middle East that affected the Mediterranean countries.

Notwithstanding the Barcelona Process sets as its aim the development of a new framework of peaceful and cooperative relations in the Mediterranean region and, particularly, the objective of a “common area of peace and security” through the following principles: (1) The development of the rule of law, democracy, respect for human rights and fundamental freedoms; (2) the settlement of disputes through peaceful means; (3) cooperation in preventing and combating terrorism; (4) cooperation in the fight against organised crime and drug trafficking; (5) the promotion of regional security and the non-proliferation of nuclear, biological and chemical weapons; (6) the attempt to create a Middle East zone free from weapons of mass destruction; and (7) promotion of the long-term aim of creating an area of peace and stability in the Mediterranean and possibly establishing a Euro-Mediterranean pact to this end.

Since the beginning of this Process, the content of this first basket has not been fully developed. In relation with security risks, the EMP reacted after the terrorist attacks on 11th September 2001, evidencing the effects of a new non conventional threat to security against States and citizens⁴. The proposals that came from the Spanish Presidency of the EU during the first half of 2002 were vital to the resurgence of security matters. On the one hand, particularly important were those contained

⁴ There were some initiatives, such as Egypt’s initiative concerning the organisation of an international conference on terrorism, Tunisia’s proposal for a code of conduct on the fight against terrorism and progress in the cooperation in the field of counter terrorism through periodical ad hoc meetings.

in the so-called Valencia Action Plan which allowed some soft security issues to be moved to the third basket of the EMP. On the other hand, the “Regional cooperation programme in the field of justice, in combating drugs, organised crime and terrorism, as well as cooperation in the treatment of issues relating to the social integration of migrants, migration and movements of people”⁵, launched in June 2003 and the second part of the Euro-Med justice programme, launched in December 2004, aiming at creating an international community of magistrates, lawyers and legal practitioners represented a new type of initiative that cut across the EU pillar structure as well as the basket structure of the Barcelona process.

Despite the establishment of a Code of Conduct on Countering Terrorism and of a Five Year Work Programme at the 2005 Barcelona Summit to reinforce cooperation on migration, social integration, human rights, justice and security (Presidency Conclusions, 2005a), the development of cooperation on soft security issues has been partial. The path followed has depended very much on the actual necessities. This justifies that the Barcelona Process has been evolving and readapting itself to the new circumstances.

4. Soft Security in the Euro-Mediterranean Partnership

The real question that this paper tries to answer is what tools the Euro-Mediterranean Partnership has to act within some soft security aspects. To answer this question an analysis has been made of the instruments of Euro-Mediterranean cooperation in the light of the elements that such cooperation has in common with the European Security Strategy and the Hague Programme. The rationale behind this is as follows. It is a fact that the EU is currently an area of peace and stability which is on the way to becoming an area of freedom, security and justice. Therefore, the guidelines contained in the European Security Strategy, adopted in December 2003, and some elements of the Hague Programme, such as a comprehensive programme for 2005-2009 on strengthening the EU as an area of freedom, security and justice, could be a good reference point in order to gauge whether the Euro-Mediterranean area is on the way to establishing the basis for becoming the area of peace and stability advocated by the Barcelona Declaration.

⁵ The programme is published in the Euromed Report 44, 29 April 2002.

The European Security Strategy, the Hague Programme and the first basket of the Barcelona Declaration have the following elements/objectives in common:

Respect of fundamental rights.

Fight against terrorism.

Fight against organised crime and drug trafficking.

Police, judicial and institutional cooperation, sharing information, responsibility and solidarity.

All these elements can be also recognised within the instruments of Euro-Mediterranean cooperation (Association Agreements, Country Strategy Papers, Action Plans, National Indicative Programmes, etc.). The following pages of this paper offer an analysis of the level of soft security cooperation reached between the European Union and its Mediterranean counterparts in these areas.

4.1. Developing respect for fundamental rights

A. Analysis

Human rights and democratisation were among the most neglected aspects of the political and security dialogue in the EMP, despite the fact that all Association Agreements signed bilaterally with the individual countries contain an essential clause based on –the principle of “political conditionality”. Thus, in 2003 the Commission published a report on how to improve the EU’s human rights and democratisation strategy vis-à-vis the Mediterranean region (European Commission, 2003). The Arab Human Development Report (United Nation Development Program, 2002), which analysed the “freedom deficit” situation, made ten policy recommendations for improving the EU’s strategy towards the Mediterranean. Further confirmation that human rights and democracy deserve a more important position in North-South relations, and in European external relations in general, can be found in the European Security Strategy, as well as in the joint Commission-Council Secretariat paper on strengthening relations with the Arab world (Council Secretariat and European Commission, 2003).

From the outset, all the Mediterranean countries have benefited from the European Initiative for Democracy and Human Rights in the last few years, which has supported civil society initiatives

aiming at promoting democracy and human rights. In this respect, for instance, the West Bank and Gaza Strip have been one of about 30 “focus countries” for this European initiative.

The respect for human rights has also been one of the most important elements guiding the relations between the European Union and the Mediterranean Countries through their Association Agreements. In this respect, Jordan was the first partner in the region to set up a joint working group with the EU on human rights (European Commission, 2005c) and Morocco created a Human Rights Sub-Committee in 2003.

There have undoubtedly been some improvements. Generally-speaking, the EU and the Mediterranean countries are committed to adhere to the principles of the United Nations Charter, particularly the observance of human rights and democracy. Let us consider the case of Israel which has ratified the core UN Human Rights Conventions (Association Agreement, 1995); the case of Palestinian Authority which has undertaken to adopt and implement an Action Plan on fostering a culture of non-violence, tolerance and mutual understanding as well as to strengthen possibilities for legal redress against violations of human rights and civil liberties (European Commission. Action Plan. Palestinian Authority:7); the case of Jordan, whose Association Agreement establishes that the relations with the EU shall be based on respect for democratic principles and fundamental rights as set out in the Universal Declaration on Human Rights (Euro-Mediterranean Agreement, 2002:3) and which has launched the National Centre for Human Rights, which became operational in 2003 (European Commission, 2004g:7); the case of Egypt, which created a National Council for Human Rights in 2004; and the case of Morocco which established the Centre for the Documentation, Information and Training on Human Rights.

