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**THE EU AND THE MEDITERRANEAN BASIN: FROM
REGIONAL MULTILATERALISM TO BILATERALISM
AND... BACK?**

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MULTILATERALISM TO BILATERALISM AND... BACK?

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1. From the multilateralism of the EMP to the bilateralism of the ENP

The Euro-Mediterranean Partnership (EMP), also known as the “Barcelona process”, was launched at the Barcelona conference on November 27-28, 1995, at a time when the Middle East peace process (MEPP) seemed to be working, and the threat of Islamic terrorism was not considered imminent. The states represented at the Barcelona conference were, on the one part, the then 15 members of the EU and, on the other, the following South Mediterranean countries: Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Morocco, Palestinian Authority, Syria, Tunisia and Turkey. The founding document of the EMP, the Barcelona Declaration, called for the establishment of a “multilateral and lasting framework of relations based on a spirit of partnership” by means of three pillars:

- 1) a strengthened political dialogue on a regular basis;
- 2) the development of economic and financial co-operation;
- 3) a greater emphasis on the social, cultural and human dimension.

The objectives of the partnership were ambitious. With regard to the security pillar, for example, the Barcelona Declaration called for the establishment of a “mutually and effectively verifiable Middle East Zone free of weapons of mass destruction, nuclear, chemical and biological weapons, and their delivery systems” and of a Euro-Mediterranean Pact. As for the economic pillar, the most ambitious aim was the creation of a free-trade area by 2010. In spite of the high initial ambitions, the first objective has yet not been achieved and for the second various steps have not yet been taken to allow it to be achieved on schedule. The innovation of the EMP with regard to the previous EU policy vis-à-vis the Mediterranean is that it puts all the countries from the Southern and South-Eastern rim of the Mediterranean together in a single framework as if they form a distinct region. In addition, it features a multilateral dimension, meaning that it envisages multilateral meetings – such as the Euro-Mediterranean Conference of Ministers of Foreign Affairs and the Euro-Mediterranean Committee for the Barcelona Process (the Euro-Med Committee) involving all the 15 EU Member States and the 12 Southern Mediterranean ones, including Israel and the Palestinian Authority.

The MEPP, as was made clear on various occasions, was formally kept separate from the Barcelona process. However, it is interesting to note that the multilateral framework of the Barcelona process provided the only international forum in which both Israel and the Palestinian Authority could sit at the same table.

This EU multilateral approach to the Mediterranean region changed completely with the launch of the European Neighbourhood Policy in 2003-2004 a policy initiative that, while it was presented as a big framework including all the EU’s Eastern and

Southern neighbours, it substantiated into a series of bilateral relations between Brussels and the neighbours.

The Council states that the European Neighbourhood Policy will not override the Euro-Mediterranean Partnership¹, and the same applies to the other forms of regional co-operation, such as the Northern Initiative. The Commission ENP Strategy Paper makes clear that the ENP relating to the South Mediterranean will be implemented through the Barcelona process and the bilateral Association Agreements with each Southern Mediterranean country². However, the June 2004 Council also decided that, within the framework of the ENP, the EU will negotiate an Action Plan with each neighbouring country that will include the following areas: political dialogue and reform; trade and measures preparing partners for gradually obtaining a stake in the EU's internal market; Justice and Home Affairs; energy, transport, information society; environment and research and innovation; social policy and people to people contacts. These areas are more or less the same as those contained in the Euro-Mediterranean Association Agreements, the bilateral treaties that each Southern Mediterranean countries has stipulated on a bilateral basis with the EU in the framework of the Euro-Mediterranean Partnership. The Association Agreements remain the legally binding documents regulating the Southern Mediterranean countries' contractual relations with Brussels. However, the Action Plan will be, or should be, the political document highlighting the areas where bilateral co-operation should proceed faster and so on. As one Commission official put it, the Association Agreement is like the track, while the Action Plan gives you the time when the train will leave³.

While the legal relationship between the ENP – and its instruments, the Action Plans – and the Barcelona process – and its instruments, the Association Agreements – is clear, the real question is the political overlap between the two policy initiatives. What impact will the ENP have on the Barcelona process and, more in general, on the EU's relations with Southern Mediterranean countries? Will the two processes really be as compatible and complementary as the EU states?

Actually, as some studies have rightly pointed out, the European Neighbourhood Policy represents a completely different policy, based on different principles and conceived in a different context. What is even more important, the ENP was not initially conceived for the EU's relations with the Southern Mediterranean, but for the EU's relations with the Eastern ones and was only later extended to the former.

