

EUROPEAN ASSOCIATION OF FORMER MEMBERS OF PARLIAMENT OF

THE MEMBER STATES OF THE COUNCIL OF EUROPE

COLLOQUY of Malta

2 November 2012

***SUPPORT OF DEMOCRATIC TRANSITION PROCESSES***

***IN THE SOUTHERN MEDITERRANEAN***

***AND IN THE MIDDLE EAST***

***DECLARATION OF MALTA***

***Approved unanimously by the delegates representing the members of the European Association of former Members of Parliament of the Member States of the Council of Europe***

I. **INTRODUCTION**

1. We, former parliamentarians belonging to member associations of the overall European Association, welcome and fully support the emergence of new democracies and the processes of democratic transition in countries of the Southern Mediterranean and the Middle East, which may lead to a new era of freedom, prosperity, justice and peace.
2. We emphasize the UN Secretary-General’s message for 2011, delivered on the International Day of Democracy on 15 September: “Millions of people participated in the dramatic events in the Middle East, North Africa and beyond. Their engagement confirmed that democracy is a universal model. The events also served as a reminder that democracy cannot be exported or imposed from abroad; it must be generated by the will of the people and nurtured by a strong and active civil society. Young people, above all, brought home this message. They championed the democratic ideal and now face the challenge of working to realize the potential of the transitions they helped to set in motion”.
3. The region referred to in this Declaration is being considered from a general perspective, avoiding specific analysis of particular countries. The so-called ‘Arab Spring’ is a historic moment of change, presenting opportunities to build a new Mediterranean region based on common fundamental values but in no case with an ideological or religious background. It can be described as an unexpected yet positive development, which unfolded at a rather fast pace, giving rise to a domino effect on countries experiencing similar levels of oppression and social, economic and educational discontent.
4. Whilst the so-called ‘Arab Spring’ occurred in a number of Southern Mediterranean and Middle Eastern countries, one needs to point out that countriesin these regions do not represent a homogenous group, being intrinsically diverse both internally as well as between themselves, and to a limited extent also sub-regionally.
5. The aim of this Declaration is to analyze and interpret the events in countries in the Southern Mediterranean and the Middle East, which are a result of the so-called ‘Arab Spring’ as well as to submit some proposals.