However, although it is obvious that there have been some steps forward, there is still a long way to go on this issue. In Lebanon, although human rights are protected by the Constitution as well as by the International Conventions signed by this country⁶, the level of protection of fundamental rights is not yet at the level required by the United Nations. Turkey has signed the Optional Protocol to the International Covenant on Civil and Political Rights, but it has not ratified it yet. In Morocco,

⁶ The guarantees offered by the Constitution can be seen in the publication: European Commission, 2005e: 7-10.

despite the creation of the Equity and Reconciliation Commission⁷ and the protection of some rights by the 1962 Moroccan Constitution, the real development of the respect for human rights and fundamental freedoms requires concrete proposals for action (European Commission, 2004f), such as the elaboration of a programme to support the national plan for democracy and human rights, which should be carried out by the Centre for the Documentation, Information and Training on Human Rights⁸. Although Jordan has ratified almost all UN human rights treaties, the death penalty is in force (20 executions per year) and although Egypt has ratified most of the major UN Human Rights Conventions with reservations (European Commission, 2005e), arbitrary emergency powers have been used to restrain the activities of democracy and human rights activists (European Commission, Euro-Mediterranean Partnership. Egypt Country Strategy Paper, 2002-2006 and National Indicative Programme, 2002-2004:9). All in all, the real problem in many Mediterranean countries is torture and ill-treatment, above all in Palestinian Authority's detention centres, namely those operated by the security services, in Israel since the outbreak of the second Intifada⁹, and in Morocco, which has not signed the Protocol to the Convention against torture, prohibited in article 5 of the Universal Declaration, and in Tunisia (European Commission, 2004b:9)¹⁰.

As regards other fundamental rights, such as equal treatment for men and women, freedom of speech, the press, assembly and association and the role of NGOs, there is a need to work harder on

⁷ The Equity and Reconciliation Commission is a Moroccan human rights and truth commission created on January 7, 2004 by King Mohammed VI in order to reconcile victims of human rights abuses and atrocities- committed by Makhzen (the governing elite) during the so-called Years of lead, with the State. This Commission is composed of a president and 16 members of various institutions and establishments, half of them from the Moroccan human rights body. The proclaimed objectives of the commission are the protection and the promotion of the human rights in Morocco.

⁸ The phases will consist of a detailed study of the current situation of human rights protection and democracy principles in Morocco, some workshops to design a course of action and training, dissemination and awareness-raising activities.

⁹ The Israeli Supreme Court held that the Israeli Security Services had no authority under Israeli law to use physical force during interrogations.

¹⁰ Tunisia has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, it is reported that acts of torture and other cruel, inhuman or degrading treatment or punishment are practised by way of law enforcement and tolerated by the authorities.

these issues¹¹. Equal treatment is a significant issue with political, economic, cultural and religious consequences. Throughout history women have traditionally been discriminated against. Despite a political breakthrough in this area in the last few years, equal treatment is still a kind of “chimera” in many countries, in both developed and developing countries. As far as the Mediterranean countries are concerned, the Palestinian Authority needs to increase the number of women beyond 13% of its formal labour force (European Commission, 2004b) and to promote their rights more under the auspices of the Ministry for Women Affairs, which was established in November 2003. The European Union-Morocco Action Plan also considers it a priority to better promote and protect the rights of women and children, by applying the national reforms of the Family Code (Mudawana), by combating the discrimination and violence against them and by working for their recognition in the social and economic spheres.

Apart from equal treatment for men and women, the EU and its Mediterranean counterparts have also undertaken to reinforce legal guarantees for freedom of speech, freedom of the press, freedom of assembly and association in accordance with international standards. However, some restrictions exist in practice. This is so in the case of Jordan (European Commission, 2004g:7) and of Palestine, where although the Basic Law guarantees freedom of expression and freedom of the press and media, in practice these are restricted. Turkey also has to pursue and implement reforms concerning freedom of expression, including freedom of the press, freedom of association, peaceful assembly, and the exercise of freedom of thought, conscience and religion.

On the other hand, it is clear that NGOs play an ever-more pivotal role in society; indeed, it is said that NGOs are the “fourth” power of the State. Notwithstanding, a number of factors militate

¹¹ The Ministerial Conference on “Strengthening the Role of Women in Society”, which took place in Istanbul on 13/14 November, 2006, aimed at issuing concrete and practical proposals for actions on the matter of gender issues. The conference discussions were structured around three main subject areas, such as women’s rights as a guarantee of human rights and deepening democracy, women’s access to education and employment and the role of culture and the media as key-instruments for changing perceptions of gender.

against the development of their political pluralism in the Mediterranean countries. A case in point is the Algerian Press Code, which strictly regulates the exercise of their freedoms.

B. Final remarks

In a nutshell, it is true that there is still a long way to go in the area of peace, freedom and security. However, building this area of “soft security” without human rights is doomed to failure. This is why reinforced cooperation and mutual understanding between the EU and its Mediterranean counterparts should go on in the near future, not only for their own security, but also for the region as a whole.

4.2. Fight against terrorism

A. Analysis

Although in some regional areas such as the Mediterranean international terrorism is considered a recent phenomenon, the Barcelona Declaration included among the aims of the first basket the need to prevent and combat terrorism through cooperation between both sides.

However, the concern about the terrorist risk did not become the main priority of the contemporary international society until the terrorist attacks on September the 11th. This fact justifies the lack of specific counter-terrorist provisions in the Association Agreements until this unforgettable date. Only the Egyptian agreement, signed in 2001, sets out the basis for the establishment of a political dialogue and cooperation on terrorism between the parties, particularly by exchanging information on means and methods used to counter terrorism, on the one hand, and experiences with respect to terrorism prevention, on the other, including the development of joint research and studies in the area of terrorism prevention (Art. 3.2 of the Joint Declaration annexed to the Association Agreement).

From this moment on the countries acted by opening a political dialogue on terrorist matters. Morocco used articles 1 and 3 of the Agreement to begin this dialogue as a matter of common interest on which a better mutual understanding and regular coordination must be developed; the Palestinian Authority used the provision of the Interim Association Agreement on Trade and Cooperation to strengthen and extend the political dialogue to include the fight against and prevention of terrorism as well as the prevention of illicit funding and supply of arms to these networks. Jordan

for its part passed a temporary law of 8 October 2001 amending the Penal Code to introduce tougher measures against terrorism (European Commission, Jordan Country Strategy Paper 2002-2006 & NIP 2002-2004: 8) and Lebanon committed itself with the European Union to deal with this phenomenon through specific letters on cooperation (European Commission, 2005d:10).

Since then, the EMP has been developing new means of cooperation against terrorism which have been strengthened by the adoption of the Euro- Mediterranean Code of Conduct on Countering Terrorism at the Barcelona Summit in November 2005. This Code of Conduct unites the countries of the EMP in the “struggle against terrorism” and commits them to cooperate and coordinate in order to respond to this global challenge.

