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CBMS AND CSBMS AND PARTNERSHIP BUILDING MEASURES IN THE CHARTER

by Claire Spencer

Paper prepared for the Working Group on the Euro-Med Charter for Peace and Stability
October 1999

IAI9954 **ISTITUTO AFFARI INTERNAZIONALI**

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I - Introduction: the Charter in Context

The building of confidence is a complex process. In essence, it is based on ensuring that the right combination of psychological elements (above all trust and predictability) are articulated through the most appropriate instruments in a context conducive to the gradual development of realizable and verifiable goals over time. Because nothing can be achieved overnight (hence the notion of 'process') the shared goals of those who are party to the process have to identified and built in to the process from the start, as well as revised (and even renewed or reoriented) at opportune moments. What may have seemed an appropriate set of instruments to meet a set of defined ends in one set of circumstances may likewise require a re-assessment in another, or be expressly redesigned to fit the potentially shifting goals of the participants. The larger context within which which the process is situated may also change over time, and in fact – given the ineluctable march of history - is unlikely to remain stable, or in the same place as when the original process was started.

The task facing the drafters of the Euro-Mediterranean Charter for Peace and Stability encompasses all of these difficulties or challenges, yet they are not always made explicit. The vocabulary of partnership or confidence-building does not directly address shared goals (such as 'mutual threat reduction') because the Mediterranean remains a loose and fluid framework for security cooperation. Shared goals are hard to define, ironically, because of the absence of regionwide conflict, as well as the breadth of the areas covered by the Euro-Mediterranean Partnership (EMP) initiative as a whole. At the same time, this absence of conflict (which does not apply so cogently at the sub-regional level) has offered considerable opportunities to the EMP to make innovative strides towards new forms of security cooperation. Instead, since its inception in 1995, the EMP has been slow to realize its potential, above all in translating into practice policy objectives formulated in theory to encompass a variety of policy sectors. The lack of a clear sense of prioritization between objectives has also relativised the importance of security goals in, for example, the realization of economic or trade policy objectives.

This is not a problem which is unique to the EMP, as this paper will argue, but to the formulation of cross-sectoral policy in the articulation and practice of the EU's foreign and security policy as a whole. If officials in Europe's foreign ministries and the European Commission charged with coordinating the different aspects of Europe's external relations identify economic factors as at the core of a given region's tensions, it does not necessarily mean that they themselves have any direct influence on the kind of economic policy which might alleviate or assist in the reduction of these tensions. In turn, trade ministry officials are not always working to a brief which cites the promotion of security as a key priority. Even officials working on arms control issues in ministries of defence, for example, may not be aware that the EMP is also engaged in this field, within a

framework usually only articulated at the highest (and as a result, most abstract) levels of policy coordination.

These are structural problems, at the national, as well as EU and inter-governmental level of European foreign policy-making which are only beginning to be addressed[1]. However, for the purposes of confidence-building in the Mediterranean, it means that the most elevated ambitions may almost inevitably fall foul of the practical difficulties associated with their application on the ground. These difficulties are already apparent at the level of the EU's bilateral relations with individual southern partners, as well as in coordinating resources within Europe to make an impact at the regional level as a whole. It also means that in the absence of clear parameters and incentives for their realization, the creation of more structured instruments, such as confidence-building measures (CBMs) or confidence and security building measures (CSBMs) would appear to be premature.

This author has in fact argued elsewhere that the elaboration of CBMs and CSBMs for the Mediterranean region may even be detrimental to their intent in suggesting that the potential for conflict exists, or underlies the process[2]. They may, however, have some utility where confrontational attitudes have structured sub-regional relations in the past, as in the case of Greece and Turkey, or between the Arab states and Israel. Even here, however, clear guidlelines for what is to be included in the confidence-building process is of the essence, as well as desired end-goals. These would include the establishment of early warning systems, a gradual reduction of arms stocks and prior notification of military manoeuvres, for example. For some of this work, however, frameworks already exist, such as the Arms Control and Regional Security (ACRS) working group associated with the Middle East peace process, which may enjoy a revival in the new atmosphere of regional cooperation which has followed on from the change of government in Israel in 1999. For the EMP to have an impact on such developments is likely to be indirect, rather than direct, and efforts might better be concentrated on less structured approaches to improving and strengthening regional relations across and within the Mediterranean.

In this respect, what continues to be required is greater mutual familiarization within and between the various EMP partners, where even the apparently united European (EU-15) bloc do not always share positions or priorities with the conviction joint policy statements often seem to convey. To this end, the formulation of more modest and more open-ended partnership building measures (PBMs), introduced in an exploratory fashion at the EMP Malta summit of 1997 are likely to be more adept in the short run. Even if end results are limited, the very process of increasing transparency and, in many cases, making an honest admission of what may or may not be achievable holds the key to establishing the groundwork for building confidence.

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[1] See Jorg Monar 'Institutional Constraints of the European Union's Mediterranean Policy' in *Mediterranean Politics* Volume 3, No. 2, Autumn 1998. Monar describes how the limitations on national policy coordination outlined here are amplified by the 'dualistic nature' of EU external policy formulation, external economic policy being the responsibility of the Commission and Council of Ministers, foreign and security policy being conducted under the parallel (but functionally disconnected) inter-governmental strucures of the EU's Common Foreign and Security Policy (CFSP) (pp. 42-43).

[2] Claire Spencer 'Building Confidence in the Mediterranean' in *Mediterranean Politics*, Volume 2, No. 2, Autumn 1997, pp. 23-48.

An elaboration of these observations will follow in the concluding section of this paper. Before this, the argument will proceed by briefly considering how the context for the EMP has changed both internally and externally since its inception in 1995, with particular relevance to the constraints and limitations facing the more ambitious proposals for regional political and security cooperation envisaged within the Euro-Mediterranean Charter. To illustrate some of the concerns currently being expressed in the southern Mediterranean, the paper will also draw on views gleaned (without attribution) during a research visit to Morocco in June 1999. Finally, there will be a number of suggestions for the type of measure, or approach which might be adopted to lay the groundwork for promoting and maintaining confidence in the Mediterranean region into the next century.

II – The Changing Security Environment

The preparatory work for building confidence goes beyond the Mediterranean region itself, where the linkages of the EMP to other security processes are still in their infancy. External observers of the EMP follow-up process might be mistaken in – and even forgiven for - thinking that the venture has existed in almost total substantive isolation from other contemporary developments in the sphere of security relations in and around Europe. For those who study European security questions from the 'inside out', as it were, there is usually only passing reference to the EMP as an instrument for the promotion of peace and stability - for example in the Presidency Conclusions of the Cologne European Council of 3-4 June 1999[3] - and where the EMP's aims and principles are praised, its parameters and content are left significantly undefined.

