The European Union and Multilateralism in the Mediterranean: Energy and Migration Policy

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Abstract

The aim of this paper is to explore the practice of EU multilateralism *vis-à-vis* the Mediterranean — a key region for the European Union — by examining energy and migration policies. These two issue-areas are crucial in the Union's strategy for incorporating internal policy objectives into external, multilateral frameworks. The paper assesses the extent to which the EU can be defined as multilateral by exploring the actions of the European Commission and member states in their relations with the different stakeholders concerned with the pursuit of these policies — partner countries and a range of international and non-governmental organisations. The paper will conclude by gauging the extent to which multilateralism can be termed as effective in view of the outcomes of the EU's engagement with these policy areas at internal and external levels.

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Table of Contents

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Introduction

The Mediterranean represents the southern backyard of the European Union (EU). As such it poses challenges and opportunities in a variety of domains. The turmoil that affected multiple southern Mediterranean countries in 2011 confirms the salience of EU-Mediterranean relations. It has also exposed some of the difficulties in pursuing these relations that have accumulated over the decades due to structural and substantial biases; for instance the privileged focus on bilateral cooperation instead of multilateral endeavours, despite the constant effort to establish a global Mediterranean policy. While there has been an abundance of analyses of EU-Med relations in general, with some focused on recent developments[2], assessing them in the framework of a discussion of EU multilateralism (or the lack thereof) represents a new and original endeavour.

Under the framework provided by the MERCURY project, we explore different patterns of multilateral EU-Med cooperation, according to the definition adopted in this research: that is, "three or more actors engaging in voluntary and (essentially) institutionalised international cooperation governed by norms and principles, with rules that apply (by and large) equally to all states" (Bouchard and Peterson 2010: 10). We look specifically at two policy areas: energy and migration cooperation. By reviewing and analysing the content and directions of the actions pursued so far by key actors[3] on specific issues, the paper will try to answer the question of whether the EU, in relation to a range of relevant actors, is capable of working multilaterally. These two policy sectors have been chosen as they represent important areas of cooperation between the EU and the southern Mediterranean region in a number of frameworks, including the European Neighbourhood Policy (ENP), the Union for the Mediterranean (UfM), and bilateral cooperation.

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[2] We refer here to the so-called Arab Spring that has been sweeping across the Mediterranean and the Middle East since the beginning of 2011. Since then tremendous changes have taken place in the region, including the downfall of long-lasting authoritarian regimes such as those of Ben Ali in Tunisia, Mubarak in Egypt and Gheddafi in Libya. These developments have been triggered and accompanied by changes at the societal level as well in the relation with external partner, including the EU. On this last point see, for example, Nathalie Tocci and Jean-Pierre Cassarino, *Rethinking the EU's Mediterranean Policies Post-1/11*, Rome, Istituto Affari Internazionali, March 2011.

[3] The key actors to be dealt with in this paper are the EU institutions and member states *in relation to* the Mediterranean Partner Countries (MPCs), some non-EU governmental and non-governmental actors, including Russia and the United States, and organisations such as NATO, the International Energy Agency (IEA) and the International Organization for Migration (IOM), as well as civil society and private companies. The analysis focuses on EU institutions and member states, employing other actors to gauge EU multilateralism. We will not assess the role of other actors in multilateralism as such due to the limited scope of the paper.

The paper is structured as follows: the first section conceptualises multilateralism with reference to EU-Med relations, and gives a brief background to the development of, and framework for, EU-Med relations. The second section delves into EU-Med energy and migration cooperation, examining the role of the various actors involved in these policy areas, gauging the nature of the EU's engagement with them and the resulting multilateralism picture. The aim is to assess the impact of existing forms of EU multilateral cooperation and their effectiveness in the Mediterranean. The picture that emerges is one in which these (potential) forms of multilateralism are often not institutionalised and the room for effective multilateralism is rather limited.

Conceptualising Multilateralism in EU-Med Relations

European multilateralism in both the energy and migration domains can be assessed by reviewing the EU's engagement with the aforementioned actors and by focusing on the assumptions, values and interests that guide the definition of the EU's actions and objectives in these policy domains. This exercise allows us to gauge the internal vs. external dimension of multilateralism of Europe's policies in the Mediterranean. The internal dimension of multilateralism underscores the extent to which European policies towards the Mediterranean regarding energy and migration cooperation are characterised by initiatives mainly at the member state or EU level. The external dimension of EU multilateralism in the Mediterranean considers room for cooperation and active engagement between the EU and non-EU governmental and non-governmental actors in the pursuit of policy objectives.

