



The Union for the Mediterranean Evolution and Prospects

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Abstract

The author examines problems related with the political identity of the Union for the Mediterranean (UfM), its relations with the EMP's Euro-Mediterranean "acquis" and the functioning of its institutions. While the UfM has been designed to give new momentum to the EU's cooperation with Mediterranean countries, results have hardly met ambitions so far. There is a lot the EU can do to increase the UfM profile: revise its institutional settings; create a parallel, but connected, multilateral dimension in the framework of the European Neighbourhood Policy; quickly implement large-scale regional projects; expand cooperation to agriculture; and scale back the ambition that the UfM can promote political solidarity in the short- to medium-term.

Keywords: *Union for the Mediterranean (UfM) / Decision making / European Union / Euro-Mediterranean Partnership (EMP)*

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by Roberto Aliboni*

The Union for the Mediterranean (UfM) was established by representatives of 43 governments and the European Commission on 13 July 2008 in Paris. The UfM substituted the Euro-Mediterranean Partnership (EMP), previously established in November 1995 in Barcelona. The UfM represents a dramatic change from the past. To understand the significance of such changes, some principal issues must be examined: the political identity of the UfM, its relations with the EMP's Euro-Mediterranean "acquis" and the functioning of its institutions.

1. Intergovernmental nature of the UfM

In the EMP, countries of the Southern and Eastern Mediterranean (SEM) rim were not true partners, either because they did not wish to be so or because the EMP was not an intergovernmental organisation or platform but more an EU policy to which all pertinent initiatives and final decisions were subordinate. Rather like a house where the SEM partners were guests: considered with due regard and intimately, but still merely guests. Perhaps if the SEM partners had abided by the inspiring principles of the EU that were supposed to lead to a sort of Euro-Mediterranean community – principles similar to those set down in Copenhagen in 1993 for the EU enlargement towards its Eastern neighbouring states: democracy, human rights, safeguarding of minorities – the EMP house might have de facto turned into a community of states and governments, not unlike the EU. But, the partners did not accept these principles and we have to admit that it was particularly difficult for the Arab partners to accept a community which also included Israel among its members, even before the conflicts with the Palestinians, Syria and Lebanon had been resolved. Thus, the EMP became an example of diplomatic socialisation between unequal partners but it was still an EU policy; its meetings were concluded not with a joint statement but with a statement written by the EU President, very often including items which were not truly shared by all members but towards which the house guests showed acquiescence, condescension or complacency.

Speech presented by the author at the round table meeting "The Adriatic-Ionian Area and the Union for the Mediterranean" held on the 5 December 2009 as part of the international conference "The Role of Universities and Research towards Integration in the Adriatic-Ionian and Mediterranean Regions". The conference, chaired by Prof. Gianluca Sadun Bordoni, was held at the University of Teramo as part of the Medadriion initiative - a consortium uniting the universities of the Adriatic region for Euro-Mediterranean issues - during the Italian Presidency of the Adriatic-Ionian Initiative.

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The primary "driving-force" of the UfM is to overturn this unequal balance of power with a shift towards an organisational structure based on the principle of "parity". This approach stems from the conviction that the Arab governments were reluctant to cooperate as they were faced with a "take it or leave it" option regarding the proposed EU initiatives in an EMP framework in which they were on an unequal political standing with the EU Member States. It was also argued, especially by France (principal promoter of the UfM) that once full sovereignty is guaranteed, the Arab partners will have a more interested and constructive attitude towards the functions of the UfM. The results of the UfM's activities to date have not met expectations. Instead of being used in a constructive manner, full sovereignty has been employed as an obstacle. Therefore, for all of 2009, the Egyptian co-Presidency impeded the constitution of the UfM's governing bodies, starting with the Secretariat in protest against Israel's invasion of Gaza at the end of 2008. Only in January 2010 was the Secretary nominated and therefore it is hoped that the activities of the UfM can now commence.

This situation has caused alarm and concern among the European partners, but on second thought, it is obvious that the Arab countries, exerting their full sovereignty, would react in this way towards one of the most pressing problems of their foreign (and internal) policy. In the EMP, the Arab states were house-guests; in the UfM they are the owners. Therefore, it is evident that the UfM is even more vulnerable to external factors than the EMP. The EMP was always hostage to the Arab-Israeli conflict, but as guests, the Arab states could only protest. In the UfM, they cannot but act to uphold both their national and security interests. As a result, the intergovernmental nature of the UfM is destined to reflect the conflictual situation in the Middle-East without any filter whatsoever. The consequences of the Gaza crisis seem to have been overcome with the nomination of the UfM Secretary General but the Union is still in difficult waters and will commence its activities in a climate of great unease. Sooner or later further difficulties may arise and impede its operations.