Even where the Mediterranean is cited as an 'area of special interest' in key security fora such as the North Atlantic Treaty Organization (NATO), the reasons or particularities of this special interest are rarely spelt out in any detail. Even less attention is given to the incentives or rationale for including designated partners, more sparsely represented in NATO's bilateral Mediterranean Dialogue(s) than the multilateral EMP[4]. It is as if citing the need for a Mediterranean 'volet' for Europe's security relations on its southern periphery has been sufficient to infuse life into what follows[5]. In turn, the 'special interests' of southern (ie non-NATO, non-EU) partners are almost never encapsulated in a single place or set of policy directions, not least because they have no equivalent security fora within which to express collective positions of a regional nature. Within the EMP, of course, there are self-evident political difficulties associated with the formation of any collective security position between partners as diverse as Israel and the Arab 'bloc' and Turkey, half in the 'north' (through NATO membership) and half in the 'south' (outside the EU).

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[3] Presidency Conclusions – Cologne European Council – 3 & 4 June 1999 (PRES/99/1500), para 88 (under http://europa.eu.int/comm/dg1a/daily/06_99/pres_99_1500.htm)

[4] See NATO Press Communique NAC-S(99)65 24 April 1999 'The Alliance's New Strategic Concept – Approved by Heads of State and Government participating in the meeting of the North Atlantic Council in Washington D.C. on 23rd and 24th April 1999.' (under http://www.nato.org.int…)

[5] For the sake of comparison, see the detailed arrangements already in existence in the Barents, Black Sea and Baltics regions, which although (or perhaps because?) smaller than the Mediterranean 'groups' or partners assembled by NATO, the WEU and the EU, are considerably more advanced. See (Ed) Andrew Cottey *Subregional Cooperation in the New Europe: Building Security,Prosperity and Solidarity from the Barents to the Black Sea* (London: MacMillan, 1999).

One of the main goals of the EMP and its Charter has been to redress this imbalance, precisely by providing a mechanism or framework in which all partners can participate in defining a set of collective security goals across ('north-south') as well as within ('south-south') the Mediterranean region. According to the criteria agreed at the Stuttgart EMP Foreign Ministers' Conference of April 1999, these goals are to be governed or ruled by the principle of consensus, and to include measures to which all can feel comfortable with ascribing within a shared context of the indivisibility of security for all partners. This 'indivisibility' essentially means that one partner's security should not prejudice another's, in the context of security being of a comprehensive character[6]. This would appear to offer plenty of scope for devising, for example 'codes of conduct' to avoid, manage or dispel situations of conflict.

That few such measures have emerged since 1995 should give its proponents pause for thought. Just as the EMP appears to be confirming its ambitious terms of reference across a wide array of issues and sectors, the political and security process has come under increasing pressure to produce results as it approaches its fifth year by the end of 1999. The largely unspoken fear is that the whole political and security dimension of the EMP will run out of steam if it fails to elaborate on existing initiatives soon. For the purposes of building incremental confidence, this growing urgency increases the temptation to skirt around difficult structural questions, even where it remains evident that the key underlying imbalances of the process remain in place[7]. Simultaneously, both the inner and external landscapes of the EMP have been shifting, fortunately not all in ways which constitute a negative influence on the future direction the Charter and its instruments might take.

As a consequence, this paper will argue, it is important to return, if briefly, to basic principles to determine the priorities as well as purposes of security cooperation under the EMP. Confidence can only be built where deeds – however incremental and limited - match words. The corollary of this is that confidence is in fact undermined by the articulation of intent incapable of resulting in substantive actions, in potentially damaging ways:

- The failure to meet existing expectations runs the risk of creating future expectations of a substantially less cooperative or pliable nature;
- Creating instruments (such as CBMs) to address security concerns which are not well-defined makes end results hard to attain or even ascertain;
- The exploratory nature and innovations of the EMP process run the risk of being seen as a weakness not a strength, because expectations are not tailored to realistic outcomes.

III – From Barcelona to Stuttgart : Straitjacket or Framework?

[6] See 'Guidelines for Elaborating a Euro-Med Charter for Peace and Stability', Annex *Third Euro-Mediterranean Conference of Foreign Ministers (Stuttgart 15-16 April 1999), Chairman's Formal Conclusions*.

[7] At the risk of over-stressing the point the core imbalance might be summarized as the military and diplomatic prowess of the EMP's northern (EU-15) partners, organized across a number of inter-governmental frameworks (EU, NATO, WEU, OSCE), facing the comparatively atomized, nation-state based and non-collective security thinking and practice of the EMP's southern Partners.

Since the mid-1980s, there has been considerable discussion of, and indeed planning for what a southern dimension of Europe's security lanscape might encompass. The fate of the Hispano-Italian proposal in 1990 to create a Conference on Security and Cooperation in the Mediterranean (CSCM) is well-known, while the less ambitious 'dialogue' processes embarked on by the Western European Union (WEU) since 1992 and NATO since 1995 have enjoyed more formal success. The latter initiatives were in place at the time of the Barcelona Declaration of November 1995, thus obviating the need for the chapter on Political and Security Partnership of Barcelona to replicate the activity of exchanging views over predominately military and/or operational aspects of security cooperation. Instead, the Barcelona process has sought to complement this type of pre-existing initiative.

The rationale for the EU as an organization to have embarked on Mediterranean security cooperation at all would appear to have been to bring something new to bear on an area where few broader security initiatives have yet taken root. The innovation of Barcelona, which many have rightly identified as its main conceptual strength, was precisely to make security a broader, more cross-sectoral and integrated set of issues than its traditional articulation within the spheres of military and defence cooperation. As Richard Youngs writes:

'In designing the Barcelona process, the EU's philosophy was that economic and political objectives were symbiotic: economic reform would bring in its wake political reform, which would give a further boost to economic performance, the latter helping to stem any potential for unsustainable levels of migration and thereby enhancing security objectives.'[8]

Seeking common ground for security cooperation has constituted much of the activity under the EMP umbrella since 1995. However, in the most advanced aspects of the EMP's work under the economic and financial provisions of Barcelona, the political and security dimensions have remained implicit and divorced from what, at best, could amount to a new security vision for the region. It is also to be regretted that many of the discussions already taking place under the Barcelona umbrella, on cooperative approaches to managing drugs, crime, environmental disasters and so on have barely filtered beyond the committees in which they have been discussed. Academic observers and analysts are often justly upbraided for being behind the times in their easy criticism of what does or does not appear to be going on within the Barcelona follow-up committees[9]. Nevertheless, what might be termed the 'competitive advantage' of the EMP – namely, its potential to build a regional security model based on 'soft' or non-military aspects of security relations - does not appear either to have been fully exploited or even well-publicised as one of its strengths.

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[8] Richard Youngs 'The Barcelona Process after the UK Presidency: the Need for Prioritization' in *Mediterranean Politics* Volume 4, No. 1, Spring 1999, pp.17-18.

[9] Richard Youngs comments: 'Just about everything Barcelona is routinely criticized for not covering is being addressed to some degree. Current work includes cooperation on drugs, crime, education, transport, energy, the environment, investment, agriculture, governance, the transfer of technology, training, tourism, fisheries, statistics, space technology, EMU, economic transitions, health, population and cultural heritage.' Richard Youngs 'The Barcelona Process after the UK Presidency: the Need for Prioritization' in *Mediterranean Politics* Volume 4, No. 1, Spring 1999, p.17.