With reference to the level of EU and member states' actions, it is possible to analyse two separate but interrelated policy paths: the internal policy path and the external one. The former relates to the EU's legal and institutional mechanisms aimed at creating the conditions for internal cooperation on energy and migration issues. The latter encompasses the strategies that the EU and the member states apply in external energy and migration policy, for which we focus on the Mediterranean. On energy, the internal policy path is pursued mainly through a common strategy to strengthen the EU's internal energy market. As far as the external policy path is concerned, the Mediterranean is not the predominant geographical priority of the EU's energy endeavours. By contrast, migration is a priority high in the EU's agenda due to the Mediterranean's status as a region of origin and transit of migrants en route to Europe. Although we mainly assess these policies in relation to the external context, that is, the Mediterranean, the analysis also illuminates the extent to which the internal and external policy paths are inter-connected. It is not possible to fully

develop the potential offered by the external dimension without addressing the shortcomings of the internal one.

By combining these two variables, we build the following matrix summarising the possible directions and outcomes of EU multilateral cooperation. Our objective is to use it as a guide for answering the question concerning its effectiveness.

Table 1 — The Dimensions of Effective EU Multilateralism in the Mediterranean: Squaring Internal-External Circles

ACTORS LEVELS	EU INSTITUTIONS AND MEMBER STATES	EU AND NON-EU GOVERNMENTAL AND NON-GOVERNMENTAL ACTORS
INTERNAL EU POLICIES		
EU POLICIES IN THE MEDITERRANEAN		

In the vertical columns we have two different sets of actors: in the first, we find the EU institutions, in particular the Commission, and the member states; in the second, we have the EU in relation to non-EU governmental and non-governmental actors. The columns conceptualise the distinction between internal and external multilateralism mentioned above. While in the first column we will mainly focus on the internal dynamics at the EU level between member states and the EU institutions, in the second column we look at the EU as a unitary actor, thus stressing the degree of cooperation and engagement with other non-EU governmental and non-governmental actors such as third countries, international organisations, civil society and the private sector.

In the horizontal rows we have two different types of EU cooperation depending on the context in which it is pursued. The upper row deals with the articulation of the internal EU policy, while the lower one is represented by EU policy in the Mediterranean. For example, in the upper row attention will be devoted to the policies concerning the EU's internal energy market, on the one hand, and the debate on internal migration policies on the other. In the lower row the focus will rest on the external policies of the EU in the domain of energy and migration cooperation with specific reference to the Mediterranean. The analysis will underscore the extent to which EU internal and external policies are closely connected, in both the energy and migration policy arenas, in particular given the

geographical proximity of the Mediterranean region, which means that external dynamics reverberate on the internal arena.

In each quadrant we have crossed these two variables - the actors and the contexts - to identify the relevant patterns of multilateral cooperation (or the lack thereof) and their effectiveness as far as EU energy and migration policies are concerned. Both policy areas exhibit similarities in their resulting cooperation patterns for the different quadrants. For energy, internal dynamics between EU institutions and member states reveal convergence towards the creation of an integrated energy market. Migration policy is a case of selective convergence for this quadrant, as the EU actors involved favour certain orientations over others. Where EU actors engage with the Mediterranean, both energy and migration exhibit bilateralism as the dominant form of cooperation. When it comes to the internal level *vis-à-vis* other governmental and non-governmental actors, energy policy demonstrates compliance, whereas on migration policy internal dynamics are selectively compliant— again, depending on the specific policy orientation at hand. Finally, where the EU interacts at the external level, namely in the Mediterranean, with other actors, energy policy revealed limited cooperation as opposed to patchy cooperation for the case of migration.

The relevant matrixes for each policy domain will be presented in sections four and five, discussing energy and migration cooperation respectively. First, however, we provide a brief summary of the EU's relations with the Mediterranean on energy and migration.