Taking into account the Code of Conduct and the provisions of the Association Agreements, it is possible to pinpoint the guidelines of the current Euro-Mediterranean policy against terrorism, which implies actions against this risk from different angles: prevention, funding, non proliferation of weapons of mass destruction, facilitation of the United Nation’s role and cooperation.

Prevention of terrorism

In order to confront terrorism, States must be alert and should be capable of detecting the signals that can transform a country into a possible terrorist objective. In this connection, prevention is the first element that a counter-terrorism policy must guarantee. Countries such as Israel, Palestine, Morocco, Jordan and Egypt are all working towards this aim. An important goal of the Israeli and Jordanian Action Plans (European Commission. Action Plan. Jordan: 3) is to encourage cooperation with the EU to try to avoid terrorist attacks. In the first case the aim is to exchange views and experiences on means and methods used to counter terrorism, followed by Egypt (Association Agreement 2001: article 59), and on the dilemmas and concerns of democracies in their fight against terrorism. The preventive actions carried out by the Palestine Authority include the prevention of illicit funding and supply of arms (Association Agreement, 1997: article 68). The Moroccan Action Plan (European Commission. Action Plan. Morocco, 2004:7-8) contains concrete steps to prevent terrorism that coincide to a great extent with the other aspects of the EMP “policy” against terrorism: implementation of the United Nations Security Council Resolutions linked to this phenomenon, the need to pass legislation to fight against terrorism financing, cooperation to deprive

terrorist organisations of free access to the weapons and explosives that they could employ in their attacks and the control and sanction of the export of this kind of arms.

Due to the fact that one of the terrorist's strongest weapons is civil society's ignorance about when an attack is going to be carried out, prevention must not be understood just as the frustration of a violent act but also as the capacity to react after an attack.

Blocking of terrorist funding

The blocking of financing is another component of the EMP policy. If governments set obstacles to the funding of international terrorist groups, these groups will find more difficult to obtain the necessary resources -human, technical and financial- to carry out their operations. In this connection, although almost all the Mediterranean partner countries agreed to the need to stop the support of terrorist actions, only some of them are acting as a result. Israel is strengthening this fight with the help of the law enforcement agencies and judiciaries of both regions (European Commission. Action Plan. Israel:7). Morocco is trying to pass legislation in this field (European Commission. Action Plan. Morocco:7-8), Jordan is committed to full international cooperation in the fight against terrorism and has amended its Penal Law to increase the punishment of acts deemed to be acts of terrorism and to provide punishment for those who assist terrorist groups (European Commission, 2004g:10). Algeria agreed to cooperate in the freezing of funding of this kind of activities, in exchanging information related to terrorist networks and in means and practices for combating terrorism (Article 90 of the Algeria Association Agreement).

Non-proliferation of WMD

Due to the fact that some Mediterranean countries have enough resources to prepare and/or to access to weapons that if employed to perpetrate attacks could produce devastating results -the so-called weapons of mass destruction -, combating the proliferation of such weapons must be a priority in the fight against terrorism. The combat against the vertical proliferation is important to reduce the production and the development of weapons of mass destruction. However, it is also necessary to act against the horizontal proliferation in order to avoid that terrorist organizations could access to these types of weapons. This justifies the Israeli commitment to strengthen national measures and co-operate to prevent terrorists from acquiring weapons with mass destruction capabilities.

The European Union and Morocco have agreed to cooperate (European Commission. Action Plan. Morocco:8) in order to deprive terrorist organisations of free access to the weapons and explosives that they could employ in their attacks. Both parties consider that effective cooperation in this matter should require joint operations to avoid proliferation of weapons of mass destruction and their illicit traffic. Even so, it will be also necessary to control and sanction the export of this kind of arms.

Facilitation of the role of the United Nations

The signing and ratification of international conventions on terrorism as well as their implementation and the implementation of their protocols and certain specific resolutions is vital for the global and effective fight against terrorism not only at a domestic and unilateral level but also internationally and multilaterally. Only if conventions and resolutions are implemented by the member states can the United Nations develop the best methods for preventing the development of terrorism.

Mediterranean countries are conscious of this fact, as is shown by the steps taken in order to respect international legislation in this regard, particularly the following:

UN Convention for the Suppression of Financing (9 December 1999).

UNSC Resolutions 1373/01(28 September) on threats to international peace and security caused by terrorist acts.

UNSC Resolutions 1267/99 (9 October) on the situation in Afghanistan.

However, not all the Mediterranean countries are progressing at the same speed; several are doing it better than others. This is the case of Israel, Palestine, Morocco, Jordan and Algeria.

2.1.5. Counter-terrorism cooperation

The last element that gives shape to the Euro-Mediterranean policy against terrorism is cooperation on counter terrorism. The importance of this cooperation lies precisely in the essence of the Euro-Med Partnership. Mutual assistance to face up to terrorist acts is twofold. On the one hand it is centred on the Mediterranean neighbour countries and on the other it should be carried out within

the EMP, this is to say, between the EU and the Mediterranean as a regional area as well as through bilateral agreements.

With regard to bilateral cooperation, the Lebanese government has proclaimed its readiness to cooperate with the European Union in the fight against terrorism¹². The Moroccan Action Plan, which extends the initial Agreement, states that to enhance cooperation in the fight against terrorism must be a priority (European Commission. Action Plan. Morocco: 3), particularly due to the international character of this phenomenon, in order to obtain effective results. The will of the Jordanian government to cooperate is justified by the consideration of terrorism as an issue of international and regional interest (European Commission. Action Plan. Jordan:3). A joint declaration annexed to the Egyptian Association Agreement affirms that not only political dialogue but also effective cooperation will cover issues related to this fight (Egypt Association Agreement, article 3.2. of the Joint Declaration). All of them accept the fostering of such cooperation which should consist of exchanging information on means and methods used to counter terrorism and experiences in respect of terrorism prevention and developing joint research and studies in the area of terrorism prevention.

Tunisia is generally cooperative and plays an active role in fighting international terrorism and is committed to cooperate and to dialogue with the EU for lasting stability and security in the Euro-Mediterranean region¹³. However, this attitude is not enough. The government thinks that a regular political dialogue between the Parties -at ministerial level, principally within the Association Council or at the level of senior officials, taking full advantage of all diplomatic channels,- will help building lasting links of solidarity. It will also contribute to the prosperity, stability and security of the Mediterranean region (Articles 3 and 5 of the Association Agreement between the EU and

¹² The Lebanese government has proclaimed its readiness to cooperate with the European Union in the fight against terrorism. However, this matter is not yet part of any official document prepared under the Barcelona Process framework or under the European Neighbourhood Policy. The commitments between the European Union and Lebanon vis-à-vis this phenomenon are in specific letters on cooperation on counter terrorism. See SEC (2005) 289/3, p. 10.