The preamble to the Barcelona Declaration states that the EMP seeks to contribute to the success of other initiatives rather than replacing them. However, the chapter on the Political and Security Partnership says little if anything about divisions of labour with other processes. In the follow-up to Barcelona, it remains unclear where - and indeed whether - initiatives under the EMP are to be led by the partnership, or merely shadow or support existing regimes or approaches. In the sphere of arms control, for example, the wording of the Barcelona Declaration suggests no more than a supporting role for the EMP in pursuit of greater regionwide adhesion to and respect of existing international agreements, such as the nuclear Non Proliferation Treaty (NPT), and its chemical and biological equivalents (CWC and BWC). If a region-specific arms control regime were envisaged, it was merely to advance the more global cause of limiting the proliferation of weapons of mass destruction.

In fact, it is still open to question whether setting up a region (or Mediterranean-) specific focus for these more global regimes might not dilute their purposes through limiting their coherence or applicability. Mark Heller, among others, has argued that limiting an arms control regime to the 27 (soon to be 28, with Libya) partners to the EMP excludes from the security equation threats of equal, if not more, concern to the national security policies of individual partners. In the case of Israel, for example, both Iraq and Iran are outside the EMP region, but remain crucial to what Heller terms Israel's 'security space'. In terms of regional security cooperation, according to Heller, 'states view arms control as an instrument of national security rather than a theologicial desideratum, and they will formulate their approach to possible EMP arms control polices through the prism of their own security concerns and threat perceptions.' [10]

As the current author has argued elsewhere[11], there is a disjuncture between the broadly defined – but by no means uniform, or uniformly held – security concerns of the European partners to the EMP and their southern partners. It is no secret, for example, that the Barcelona process was instigated to respond primarily to the security concerns of its European proponents. The individual concerns of the southern Partners have merely been added and accommodated, during negotiations for the original Barcelona Declaration and in the subsequent meetings of high level officials. The vocabulary of inclusion - or partnership - should not blind observers to the fact that for most of the EU's southern Partners, regionwide security cooperation is secondary to the economic, financial and trading opportunities offered by Barcelona, primarily at the bilateral level. Progress in the spheres of economic development and structural adjustment may in some senses be dependent on the southern Partners' acceptance of some form of multilateral regionwide cooperation over political and security matters. They are not, however, central to the southern region's own more individually conceived notions of what constitutes security.

There is a qualitative as well as quantative distinction between the approaches of the European partners and their southern counterparts to security questions. Fifty years'

[10] Mark A. Heller 'WMD and EMP Policies of Arms Control and Limitation: An Israeli Perspective' *Second Draft, June 1997* EuroMeSCo paper (unpublished), p.1.

[11] See, inter alia, Claire Spencer 'Rethinking or reorienting Europe's Mediterranean security focus?' in (Eds Parks and Rees) *Rethinking Security in Post-Cold War Europe* (London: Longman's, 1998, pp. 135-154)

experience of security cooperation between European states and North America (at least for NATO members) has led EU governments to evolve clearer distinctions between what pertains to national security in its internal dimensions (such as forms of civil disorder or domestic terrorism, for example) and the external management of security (namely, threats to the cohesion and security of the whole, originating from outside the alliances (NATO or the WEU) formed to defend their members against such eventualities).

For most of the southern Partners to the EMP, not only have internal security questions generally been equated with regime security in a more existential sense than in the democracies of Europe, but also, external security cooperation has generally implied higher levels of internal, or domestic interference than they have been ready to accept. Where regional cooperation at the 'south-south' level has touched on shared security concerns, the depth of horizontal engagement has always stopped short of the kind of joint defence planning now common to NATO or WEU member-states. Where political or diplomatic relations are at stake, regional organizations such as the Arab League have steered clear of any encroachment on the sovereign rights of individual members to determine their own security agendas. Few reciprocal defence arrangements, such as the Arab Maghreb Union's article on the collective defence of one of their number if under external attack have ever been invoked.

All this is well-known; where it impinges on the building of confidence across and within the Mediterranean, however, is at the point at which the political aspirations of the Barcelona Declaration imply levels of conditionality, especially in the sphere of human rights or democratic accountability. Regardless of how limited in practice this feared level of conditionality may in fact be for southern partners to the EMP[12], '(w)here they have accepted forms of conditionality in the economic sphere – to which most have become reluctantly accustomed in their dealings with the IMF and other external creditors over debt repayments from the late 1970s onwards – they are extremely reluctant to accept similar levels of intervention in their political and security affairs'.[13]

It might be argued that the principle of consensus on which the EMP Charter is to be based goes some way towards mitigating southern fears of imposed conditions. The principle of consensus has, however, also watered down a number of the more progressive initiatives proposed under the political and security chapter of EMP, which individual partners have been able to veto. The holistic vision of Barcelona outlined by Richard Youngs should, at least in theory, go some way towards balancing the different approaches to security cooperation adopted by individual partners, and some of this thinking was reflected at the Stuttgart summit. The 'Guidelines for Elaborating a Euro-Med Charter for Peace and Stability'[14] have, in fact, explicitly included 'economic, social, cultural and human aspects [of cooperation] where they affect and determine peace and stability.'[15]

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[12] Richard Youngs, among others, has been critical of the lack of linkage between the EMP's financial and economic dimensions and human rights, for example. Viz. art.cit. supra.

[13] Claire Spencer 'The Mediterranean Region in European Security' (*working title)* (forthcoming in (Ed) C. Spencer, Centre for Defence Studies/Brassey's, London *Brassey's Defence Yearbook 1999*).

[14] See 'Guidelines for Elaborating a Euro-Med Charter for Peace and Stability', Annex to *Third Euro-Mediterranean Conference of Foreign Ministers (Stuttgart 15-16 April 1999), Chairman's Formal Conclusions*.

[15] Ibid

Far from being additional determinants, these factors are in fact at the heart of tackling the biggest security concerns in the region, particularly if one considers the human, social and economic roots of 'terrorism, organized crime, illicit drug trafficking…illegal immigration and trafficking of human beings'…also listed in the 'Guidelines'. How, then, are these areas and issues to be incorporated into a model which situates political dialogue alongside measures to control the proliferation of weapons of mass destruction and 'arrangements for conflict prevention, crisis management and post-conflict rehabilitation'? Is it a question of priorities, or can these different levels of security cooperation co-exist and to equal effect? Can they be integrated at all, and if so, how?

Until some of these issues are addressed, it is perhaps no wonder then, that the follow-up to Barcelona has been somewhat tentative in attempts to establish the basis for the creation of a region of peace and stability:

- Firstly, it is not entirely within the power of the EMP Partners to establish where the parameters for political and security cooperation might reasonably be expected to stop and start.
- Secondly, the southern Partners to the EMP are largely consumers, rather than instigators of a security policy to which they are reticent to adhere wholeheartedly.
- Thirdly, and added to this is the question of regional coherence, which despite assurances to the contrary, has yet to strike all partners to the process as of equal functional utility, as illustrated by the case of arms control outlined above.
- Fourthly, the process has yet to make explicit the integrated (for which read holistic and symbiotic) objectives of Barcelona, in ways which are acceptable to all partners, on the basis of the principle of consensus.