The EU and the Mediterranean Region: A Background

European relations with the Mediterranean have undergone a number of configurations before they arrived at the Euro-Mediterranean Partnership (EMP) framework of 1995. It was in part assimilated into the European Neighbourhood Policy in 2004 but then re-launched in 2008 as the Union for the Mediterranean (UfM). However, relations between Europe and the Mediterranean region have a longer history.

Towards the Euro-Mediterranean Partnership

Links between Europe and Mediterranean countries, energy and migration included, are largely rooted in colonial interactions. The Treaty of Rome had in fact stipulated that certain members of the European Communities could maintain preferential relations with their former colonies. Migrants from these colonies, for instance, came to Europe as part of the

labour recruitment schemes introduced in the aftermath of World War II (Castles and Miller 2009; Portes and Böröcz 1989). In terms of energy, after decolonisation some European states rushed to become partners of Mediterranean energy-producing countries in the exploration and production of energy.

With the advent of the Oil Crisis in the 1970s, European governments tried to develop relations in a number of policy sectors with the Mediterranean — and more specifically the Maghreb — in a systematic manner. Concomitantly, the European Commission advocated finding ways of integrating development concerns into existing economic ties and France put forth proposals for strengthening trade relations with some Mediterranean countries (Bicchi 2007). The result was the Global Mediterranean Policy, launched in 1976 to institutionalise relations with Mediterranean governments, mainly on commercial issues and economic development (Aghrout 2000; Bicchi 2007; Collinson 1996).

The success of the Global Mediterranean Policy, however, was limited. With advances in European integration, Mediterranean partners became somewhat marginalised. The accession of Greece, Spain and Portugal during the 1980s absorbed much of the attention at European level, and granted a degree of self-sufficiency to the Community in policy sectors in which it had previously relied on Mediterranean partners (Bicchi 2007). The signature of the Single European Act, with its stipulation for free movement within the internal market, also inspired discussions on strengthening the Community's external borders, and on the need to establish common regulations for granting visas, concerns that were embodied in the Schengen Agreement of 1985 (Hollifield 2004; Lavenex and Uçarer 2002; Uçarer 2007).

But changes at European level were not only significant because they shifted member states' and European institutions' concerns towards internal developments. They also impinged on the Mediterranean due to the latter's geographical position, its economic dependence on the European market and perceptions of the potential for instability in the region that could affect Europe. The proximity of the Maghreb following the accession of southern European countries created concerns over the potential for increased migration, as well as opportunities for agreements on energy cooperation. Migration more specifically began to be portrayed in political discourses as linked to socio-economic conditions in both origin and transit countries, and to a range of security considerations — a matter that became more accentuated with the end of the Cold War (Collinson 2000). Energy was regarded more as an opportunity for the European states and it increasingly became a fundamental element in the bilateral relations established across the Mediterranean.

At the EU level, these developments and changes in perceptions then provided renewed impetus for the creation of what became the Euro-Mediterranean Partnership (EMP) in the 1990s. The 1992 Lisbon European Council Conclusions refer to stability in the Mediterranean region as a key EU interest with particular emphasis on the Maghreb's economic and social conditions (Council 1992a). Spain, France, the European Commission and (occasionally) Italy saw the pursuit of relations with the region as a strategic necessity (Bicchi 2007). In formulating the EMP, the aim was to reduce socio-economic differences across the Mediterranean, and to ensure the security of the Union (Volpi 2004).

The EMP was launched in 1995 with the Barcelona Declaration, and it covered three so-called chapters: economic, political and socio-cultural (Commission 1995). Work on the pertinent policy areas was envisaged to take place on two levels — bilateral and multilateral. On migration particularly, the EU was interested in establishing more effective control mechanisms, and building capacity in third countries to deal with migratory flows (Collinson 1996). Migration control was seen as essential if a free trade area was to be established in the Mediterranean; the declared aim of the EMP. But the emphasis on exploring cooperation on control measures reflected linkages in policy debates between migration, socio-economic conditions and security issues (de Haas 2007b; Johansson-Nogués 2007; Volpi 2004). By establishing a regional framework the EU hoped to be able to approach issues of common concern in an integrated manner. The issue of energy remained largely confined to the declaratory level. The potential for cooperation between the two shores of the Mediterranean was not yet matched by any adequate plan to include this issue among those in the regional, multilateral framework.