2. An "acquis" at risk

Nevertheless there are other problems to be resolved. Even though the UfM Secretariat is now operational, its remit is still not clear. This lack of clarity does not stem from the dispositions – which are neither clear nor perspicuous – regarding the UfM which are itemized in the various constitutional documents (the Paris Declaration of July 2008 and the subsequent Marseilles Conference of November 2008). There is also the uncertainty regarding the competencies of the UfM and the EU with respect to the legacy, i.e. the "acquis", left by the EMP.

There are two clear issues in this regard: firstly, the EU Commission will continue to develop its own economic programmes, many of which have an important Mediterranean focus such as the free movement of goods and the development of large-scale projects regarding infrastructure and transport. This could constitute grounds for cooperation between the EU Commission and the UfM Secretariat, especially regarding financing of such projects for which the EU has the financial means and the UfM has not. It is therefore evident that the EU could show interest in contributing to the UfM's large-scale projects. The second issue involves the political and security pillars of the EMP which have undoubtedly been transferred to the UfM

and its governing bodies (the Conference of Heads of Government, the Conference of Ministers of Foreign Affairs and the co-Presidency).

Regarding other issues which are mainly represented by the third EMP pillar (human, social and cultural partnership), there is no clarity whatsoever. These issues are an important component of the EMP's "acquis" as they also include matters such as human rights, the social role of women and intercultural and inter-religious dialogue. Within the EMP framework, the Commission promoted and sustained the creation of a series of transversal networks (both EU and non-EU) with the aim of creating a platform for open debate and dialogue, free from the internal authoritarianism of the governments of the SEM countries, in order to favour political reform in these countries in the medium-long term. Who is going to inherit the management of these networks, such as the one on human rights?

The action which the Egyptian co-Presidency is currently developing with the support of the French co-presidency, is that, since these are multilateral components which were previously under the remit of the ex-EMP which now fall within that of the UfM, the UfM has the role of managing these networks and other multilateral initiatives born under the flag of the EMP. The Egyptian co-Presidency also maintains that the UfM Secretariat will be responsible for their management. This is not set down in the constitutive documents and does not find particular support from the public opinion. Both see the UfM as a body essentially tasked with launching large-scale technical and/or economic projects and the Secretariat as the implementer and manager of such initiatives. Nevertheless, the fact that a cultural project like the EMUNI (Euro-Mediterranean University with headquarters in Slovenia) was included as one of the six large-scale projects approved by the Paris Declaration, belies this common perception. Furthermore, the documents clearly state that the Secretariat will implement the actions requested by the Heads of State and Government. Therefore the co-Presidency is to a certain extent taking steps on its own, but if in the next meeting of the Heads of State and Governments these issues were to be clarified, then the UfM's ambition to take over the management of these networks and other related initiatives resulting from the ex-EMP's third pillar area would be completely legitimated.

As previously stated, France favours this approach as it considers these issues pivotal in the implementation of the UfM. As Henri Guaino, the UfM's architect has repeatedly insisted: it is essential that power be transferred from the EU and the Commission to the governments in the framework of a body in which SEM countries can make their own decisions, undertake initiatives and if need be, say "no" to European proposals. In this light, Paris has always claimed that the UfM Secretariat has a political role to play and continues to support to do so, backing the Egyptian co-Presidency's actions aimed at extending UfM competencies to the multilateral issues inherited from the third pillar, in particular, networks and civil society. It should be noted that France has no doubt whatsoever regarding the UfM's capability to take care of economic, political, security, industrial policy and agro-alimentary issues if the Heads of State so decide. This is attested to by the large number of studies and proposals that favour enlargement of the UfM's competencies.

What to think of this? The inclusion of third pillar issues under the UfM umbrella and particularly, civil society networks, is certainly not consistent with European interests

and intentions. Indeed, these networks which should have had the role of catalysts for change, now risk suppression or domestication once they enter the intergovernmental sphere of the UfM. We can easily imagine what kind of human rights networks the Southern and Eastern governments of the Mediterranean region have in mind.