¹³ The country has signed and ratified most international conventions, including the UNSC resolutions 1373/01 and 1267/01, and has had an anti-terrorism law since December 2003.

Tunisia). In this framework, the government asks for the protection of human rights while the fight against terrorism is being carried out.

B. Final Remarks

In conclusion, the EMP is creating a framework to fight better against terrorism. Certain terrorist attacks against Mediterranean countries have been crucial in awakening and reminding Partner States of the objectives established in 1995, namely the creation of the area of peace and stability pursued by the Barcelona Process.

In fact, the Moroccan preoccupation with terrorism did not arise until May 2003, when the Casablanca attacks took place. Egypt would not have been seen as an essential partner in any anti-terrorism initiative if certain events had not also directly implicated Egyptian terrorists associated with international networks.

In any case, the atmosphere of fear created by terrorist attacks is what has promoted the government reaction, not only at an internal level, but also in the relations with other geographical areas. The lack of specific advances in terrorism matters during the period 2000-2006 does not mean that the counter terrorist fight is on stand-by. The timid progress achieved should be viewed as normal given the short period of time since Mediterranean countries reacted and started looking at how to face up together the terrorist threat and what instruments to use within the EMP.

It is true that the Euro-Mediterranean Code of Conduct on Countering Terrorism is a first achievement in the fight against the terrorist phenomenon, although its clauses alone are not enough to reach the development of an effective policy. The Code is more a general declaration than an action plan. Therefore its implementation requires strategy and planning.

4.3. The fight against organised crime

A. Analysis

Organised crime is considered a threat by the European Security Strategy. The development of organised crime within the European neighbouring area is seen by the European Union as an element of concern. The core document on this matter is the Communication from the Commission to the Council and the European Parliament "Developing a strategic concept on tackling organised

crime", which states that in this era of open borders and global integration and inter-dependence, the internal security of the EU is inseparably linked to external aspects of security. Therefore bi-lateral, regional and international initiatives need to be further refined.

In relation to the Mediterranean area, at the Feira European Council (2000) the EU affirmed its commitment to develop further its cooperation with the Mediterranean partners to combat organised crime, including drug trafficking and money laundering. Particular attention was paid to assistance in training for members of the judiciary and law enforcement authorities with an emphasis on information on the Union's *acquis* in the field of organised crime.

The path that the Euro-Mediterranean Partnership has followed in this area is fair. All the Mediterranean partners (except Palestine) have signed the United Nations Convention against Transnational Organized Crime¹⁴. As first sight therefore we could say that within the Euro-Mediterranean area there is a consensus on the need to fight against organised crime; and in general terms there is a commitment between the European Union and its counterparts regarding the fight against organised crime.

However the developments concerned with regional cooperation are uneven. Only the Association Agreements with Lebanon and Algeria explicitly provide for cooperation in the area of organised crime as such. The others include specific provisions concerning cooperation in certain subjects.

Trafficking of Human Beings

The European Union has taken some measures to fight against the trafficking of human beings. The Tampere European Council (1999) called for the prevention of all forms of trafficking in human beings. In addition to some conclusions, proposals and joint actions, the European Union has adopted legislation in this area¹⁵ in order to provide a comprehensive approach in which the

¹⁴ Only Jordan, Syria and Israel have not ratified it. Date of reference 21 September 2006.

http://www.unodc.org/unodc/crime_cicp_signatures_convention.html.

¹⁵ Among the most important elements in this sphere are the Council Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the relevant authorities, or the Council Framework Decision of 19 July 2002 on combating trafficking in human beings.

definition of constituent elements of criminal law, including effective, proportionate and dissuasive sanctions is common to all Member States.

The UN protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the UN Convention against transnational organised crime, represents a decisive step towards international cooperation in this field. The Mediterranean countries have a lot to do in this area. Neither Morocco nor Jordan have signed the Protocol. Israel and Syria have not ratified it. Only Algeria, Egypt, Lebanon, Turkey and Tunisia are bound by the text¹⁶. Therefore cooperation with the EU is essential in this area. Despite this only the Association Agreements signed with Algeria and Lebanon include a provision concerning the fight against trafficking of human beings. The fact that these agreements are the most recent may indicate the late development of interest of the European Union on this issue. However, later documents of the EU related to Euro-Mediterranean policies do not cover this issue. Only in a very small number of cases can we see a commitment among the parties to undertake measures against the trafficking of human beings¹⁷.

Money Laundering

At the Tampere European Council (1999) the Member States of the European Union affirmed that money laundering is at the very heart of organised crime and as such it should be rooted out wherever it occurs. Therefore there is a special interest in fighting against organised crime in the Euro-Mediterranean sphere. Again, the Association Agreements with Turkey and Palestine do not contain a provision relating to the fight against money laundering.

The general references to the fight against money laundering are implemented in very different ways depending on the country concerned. Only Turkey is member of the Financial Action Task Force, an inter-governmental body whose purpose is the development and promotion of national and international policies to combat money laundering and terrorist financing. However, none of the Euro-Mediterranean partners is on the Financial Action Task Force Non-Cooperative Countries and Territories list. The establishment of the Middle East and North Africa Financial Action Task Force

¹⁶ Date of reference 26 September 2006. http://www.unodc.org/unodc/crime_cicp_signatures_trafficking.html.

¹⁷ See, for example: European Commission. Action Plan. Israel; or European Commission, 2005c, para. 2.5.

came as a regional response of the founder member jurisdictions to the necessity of spreading and implementing international standards to counter money laundering and financing terrorism in the region. Only Jordan, Tunisia, Algeria, Lebanon, Egypt and Morocco are members of this body.

We can affirm that although there seems to be a certain initial interest, there is still very much to do in this area. Some States such as Israel or Lebanon have created an authority to fight against money laundering. Others have passed legislation concerning the fight against money laundering, such as Tunisia or Lebanon.

However, there is still room for action. The Association Agreements have a very strong potential still to be developed. For example, Morocco has given a commitment to establish an effective legal framework on money laundering (European Commission. Action Plan. Morocco).

3.1.3. Drug Trafficking

All the association agreements except those signed with Turkey and Palestine include specific provisions concerning cooperation to combat the drugs phenomenon. However the Council Decision on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Turkey provide for the development of a national drug strategy in line with the EU drugs strategy and action plan.