Complementary Frameworks: The ENP and the UfM

The EMP was not the only venue in which relations between the EU and the Mediterranean took place. Alongside this endeavour, the European Neighbourhood Policy, or ENP, was developed as a response to the challenges posed by the 2004 EU enlargement (Commission 2004; Occhipinti 2007; Smith and Weber 2007). As with the earlier accession of southern European countries, the reconfiguration of the EU's borders inspired debates as to how to deal with new neighbours. Even though borders changed to the east of the EU this time, the Mediterranean was also included within the neighbourhood concept at the insistence largely of France and some MPCs. Alongside this, the Union for the Mediterranean was launched in 2008 to give new impetus to the EMP, with policy areas of

concern being gradually introduced. How did these two frameworks link with the multilateral pursuit of policy objectives?

The ENP was modelled on the way relations were conducted with candidate countries prior to the 2004 enlargement (Kelley 2006). It was set out in the Wider Europe Communication in an attempt to organise relations with neighbours, which in most cases did not have the prospect of becoming EU members (Commission 2003). As Commission President Romano Prodi (2002) put it, the idea was to share "everything but institutions". What was novel about the ENP, in comparison to the Barcelona Process, was that it introduced the possibility for differentiating relations with partner countries — and offering them incentives — depending on the latter's progress in reaching commonly established benchmarks on policies of common interest (Del Sarto and Schumacher 2005; Johansson-Nogués 2004). Therefore, despite complementing the EMP and itself having a regional dimension, the Neighbourhood Policy has had a strong bilateral component.

Some scholars interpret the launch of the ENP as an attempt to remedy limited regional cooperation amongst Mediterranean partners (Del Sarto and Schumacher 2005), and as a way of ensuring that individual countries adopt sectoral capabilities within their institutional structures (Occhipinti 2007). Even though we will not analyse the ENP in detail, it is worth mentioning here that it is a framework that somewhat undermines the multilateral aspirations of the EMP and the UfM — albeit arguably being more effective in getting the MPCs to adopt measures of common concern on a case-by-case basis.[4] However, on migration specifically, even binding bilateral commitments with neighbouring countries have so far been very difficult to reach (Lavenex 2008). As far as energy is concerned, on the other hand, cooperation is given an increasingly importance status in the ENP Action Plans although the formulation tends to be vague, listing only general goals and aspirations such as enhancing energy policy cooperation through information exchange, but without providing the instruments to ensure their actual implementation.

In July 2008 the EMP was re-launched as the Union for the Mediterranean in an attempt to inject "renewed political momentum into Euro-Mediterranean relations" (Council 2008: 3). The UfM is meant to institutionalise relations further by strengthening and upgrading political cooperation, putting emphasis on the co-ownership of initiatives. The regional, multilateral dimension of projects has been highlighted in particular. The pursuit of migration concerns — in terms of labour migration, links between migration and

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[4] For instance, there are no multilateral migration management initiatives at Mediterranean level, but a country like Morocco has been willing to cooperate (mostly in a non-binding manner) with the EU at bilateral level as part of differentiated relations under the ENP, despite shortcomings from the EU's perspective.

development, and control of irregular migration— has been presented as necessarily involving all relevant stakeholders in an integrated manner (Ibidem). There has been, however, limited progress on multilateral migration initiatives with the Mediterranean partners as a group, despite the intended impetus for re-launching the framework for relations with them. Even though the Spanish EU Presidency in 2010 had aimed at integrating migration more actively into discussions, no concrete initiatives were undertaken. Limited progress has instead been made on other areas, such as water issues, energy and the environment (UfM Secretariat 2010). Turning to energy cooperation specifically, the promotion of alternative forms of energy and of energy efficiency is one of the six projects that constitute the core of the UfM. One key target is the deployment of an additional 20 Gigawatt (GW) of renewable energy capacities by 2020. However, its practical implementation has long been negatively constrained by disagreement among the UfM members.

Energy Policy: Limited Multilateralism Beyond Cooperation

Before assessing the EU's multilateral features, both internally and externally, in the energy realm, we begin by reviewing current trends in energy demand and supply in the Mediterranean with a view to underscoring the constraints and opportunities facing the EU and its member states.