Undoubtedly, some European members of the UfM will oppose this trend but, given the UfM's intergovernmental logic, their opposition will lead at best to pitiful compromises that many members of the network will not accept. As a consequence, the future could bear the same names as in the past but the situation would be quite different. What is currently happening to the Anna Lindh Foundation – the network for intercultural relations – is an example of such compromise. The Foundation's Board of Governors, which is composed of Member States, has invited the executive boards to cut a number of initiatives which are considered too "political". Before publication of an inquiry conducted in 2009 on perceptions of "the other" in the Euro-Mediterranean area, a series of substantial changes were requested – to put it bluntly, a degree of censorship was used. In reality, the Foundation, subordinate to the governments by statute, has always been affected by this congenital illness whose effects are only surfacing now in the transition from the communitarian régime of the EMP to an intergovernmental one like the UfM.

Therefore, what the Egyptian and French co-Presidencies are doing could be interpreted as forcing the rules a little, but it is certainly not illegitimate. Such actions fall within the general process of replacing the EMP with the UfM. We must remember that there is still a very important grey and hazy area between these two organisations. The official rhetoric of the EU says that, in the new Mediterranean architecture, the EU will take care of the Mediterranean bilaterally through the Neighbourhood Policy which is managed directly by the EU Commission and multilaterally by means of common actions promoted by the governments through the UfM. It is clear that if this approach is enacted fully then the greater part of the multilateral initiatives and political "acquis" of the EMP will be diverted towards the UfM where they will be substantially altered or disappear. As we are well aware, this "acquis" contains many of the fundamental ideas which have both guided and been pivotal for European Mediterranean policy, such as the upholding of human rights, dignity of women, freedom of religion and political reform. If this has been a mere error of judgment by European governments, then some sort of order will have to be re-established during the next scheduled meeting of the UfM Heads of State and Governments. If, on the other hand, the governments were aware of what they were doing, actions and the changes that we are witnessing today can be attributed to the political fallout of post September 11, then everything is going as planned. In fact, why should the UfM remain unaffected by the general backward shift which includes such phenomena as re-nationalisation in Europe, increased securitization for immigration in the EU, the rebirth of realism, the balancing of power in foreign policy, etc. ?

3. Drifting co-Presidencies

The way in which Europe's UfM co-Presidency has developed has undoubtedly played an important role in these none too felicitous circumstances. The UfM has a shared EU and non-EU co-Presidency, whose representatives are elected by the parties and remain in office for two years. The EU has still not been clear regarding its UfM

representative: should the Council nominate an "ad hoc" representative to the UfM for the prescribed two year period or should the EU President in office be the co-President for a six month period? No precise answer was given to this question when the UfM was established. In Paris, the Heads of State and Governments elected France and Egypt as co-Presidents for the two-year period 2008-2010, but on termination of the French Presidency semester, the Czech Republic, about to take over the Presidency, protested and this issue was raised again when Sweden took over the Presidency in the second semester of 2009. The existing compromise entrusts the EU President in office with the chair of the political meetings (i.e. the co-Presidency of the Conference of the Senior Officers of the UfM) and European co-President in office with the co-Presidency of the sectoral meetings.

The Spanish semester during the first half of 2010 will be organised in this same manner but will have to accommodate changes resulting from the EU's ratification of the Treaty of Lisbon which must now be taken up by the UfM as specified in its constitutional documents.

The EU Presidency is now headed by a President nominated for a renewable term of two and a half years, Herman Van Rompuy, flanked by a powerful High Representative for External Affairs (and Vice President of the Commission), Ms Catherine Ashton, and the six-month national presidencies. The EU President chairs the European Council; the High Representative chairs a new Council for Foreign Affairs and Security Policy (separate from the General Affairs Council); the rotating national semester presidencies head the General Affairs Council and the other technical and sector-specific councils. The European co-President of the UfM will not be the new EU President but an "ad hoc" co-President who will take over from France for two years. Naturally, the new co-President will be Spain, whose role in the Mediterranean for reasons of internal politics and international prestige has in recent years become perhaps even more important than that in France.

The Presidency introduced by the Treaty of Lisbon has been kept deliberately weak by the Member States (which gave the vice-presidency more "possibilities"). On the whole, it is a Byzantine solution which will not make things easier for the EU and certainly will not contribute to increasing the EU's prestige nor making it more intelligible to European citizens. Aside from the problems of protocol (who will represent the EU in the UfM Conferences of the Heads of State and Governments?), the weak remit of the EU Presidency and its innate flaws due to the necessity to satisfy as many national ambitions as possible are all factors which contribute to weakening the UfM co-Presidency, both its European component and the co-Presidency itself.