IV - European Defence and Security Creeps Southward

The clarification of some of these objectives may well take place in the broader European security debate, to which the EMP needs to make more specific reference. The political and security dimensions of the EMP have always been linked, if reluctantly at first, to the vicissitudes of the Middle East peace process. What has yet to be fully recognized is the extent to which operational, as well as 'architectural' or institutional developments in the wider European security arena have changed and will continue to change the parameters within which the whole Mediterranean security debate takes place. The aftermath of the Kosovo operation of 1999 above all will intrude on the next steps to be taken by the Barcelona process, for the simple reason, as noted above, that the EMP is itself posited on exploring new dimensions in Europe's security relations to the south of the EU area.

The main impact of the Kosovo operation is that considerably more questions are being asked about applying the right instruments at the right time and in the right places than four years ago, when the very notions of 'peace-enforcement' or peace support operations (at least under direct NATO auspices) were still considered daring. In the period following the entry into force of the Amsterdam Treaty (from May 1st 1999), the EU is now seeking to consolidate for itself a 'capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in

order to respond to international crises without prejudice to NATO.'[16] This affirmation of a fully-fledged security and defence capacity does not, however, mean that the EU is yet in a position to make much impact in this sphere.

One of the largely unacknowledged weaknesses of the inclusion of traditional security mechanisms under the EMP is that both at the time of the Barcelona Declaration and subsequently, the EU has been less than comfortable with engaging directly with military and defence agendas. This is a function partly of the predominance of NATO for most European states in the diplomatic as well as military aspects of defence and security policy-making, and to a lesser extent, the WEU. It is also a reflection of the fact that, despite the wording of the Maastrict Treaty, defence cooperation has been the least developed area of the EU's Common Foreign and Security Policy (CFSP). In contrast, where the EU has enjoyed most coherence and collective experience – namely, in external economic, financial and trade cooperation policy – no explicit reference to security is made at all in the second chapter of the Barcelona Declaration. The wording of the preamble, rather than the content of the Declaration, has been deemed sufficient to posit this objective.

The time for considering the security implications of economic policy may be premature, where the inverse, namely, the economic implications of (and for) for security policy is still the preferred approach or order of priorities. Nevertheless, calls for more integrated approaches to security planning have been increasing. Indeed, prior to the Kosovo operation, it was the Secretary-General of NATO, Javier Solana, who appealed in early 1999 for a 'Partnership for Prosperity' for the Balkans[17], in acknowledgement of a broader set of causal factors than the frequently cited ethnic tensions for conflict in the region. Genuine attempts to coordinate economic, social, political and diplomatic objectives across the board are still in their infancy, although, at the conceptual level, the Barcelona process might be considered a pioneering venture in the field. In the short run, however, the EMP will continue to be limited in its reach by its status as a pre-emptive expression of the CFSP. Until the CFSP is adapted to new circumstances, the main significance of this for the EMP is that its European partners will be unable to forestall what has yet to be decided amongst them within the EU, as well as between the EU and other security regimes represented primarily by NATO and the WEU.

The form that some of these inter-relationships may take is already at the planning stage. At the Cologne European Council meeting of June 1999, influenced by developments at the St. Malo meeting between the British and French Prime Ministers during the autumn of 1998, the General Affairs Council of the EU was charged with formulating proposals for the 'inclusion of those functions of the WEU which will be necessary for the EU to fulfil its new responsibilities in the area of the Petersberg tasks' [namely, peace keeping/peace support operations, conflict prevention and crisis management], with a view to taking the 'necessary decisions' by the end of the year 2000. The WEU would then 'as an organization…have completed its purpose', its operational capabilities having

[16] 'European Council Declaration on Strengthening the Common European Policy on Security and Defence', Annex III of Presidency Conclusions, Cologne Council, 3 & 4 June 1999 (as note 3 above), article 1.

[17] Javier Solana Madariaga 'NATO's New Roles and Missions' (Speech to the Royal United Services Institute, London, March 1999, under http://www.nato.org.int…)

been subsumed under an EU decision-making umbrella[18]. Having all but resolved the future of the WEU, this still leaves the area of EU-NATO cooperation largely untouched, except insofar as the EU's desire to increase 'effective mutual consultation, cooperation and transparency' between the two organizations is concerned. It is perhaps a coincidence that pursuant to the Amsterdam Treaty, the newly appointed Secretary-General of the European Council and High Representative for the CFSP is in fact the erstwhile NATO Secretary-General, D. Javier Solana Madariaga, but the conundrum of where the European Security and Defence Identity (ESDI) within NATO meets the CFSP of the EU still requires further fine-tuning.

In this respect, the future relationship between the United States and the EU in the European arena will be the key issue of 'hard' (military/defence) security coordination, above all over the thorny question of burden-sharing. The US presence in the Mediterranean, linked as it is to American security objectives in the broader Middle East will continue to impinge on Europe's – above all the EU's - ability to articulate an independent role in formulating traditional defence mechanisms (including CBMs and CSBMs). This is not least because the inclusion of the US in most arms control regimes as well as in the provision of security guarantees to its allies (Middle Eastern as well as European) will remain a sine qua non of their success or failure. Europe, in other words, will be able to articulate positions, but not implement them alone for some time to come.

The debate in the second half of 1999 is still open-ended, and concentrated mostly on the implications for future operations. At the core of these discussions, however, are the key military and defensive functions of security policy, which because implicit to the conceptualisation of most security questions, are often the hardest to move away from. This presents a challenge to the EU's initiatives in the field since, as mentioned above, defence is one of the areas least defined and least developed within the CFSP. Defence and military cooperation is also likely to be the area most subject to critical thinking in the aftermath of Kosovo, with potential impacts on the new parameters set for the EU's external relations in general.

The Kosovo campaign has in fact changed the nature of Europe's security 'architecture' and institutions from alliances prepared for defensive and peace-keeping actions towards more proactive methods to secure their joint aims. Joint planning, in other words, has moved into the sphere of the joint operation. The fall-out from this, especially in assessments of the future applicability of 'humanitarian actions', means that some coherence is indeed, slowly, entering the field of defence and security cooperation within Europe. At the national level in the UK, for example, the Department for International Development (Dfid) has already been strengthening policy coordination and operational links with the Ministry of Defence (MoD) in ways which may find echoes across Europe. However, for some of the reasons outlined at the beginning of this paper, it may be some time before this kind of cross-ministerial coordination trickles down to the Mediterranean.

This in fact opens a renewed opportunity for the EMP to contribute to the debate, especially in highlighting areas where, for example, economic, social and cultural routes to security cooperation are more appropriate to the envisaged outcomes than traditional forms of security cooperation. The new administrative and decision-making capacities

[18] See European Council Declaration, Annex III, Doc cit, article 5.

envisaged for external security and defence policy coordination in the post-Amsterdam Europe may also create opportunities for the EMP to become more accessible to its non-European partners as well as more streamlined then is currently the case. Jorg Monar, in particular, has described how the current dualistic nature of EU decision-making has effectively separated external economic policy from foreign and security policy formulation, with detrimental effects on the integration, as well as the articulation, of 'soft' (that is, non-military) security objectives[19].