The energy challenge is one of the greatest tests facing Europe in the 21st century. Not only is the EU facing the urgent need to integrate its internal energy market, but almost all EU member states are strongly dependent on energy imports, be these from Russia, Norway, or the southern Mediterranean countries. This is why the EU and its member states attach increasing attention to securing safe, competitive and sustainable energy.[5] Given these constraints and the need for energy diversification, the southern Mediterranean becomes a strategic environment in which the EU can test its external energy policy to try to fulfil its energy needs.

Europe's dependence on imported fossil fuels is on the rise. Today, Europe imports over 85 percent of its oil, close to 62 percent of its natural gas and an increasing percentage of its coal. Overall, Europe imports more than half of the energy it uses. In a business as usual scenario based on 2009 figures, EU import dependence will jump from 50 percent to 65 percent in 2030, with reliance on imports of natural gas expected to increase to 83 percent

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[5] On the security of supply-competitiveness-climate change triangle in energy policy see Lauvergeon 2007.

and of oil to 94 percent.[6] When looking at Europe as a whole, according to some studies up to 45 percent of oil imports originate from the Mediterranean and Middle Eastern region and roughly 30 percent from Russia (Rosner 2009: 165). However, this dependency is not equally distributed, as the EU's central and eastern European member states are far more dependent on Russian hydrocarbons than the former EU of fifteen, and some southern European countries, particularly Italy, are equally exposed on the southern and the eastern fronts. Italy imported 30 percent of its oil from Libya and 33 percent of its natural gas from Algeria in 2009 (Casertano 2010: 144-150).

EU energy consumption is expected to level out in the future. But world energy consumption will continue to grow due to global population growth and economic catching up, and this growth will be mainly driven by the increasing needs of developing countries. In the EU neighbourhood, the southern Mediterranean countries will experience a net increase in the energy demand for electricity between 2010 and 2030 (Colombo 2010: 25-27). Next to these increasing needs, the northern and southern shores of the Mediterranean will continue to present a number of complementarities also in terms of energy cooperation. While some countries in the South have so far displayed a high propensity to export energy and to attract investments to develop their energy industries,[7] this analysis should take into account the likely future impact that the recent Arab revolutions will have on the energy sector of countries such as Egypt and Libya. Heightened fears of the disruption of energy flows directed at countries such as Italy testify to the centrality of the energy issue for the most exposed EU countries.

Fossil fuels represent up to 80 percent of the European energy mix today. In a business as usual scenario, their share may still be 70 percent by 2030, but renewable sources are expected to account for an increasing share. This is in line with one of the main goals of Europe: that is, to secure a diversified yet clean and environmentally sound energy mix that can adequately meet the EU's future energy demands. The goal of diversification has prompted some EU member states to evaluate an increased contribution of nuclear energy and renewables in recent years. These two energy sources confront the EU with two totally different sets of issues in terms of regulation and negotiation with national decision-makers. On the one hand, as showed by Rosner (2009), the resurgence or downgrading of nuclear energy in the EU member states depends on a number of factors: domestic support for nuclear power, the existence of national energy champions traditionally active in this field,

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[6] Data from Europe's Energy Portal (http://www.energy.eu/).

[7] At the same time some undemocratic and populist regimes in the southern Mediterranean, such as in Algeria, have restricted access to their national energy industries to foreign investors in view of garnering popular support.

domestic economic realities, and the growing acknowledgement that nuclear energy could contribute to security of supply, competitiveness and environment protection. All in all, however, the EU remains undecided on nuclear technology. On the other hand, renewable energy is less controversial. The development of renewable energies has become one of the pillars of the EU and member states' energy policies. Although this issue will be addressed in much greater detail in the next section, it is worth mentioning here that renewable energies are regarded as a fundamental factor of Euro-Mediterranean integration and a motor of sustainable development for the whole region.

The EU Energy Policy: The Challenge of Multilateral Cooperation

When it comes to the EU's energy policy in the southern Mediterranean, to what extent can such policy be defined as multilateral and as effective? By delving into a mosaic of issues, ranging from the diversification of sources, respect for environmental protection guidelines and the foreign policy dimension of energy security,[8] including the supposed trade-off between the stability of energy supplies and democracy and human rights, this section of the paper will argue that the EU is capable of working multilaterally internally, achieving a certain degree of coordination among its member states. By contrast, the external dimension of the multilateralism and effectiveness of EU energy policy in the Mediterranean is more questionable. The analysis is summarised in the following table.