Cooperation is unevenly developed. The later Association Agreements underline the relevance of this issue. The fight against drugs is considered to be an absolute priority in the Association Agreement with Lebanon, which entered into force in 2002.

Some countries such as Morocco have been moving in the right direction (European Commission, 2004a:11-12). In 1996 Morocco created the Anti Drug Coordination Unit. In Tunisia, for example, while there are no specialist agencies, the Ministry of the Interior has special internal units dealing with trafficking in drugs (European Commission, 2004b:11). In general there is a need to further develop and strengthen the tools used to fight drug trafficking. That is why there is an insistence on the need to cooperate further. This is the case of Israel, where there is a commitment to strengthen the coordination of anti-drug measures (European Commission. Action Plan. Israel). Israel already has an authority for fighting against drug trafficking. Countries such as Jordan are not doing so well. The Action Plan considers relevant the ratification of the various international instruments

approved in relation to this issue. The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) has been signed by all the Euro-Mediterranean partners and only Lebanon has not ratified it¹⁸. The Action Plan of Jordan also mentions introducing legislation on this subject.

Cyber-crime

Communication and computer technologies, which foster the legitimate aspects of globalization, are misused to commit serious criminal offences. Offenders abuse the technologies to commit both traditional offences, such as fraud, and entirely new ones, such as creating and sending computer viruses (Commission on Crime Prevention and Criminal Justice, 2001:4).

Although cyber-crime is a very important threat to security, it is not included in any Association Agreement. However the Action Plans and Strategy Reports show an increasing interest on this area. The warfare against cyber-crime is included among the matters that are the subject of cooperation between the EU and Israel. The Action Plan provides for specific cooperation on exchange of information in the fight against cyber-crime. The same is true with regard to cooperation with Jordan, where the Action Plan includes a commitment to exchange information in order to fight cyber-crime. The proposed Action Plan with Lebanon also includes a reference to cooperation on cyber-crime issues, with special reference to child pornography. There is no reference to cyber-crime in the Action Plans of Morocco and Tunisia. Therefore, the approach to this area is not uniform. While some countries are bound to cooperate, mainly through the exchange of information, others have not agreed on anything.

B. Final Remarks

As a general approach we can say that there is neither uniformity nor systematisation on the part of the European Union in its relations with its Mediterranean counterparts in the area of the fight against organised crime. The Association Agreements are a good starting point, but some of them do not include a special reference to organised crime. The Action Plans and Country Reports show

¹⁸ Date of reference 25 September 2006. http://www.unodc.org/pdf/treaty_adherence_convention_1988.pdf.

the special relevance given to organised crime in recent years, but there is a need for more uniformity.

4.4. Police and judicial cooperation in criminal matters

A. Analysis

The development of police and judicial cooperation focused on criminal matters in the Euro-Mediterranean Partnership is essential to support the fight against the human security risks analysed - violation of human rights, terrorism and organised crime - in contemporary international society. The fact that we live in a global world where almost everything (ideas, goods, rights, people, crimes, etc) is constantly in free movement must not be an advantage for criminals and must not give them impunity, otherwise peace and stability would be seriously endangered. For this reason the parties involved in this Partnership are working to improve teamwork following the example of the assistance which was put into practice among the States of the EU on the basis of what police and judicial cooperation covers according to article 29 TEU.

Although this collaboration does not fall under the same concept of “police and judicial cooperation” that exists at the European Union sphere, the four aspects of the European cooperation can be distinguished in the EMP cooperation as it is identified below.

Police cooperation

In order to improve police cooperation, the EMP is working through the exchange of information protecting personal data, the training of personnel to carry out police tasks and collaboration with Europol.

Countries such as Israel, Morocco and Jordan are determined to exchange technical, operational and strategic information with the EU, above all to deal with organised crime (included cybercrime and economic crime), drug trafficking, money laundering and terrorism. Egypt may exchange information with the EU on means and methods used to counter terrorism and experiences with respect to terrorism prevention (Article 59 of the Association Agreement).

As far as data protection is concerned, only Israel has declared that it is exploring the possibility of joining the 1981 Council of Europe Convention on protection of individuals with regard to automatic processing of personal data.

The work of Mediterranean countries with Europol has different aims. Israel is interested in working closely in training policemen in the use of IT and other high-tech equipment to support criminal investigations as well as in participating in EU initiatives in the field of prevention of organised crime, crime prevention and forensic science (ENFSI) (European Commission. Action Plan. Israel:14). Morocco wants a partnership to combat terrorism and to introduce modern investigative methods in its system, whereas the Jordanian Action Plan refers to this cooperation in the area of money laundering (European Commission. Action Plan. Jordan:17) and the National Indicate Program for Lebanon (European Commission, 2004e:10-11) provides for collaboration in order to manage the objectives of the European Neighbourhood Policy relating to security, peace and stability.

Judicial cooperation

At the judicial level, the cooperation between the EU and the Mediterranean countries is marked by action among the national judicial authorities, Eurojust and the European Judicial Network while governments try to reform national judicial systems.

In this field, Israel is beginning to work with the European Judicial Network and Eurojust in training judges, prosecutors and lawyers and the Action Plan of Morocco supports judicial cooperation in criminal matters, particularly in drawing up an inventory of judicial best practices.

The reform of the judicial system is one of the most significant medium term challenges. Given that the Commission considers it very important to ensure the independence of the judiciary and adapt the judicial system to challenges resulting from new regulation (Euro-Med Partnership, Jordan, Country Strategy Paper 2002-2006 & National Indicative Programme 2002-2004:16), it is vital to improve the output of courts by increasing the number of judges and improving their financial situation.

The Mediterranean countries are working to improve national systems along these lines. In 2001 Jordan enacted a law to reduce delays in the judicial process and recently amended the statutes of

the Judicial Institute for the Training of Judges to transform it into a more efficient and autonomous agency. Furthermore, the Ministry of Justice has been recruiting new judges, improving their remuneration and modernising the court system and infrastructure (European Commission, 2004g:7). The National Indicative Programme 2005-2006 for Egypt provides for financial assistance in order to train and equip the Administration and the Judiciary to implement new legislation and regulations. Article 85 of the EU-Algeria Association Agreement attaches particular importance to institution-building in the areas of law enforcement, the machinery of justice and the consolidation of the rule of law. Syria is assisted by the EU in the modernisation of the judiciary, primarily through training and the exchange of information (European Commission, Euro-Mediterranean Partnership. Syria. Country Strategy Paper, 2002-2006 and National Indicative Programme 2002-2004:19). Tunisia has a programme for the modernisation of justice for the period 2005-2008¹⁹ which covers justice and home affairs issues, such as the legal system, migration flows and new forms of crime.