Institutional problems are not limited to the co-Presidency. The structure of the Secretariat will also be a source of problems. On 3 March 2010, the Senior Officers finally appointed the Jordanian Ambassador, Ahmed Masa'deh, as the UfM Secretary General. With this agreement, the Secretary General has taken up his position in time to organise the Barcelona summit scheduled for June 2010. Further six deputy Secretaries with specific powers and competencies have also been nominated. It is evident therefore that the Secretariat, first envisaged as a streamlined structure, has now become cumbersome and a little unbalanced which leads one to think that even if

the initial Egyptian boycott of the Secretary General's nomination has been overcome, further problems may arise.

In any case, six additional Secretaries are a lot. There is the risk that they will be tight in the right wing of the Pedralbes Palace in Barcelona. Furthermore, the organisation of this throng of additional Secretaries may raise some doubts in that they represent only Mediterranean countries: the Palestine Authority, Israel, Greece, Turkey, Malta, Italy. It is difficult to imagine how the EU can have forgotten its identity and not have envisaged some form of representation from North and East European countries. What does this choice mean? That the Northern EU Member States will neglect Mediterranean policy which is a policy agreed by the whole Union? That the Southern European and SEM states will have to go it alone? If the UfM had remained as Sarkozy had originally envisaged it – including only countries in the Mediterranean basin – then the current composition of the Secretariat would be justifiable but given that Germany and other countries opposed this initial plan and convinced France to "Europeanise" the initiative, this composition of the Secretariat is inexplicable. This situation is bound to create problems in the efficient functioning of the Secretariat, because of the numbers, as well as problems of EU cohesion because of the absence of Member States from the North and East.

The division of roles within the Secretariat should, more or less follow the six general guidelines approved in Paris. The additional Secretaries will have the following mandates: economic development and the small and medium sized enterprise sector; pollution and environmental matters; social issues and civil protection; higher education and research; transport and energy. The General Secretariat will evidently have to maintain coherence within the programmes and will have to prepare the decisions of the political bodies and also follow their implementation. One of its roles will certainly be project financing in collaboration with its additional Secretaries. While the UfM personnel is seconded and paid by the governments and the operative premises have been made available by Spain, other resources for its functioning and above all, for the implementation of its projects will have to be found. It will not be an easy task.

The EU Commission could allocate some funds if sufficient synergies are found between its own projects and those of the UfM but undoubtedly it will not be able to detract consistent funds from its own programmes. The European Investment Bank (EIB) will do likewise. Other international organisations and national funds could also be interested. There has been much talk of funds from the Gulf region but the countries of the Gulf Cooperation Council have already set their own Mediterranean programmes. Furthermore, the presence of Israel in the UfM constitutes a notable negative factor for their participation. A situation of variable geometry will prevail and some projects will not involve Israel but even in these situations, investors from the Gulf regions will have to be reassured that there will be no indirect advantages for Israel.

Conclusions

Although serious and tough problems are envisaged, these would not be insurmountable if the UfM's political horizons were clearer which is sadly not the case.

While for the countries of the East Adriatic area – and a few other new members – the UfM represents a natural and probably welcome dimension in strengthening their relationships with the EU, the UfM does not offer the same perspective for the non-EU states of North Africa and the Near East. These states are already satisfied with their bilateral relations with the EU through the Neighbourhood Policy. The multilateral dimension is of relatively little interest even if the masterly political skills of these governments are putting it to good use to tame and contain the EU's residual ambitions for political reform. But this is certainly not in the EU's interest, and indeed, runs contrary to its stated objectives. How can the EU respond to this challenge?

We limit ourselves to three responses. First, the EU's participation in the UfM must be brought back into the correct institutional framework, which essentially means that the regulations regarding the EU co-Presidency of the UfM and the structure of the Secretariat necessitate revision: the UfM must be a policy of the entire EU and not just of Southern Europe or the emerging France-Spain duo. Second: the EU must not deceive itself that it can defend the multilateral and community "acquis" of the EMP within the UfM framework as it is constitutionally different. The answer has to be the creation of a significant multilateral component within the realm of the Neighbourhood Policy. Third, the UfM has a vital task to carry out which is the implementation of large-scale regional projects in the areas defined in Paris, where agriculture is curiously absent. The focus should be on these fields, without multiplying them – and more importantly – without the illusion that the UfM can promote political solidarity, the absence of which was brutally revealed by the EMP experience.

Updated 12 February 2010



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