Table 2 — Cooperation Patterns on Energy Policy

ACTORS LEVELS	EU INSTITUTIONS AND MEMBER STATES	EU AND NON-EU GOVERNMENTAL AND NON-GOVERNMENTAL ACTORS
INTERNAL EU POLICIES	**CONVERGENCE**	**COMPLIANCE**
EU POLICIES IN THE MEDITERRANEAN	**BILATERALISM**	**LIMITED COOPERATION**

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[8] It is important to differentiate between "external energy policy" from the perspective of individual member states and of the EU. Viewed from the member states, external energy policy comprises energy relations with both member and non-members of the EU. From the EU's perspective, external energy policy addresses only third parties. Thus, only if the EU's internal relations are harmonised sufficiently through the creation of an internal energy market and solidarity mechanisms, EU and member states' external energy policies become one and the same. This does not mean that an integrated EU market is the precondition for addressing the external dimension of the EU's energy policy, but rather that internal and external policy dimensions are mutually dependent (Baumann and Simmerl 2011:3).

Towards the Creation of the EU Internal Energy Market

Multilateral energy cooperation and bargaining between member states and EU institutions at the internal level is a complex process aimed at defining the rules and principles to ensure a fully functioning, interconnected and integrated internal energy market. At the heart of the EU's energy policy lies the successful completion of a common internal energy market. This stems from two basic concerns regarding, on the one hand, the improvement and harmonisation of energy regulations and, on the other, the need to develop interconnected infrastructures. Energy integration within the EU would help counter a number of problems, such as the difficulties faced by new entrants into the European energy space, the existence of concentrated and vertically integrated energy markets and the concentration of market power in the hands of a limited number of players. All these factors account for the vulnerability and the non-competitiveness displayed by Europe in terms of energy availability.

In the attempt to address these shortcomings, EU heads of states and governments – with no input from the European Commission – have devised a common strategy to strengthen the EU's internal energy market. This strategy involves the linkage of national transmission grids by building a series of interconnections among and between states and their national electricity grids (Commission 2010b). The driving principle guiding this internal cooperation is the idea that no EU member state should remain isolated from the European gas and electricity networks after 2015, since the lack of appropriate connections could jeopardise their energy security. Enhancing power connections among and between states would provide them energy also in the event of national power failures or emergencies, and concurrently could foster the effective growth of economies of scale within Europe. Since this is a fundamental preoccupation of all member states, each having a more or less pronounced dependency on external energy sources, it is easy to understand why this policy goal has been the object of coordination and convergence of interests as well as of actions by member states. This convergence has empowered the Commission to devise an appropriate strategy to reach this objective.

In practical terms, the first EU Summit on Energy held on 4 February 2011 set the target date of 2014 for completing the internal energy market (PCE 026/11). Next to the EU Commission's pledge to streamline and improve authorisation procedures regarding the employment of EU funding for the building of new infrastructure, the role of the member states is crucial in view of accelerating the adoption of measures and standards for electric vehicle charging systems and for smart grids by the end of 2012. The EU Commission has identified 42 infrastructure projects that are eligible for financing with a view towards

connecting electricity and gas networks throughout Europe. According to the Commission's proposal, the main objective of creating an internal energy market should be accomplished through a two-step effort: first, regional energy markets within the EU shall be established that enjoy sufficient interconnection and possibly similar relations with certain energy suppliers, that is within the Mediterranean region; second, these groupings will be then interconnected to complete the internal energy market.

All in all, while respecting national competences and procedures, the Commission is pushing member states to operationalise the principle of solidarity. This means that common goals, such as a unified and functioning internal energy market, has to be achieved on the basis of the principle of effort-sharing and common but differentiated responsibilities (Baumann and Simmerl 2011: 18). The principle of solidarity spelled out in the Treaty of Lisbon, which entered into force on 1 December 2009, is one of the key values that should guide the actions of the member states also in the energy realm. In this domain, the Treaty also lays down explicitly the central goals of energy policy recalled above: security of supply, competitiveness and sustainability.[9]

In conclusion, the full integration of the EU energy market remains one of the most important goals of the EU's energy policy as far as the internal level is concerned. The attainment of this goal has so far been matched by some degree of convergence among the member states with a view to devising common rules, standards and principles to ensure that a more united and interconnected EU energy market sees the light. This process is likely to continue with renewed vigour also thanks to a number of instruments provided for by the Lisbon Treaty.