Approximation of laws

The approximation of laws is pursued in order to facilitate the fighting against crime, and the improving of methods of detention and of judicial procedures for bringing perpetrators to justice. The case of Israel is significant here, because of the Association Agreement (article 55) as well as its Action Plan provide for the opportunity and basis for increased legislative co-operation and exchange of views, with the aim of exploring the possibility of the approximation of laws (European Commission. Action Plan. Israel:2).

Joint projects

The development of projects in common would be a transitory solution to any gaps that may exist in the police and judicial cooperative system, due to the mistrust that has traditionally characterised the relation between police and judicial authorities of different States.

¹⁹ Although the foundations of an independent judiciary are laid down in the law, the Supreme Judicial Council and the Public Prosecutor's Office remain heavily under the influence of the Executive. Furthermore, despite much recent progress towards improving the formal rights of defendants and convicted offenders, the reform of the judiciary is one of the major challenges for the years ahead.

In the area of human rights the Community intends to support the rule of law and the administration of justice through co-operation in the preparation of laws, speeding up mechanisms, improving access of all citizens to justice, supporting family courts and youth courts and providing training to judges and law enforcement officials (European Commission (2004)h:22).

The Action Plan of Morocco supports police and judicial cooperation in criminal matters with the aim of executing judicial and police training projects, the latter under the CEPOL framework.

The Jordanian Action Plan considers the possibility of extending bilateral cooperation in the field of police training between Jordanian and European police academies and colleges, as well as with CEPOL, opening the way to future cooperation with Europol (European Commission. Action Plan. Jordan:18).

Despite difficulties in the fight against terrorist groups, Algeria's security forces show a desire to restructure their services as part of a constitutional State and with due respect for human rights. This is why the Police II project aims at modernising Algerian police forces with the contribution of the European Commission in the creation of the Directorate-General of National Security, involved in the JHA's regional training and exchange programme. Common actions should be also carried out to participate in police training to develop the Algerian police force's technical and scientific capacity, to supply better information to partners in the judiciary, to increase the operational capacity of the police force and in its professionalism, to provide the judicial system with legal evidence, to purchase judicial identification and modern scientific testing facilities for police scientific and technical laboratories, to train crime-scene technicians and to create a strategy planning unit in the Police Judiciaire (Algeria's National Indicative Programme 2005-2006:22).

B. Final Remarks

The analysis of police and judicial cooperation shows that this concept has its own defined presence within the European Union, whereas with regards to the EMP it is embryonic, given that its conceptualization arises with the creation of a fourth basket focused on justice, security, migration and integration affairs. The Euro-Mediterranean police and judicial cooperation is a developing instrument that completes the fight against the risks of soft security studied in this paper: the contravention of human rights, terrorism and organised crime.

In any event, it is part of soft security, police and judicial cooperation between both sides of the Mediterranean, although it is at an early stage. Mutual assistance in this field is beginning to be developed, although the Association Agreements do not have a specific legal basis for carrying it out. This gap could be due to the fact that the term acquired autonomy only in the Amsterdam Treaty, signed after the launching of the Barcelona Process, and because the European police and judicial agencies, Europol and Eurojust, were only operative in 1999 and 2002 respectively, again after the beginning of the Barcelona Process.

5. Policy recommendations

The establishment of an area of peace and stability within the Mediterranean region requires instruments that guarantee the security of the territory as well as the security of its inhabitants. Although states are protected by defence measures or hard security policies, the safeguarding of their citizens also depends on human or soft security policy.

The EMP is the expression of a soft security policy that includes actions in favour of the respect for human rights, the fight against terrorism and other types of organised crime and methods of improving police and judicial cooperation in the area. The current progress of this Partnership may be enough to raise states' awareness of the need to tackle soft security problems but it is not enough to put an end to the risks themselves. Therefore, in order to be able to envisage a future Euro-Mediterranean area with less soft security concerns, existing mechanisms and instruments will have to be improved and new guidelines that will allow each threat to be dealt with more efficiently will have to be proposed.

On a more practical note, a number of specific policy proposals can be made with regard to the following issues:

1. To develop the respect for fundamental rights it would be advisable:

To further develop the European Initiative for Democracy and Human Rights, which has supported civil society initiatives aiming at promoting democracy and human rights in the Mediterranean region. This is only one starting point in order to promote the protection and respect for fundamental rights in this area. Therefore, a Human Rights Agency should be created, not only at European level, but also in the Mediterranean region as a whole together with a Mediterranean

network of independent experts in fundamental rights in order to control how fundamental rights are safeguarded in practice in every Mediterranean country. The Governance Facility could be a first step in this direction.

To inject new life into the protection of fundamental rights in the Mediterranean region as a whole using as a benchmark the launching of a number of National Centres and Councils for Human Rights in Egypt, Jordan and Morocco. Those institutions that have been proved to be workable should then be established in the rest of the Mediterranean countries.

To inform society in relation to human rights, because education on these issues is pivotal for both preventive and operational purposes. In this respect, the answer does not only lie in fighting against the violation of human rights, but also in putting preventive initiatives into practice. This means detailed studies of the current situation of human rights protection and democratic principles in every Mediterranean country, workshops to identify the way forward and training, dissemination and awareness-raising activities.

To guarantee the respect for an “inner group” of fundamental rights and freedoms, such as the right to life, the right to human dignity, the right to equal treatment and the freedoms of speech, the press, assembly and association, which should not be violated under any circumstances. This measure should be implemented despite the argument that human rights are a Western creation and even though it is sometimes difficult to make cultural relativism compatible with universal protection. In other words, the death penalty as well as torture and ill-treatment practices should be abolished and equal treatment for men and women together with freedoms of speech, the press, assembly and association should be guaranteed.

2. In the fight against terrorism the most important objective of the Euro-Mediterranean cooperation must be to find a solution to the conceptual problems linked to this phenomenon, in order to avoid a terrorist avoiding punishment by using the label of “Freedom Fighter”. Thus, from a legal perspective, the next two goals in this field should be:

Firstly, to achieve a common understanding about terrorist acts which could be worked out within the partnership and which provides for the elements of the crime and its punishment in relation to the involvement of the person concerned in the commission of the crime. Only once all Euro-

Mediterranean countries can identify terrorism in an objective manner can the improvement of other measures produce benefits.

Secondly, to draw up a list of terrorist persons, groups and entities (similar to the one already created by the European Union) to which specific anti-terrorist measures could be applied such as, for example, the exchange of information relating to their personal data, the identification and control of their accounts or the freezing of their funds.

