

The EU and the Mediterranean: Overhauling the Status Quo Policy Approach

Álvaro de Vasconcelos*

With the outstanding Balkan countries (Albania, Croatia, Macedonia, Serbia and Montenegro, and in effect also Kosovo whether or not as part of a larger entity) set on an "irreversible" course towards joining an EU, already enlarged to the full breadth of EU-likely Central and Eastern Europe some time in the future, Europe as such will gradually cease to be a major foreign policy concern of the European Union. Leaving the wider world aside, two "neighbourhood" issues are paramount among current and future EU foreign policy concerns and crucial to fulfilling its ambition of acting as a major player on the world scene, reaffirmed yet again at Thessaloniki: setting the transatlantic relationship on a new footing, and dealing with the narrower (North Africa and Near East, that is, the current membership of the Euro-Mediterranean Partnership) and the wider Mediterranean area, including the vast implications of the new Iraq equation for the whole region.

These two issues are obviously intertwined – and clearly more so since the run-up to the Iraq war – and to some extent indistinguishable. Although EU Mediterranean policy should take full account of relations with the US, just as the relationship with the US should take full account of Europe's interests in the Mediterranean, this article is concerned with policy guidelines for the "narrower" Mediterranean space as defined above.

*Álvaro de Vasconcelos is Director of the Instituto di Estudios Estrategicos e Internacionais (IEEI), Lisbon. This is a revised version of a paper presented at the Rome conference "The Italian Presidency of the EU", held on 27-28 June 2003 and organised by the IAI and the Trans European Policy Studies Association (TEPSA) with the support of the Italian Ministry of Foreign Affairs, the European Commission, Brussels, and the Compagnia di San Paolo, Turin.

The rift in Europe in relation to the "Iraq question" was not essentially about Iraq, where some degree of broad consensus, even with the United States, had been the rule. Rather, it was about how to deal with the inflection in US policy towards the broad Mediterranean region which contemplated so-called pre-emptive, unilateral military intervention in the region. The question will arise again should the US administration decide on a similar course of action anywhere else in the Mediterranean. Most EU members regard the region as Europe's and their own backyard – also in terms of security – and are thus extremely sensitive and reluctant to accept any kind of change that would upset the current equilibrium in which the EU has a vested interest.

Europe's manifold ties to its Mediterranean periphery are deeply rooted in history (which can at times be a complicating factor). The "human dimension" predominates over strong economic, political and cultural ties – well over ten million of the people living in Europe originated in the Mediterranean. Patterns of distribution in Europe of nationals from Algeria, Morocco, Tunisia, as well as Turkey have changed in recent years. While France remains the main host country for Maghreb nationals, increasing numbers of Moroccans and Tunisians are settling in Italy, Spain and Germany. The Turkish population in Germany (2.1 million) remains the largest foreign community in any EU country, and accounts for almost 30 percent of the country's foreign residents. Turks have also migrated in large numbers to France, Belgium, the Netherlands and Denmark. In the latter two, they represent 15 percent of the foreign population. The "wider Europe" policy, intended to gradually expand the European Economic Area (EEA) so as to make it coincide eventually with the "definitive" neighbouring countries of the EU, will also likely result in a further intake of migrant workers from at least some of the current members of the Euro-Mediterranean Partnership (EMP).

Oversimplifying, it can be said that the Mediterranean is largely to Europe what Mexico is to the United States. There is one essential point of difference, however: most Americans feel that Mexico today shares the same values and same political culture that informs their own system. Europeans, on the contrary, do not have the same kind of perception. Although wary of seemingly perennial authoritarianism in the Mediterranean, they have mounting anxieties about change, lest this should land the radical Islamist alternative in power. These anxieties, compounded by the terrorist factor, have in effect severely constrained Europe's foreign policy options towards the region.