The first element of discontinuity is the shift from the principles of multilateralism and regionalism that characterise the Barcelona process to the principle of differentiated bilateralism that characterises the ENP⁴. On the one hand, the main

¹ “The new neighbourhood policies should not override the existing framework for EU relations with Russia, the Eastern European countries, and the Southern Mediterranean partners, as developed in the context of the relevant agreements, common strategies, the Northern Initiative and the Barcelona Process.” General Affairs and External Relations Council, *Presidency Conclusions*, June 2003. The document is available at http://europa.eu.int/comm/world/enp/pdf/cc06_03.pdf

² COM (2004) 373 final, cit., p.6.

³ Interview by the author with an official from the Commission, Brussels, September 2005.

⁴ Cfr. R. A. Del Sarto and T. Schumacher, cit. The shift from multilateralism to differentiated bilateralism has been emphasised by many scholars. For example, see E. Lannon and P. Van Elsuwege, “The EU's emerging Neighbourhood Policy and its potential impact on the Euro-Mediterranean Partnership”, in P. G. Xuereb (ed.), *Euro-Med Integration and the “Ring of Friends”: The Mediterranean's European Challenge*, vol. IV, European Documentation and Research Centre, University of Malta, pp. 21-84; E. Lannon, *Le Traité Constitutionnel et l'avenir de la politique méditerranéenne de l'Ue élargie*, Euromesco papers, n. 32. June 2004. R. Aliboni has warned of the risk that the ENP could be detrimental to sub-

innovation brought about by the Barcelona process, as the Commission itself acknowledged⁵, was its regional focus. Although the Barcelona process also included a bilateral dimension, through the Association Agreements⁶, its main objectives were to be achieved at the multilateral level: from the creation of an “area of peace and stability in the Mediterranean”, to the establishment of a free trade zone in the Mediterranean in 2010. The final aims were presented as collective, indivisible. On the contrary, the ENP privileges a bilateral, differentiated dimension. While the general aim of the ENP refers to the setting up of an area of security, stability and prosperity on the eastern and southern periphery of the EU, the ENP ends up operating on an individual basis. What counts is the kind of bilateral relationship that each neighbouring country is willing and able to establish with the EU. For its part, the EU offers some benefits⁷ to the countries that commit themselves the most to reforming their political and economic systems and gradually aligning themselves with the *acquis communautaire*.

The second peculiar feature of the ENP relates very much to the differentiated bilateralism: the principle of conditionality or, rather, the principle of positive conditionality. In general, “political conditionality entails the linking, by a state or international organisation, of perceived benefit to another state, to the fulfilment of conditions relating to the protection of human rights and the advancement of democratic principles” (K. Smith, 1998)⁸. In particular, positive conditionality entails the promise of a benefit in exchange for the fulfilment of some pre-determined conditions. The “Wider Europe-Neighbourhood” Communication explicitly endorsed the principle of positive conditionality, saying that “in return for concrete progress demonstrating shared values and effective implementation of political, economic and institutional reforms, including aligning legislation with the *acquis*, the EU’s neighbours should benefit from the prospect of closer integration with the EU”⁹. Subsequently, ENP documents tended to downgrade the principle of positive conditionality, which does not even appear among the ENP principles in the Commission Strategy Paper. On the contrary, the document cites joint ownership and differentiation among the principles on which the ENP is based. In particular, the joint ownership principle entails that the EU and neighbouring countries “share values and common interests”¹⁰, and that the former

regional co-operation in the Mediterranean. See R. Aliboni, “Dove va il Partenariato euro-mediterraneo? Vicinato, Medio Oriente allargato, strategia euro-araba”, in *Italiamondoarabo*, no. 2, 2004. K. Smith, on her part, argues that the adoption of a bilateral approach by the EU in the context of the ENP has marked a departure from its traditional focus on regional co-operation, which has always been one of the EU’s typical features. See K. E. Smith, “The outsiders: the European Neighbourhood Policy” in *International Affairs*, Volume 81, number 4, July 2005, pp. 757-773.

⁵ European Commission, *Europe and the Mediterranean: Towards a Closer Partnership. An Overview over the Barcelona Process in 2002*, Office for Official Publications of the European Communities, Luxembourg, 2004.

⁶ According to E. Philippart, in addition to the multilateral and bilateral dimensions, the Euro-Mediterranean Partnership also includes a unilateral (EU) dimension, meaning the MEDA funding programme, which is mainly a matter for internal EU decision. See E. Philippart, *The Euro-Mediterranean Partnership: Unique Features, First Results and Future Challenges*, CEPS Working Paper, no. 10/2003.

⁷ For the benefits promised by the EU see note 8. Please note again that the four freedoms of the internal market are no longer mentioned among the benefits.

⁸ K. Smith, “The Use of Political Conditionality in the EU’s relations with Third Countries: How effective?”, *European Foreign Affairs Review*, Vol. 3, No. 1, pp. 256.

⁹ COM (2003) 104 final, cit., p. 10.

¹⁰ COM (2004) 373 final, cit., p.8.