Moreover, to face up to a phenomenon so extensively internationalized, multilateral cooperation is crucial, particularly to prevent attacks and to dismantle terrorist structures and their financial support networks. Although international conventions, protocols and resolutions establish such cooperation, this needs to be improved. Special attention should be paid to prevention and funding.

To improve prevention of attacks, it may be appropriate, on the one hand, to exchange information on means and methods employed to counter terrorism and, on the other hand, to work on implementation of national, Euro-Mediterranean and international rules in this regard.

To prevent support of this phenomenon the EMP should act against the three resources needed by terrorism: human, technological and financial. To prevent recruitment it will be necessary to continue contributing to the economic development of society. Decreasing the differences between north and south and east and west could also reduce the political, economic, cultural, religious and individual conflicts that may arise with respect to radicalisation and thus the root causes of terrorism. With regard to the other two resources, access to, and the export and import of, arms and explosives must be controlled if the EMP is to prevent their use in terrorist attacks; and money laundering and money movements for financing terrorist networks must be better controlled.

Finally, the EMP must not forget that fight against terrorism also requires, under the rule of law and in a democracy, coherent and sustained government policies, an efficient police response, education, judicial intervention and the mobilization of civil society. Implementing the Euromed Code of Conduct on Countering Terrorism, the Euro-Mediterranean Conference of Ministers of Foreign Affairs in Tampere on 27/28 November 2006 agreed to hold a Euro-Mediterranean Seminar in 2007 on the role of the media in preventing all forms of incitement to terrorism through effective and professional communication. In line with the shared value of the respect for Human rights and

the Code of Conduct on Countering Terrorism, Ministers also agreed to hold a regional Euro-Mediterranean Seminar in 2007 on ensuring respect for human rights in the fight against terrorism.

3. To fight organised crime and in order to cope with the problem of an uneven approach, there is a need to set up a common agenda on fighting against this phenomenon. The focus should be given to certain priority areas such as money laundering, drugs trafficking and trafficking of human beings. Apart from these three core elements, there are other issues which are also important but probably not so urgent. The whole Mediterranean area should be seen as a unique partner with which specific goals can be achieved.

The key point would be the setting up of a list of aims, common to all the partners. In that way the creation of a peaceful area would be more clearly on the horizon. These aims should be based on the three main topics of money laundering, drugs trafficking and trafficking of human beings. They should involve the adoption of special legislation on these issues and the creation of a special authority which would be in charge of its enforcement. Some countries have already set up these authorities and passed legislation. This could be used as an example for the rest.

4. To improve police and judicial cooperation the key could be the promotion of mutual trust between the authorities of the Euro-Mediterranean countries through the development of common projects focusing on the exchange and analysis of information; the implementation of training programmes for national authorities and the police and judicial systems of the partners; the collaboration and participation of Europol in national investigations as well as the assistance of Eurojust in a number of cases.

To achieve efficient cooperation in criminal matters, not only among law enforcement bodies, but also among judicial institutions, the exchange of information and direct contact among police officers and judges must be sought, particularly in cases of terrorism, organised crime and illegal migration.

6. References

Books

1. MOUSTAKIS, F (2003), "Soft Security Threats in the New Europe", in GEORGE C. MARSHAL European Centre for Security Studies, Managing the Challenges of Soft Security Threats in the 21st Century Report of the Conference April 7-9.
2. TIRADO ROBLES, C. (2002): Eurojust: La coordinación de la cooperación judicial penal en la UE. Ed. Real Instituto Estudios Europeos, Monografías nº 4. Zaragoza.
3. Articles
4. AVILÉS FARRÉ, J. (2002), "Por un concepto amplio de seguridad". Monografías del CESEDEN, Nº 55, Revisión de la Defensa Nacional, p. 19-44, available at <http://www.iugm.uned.es/img/publicaciones/papeles/papeles-studiar/seguridad%20internacional/aviles-segint01.doc>.
5. BAJPAI, K. (2000), "Human Security: Concept and Measurement", *Kroc Institute Occasional Paper 19:OP:1*
6. BECHER, K. (2005), "Soft security" with Russia after 11 September, The International Institute for Strategic Studies <http://www.iiss.org/publications/russia-regional-perspectives-journal/volume-1---issue-1/soft-security-with-russia-after-11-september>.
7. BUZAN, B. (1991), *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*, New York-London: Harvester Wheatsheaf, Lynne Rienner Publishers, p. 116-134.
8. GONZÁLEZ MATA, M. (2004), "Southern Frontier for Europe", EuroTarget, Octobre p. 30-39.
9. OUNAIES, A.A. (2000), "Perceptions and concepts of security in the EMP countries. A South Mediterranean model of security". *Concepts and Models of Security Jordan Institute of Diplomacy– Istituto Affari Internazionali*. November 5-6, Amman-Jordan. <http://www.id.gov.jo/Seminars/4%20Ambassador%20A%20A%20Ounaies.rtf>
10. ZİYAL, U (2004): "Re-conceptualization of Soft Security and Turkey's civilian contributions to International Security", *Turkish Policy Quarterly*, volume 3 no 2, Summer 2004, available at <http://www.turkishpolicy.com/default.asp?show=sum2004 Ugur Ziyal>

Documents of the European Institutions

I. Council

1. Council (2006), Implementation to the Action Plan to Combat Terrorism-ADD 1. Brussels, 19 May (Doc. 9589/06).
2. Council (2005), The European Union Counter-Terrorism Strategy. Brussels, 30 November (Doc. 14469/4/05).
3. Council (2004)a, Regulation No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. OJ L 349, 25 November 2004.