Paradoxically – or perhaps not – "backyard" considerations do not apply to the Middle East conflict. Europe is acutely aware of its own partly self-

imposed limitations as a major actor in the region and is only too willing to leave the leading role of interested mediator to the United States and to play whatever subsidiary role the US requests it to perform. Although the EU is doubtless aware of the importance of the Mediterranean region and anxious to avert the spill-over effects of crises there, it has not yet been able to formulate a strategy moulding both its cooperative long-term initiatives towards the region, such as the Barcelona Process, and the whole array of instruments for external action across all three pillars of the Union into a comprehensive and coherent whole concerned primarily with preventing and defusing crises and more importantly supporting democratic change, human rights, justice and the rule of law throughout the region.

The Common Strategy on the Mediterranean (CSM), adopted in 2000, falls short of providing a compass that will enable the Italian presidency to steer the course of the EU's Mediterranean policy in the second half of 2003. What follows from the common strategy is, broadly speaking, what preceded it, that is, what the EU had been doing since 1995.

The Euro-Mediterranean Partnership, which preceded the Common Strategy on the Mediterranean by almost five years, is a long-term initiative designed to bring about democracy and peace in Europe's southern periphery through a process of inclusion aimed at achieving shared prosperity. The Barcelona Process, as the EMP is more widely known, is founded on the correct assumption that in the Mediterranean region difficulties arise mainly out of unresolved issues in the economic, social and political arenas – illiteracy and rising unemployment – and weakened legitimacy deriving from the prevalence of "obsolete norms".¹ Barcelona also seeks to address the huge and deepening gap in the general public's perceptions of the Other. There is no viable alternative to this comprehensive approach. Though there is certainly room for much improvement, Barcelona cannot be replaced by free trade initiatives – irrespective of whether they are labelled as partnerships or not – involving the United States. Such initiatives should however not be opposed. If successful, they could complement and reinforce the Euro-Mediterranean Free Trade Area that should be in place by 2010.

Aside from the EMP, there are no real policy guidelines to deal with crisis in either the Maghreb or the Middle East. As far as the latter is concerned, divisions among EU members led to it being virtually left out of the

¹ UNDP, *The Arab Human Development Report 2002*. The linkage between economic and social development and substantial progress in citizen empowerment and the strengthening of civil society as a whole, together with democratisation, human rights and the rule of law is clearly established in the UN report.

Common Strategy on the Mediterranean, with the EU geared up to play a significant role only after peace has been achieved. While the peace process was seen to be progressing, the EU concentrated on building the infrastructure of the Palestinian Authority (PA), thus helping to establish a basis for a future Palestinian state. Once the destruction of the PA, designated as the "infrastructure of terror", became official Israeli policy under Prime Minister Ariel Sharon, the EU largely limited itself to putting pressure on Yasser Arafat, hoping the United States would keep its side of the bargain and restrain the Israeli government.

The same virtual absence of political clout arising from a lack of internal consensus is also the rule towards the Western Mediterranean. There is no European policy as such either for the Maghreb as a grouping or for individual crises in the area. Again, both Algeria and the Western Sahara were left out of the Common Strategy altogether. In spite of the catastrophic proportions of the death toll in Algeria since the outbreak of widespread violence in 1991-92 (which conservative estimates put above 120,000), the EU has been remarkably unable to devise a single common initiative and does little more than repeatedly offer condolences to the victims of violence and terror. The Göteborg European Council's mild pre-11 September appeal to the Algerian government "to launch a political initiative to overcome the crisis by means of dialogue among all Algerians" was not echoed by any of the subsequent presidencies.²

As a rule, the EU has preferred regime stability to political transition in the Mediterranean for fear that radical Islamist forces might come to power and, as a result, often acts hesitantly when it comes to dealing with human rights violations and the restriction of civil liberties. This attitude has been hardened in the wake of the 11 September events, as the United States and to a lesser extent the EU have defined "Islamist" terrorism as the main threat to world security, thus leading the authorities in a number of southern countries to feel justified in their heavy-handed approach to the broader Islamist phenomenon.