**II. NARRATIVE**

1. There are politicians and political commentators who have questioned whether the demands which triggered the ‘Arab Spring’ will be met by the parties who are now in charge of creating ‘new’ states, describing the revolutions as an “illusion”. Others often stipulate that Arab countries in the area are comparable to Europe as it was in the past. According to them we have to give them time to develop in a democratic way. After all it took most European countries also a long time to establish their democratic system, with some others just recently falling in line and while others are still lagging behind.
2. The driving forces of the dramatic events were initially not purely demands for political freedom, but also the popular frustration with unemployment, economic stagnation and poverty, increasing corruption as well as with paternalistic, arbitrary governments and authoritarian elites. The self-immolation of the Tunisian fruit seller Muhammad Bouazizi on 17 December 2010 is such an example. Another major reason is the high unemployment of young people which number rises significantly due to rapid population growth.
3. The ‘Arab Spring’ is a series of protests, uprisings and revolutions in the Arab world starting from Tunisia in December 2010/January 2011, affecting countries across North Africa and the Middle East and being directed against authoritarian regimes, dictatorships and the political and social structures of these countries.
4. This hunger for change together with the fact that parts of the urban middle class, intellectuals and parts of the working class coalesced together with the poor, as well as the role of technology and social media, all contributed to the dynamic pace of change. Particularly remarkable was the active and publicly visible participation of women.
5. The protests have been and are supported by a broad movement belonging to various social strata and supporters of different political and religious orientations: left and bourgeois, secular as well as religious Muslims and Christians ranging from liberals and moderates to orthodox fundamentalists. Many believers want to live their own lives and want to develop individually and free from dogmatic religious persecution and tutelage. The overriding elements of the protests were moral and ethical principles and above all the longing for justice, freedom, dignity, tolerance and respect.
6. We should refrain from overall judgments and rapid equations. Islamic thinking plays an important role in countries in the Southern Mediterranean and the Middle East and has grown without any doubt in past decades. This can also be interpreted as a return to or search for their own traditions. Furthermore, religious and ethnic differences are overlapping in many countries. They are partly based on traditional structures and partly instrumentalized by politics and religious guidance.
7. We should also be aware of not putting on an equal footing Islamic thinking on one side and an Islamist political approach which can lead to religious oppression on the other side. We have to take into account that due to the different political, historical, social and cultural background of countries in the Southern Mediterranean and the Middle East there is no single way to a new democratic order.
8. The not yet solved conflicts in the region should not be an excuse to postpone the transition processes towards democracy. However, their solution would facilitate a lasting pacification and stability of the countries in the Southern Mediterranean and the Middle East. The recognition by all the countries in the region who have not done so of Israel as an independent and sovereign state would be a major step forward. A just, lasting and comprehensive settlement of the Arab-Israeli conflict and the establishment of an independent, sovereign and viable Palestinian State living in peace and security with the State of Israel, in accordance with the relevant UN-resolutions would also be a major step forward. Regarding Israelis and Palestinians, Israel should – as a first step – stop further settlements in the West Bank and allow free movement in the Palestinian territories. Hamas should undoubtedly recognize Israel’s right to exist.
9. Progression, dynamics and intensity of the protests have varied from country to country. A widespread slogan was “The people want to bring down the regime”. However, among the protesters exists a different design how the future state and society will be shaped. Some of the old regimes were swept away what resulted in a vacuum while others countered the protests with cautious concessions and allocation of additional financial means or just used brute force and repression.
10. We notice that governments in the countries in the Southern Mediterranean and the Middle East did not take sufficient advantage of the vast oil-generated resources in order to create economic and social progress. It recognizes likewise in hindsight that a part of the responsibility for past misgovernment rests with Europe and the United States. Their approach reflected economic and geopolitical interests in this part of the world, i.e. oil, protection of business corporations and delivery of arms, or for geopolitical reasons in particular related to the Cold War and for enlarging their zones of influence. This all was to the detriment of norms and values they advocated, and without putting questions related to democracy and the respect for human rights.
11. Cooperation and partnership between Europe and the Southern Mediterranean and the Middle East must be on an equal footing which serves both sides and are of mutual interest.
12. Also the Barcelona Process, initiated by the EU, fell short of its expectations it pledged to create: partnerships in the field of democracy and peace, economy and trade as well as partnerships on the cultural, social and human plane. The following Union for the Mediterranean established in 2008 focused on European interest, i.e. security, economy and protection against immigration from Africa, while neglecting economic, social and political needs of the Arab partner countries.

**III. THE UNIVERSAL DECLARATION OF HUMAN RIGHTS**

1. All the countries of the Mediterranean and the Middle East are members of the United Nations, thus recognizing that human rights are universally valid. The Universal Declaration of Human Rights forms part of international law, which is binding for all states. Unfortunately violations of human rights are fairly common. Some orthodox conservative Muslim leaders even question the validity of the Universal Declaration of Human Rights as being contrary to Sharia law.
2. The emphasis on Sharia law is significant, Islamist political parties are on the rise, although some moderate ones say that they accept only Sharia for family affairs. But the European Court of Human Rights in Strasbourg ruled for the Member States of the Council of Europe that Sharia is incompatible with the fundamental principles of democracy, as set forth in the European Convention of Human Rights.
3. The situation of ethnic and religious groups and minorities, sometimes even leading to open hostilities, is a matter of concern. The demonstrators asked for dignity, freedom and equality, therefore the revolution in North Africa was also called “Revolution of dignity”. In this sprit there is a need for a profound and genuine social dialogue.
4. The position of women in public, political and familiar life is often worrisome. Although there is a process of rewriting constitutions public comments on the future position of women is not encouraging in certain countries.
5. We, former members of parliament, hope for a positive outcome of the Arab revolutions and demand pertinent support for democratic transition processes. For mutual interest and benefit Europe is asked, with reference to Resolution 1831, Parliamentary Assembly of the Council of Europe, of 4 October 2011, to contribute to peaceful transition to democracy. This resolution also called for respect, protection and fulfillment of human rights as well as for prosperity in the region, to help mitigate social, economic and ecological problems, and to prevent the emergence of military or theocratic regimes or generation into chaos.