“does not seek to impose priorities or conditions”¹¹ on the latter. In actual fact, the EU is not capable to impose priorities or conditions in this case, as it successfully did with the candidate countries, because neighbouring countries do not have the prospect of EU accession. However, even though the leverage of a neighbouring country in negotiating an Action Plan is surely greater than that of a candidate country negotiating EU accession¹², the two parts are still not on an equal footing. Thus, even if not explicitly admitted, positive conditionality is there.

Therefore, the scheme of the Euro-Mediterranean Partnership can be summarised as follows:

- 1) within the EMP framework, the predominant dimension is the multilateral one, even though the contractual relations linking the EU and individual Southern Mediterranean countries is bilateral (the Association Agreement),
- 2) Specific arrangements are negotiated by the EU and the South Mediterranean countries on a bilateral basis, but important political decisions are taken at multilateral level in the *ad hoc* meetings;
- 3) the main aims (a Mediterranean region free of weapons of mass destruction, common security for the entire region, a free trade area) involve the whole region, not just the individual countries.

On the other hand, the ENP's scheme can be summarised as follows:

- 1) within the ENP framework, the EU and neighbouring states have predominantly bilateral relations;
- 2) The specific terms of relations are negotiated by the two parts in the Action Plan;
- 3) The more commitment to reform a neighbouring country shows, the more benefits it will receive from the EU, the benefit being received on an individual basis. However, the incentive that in the past proved to be decisive – EU accession – is not envisaged by the EU, at least in the short-to-medium term

2. Why such a different approach?

As has just been explained, the ENP introduced deep changes in the EU's relations with the Southern Mediterranean countries. The fundamental reason for this sea-change in the EU's approach is principally that the ENP was not conceived for them. The ENP was mainly thought out as a strategy to cope with the effects of the “big bang” enlargement, and notably:

- 1) the changed geopolitical landscape on its eastern borders: EU borders with new, difficult neighbours, which pose numerous challenges;
- 2) the need for stabilisation of its new neighbourhood – while enlargement proved the most successful instrument for stabilising Central and Eastern European countries, the EU cannot enlarge forever;
- 3) more and more difficult internal decision-making – since the new member states will bring new visions, ideas and interests, it is important to set out clear and uniform

¹¹ Idem.

¹² Interview by the author with a Commission official, Brussels, September 2005.

principles in relations with all neighbours; EU foreign policy needs to become more coherent and effective.

In fact, the origin of the ENP is strictly linked with the eastern enlargement and its (perceived) consequences. The ENP principles were first officially laid down in the Commission's "Wider Europe-Neighbourhood" Communication. The ideas contained there came both from member states and from inside the Commission.

And what about the newly launched Union for the Mediterranean?

As the Declaration of the Paris Summit of July 13 states, the new initiative "Barcelona Process: Union for the Mediterranean" is defined as a multilateral partnership with a view to increasing the potential for regional integration and cohesion". Therefore, the new Union for the Mediterranean seems a return to multilateralism and regional integration after the bilateralism of the ENP, as it makes many references to the Barcelona Declaration. However, it seems that the political, economic and social objectives to be attained by the whole Euromediterranean region are now limited to economic achievements. This makes in turn difficult the relationship of the UfM with the EMP and the ENP. With the UfM the focus appears to be shifting from the security to economic development, which in turn brings security, but it is not enough to provide that. As for the latter, even though the official declarations on the UfM refer almost exclusively to the EMP and tend to neglect the ENP (which was not even mentioned in the March European Council Conclusions), it is inevitable that there will be overlap between the two policies, as both have a strong economic component. In particular, given that the UfM does not have its own funds and will have instead to rely on others, such as the ENPI, the Neighbourhood Investment Facility (FEMIP) and the cross-border instrument within the ENPI, it is sure that there will be overlaps (or even frictions) with the ENP.

Another possible contrast between the ENP and the UfM concerns the choice of the projects to be financed. In the ENP, EU's assistance was linked to the reforms being carried out by the partner countries. Will this criterion disappear? What will be the new criteria? The Paris Declaration mentions the potential to promote balanced and sustainable development, regional and sub-regional integration, cohesion and interconnections. Therefore multilateralism and regional and sub-regional integration comes to the fore again, but at the expenses of the logic of positive conditionality aimed at rewarding the countries best cooperating with Brussels. This time the shift seems to be from bilateralism to regionalism or subregionalism. At the same time, while the principle of co-ownership seems to be upgraded compared to the previous initiatives (especially at the institutional and governance level), the reform agenda seems to be missing. Assistance is not linked to political, economic and social reforms.

Concluding, the new UfM seems to mark a shift back from bilateralism to multilateralism and especially to regional and sub-regional integration. This initiative seems to have a strong economic focus and contain some elements of contrast with the ENP and its logic of positive conditionality. On the other hand, it does not say much about security and common values.