The concern for "stability first" which prevails in the EU Council and CFSP in general has recently been challenged to some extent by the Commission in its strategic guidelines for action on human rights and democratisation with Mediterranean partners. They strongly stress the need for and makes concrete proposals to achieve coherence and consistency in all aspects of EU action, including community matters and CFSP, in light of a "more pro-active approach" towards the promotion of democratisation and

² Presidency Conclusions, Göteborg, 15-16 June 2001.

human rights.³ Interestingly, the mid-term ministerial meeting in Crete "recognised the necessity of allowing for an open discussion of issues related to human rights and democracy" in the context of the "wider Europe" initiative.⁴

Italy may be the last country with a strong interest in the Mediterranean to take the helm of the EU.⁵ This is happening at a time when the best formula to ensure that the foreign and security policy agenda reflects a correct mix of the particular sensitivities of member states has yet to be devised, and thus the Italian presidency bears a particular responsibility. It would seem that the moment has come to re-open the debate on the EU's Mediterranean policy guidelines. In order to leave its mark, should it wish to do so, the Italian presidency cannot merely follow in the footsteps of its predecessors and do well what has already been decided; it must introduce some measure of innovation. Europe needs to take a hard look at the flaws and inconsistencies in its tools for external action towards the Mediterranean, and make a thorough assessment of results achieved against objectives set, thus setting the course for future action.

Italian presidency priorities

Re-drafting the Common Strategy on the Mediterranean

The Italian presidency should relaunch the debate on the CSM taking account of the implications for Mediterranean policies of the Wider Europe/Neighbourhood document put forward by the Commission during the Greek presidency, and spelling out clear criteria of "positive conditionality" which will serve to select the EMP countries for the first wave of something, not yet well defined, similar to the EEA status. This reassessment should propose the guidelines for a *truly comprehensive EU policy for the Mediterranean*, encompassing the political, including security and justice, the economic and the social realms. This overall strategy should be consistent with the options listed below.

³ Communication from the Commission to the Council and the European Parliament – "Reinventing EU actions on Human Rights and Democratisation with Mediterranean Partners. Strategic Guidelines", Brussels, 21 May 2003 (COM (2003) 294 final).
⁴ The Euro-Mediterranean Mid-Term Meeting of Foreign Ministers, Crete, 26-27 May 2003. Presidency Conclusions.

⁵ According to the draft Constitutional Treaty presented by the Convention on the Future of Europe, rotating presidencies will end by 2009. If this proposal is accepted by the ICG, this might be the last time Italy holds the presidency of the EU.

Putting democracy and human rights first. The general attitude towards political change in the region should be reversed. This is indeed the main element of overall EU policy that needs to be altered; from it, to some extent other options should be derived. Not only should the EU be more active in the promotion of human rights and individual freedoms, but it should actively support political reform conducive to democracy and the rule of law. Opposing the neo-conservative doctrine of regime change through military intervention if deemed necessary should not translate into supporting the *status quo* at all costs. In fact, that option no longer exists, denied in practice by American activism, and more importantly by the fact that authoritarianism breeds all kinds of radical fundamentalist alternatives to existing regimes. The more common conclusion in the United States is that helping the Arabs out of their present context "now dominated by anti-democratic regimes and anti-modernist religious leaders and educators" is the only way to "break the engine that is producing one generation after another of undeterrables [potential terrorists]".⁶ Widely different and indeed conflicting policy options can be based on the same premise.

Yet, the awareness that lack of progress in political reform breeds radicalism and garners popular support for Islamist forces has not led the EU to define a consistent strategy for supporting peaceful and gradual political transformation from within. On the contrary, some think that what Europe needs right now to counter the terrorist threat is to be surrounded by regimes where the crackdown on Islamist oppositions is not inconvenienced by human rights and justice concerns. Others think that EU efforts should concentrate solely on fostering progress on the economic front, since democracy or meaningful political reform will have to wait for sound economic development.