**IV. THE ROAD TO DEMOCRATIC PARLIAMENTS**

1. Nowadays, democracy is an universal value, as can be seen from UN documents and particularly from the Universal Declaration on Democracy, adopted by the Inter-Parliamentary Union (IPU) in 1997. According to the IPU Declaration, democracy is founded on the right of everyone to take part in the management of public affairs and presupposes a genuine partnership between women and men. Even though there are different forms of democracy, its constitutive elements are the participation of the people, free and fare elections, the rule of law and independent judicial institutions, respect for human rights, the existence of an active civil society and of democratic, representative and well functioning institutions (parliaments), but also institutions and administrations at local and regional level. The political heart of democracy is the parliament.
2. Democratic Parliaments reflect democratic societies. The six main roles and functions of parliaments , the “parliamentary hexagon”, are ideally:

* Making laws, including constitutional changes (legislative power).
* Deciding on the budget and taxes (power of the purse).
* Holding government accountable and exercising control of executive action (power of parliamentary oversight).
* Representing thedemocratic public(power of representation and discourse).
* In the case of parliamentary democracies electing the executive (elective power).
* Influencing foreign policy and international relations (war and treaty power, power of mediation between the public and international organizations and institutions).

1. Parliaments are stronger or weaker in accomplishing their different roles. In many countries parliaments are in the hands of powerful government and dominated by the executive branch. The legislature often plays a limited role in policy-making; budgets are often only discussed at their final stage in many parliaments. Often parliaments simply lack technical capacity and the required equipment, office space and access to information. Democratic decentralization requires more than just decentralizing and devolving power. It also requires widening participation by people who are often marginalized, such as women, religious and other minorities and the poor. Of growing importance for their legitimacy is the accountability of public officials at local level.
2. The afore mentioned deficiencies exist in the countries of the Mediterranean and the Middle East. The population does not feel concerned by political life and has often the impression to be the victim of corruption and mistreatment. In most of the countries of the region, there is no ethnic or religious homogeneity. In some of them, there is even a not dissimulated hostility between Shiites and Sunnis.