Given the pertinence of this dislocation to hindering the objectives of the EMP, the projected reforms of the EU's institutions, and above all the Commission, due to be outlined by the newly appointed President of the Commission in early 2000, could also benefit from the imput of some of the EMP's experience over the past five years. One immediate conclusion drawn by many observers of the EMP is that the Commission is under-staffed to the point of being unequal to the task of fully addressing the array of tasks facing it, before one even considers the capacities of southern partners. Both might benefit from a greater devolution to the region of the management and implementation of policy, as well as, more contraversially, an increase in non-governmental, (or 'civil society') involvement in this process[20].

One immediate area in which the EMP's European partners might engage to build confidence will be in reassuring their southern neighbours about the future potential for 'proactive' defence or humanitarian operations to be launched on Europe's borders. For those to the south of the Mediterranean, the Kosovo campaign of 1999 has undoubtedly raised a number of apprehensions, especially among those routinely questioned about their human rights records. It was the first NATO operation explicitly to override the principle of sovereign inviolability in favour of humanitarian objectives. For many on the European side of the debate, this has been a cause for celebration in extending the boundaries of international humanitarian law towards the active protection of human rights. It has also raised a series of questions about where and how far this precedent will reach. While the future of Kosovo remains to be definitively settled, and the political and economic costs of the conflict and post-conflict reconstruction effort remain to be counted, repetitions of this operation further afield are extremely unlikely. As a means of encouraging human rights reform, however, the EU might be better placed to replace the Kosovo example with clearer non-military incentives for change and improvement on its southern borders.

In short, the challenge facing the EMP is to demonstrate the viability as well as desirability of non-traditional approaches to security policy coordination in a region where relations are not primarily governed by potential conflict. Approaches might include:

- An acceptance, in the short term, that security cooperation of a traditional defensive or military nature does not fall within the competence of the EMP and the Charter, and is unlikely to do so until the WEU's competences in this sphere are fully integrated within the EU's decision-making structures;

[19] Jorg Monar, art. cit

[20] For an elaboration of these suggestions, see 'Conclusions' below.

- As a corollary to this, an acknowledgement that few 'hard' (that is military) security initiatives will succeed in the absence of US engagement, and thus might best be pursued through the relevant United Nations organizations and multilateral arms control regimes, NATO's Mediterranean Dialogue (where applicable and acceptable), or the renewed multilateral process in the Middle East;
- Delaying the elaboration of CBMs and CSBMs until these inter-relationships are resolved or their respective competences become clearer (a point implictly accepted under the Charter's 'Guidelines' of April 1999, in deferring the advancement of CSBMs until 'the appropriate time' (under Objectives (b));
- Conducting a '5-year' assessment, drawing on the experience of EU delegations in the EMP region, EMP southern partners themselves, as well as from the relevant directorates of the European Commission, of successes and failures in the coordination of 'soft'security policy objectives to date. The aim would be to feed conclusions into the process of EU institutional reform while it is taking place from early 2000, rather than wait until such reforms have taken place;
- Undertaking missions to the EU's southern Mediterranean partners to explain the dimensions of European security and defence policy coordination as they impinge on the economic, financial and human aspects of the Barcelona process. The primary objective should be to present the uncertainty, fluidity and limitations on internal European policy coordination before these difficulties result in disappointed expectations in the southern Mediterranean; a secondary objective would be to present the EU as an organic and evolving organization, rather than a 'fortress' with a united and impenetrable façade;
- Building confidence by fulfilling existing obligations before embarking on new and potentially unrealizable objectives; initiatives which respond to a presumption of potential conflict in the region should take second place in the EMP's order of priorities to the promotion and exploration of shared interests of a clearly indivisible kind. Examples of the latter include the Short and Medium-Term Priority Environmental Action Plan (SMAP), and the pilot project on cooperation between civil protection services, launched operationally in June 1998.

Where these proposals include all parties to the EMP, they might be considered as initial 'partnership building measures' (PBMs), which – as in the case of the '5-year' assessment, could be included in the drafting of the Charter. For the others, the onus to create incentives for renewed security cooperation rests primarily on the European partners.

V -The Moroccan Experience Qua Testing Ground

If this sets the parameters for the future of European security concerns, what then do southern partners wish to see from the EMP process in general, and the Charter in particular? The following observations are drawn and amalgamated from a wide range of interviews conducted with officials, the business community, journalists and academics in Morocco in June 1999. They are not meant in any way to be representative of official government positions. However, they do point to areas where the EMP has proved disappointing to date, and where more constructive work in confidence-building might be conducted.

Whether these views are illustrative of attitudes throughout the whole southern Mediterranean region is open to question, although they may find resonances over

specific issues across the region. What they do clearly point to is the need for attention to detail rather than generalities, to explanation rather than an assumed common understanding of various policies and issues, and to the need for the process to be accessible to those who are most affected by its impacts. Finally, the bluntness of some of the views expressed is also intentionally reproduced, as a means of illustrating the gaps which often exist between articulated intentions and the impressions gained by those on the receiving end. These are that:

1) Little is generally known about European efforts to forge a partnership with southern Mediterranean states; where this has been discussed or investigated by interested parties, response times from Brussels and elsewhere have been slow; promises for money have evaporated or been interminably delayed; questions and requests, in short, remain unanswered or badly answered, and the process in general is too distant and impersonal.

2) From the European side, the overriding obsession appears to be with security in general and immigration (generally deemed to be illegal in any form) in particular. This prism colours most of what has been envisaged by the EU, with the effect of building little trust among southern partners who can neither discuss matters of concern to themselves (for example, how the EU functions internally), nor bring alternative views to bear on Europe's negative perceptions of the movement of peoples within and beyond the region.

3) If Europe were serious about tackling the root causes (economic and social above all) of potential regional instability, it would devote considerably more time, energy and resources to addressing these problems. The fact that it does not means either that the EU will do the minimum to ensure that the overspill effects within Europe of migration, terrorism/radicalism, crime and drugs are kept in check, or that the EU as an organisation will not do very much of any significance at all. Appeals to alleviate debt, for example, have fallen foul of the EU's own provisions that only 15% of debt repayments can be redeployed to domestic regional investment programmes, for example. Foreign direct investment is seen to be largely the concern of the private sector in Europe, with little official impetus or incentives to back it up.

4) In contrast, at the bilateral level, there has been quite a lot of activity. Most of this, however, takes the form of competition between European states - which, as in the case of the award of a new mobile telephone network licence in Morocco - might even run against the united European approach of the Barcelona process. Europe's lack of a strategic vision is in fact striking when set against the latest American proposals (set out by US Under-Secretary of State, Eizenstadt) for an open-border, regionwide market based on economies of scale to be formed in the Maghreb. At the level of bilateral concerns - between Morocco and Spain over migration and fisheries, for example - governments have been swift to set up joint commissions to investigate and negotiate solutions. None of this activity, however, falls ostensibly within the rubric of the EU's relations with the region; in theory, the soon-to-be-defunct EU-Morocco fishing accord is to be re-negotiated by Spain on behalf of the EU; in practice, everyone knows it is essentially a bilateral affair to which the rest of the EU will accede once Spain has satisfied its demands.