Europe's policy towards political reform in its southern periphery should avoid the kind of contradiction that plagues US policy: while it is admissible to impose "democratic change" from the outside, including through the use of military force (Iraq), it is equally admissible to abandon concerns for human rights and justice, thus in effect legitimising repressive state strategies, when it comes to fighting terrorism. Two years after the launching of the "war on terrorism", the Mediterranean environment has become more, not less, repressive and on the strength of old or new anti-terrorist and other laws, heavier constraints have been placed on civil society and political participation. The stifling of opposition extends far beyond radical Islamists bent on violence or terrorism and is targeting all kinds of independent movements and individuals, including pro-democracy,

⁶ T. L. Friedman, "Iraq, Upside Down", *New York Times*, 18 September 2002.

pro-human rights secular activists, NGOs and political forces.⁷

To counter the neo-conservative radicalism of regime change, it is imperative to actively promote gradual reform, so that all political forces that refuse violence and accept the rules of the game can be included in the public space, including movements and forces with Islamist leanings. In sum, this would mean being willing from the outset to accept the verdict of the people, even if it might be one that is not to our liking. This process of taking the moderate (that is, those who accept to abide by the rules of the game) Islamists on board, as opposed to the "terminator" approach (*éradication*) is being attempted in Morocco and Jordan. It has been very obviously successful in secular Turkey, where a democratic, pro-Europe party with an Islamic rooting came to power through a landslide victory in democratic elections, thus bringing new hopes that Islamic-Democrats are no less viable as a political option than, say, Christian-Democrats. The democratic consolidation of the Justice and Development Party could come to represent a paradigm for a "wave of democratisation" in the region, especially if the Moroccan experiment were to be successful and if a democratic Palestinian state were indeed to emerge. Bringing about and consolidating transformation and change, as the wealth of experience on democratic transition clearly demonstrates, requires some form of consensus between all political forces willing to play by the rules of the game within one and the same national public space.

To state that the EU should actively engage in promoting its own vision of democratic transition and thus adopt a pro-active stance with respect to the core objectives of its external action is by no means to suggest that the EMP framework should be downgraded. It means, rather, that the EU should strive more consistently to achieve the goals of the EMP, and adhere more strictly to the common objectives spelled out in the Barcelona Declaration, which carries 27 signatures. In particular, there are those deemed pertaining to internal and external stability, among which it might be useful to recall the following:

- develop the rule of law and democracy in their political systems, while recognising in this framework the right of each of them to choose and freely develop their own political, socio-cultural, economic and judicial system.
- respect human rights and fundamental freedoms and guarantee the

⁷ See for example Human Rights Watch, *World Report 2003* (overview of the Middle East and North Africa, as well as individual country reports).

effective legitimate exercise of such rights and freedoms, including freedom of expression, freedom of association for peaceful purposes and freedom of thought, conscience and religion, both individually and together with other members of the same group, without any discrimination on grounds of race, nationality, language, religion or sex.

Middle East: advocating an international peace force at an early stage.

That peace in the Middle East can be brought about through a lengthy process of negotiations between the parties to the conflict is no longer sustainable. That was the notion behind Oslo, and any attempt to resuscitate a process that led nowhere except to renewed violence is doomed to fail. This is to say that if the road map to a two-state solution is indeed to lead to that end result, the current cycle of violence must be broken to create a peaceful environment in which negotiations can have a real chance to succeed. Protracted negotiations prone to sabotage at any point by extremists in both camps will only lead to frustration, increased violence and human tragedy of catastrophic proportions.

To bring about a ceasefire, exclusive reliance on the good faith of the parties or even their ability to deliver up to required standards on concrete milestones of the road map, especially as far as security is concerned, would seem to require far more than monitoring mechanisms. All previous attempts (Tenet, Mitchell recommendations) concerned exclusively or primarily with ceasefire and security arrangements have predictably failed. It is highly questionable, for example, whether the Palestinian Authority, whose security forces have systematically been targeted by the Israeli Defence Forces (IDF) with far greater intensity and success than was initially intended or has been achieved against Hamas, can actually take full responsibility for security – with security taken to mean the utter suppression of violence, that is, violence against any Israeli targets originating in territories under Palestinian control. Yet, any agreement on a ceasefire or truce and the length of time it will hold depends on progress along the political track. It is also heavily dependent upon a general alleviation of Israel's military stranglehold, including the abandonment of targeted killings, collective punishment including house demolitions, and the enclosure of Palestinian territories, to name but a few.