**V. PROPOSALS**

**We, former parliamentarians, emphasize and propose:**

1. Overcoming the gloomy economic outlook in the Southern Mediterranean and the Middle East is of utmost importance for a successful democratic awakening in the region. Democracy is hollow without food, safety, and jobs. Education for all as well as vocational training and universities are key elements for the individual as well as for the socio-economic, political and sustainable development of a country. We plead that our countries adequately support the own efforts in the region leading to democracy and a general improvement of the living conditions including the fight against (youth) unemployment and corruption – without paternalism and patronising attitudes. The rights of children should be respected.
2. The right of the people in the countries concerned to make their own, self-determined free and democratic decision on their form of government is undisputed. Important orientations are given, not only to countries in the region, by the following: the UN Charter in particular, the Universal Declaration of Human Rights, various UN human rights conventions, the rights of minorities and religious or ethnic groups, the IPU Universal Declaration on Democracy as well as the Millennium Development Goals and the Millennium Declaration where the Heads of State and Government, gathered at the Millennium Summit in September 2000, committed to spare no effort to promote democracy and strengthen the rule of law, and respect for all internationally recognized human rights and fundamental freedoms, including the right to development
3. There is no blueprint for successful democratic transition processes. This lesson could also be drawn from the experience with the various transition processes in Central and Eastern Europe. However, some key elements for democratic transition processes can be identified: the rule of law, the strengthening of human rights, the establishment and the strengthening of effective, accountable, democratic institutions with parliaments as a centrepiece (see the “parliamentary hexagon”), good governance, civil society organizations, independent media and judicial institutions, democratic control of security forces and integration of the military into civil structures. In the transition countries, there are many societal and political groups and actors that seek and advocate pluralism, democratic values, modernization and moderation. If they want support from outside, the outside world should be ready with generous support.
4. Europe must do its utmost in overcoming the implementation gap between words and deeds (see the Union for the Mediterranean) and in promoting the democratic transition process in the region in due consideration of ownership and self-determination by people and countries concerned. Europe should shape its support to these countries in a spirit of partnership to first and foremost meet the desires and expectations of the concerned countries. The challenge today is to render assistance in such a way that the people’s and states’ potential can be fully exploited.
5. The European Commission for Democracy through Law (‘Venice Commission’ of the Council of Europe with its 58 full members – including Algeria, Israel, Morocco and Tunisia) with its advisory and expert services should be given an official mandate as an offer to all the countries in the region, in order to support the drafting or revising of constitutions – constitutions which uphold the universal human rights, the rule of law and the principles of good governance.
6. Greater use should be made of national parliaments, the Parliamentary Assembly of the Council of Europe, the European Parliament, the IPU, the *Parliamentary* Assembly – Union for Mediterranean (former Euro-Mediterranean *Parliamentary* Assembly), the Parliamentary Assembly of the Mediterranean, and the OSCE Parliamentary Assembly, but also the European Centre For Parliamentary Research and Documentation (ECPRD), in order to encourage cooperation with the countries in the region and the Arab League in the area of democratization, strengthening parliaments in the spirit of the ‘parliamentary hexagon’ and human rights.
7. Use could also be made of organizations and institutions that support political pluralism and democratic transition processes, independent media and democratic civil societies, such as political foundations or the European Endowment for Democracy (specifically formed by the EU in response to the ‘Arab Spring’) and think tanks dealing with the region.
8. Special attention should be paid to the precarious position of women, which is not in accordance with internationally agreed goals and standards. Millennium Development Goal 3 is very important for the region, too: “Promote gender equality and empower women”. Development co-operation of the European countries, institutions and NGOs should increasingly contribute to this achievement. We ask the countries in the region to enhance girls’ and women’s enrolment ratio at all education levels, to promote – also at the leadership level – women’s representation in parliaments and elected public bodies and participation in economic life, to bring legislation in the area of family and personal status law into line with international human rights standards, and to introduce a legal framework to prevent and prosecute all forms of violence against women. Processes of democratic transition can be successful only if equality between women and men is placed as a cornerstone in the legislative and constitutional foundations of the new institutions and if women are fully associated in building and enforcing them.
9. Important initiatives, such as the “Deauville Partnership”, launched at the G8 summit in 2011, or the Partnership for Democracy and Shared Prosperity with the Southern Mediterranean (EU 2011) should get the full support of the Council of Europe and EU member states in order to further the countries of the Southern Mediterranean and the Middle East on their transition to free and democratic societies and institutions with transparent and accountable governments. It is a pertinent goal to help create positive framework conditions for a socially just development ensuring a life in dignity and for sustainable, inclusive growth, the development of the private sector and of small and medium-sized enterprises to encourage job creation.
10. Regarding development cooperation activities and the support for transition processes, the European states, the EU and the Council of Europe could promote areas that are pertinent for the democratic transition and tailored at country-specific needs such as: strengthening of parliament, executive and judiciary; good governance and rule of law; media freedom and freedom of opinion; promoting and strengthening of civil society, free trade unions and NGOs; democratic control of security forces; promotion of education at all levels – capacity building for public servants; promotion and transformation of the economy based on social and ecological market-economy principles; climate change mitigation and adaptation; regional cooperation.
11. The active parliamentarians and the respective parliaments of the member states of the Council of Europe as well as the Parliamentary Assembly of the Council of Europe and the European Parliament are requested to champion the implantation of the proposals and the adequate financial funding of former and new programs and instruments favouring the democratic transition processes including religious tolerance in countries of the southern Mediterranean and the Middle East.
12. The Euro-Mediterranean Barcelona Process, initiated by the EU, should be revigorated because it has not come to the expectations with regard to democracy, peace and economy. The European Association of former members of Parliament of the Member States of the Council of Europe also support the idea of re-launching the Euro-Mediterranean Partnership, which was delayed because of the political events in the Arab world, but is more than ever needed in order to rebuild the region on the basis of a fair partnership.
13. The former parliamentarians of the respective parliaments of the member states of the Council of Europe as well as the Parliamentary Assembly of the Council of Europe and the European Parliament shouldalso contribute to establish a new collaboration between Europe and the Arab world in a spirit of partnership. There is a rich pool of experienced former MP’s from which a permanent forum can be created, focussing in particular on the building of political capacity among women and men in parliamentary encounters, seminars and workshops.
14. We realise that there cannot be security in Europe without security in the Mediterranean. Democracy in the Arab world should become a stringent factor for peace and security for the region as well as for Europe and also for the entire world.