5) In the broader context of European security developments, NATO's bombing campaign against the Former Yugoslav Republic over the Kosovo issue has caused apprehension. There was not as much dissent in Morocco over NATO's stated objectives as there was in the case of the US/UK bombing of Iraq from December 1998. However, questions remain about the effective limitation on NATO's use of force towards alleged humanitarian ends, especially where NATO states have made only limited appeals to the sanction of the United Nations for their actions and where considerable 'collateral damage' was inflicted upon civilian populations. In states such as Morocco, where western governments and international non-governmental organizations (I)NGOs (such as Amnesty International) continue to point to concerns over human rights (highlighted also in general terms in the Chairman's Conclusions to the Conference of EMP Foreign Ministers at Stuttgart in April 1999), the fear has been voiced (if not widely held) that western military establishments might resort to an apparently arbitrary use of force to effect change on humanitarian grounds.

6) The impact of the above is that the southern partners are wary about opening up at the political level as much and as rapidly as the financial and free trade aspects of Barcelona have required them to do at the economic level. Some states, most notably Tunisia, even argue that they cannot liberalize on all fronts at once, and have used economic arguments to justify time-lags in tackling genuine political reform. The combined effect of the Algerian crisis since 1992 and the race towards the Free Trade Area by the year 2010 has actually been quite useful in supporting a centralized political clamp-down in certain EMP states. In the case of Morocco, political openness in some respects (notably, in the press and the creation of NGOs and small enterprises) has shielded the continuation of political 'business as usual' in others (most notably, through the approval required of the ubiquitous Ministry of the Interior over a wide sphere of policy).

7) Where Europe has been less than generous - for example in continuing to limit North Africa's exports of agricultural goods and products - the impression gained is that southern Partner states like Morocco can best protect themselves by going through the motions of instigating a process of democratic reform, while retaining a veil over the realities of power and the governing structures of state. This is not always intentional, but arises from the structural problems associated with depersonalising the exercise of political and economic influence, especially where the two spheres are closely linked. Identifying chains of command can also be difficult for those seeking to reform them; even critics of the status quo differ in their assessments of what is really going on, and who or what is really governing any aspect of policy. The EU needs to be sympathetic to the size and nature of the political problem and assist in long-term, rather than abrupt and piecemeal change.

VI - Conclusions - The Way Forward: Partnership Building Measures (PBMs) and the Charter

It is clear from the arguments advanced so far that the multifaceted ambitions of the EMP cannot be realized in the short term, not least because they are dependent on developments eleswhere. These are taking place, primarily and simultaneously, within the EU itself, but also - with direct relevance to the advancement of Mediterranean political and security

cooperation - within the trans-Atlantic dimensions of Europe's overall security policy coordination.

Rather than pre-empt or predict the outcomes of these shifts and developments, the Charter might reflect this context by trimming its wings and current ambitions, the better to incorporate future measures of the CBM variety when - and even if – the time is ripe. Limiting the initial parameters (and envisaged instruments) of the Charter does not necessarily mean, however, that the EMP should lose any of its potential dynamism. In fact, the holistic vision of the EMP presents governments with a formidable challenge as well as opportunity to coordinate policy across a number of spheres which have hitherto not been well-integrated in expressions of their foreign policy in general. Here too, the challenge is larger than the EMP process itself, reaching into spheres of domestic policy coordination under the direct and sole responsibility of individual governments. Communication across ministries, the assimilation and integration of (occasionally conflicting) policy objectives at the appropriate level, their translation into coherent policy at the local and national levels, and their cohesion through compromise at the EU intergovernmental level constitute a series of bureaucratic, human and technological hurdles facing all EU states on a daily basis. However, as the instigators of the EMP, EU governments might first, and as a priority, focus on how and through what channels they might best articulate the symbiotic goals of the EMP from the domestic level upwards, in order to identify areas for special attention.

The 'Guidelines' for elaborating the Charter reflect some of this thinking, where the main objective is to 'contribute, through a comprehensive and balanced approach, to the strengthening of peace and stability.'[21] Further elaboration of this objective also concentrates on evolving a 'coherent' approach to the primary objectives of the Barcelona Declaration, across all three of its chapters. Given that the EU enjoys more leeway for initiating or supporting policy in the economic and financial, human and social dimensions of the Barcelona process, the starting point for evolving a 'coherent' approach to security might best be found in these areas. Put another way, this means concentrating primarily on developing policies with positive 'soft' (non-military) security outcomes. Only when a firm basis for cooperation has been established in there areas should the EU venture into 'hard' or substantive diplomatic security approaches.

Because they are politically sensitive, and deemed by most southern partenrs to be potentially 'intrusive', hard security instruments will inevitably be harder to devise. Even if only some of the partners are engaged in a process of conflict resolution, for example, the principles which govern any type of engagement under the EMP will require the consensus of all 27 (or 28) members of the EMP[22]. The compromises required to achieve this 27 (28) party consensus are unlikely to produce instruments with much flexibility, effectiveness or even utility, particularly given other alternatives, such as appeals to the United Nations, to the United States (as global and regional arbiter) or to international law. This, in effect, has been the story of the political and security dimensions of the Barcelona process since 1995.

[21] 'Guidelines….' (as above), Objectives, (a)

[22] This, at least, appears to be the implication under the 'Guidelines', which allow partners to engage in preventive diplomacy, crisis management measures and post-conflict rehabilitation 'on a voluntary and consensual basis *in the framework of the Euro-Med Partnership* (emphasis added).

What follows are some broadly depicted suggestions and recommendations for the kind of 'partnership building' in which the EMP might most fruitfully engage, and which might be included in some form in the future Charter or in its work programme follow-up. Some of the 'measures' put forward might be too unstructured or open-ended to warrant the label PBM; as a term, however, PBM was specifically introduced to substitute for the more structured, and historically loaded connotations associated with CBMs and CSBMs. The further development of PBMs thus presents another, dual-sided, opportunity to EMP negotiators: not only to reorient security thinking and practice away from its traditional basis in assumed conflicts and underlying defence planning, but also to create instruments which reflect a more global shift away from a world of 'hard' security responses at the eleventh hour to the more grey-tinged but pre-emptive possibilities of inter-related 'soft' security objectives and mechanisms.