A degree of protection for Palestinian civilians that Palestinian security forces are not able (or expected) to provide against IDF incursions and attacks, which are causing a mounting number of civilian casualties, is therefore indispensable if the equally essential goal of protecting Israeli civilians from attacks originating inside the Occupied Territories or elsewhere is to be achieved. Establishing "a credible and effective monitoring

mechanism" as suggested in the conclusions of the Thessaloniki summit is a necessary first step to assist the parties in bringing about the desirable outcome of the road map. But monitoring will simply not suffice. The effective abandonment of the military solution, which has proven so tragically ineffective, must be sought. An international military force with very clear rules of engagement, primarily concerned with the protection of civilians against all kinds of violence from all quarters, and possibly consisting mostly of US personnel in order to make it more palatable to Israel, should be deployed if the road map is to succeed.

Israel's reluctance to accept any such solution, which the PA has insistently been demanding for years, is certain to be huge and perhaps impossible to overcome. This does not mean that all possible persuasion should not be exerted, nor that the obvious difficulties should deter the EU from what would seem the only viable option to ensure meaningful disengagement. There is a very real risk that the outcome of the Israeli-Palestinian conflict in the near and not so near future will not be peace, let alone a just and lasting peace. There is a very real possibility that the road map, in spite of the welcome personal commitment of the US President, will simply not lead to its intended outcome. Further escalation is not inconceivable. If all parties concerned correctly assess these risks, including the sponsors of the road map and notably the EU, there is a chance that an international force might be accepted by all members of the Quartet and thus made acceptable to the parties involved.

Differentiation as a rule, not an exception. One of the difficulties of the Barcelona Process is that it is ill adapted to notions of "variable geometry". As a result, there are no mechanisms for positive conditionality, that is, rewards to a given country for progress in human rights and democracy or some other area.

The Commission's Wider Europe-Neighbourhood initiative broadly endorsed at the Thessaloniki summit, which as an alternative to future membership in the EU promises the Mediterranean partners inclusion into the European Economic Area and its inherent freedoms, which goes well beyond free trade, could, if adequately used ("reverse conditionality" being an obvious precondition), provide just the incentive for wider reform. It clearly introduces differentiation and positive conditionality into the process, for it requires EEA hopefuls to

be capable of delivering full transition to comply with international political, legal and human rights standards and obligations. (...) Engagement should therefore be introduced progressively, and be conditional on meeting agreed targets for reform. New benefits should

only be offered to reflect the progress made by the partner countries in political and economic reform. In the absence of progress, partners will not be offered these opportunities. The principles of differentiation and progressivity should be established by means of country and/or regional Action Plans.⁸

EU autonomy as the key to success of its future Mediterranean policy. The success of any cooperative approach or initiative such as the EMP requires that the EU fully and independently develop its own foreign and security policy instruments, so as not to be held hostage at any stage by the processes in which it is engaged. For example, should the confines of the EMP prove too narrow and the consensus rule continue to impede significant progress in the promotion of democracy and human rights, then the EU should not lower its standards but rather seek closer cooperation with "front-runners". In other words, the EU "must define its positions and political priorities quite independently from its partners ... and from the institutions associated with it. It must not become a hostage to either the transatlantic or the Barcelona framework".⁹ This does not mean that relations with the US are not of vital importance or that a multilateral approach is any less essential in either framework.

Operational priorities

In line with these policy priorities, it is suggested that the Italian presidency undertake the following concrete steps as part of its Mediterranean action plan:

The EMP and North/South inclusion. The EU should launch specific programmes tailored to support democratic transition in those countries that are taking concrete steps in that direction, in particular in the light of EU Commissioner for External Relations Chris Patten's recommendations for greater complementarity between the resources of MEDA, the principal financial instrument of the European Union for the implementation of the Euro-Mediterranean Partnership, and the European Initiative for Democracy and Human Rights (EIDHR).

These could include setting up a mechanism within the EMP designed to promote human rights, in line with the first EuroMeSCo report which

⁸ "Wider Europe – Neighbourhood: a New Framework for Relations with our Eastern and Southern Neighbours" [COM(2003) 104 final].