4. Council (2004)b, Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. OJ L 261, 6 August 2004.
5. Council (2004)c, “Strategic Objectives for a Revised EU Plan of Action to Combat Terrorism”, Declaration on Combating Terrorism. Brussels, 25 March.
6. Council (2003)a, Strengthening the EU's partnership with the Arab World. Brussels, 9 December (Doc. 15945/03).
7. Council (2003)b, Decision of 19 May 2003 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Turkey.
8. Council (2002)a, Framework Decision of 19 July 2002 on combating trafficking in human beings. OJ L 203, 1 August 2002.
9. Council (2002)b, Framework Decision of 13 June 2002 on joint investigation teams. OJ L 162, 20 June 2002.
10. Council (2002)c, Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States. OJ L 190, 18 June 2002.
11. Council (2002)d, Framework Decision, of 13 June 2002 on Combating Terrorism. OJ L 164, 22 June 2002.
12. Council (2002)e, Council Decision of 28 February 2002 setting up Eurojust with a view of reinforcing the fight against organised crime. OJ L 63, 6 March 2002.
13. Council (2001)a, Conclusions and Plan of Action of the Extraordinary European Council Meeting on 21 September 2001. Brussels, 21 September.
14. Council (2001)b, Decision of 28 May 2001 setting up a European Crime Prevention Network. OJ L 153, 8 June 2001.
15. Council (2000)a, Decision of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information. OJ L 271, 24 October 2000.
16. Council (2000)b, Act of 29 May 2000 establishing in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union. OJ C 197, 12 July 2000.
17. Council (2000)c, Council Decision of 22 December 2000 establishing European Police College (CEPOL). OJ L 336, 30 December 2000.
18. Council (1998)a, Resolution of 21 December 1998 on the prevention of organised crime with reference to the establishment of a comprehensive strategy for combating it. OJ C 408, 29 December 1998.
19. Council (1998)b, Joint Action of 29 June 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on the creation of a European Judicial Network. OJ L 191, 7 July 1998.
20. Council (1996), Joint Action of 22 April 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union. OJ L 105, 27 April 1996.

II. European Commission

1. European Commission (2005)a, Proposal for a council framework Decision on the fight against organised crime, COM (2005) 6 final, 12 January..
2. European Commission (2005)b, Communication from the Commission to the Council and the European Parliament "Developing a strategic concept on tackling organised crime", COM (2005) 232 final, 2 June.

3. European Commission (2005)c, “Benita Ferrero-Waldner to visit Jordan 19 and 20 October”. IP/05/1296, Brussels, 18 October 2005.
4. European Commission (2005)d, Country Report. Lebanon. COM (2005) 72 final, 2 March.
5. European Commission (2005)e, Country Report. Egypt. COM (2005) 72 final, 2 March.
6. European Commission (2004)a, Country Report. Morocco. SEC (2004) 569, 12 May.
7. European Commission (2004)b, Country Report. Tunisia. SEC (2004) 570, 12 May.
8. European Commission (2004)c, Country Report. Israel. SEC (2004) 568, 12 May.
9. European Commission (2004)d, Country Report. Palestinian Authority of the West Bank and Gaza Strip. SEC (2004) 565, 12 May.
10. European Commission (2004)e, Euro-Med Partnership, Lebanon, National Indicative Programme 2005-2006, 29 June 2004.
11. European Commission (2004)f, Euro-Med Partnership, Morocco, National Indicative Programme 2005-2006, 29 June 2004.
12. European Commission (2004)g, Commission staff working paper, European Neighbourhood Policy, Country Report, Jordan. SEC (2004) 564, 12 May.
13. European Commission (2004)h, Euro-Med Partnership, Egypt, National Indicative Programme 2005-2006, 29 June 2004.
14. European Commission (2003), Communication to the Council and the European Parliament, “Reinvigorating EU actions on Human Rights and democratisation with Mediterranean partners. Strategic guidelines”, COM (2003), 294 final, 21 May.
15. European Commission (2000), Communication from the Commission to the Council and the European Parliament scoreboard to review progress on the creation of an area of “Freedom, Security and Justice” in the European Union, COM (2000) 167 final, 24 March.
16. European Commission. Action Plan. Israel.
17. European Commission. Action Plan. Jordan.
18. European Commission. Action Plan. Morocco.
19. European Commission. Action Plan. Palestinian Authority.
20. European Commission. Euro-Med Partnership. Syria. Country Strategy Paper 2002-2006 and National Indicative programme 2002-2004.
21. European Commission. Euro-Med Partnership. Egypt. Country Strategy Paper 2002-2006 and National Indicative programme 2002-2004.
22. European Commission. Euro-Med Partnership. Jordan. Country Strategy Paper 2002-2006 and National Indicative Programme 2002-2004.
23. III. European Council
24. European Council (1999), Tampere European Council. Presidency Conclusions. 10 October.

IV. European parliament

European Parliament (1994), Report of the Committee on Foreign Affairs and Security on Terrorism and its Effects on Security in Europe (Doc. A3-0058/94).

Association Agreements

1. Euro-Mediterranean Agreement (2002) establishing an Association between the European Communities and their Member States, of one part, and the Hashemite Kingdom of Jordan, of the other part. OJ L 129, 15 May 2002.
2. Euro-Mediterranean Agreement (2002) establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part. COM (2002)157, 22 March.
3. Euro-Mediterranean Agreement (2002) establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part. COM (2002) 170, 8 April.
4. Interim Agreement (2002) on trade and trade-related matters between the European Community, of the one part, and the Republic of Lebanon, of the other part. OJ L 262, 30 September 2002.
5. Euro-Mediterranean Agreement (2001) establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part. COM (2001) 184, 9 April.
6. Euro-Mediterranean Agreement (2000) establishing an Association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part. OJ L 147, 21 June 2000.
7. Euro-Mediterranean Agreement (2000) establishing an association between the European Communities and their Member States, of the one part, and the King of Morocco, of the other part. OJ L 70, 18 March 2000.
8. Euro-Mediterranean Agreement (1998) establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part. OJ L 97, 30 March 1998.
9. Euro-Mediterranean Interim Association Agreement (1997) on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part. OJ L 187, 16 June 1997.
10. Agreement (1996) establishing the definitive phase of the Customs Union between the European Community, of the one part, and Turkey, of the other part. OJ L 35, 13 February 1996.

Other documents

1. Council of Europe (2005), Organised Crime Situation Report 2005, December.
2. Euro-Mediterranean Conference (2005)a, Presidency Conclusions. Barcelona, 27-28 November.
3. Euro-Mediterranean Conference (2005)b, Presidency Conclusions. Luxembourg, 30-31 May.
4. The Hague Programme: strengthening freedom, security and justice in the European Union, OJ C 53, 3 March 2005.
5. Euro-Mediterranean Mid-Term Meeting of Ministers of Foreign Affairs (2004), Presidency Conclusions, Dublin, 5-6 May.
6. Council Secretariat and European Commission (2003), "Strengthening the EU's Partnership with the Arab World", D (2003), 10318, Brussels, 4 December.
7. Commission on Crime Prevention and Criminal Justice (2001), Work of the Centre for International Crime Prevention, Report of the Executive Director. 15 March.
8. Euro-Mediterranean Conference (1995), Barcelona Declaration, 27-28 November.

9. United Nations Development Program (1994), Human Development Report 1994. New York. Oxford University Press.
10. United Nations Development Program (2002), Arab Human Development Report 2002.
11. Convention on the Establishment of a European Police Office (Europol Convention). OJ C 316, 27 November 1995.