(a) Trading 'Hard' for 'Soft' Security Priorities:

- (i) Partnership Building Measures should concentrate first and foremost on increasing mutual familiarity and understanding across and within the Mediterranean region. The clear priority – or 'leitmotiv' - of the Charter should be to expand the still fragile basis on which regional cooperation is currently posited, in preference to activities predicated on joint, or sub-regional planning for conflict prevention and crisis management. The latter should assume a secondary level of importance, applicable only – as the wording of the Charter 'Guidelines' already indicates – on a 'volontary and consensual basis'.
- (ii) Concentrating the EMP's energies towards positive outcomes through constructive engagement would serve the dual purpose of establishing a stronger framework for cooperation in its widest sense (that is, not just over security issues, traditionally defined, but across the whole spectrum of the EMP) while pre-empting precisely the kind of mistrust and mutual threat perceptions which, for want of other channels, may eventually give rise to conflict.
- (iii) Conversely, the vocabulary of conflict prevention and crisis management should be used with great circumspection. Contrary to intentions, and in the absence of any capacity or willingness within the EMP to address existing conflicts, the very use of this vocabulary at this stage of the EMP's development serves only to reinforce the idea (prevalent among many security analysts) that belligerent tensions are latent to inter-state relations within the Mediterranean region. Most of the region's problems, regrettably, arise at the internal or 'domestic' level, and it is here, rather than at the inter-state level that polices to protect human lives should be developed.
- (iv) Crisis management should, as a result, concentrate more on joint ventures geared towards shared humanitarian and social goals, not mutual dispute settlement. One approach, which might be developed further as a PBM, is an extension of the 2-year pilot project for cooperation between civil protection services referred to above. Could this project, under EMP auspices, have had a role to play in the recent Turkish and Greek earthquake disasters, for example? Or, is the reality that in cases of sudden emergencies, governments are still more likely to offer aid and assistance on a bilateral, government-to-government basis? Explorations by the EMP in this direction could nevertheless be productive, not least because they respond to real rather than imagined needs. Developing early warning systems for natural disasters of the kind already foreseen in the case of the Turkish and Greek earthquakes, along with contingency plans and units ready to react at

short notice, may not only increase the viability of joint responses, but also serve to promote the continuing benefits of exchanging expert advice and technical assistance across a number of sectors within EMP partner states (for example, in developing national fire, ambulance and rescue services).

- (v) The concentration of EMP's energies on the human and social consequences of natural disasters could result in less duplication of efforts engaged in elsewhere. The whole sphere of arms control issues could, as a result, be addressed in novel ways. The political dialogue could, for example, concentrate on incentives towards allocating defence budgets to more humanitarian ends, along the lines ostensibly being followed in Europe. To borrow from the suggestions of Captain Stephen Jermy, drawing on instruments already available under the Maritime Doctrine of the British Royal Navy:

'A number of generic activities spring to mind. The first is Military Aid to the Civil Community (MACC), encompassing the use of military forces in non-military tasks such as disaster relief, search and rescue, salvage and pollution control. Second is Military Aid to the Civil Power (MACP), encompassing the use of military forces in non-military tasks such as fisheries protection, anti-smuggling and anti-piracy. This will be of special relevance where international norms are being inforced. Finally, Arms Control has socio-economic relevance in this division through reduction in defence expenditure freeing up resources for other security sectors, in areas such as social and environmental programmes.'[23]

- (vi) A more structured role than this for the EMP's European partners in the detailed promotion of arms control regimes is, as mentioned above, not only premature, but largely inappropriate given the EMP's subsidiary position relative to the monitoring, verification and compliance mechanisms evolved and exercised by EU governments in other international fora. This is not to say however that consistent with its holistic vision, the EU should not make the appropriate connections and balance of objectives between arms sales to the Mediterranean region (often competitively promoted by ministries of trade and defence within individual EU states) and the goals of arms control and reduction pursued by the same ministries of defence and then collectively by the EU as a whole. Inconsistencies in respect of these often competing objectives – especially over the retention of nuclear arsenals by France and the UK – have and will continue to bedevil attempts to persuade or enforce compliance on international arms agreements with southern Mediterranean states.

(b) Human Partnerships

- (i) The harsh reality facing European governments is that a large number of the expectations raised by Barcelona have been disappointed by delays in the implementation of projects. These have been caused in large measure by the late allocation and initial disbursement of the MEDA funding line, and the suspension of a number of agreed project funds in 1998-9 pending the European Parliament's investigations into the role of European Commissioners' oversight over a number of Commission funding lines, including MEDA. This disappointment has not been universal, but adds to the impression expressed in Morocco that the decision-making and disbursement procedures for the MEDA funding are too distant and centralized to respond to local needs. The back-log of

[23] Captain Stephen Jermy, RN, 'Mediterranean Security, the Maghreb and Europe – an opportunity for Co-operative Security measures?' (mimeo, autumn 1998); See also Carlos Echeverria *Cooperation in peacekeeping among the Euro-Mediterranean armed forces* Chaillot Papers, No. 35, February 1999.

unfulfilled funding initatives should thus be addressed by EU governments as a priority, not only as a gesture of good faith, but as a partnership-building measure in itself.

- (ii) In the reform process taking place at the Commission level, more thought might be given to decentralization of these procedures, whereby EU in-country delegations can be allowed greater discretion over small funding initiatives, above all those destined to increase the accessibility of the EU to local communities. Activities associated with increasing mutual familiarization across and within the Medterranean region already exist; what is currently lacking is the ability of in-country Commission representatives to respond swiftly and with flexibility to local initiatives requiring small levels of funding at relatively short notice. At a time when centralized funding lines in Brussels have not been immune from questions of accountability, reforms to increase transparency within the Commission could be tailored to encompass delegated autority within the Mediterranean region.
- (iii) One approach might also be to set up joint commissions composed of an EU and in-country membership, not only to oversee small funding initiatives, but also to sustain a continuing two-way process of communication between the EU and individual southern partners over a variety of 'partnership-building' issues. This dialogue or exchange of views 'on the ground' could also be fed into the work of the multilateral high officials' meetings on political and security issues.
- (iv) More staff is required on the European side. The Commission cannot manage projects under all three chapters of Barcelona at once, in ways which are at one and the same time appropriate to the circumstances of individual southern EMP countries, which reflect the state of progress in bilateral association agreements, and which correspond to the overall vision set forward in the Barcelona Declaration. Since the Barcelona Declaration also incorporates a desire (under its third chapter) to increase links across civil societies, more thought might perhaps be given to increasing non-governmental participation in the implementation of initiatives. This would be in addition to increasing the number of Commission officials (or 'temporary agents') attached to the relevant directorates-general.
- (v) To date, non-governmental involvement in the political and security dimensions of the EMP has remained limited in scope and confined largely to an advisory role. This could now be explictly extended to exploring the cross-sectoral dimensions of security cooperation, perhaps through a series of designated case studies related to the 5-year assessment exercise proposed above. One existing proposal which has been favourably received by the Commission but not yet officially approved or implemented is a 'scoping study' of the environmental impacts of the Mediterranean Free Trade Zone (MFTZ) proposed by a regional coalition set up under Friends of the Earth Middle East[24]. The utility of devolving this kind of task to 'external' agents is, paradoxically, that non-governmental actors might be better placed than officials engaged in specific areas to identify where connections are or are not being made at national and local levels of policy-making, even before the EMP dimension comes into play. This is an area, too, where the EU's post-Amsterdam Treaty reforms might increase the participation of non-governmental regional and security specialists in the EU's new strategic planning processes (including the Political and Security Committee, and Institute for Security Studies, inherited from the WEU).