⁹ For a full discussion of this issue, see A. de Vasconcelos (coord.), R. Aliboni *et al.*, *A European Strategic Concept for the Mediterranean*, Lumiar Papers 9 (Lisbon: IEEI, 2002).

proposed the creation of a "structure for the implementation of jointly assumed principles, a kind of collegiate 'ombudsman'", to fulfil this role.¹⁰

It would also involve addressing the issue of an EU immigration policy with a new sense of urgency, above all putting an end to the humanitarian tragedy in which seeking access into the EU often results. Two concerns should be paramount: to guarantee humane treatment consistent with EU human rights standards to those seeking entry and correctly assess the EU's rather large needs in terms of migrant labour; and to step up the fight against human traffickers and mafias that engage in this modern form of slavery.

Finally, work must be undertaken to make the Naples ministerial meeting a success. This implies:

- Ensuring that the future Euro-Mediterranean Parliamentary Assembly reflects a correct balance between the European and national parliaments (in line with EuroMeSCo's recommendations¹¹).
- Fully discussing the implications of the wider Europe initiative for the EMP and its future, while ensuring that it constitutes an incentive for strengthened political and security cooperation and not a substitute for it. Should the latter view prevail, the EMP's identity would be lost.
- Establishing the Euro-Mediterranean Foundation for Dialogue of Cultures, not to promote a vague dialogue of civilisations but rather as an instrument for understanding diversity and above all for promoting cultural pluralism in the entire Euro-Mediterranean area.

Israeli-Palestinian conflict. The Italian presidency should work towards the early establishment of a "credible and effective monitoring mechanism" to assist the parties in implementing the measures contained in the road map to a two-state solution. It should support Kofi Annan's proposal for an international military force to support efforts to implement the road map and at the same time urgently address the grave and worsening humanitarian situation in Palestine.

European Security and Defence Policy. The proposed defence dialogue with southern Mediterranean countries should be set up and the definition of the framework and the objectives of such a dialogue completed, ensuring that a non-governmental dimension is added to it. It is equally crucial to ensure that the dialogue rapidly evolves from issues of scope and definition

¹⁰ EuroMeSCo Report <http://www.euromesco.net/euromesco/publi_artigo.asp?cod_artigo>

¹¹ For a discussion of this issue, see E. Lannon, *Parlements et société civile dans la sécurité euro-méditerranéenne*, EuroMeSCo Paper 19, November 2002.

to issues of concrete cooperation. It is desirable that the idea of variable geometry as far as cooperation is concerned should be retained.

The fight against terrorism. The most worrying security development is the growing "banalisation" of violence against civilians perpetrated by states and radical groups within the region. All forms of terrorism should be vehemently condemned and combated. Extra-judicial killings should be equally strongly condemned, and the issue properly addressed. The linkage between international justice and the fight against terrorism is of crucial importance for premeditated violence against civilians to be stopped or diminished. Equally, all internal security issues, including anti-terrorism measures, must be closely linked to cooperation in the fields of justice, fundamental rights and freedoms. In the framework of Justice and Home Affairs, encouraging progress has been made, notably in the reform of the judiciary, and cooperation in this vital area should be actively pursued. The promotion of a multi-lateral security and justice culture is in the interest of the EU and the region as a whole. Those EMP countries that have not yet done so should be encouraged to promptly ratify the Rome Statute of the International Criminal Court.¹² This issue should also be taken up in the EMP framework.

Conclusion

Now that the EU is enlarging from 15 members to 25, it is – paradoxical though it may seem – the right occasion to rethink the Union's Mediterranean policy, engaging both the acceding countries and candidates such as Turkey in the process.

The problems that the EU faces in the Mediterranean are becoming more complex and difficult to tackle every day. To deal with this challenge, the EU must be capable of coherently integrating its political, security and economic dimensions and enhancing its ability to act and define its positions and political priorities independently of its partners and the institutions associated with it.

The issue of the autonomy of the Union is essential if the Euro-Mediterranean Partnership is to succeed. The Union must develop and sustain its own policy both on issues such as the Middle East or Algerian crises and on human rights. At the heart of this new policy must be, not stability at all costs, but political reforms within neighbouring states in order to guarantee fundamental freedoms and to establish the rule of law.

¹² Of non-EU EMP members, Jordan is the only country among the first signatories of the Rome Statute (1998) to have ratified it up to 30 June 2003.