[24] See FoEME-MFTZ Project, e-mail communication to MFTX Monitor List, (mftz@foeme.org), 27 July 1999; (web-site: www.foeme.org/mftz)

- (vi) More explicit links might be made between the multilateral and purely bilateral policy initiatives embarked on by individual European partners. It is obvious, for example, that Spanish security concerns are more directly linked to those of Morocco than to those of Jordan, if only for reasons of proximity. Where joint commissions to manage shared security-related concerns have been set up at the bilateral level, examples of cooperative measures which might have general applicability elsewhere could be 'pooled' at the EMP level. The aim would not be to divulge the potentially confidentional nature of bilateral exchanges, but to demonstrate more clearly where sub-regional cooperation may be more appropriate to addressing substantive issues than under the EMP umbrella. It would also, hopefully, reduce the duplication of efforts at several levels, especially if more thought were given to how these initiatives converge with (rather than diverge from) the EMP's overall objectives.
- (vi) The 'soft' security issues of most concern to the EU states are themselves the subject of a complex set of inter-governmental negotiations as well as agreements devised and implemented within the European 'acquis', under the auspices of the European Parliament as well as the Commission. At the same time, the management of these issues – above all, migration and the policing and combatting of drugs and organized crime – are all subject to political pressures and sensitivities at the national level of policy-making. These factors make the evolution of EU-level decision-making all the more complicated and subject to constant external pressures. Over migration policy in particular, and for differing national political reasons, not all EU member-states are signatories of the Schengen accords aimed at harmonising refugee, asylum and visa policies across internal European borders. This complexity needs to be explained to Mediterranean partners in terms of the difficulties associated with building and sustaining common positions within Europe, in ways which limit the coherent expression of EU external policy positions. At the same time, the imput and views of southern Mediterranean partners requires some functional response within those areas of European policy which directly impinge on their ability to fulfill their obligations under Barcelona. One of these is the swift and streamlined granting of visas to southern Mediterranean business delegations needing to visit Europe to market industrial goods and products or seek bilateral sources of investment for joint or new business ventures.
- (vii) The whole arena of migration policy, which ranges across the whole spectrum of policy-making is both the Achilles heel and the 'golden egg' of the EMP. It is the main issue – or set of issues – which finds its place within all three chapters of the Barcelona Declaration, but which too often appears to be rooted in the minds of the EMP's European partners as a question of control rather than opportunity. What is now badly needed is more open discussion of the real dynamics of migration. Until now, preventing uncontrolled population movements across the Mediterranean has constituted the core preoccupation of much of Europe's security planning, the main taboo being even to consider re-opening the question of admitting legal migrants. Yet, as one interlocutor in Morocco commented:
- conditions of illegality in fact encourage those who arrive in Europe to stay clandestinely, for fear of retributions not only from European authorities but also from their home authorities if they are forcibly returned;
- a closed-door approach to new migration also discourages exchanges between the 'best' of the societies on either side of the Mediterranean, since the most qualified migrants are likely to leave for North America or elsewhere. This leaves the unemployed and unqualified to smuggle themselves and others into Europe, creating a situation which,

at best, does little to promote cross-cultural understanding and, at worst, perpetuates negative mutual impressions.

- (viii) This discussion presupposes that migration is a fact of life, of historical as well as contemporary importance which cannot be contained except at great cost to the interior ministries, coastal guards and navies of 'fortress Europe'. More enlightened policies – such as youth and student exchanges under reciprocally managed arrangements, with in-built incentives to return home - might at least be open to discussion under the EMP umbrella, not least to dispel the myth rife within southern EMP societies that 'only inanimate objects are welcome in Europe'. Disaggregating different aspects of population movements – such as visa policies, temporary or permanent migration, asylum seekers and – worse – the control of terrorism, would also go some way towards limiting the security dimensions of these issues to their proper place. This can only be achieved by first broaching the subject at the level of national governments, where progress is likely to be slow. However, the EMP might well play a significant role in introducing southern Mediterranean views to these debates, in ways which contribute to reinforcing the sense of partnership in addressing and managing these quintessentially human issues.
- (ix) Another area where more imagination might be required is in reinforcing cooperation within the EMP over human rights issues. This is another sphere where the European partners appear to be the instigators of policy and the southern Mediterranean governments the reluctant consumers. This is not to say that all or even most EMP partners are insensible to human rights concerns, nor that European states themselves are entirely innocent of human rights violations. It is merely to state that the mechanisms and policies required to make progress in this area do not clearly pertain to the EMP sphere. Most significant improvements in respect of human rights to the south of the Mediterranean have occurred where individual governments, local human rights organizations or INGOs (such as Human Rights Watch, the Euro-Mediterranean Human Rights Network, or Amnesty International) have highlighted the plights of individuals and communities, whose cases are then taken up at the bilateral level between individual European governments or European presidency delegations and the governments of the states in question. In contrast, the discussion of human rights at a general and unspecific level is unlikely to be able to proceed beyond current initiatives – now largely completed – to list international human rights instruments and undertakings adhered to by all parties to the EMP.
- (x) An alternative approach, and one already subscribed to under MEDA Democracy as well as the Stuttgart Chairman's Conclusions is to concentrate the multilateral focus of the EMP on the promotion of the rule of law. In many ways, the creation of a legal framework is a precondition for ensuring the rights of citizens, including their rights to due process through independent courts. A concentration on the rule of law, as a precursor to democracy, could also serve to promote the effective separation of powers within existing governments, as well as submitting the region's militaries to civil, if not yet democratic, scrutiny. The rule of law also features in all chapters of the Barcelona Declaration, but is of key relevance in the economic and financial dimensions of cooperation, of most immediate concern to the southern partners to the EMP. George Joffe has written cogently of the need for predictability under the rule of law as a precondition for encouraging and sustaining foreign direct investment in the southern Mediterranean[25]. In this respect, there are clear incentives to be created based on financial

[25] E.G.H. Joffe 'Foreign Investment and the Rule of Law (1997 EuroMeSCo paper, unpublished, mimeo)

and economic criteria, as well as linkages to be made across the chapters of Barcelona. The principles of predictability and accountability might be cited as minimum requirements for engagement at the EMP level, as well as forming a basis on which the provisions of the Charter are further elaborated. The corollary is that to emphasise too many unrealizable objectives at once – above all, democracy – is to lose sight of the core of the whole partnership-building initiative. This is to create a firm basis on which to make progress in other spheres on a steady and incremental basis.

- (xi) Finally, no progress in human relations is ever possible without taking at least some risks. For the southern partners of the EMP, the risks involved in restructuring their economies to meet the challenge of the Mediterranean Free Trade Zone in the year 2010 are already apparent. The risks taken by European partners, as views from Morocco seem to confirm, are less apparent. This is not necessarily how they appear in Europe to those who predict dire outcomes if the EU's policies towards the Mediterranean fail, citing the combined effects of high demographic growth rates, widescale unemployment and massive migration northwards. Far better, then, to take the small risk now of a managed approach to migration and the building of confidence across societies, than face the potentially unmanageable consequences of only limited contacts between the peoples of the Euro-Mediterranean region.