A Compliant EU Policy in Terms of Environment Protection

The EU does not act in a vacuum as far as the articulation of its energy policy is concerned. EU energy policy is permeated by values and objectives that are (partly) developed in compliance with the provisions of other super-national bodies. We refer here to the area of international environment governance that has produced a number of regulations and standards that have been percolating in the various EU declarations and commitments on the sustainable use of energy.

The emphasis on EU energy sustainability cannot be understood without taking into account the global environment and climate preoccupations. A number of documents

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[9] See Article 194 of the Treaty on the functioning of the European Union.

outlining priorities in this respect have allowed EU institutions to endorse a clear package of objectives that all the member states have "firmly and independently" agreed to commit to (Commission 2006d, 2007b). This is the field in which the construction of a comprehensive EU energy policy has undergone the most significant development in the past five years. The EU Commission has in fact been able to drive member states towards agreeing on targets that go beyond the lowest common denominator, thus making the EU a global leader in environmental and climate protection.

The ambitious energy and climate-change objectives for 2020 are the following:
- • reduce greenhouse gas emissions by 20 percent;
- • increase the share of renewable energy to 20 percent – including a minimum of 10 percent for biofuels subject to availability and second generation technology (Rosner 2009: 163);
- • make a 20 percent improvement in energy efficiency, which requires determined action to tap the considerable potential for higher energy savings of buildings, transport and production.

These objectives have been incorporated into and made even more explicit in the "Europe 2020 Strategy for smart, sustainable and inclusive growth" as adopted by the European Council in June 2010.[10] These objectives are in line with those set by other non-governmental organisations in which EU member states participate. For example, the Intergovernmental Panel on Climate Change (IPCC) and the United Nations Framework Convention on Climate Change (UNFCCC) have set similar objectives.[11] All in all, the EU has managed to develop internal multilateral guidelines and standards that are also the result of multilateral action in a wider arena made up of governmental and non-governmental supra-national institutions. What remains to be assessed is the actual enforcement of these guidelines.

As stressed in the European Council meeting on energy of 4 February 2011, the 2020 sustainable energy targets are presently not on track. Although the EU is already considering the next step - the elaboration of the low carbon 2050 strategy that should provide the framework for the longer term action in the energy and other related sectors - the deadline of 1 January 2012, by which all member states should include energy efficiency standards for relevant public buildings and services taking into account the EU

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[10] See the Europe 2020 document at http://ec.europa.eu/eu2020/pdf/COMPLET%20EN%20BARROSO%20%20%20007%20-%20Europe%202020%20-%20EN%20version.pdf (accessed on 10 March 2011)

[11] The IPCC has requested developed countries as a whole to reduce green house gas emissions by 80-95 percent by 2050. See http://ipcc.ch/ (accessed on 10 March 2011).

targets, seems unlikely to be met. Although some authors have criticised the 2020 programme as more of an environmental blueprint than an energy security strategy, which dangerously imperils the EU "as a master of its own energy destiny" (Rosner 2009: 164), the reality appears to be that, despite the existence of these objectives to which all member states have expressed their commitment, national governments largely retain the right to determine their own energy future. All in all, compliance on energy issues at the internal level between the EU and non-EU governmental and non-governmental actors tends to take place on the norms more than on the actions.

The EU Mediterranean Energy Policy: The Triumph of Bilateralism

The European Mediterranean energy policy aims at addressing the challenges of energy diversification, import dependency and supply security, which were named as global challenges in the European Security Strategy (ESS) of 2003. The Commission and the Council together started to speak of the need to develop a Common External Energy Policy (CEEP) and to integrate external energy relations into the EU's foreign policy. In the document outlining the *Partnership for Democracy and Shared Prosperity with the Southern Mediterranean*, launched in March 2011, the EU stressed the strategic importance of this region for its security of gas and oil supplies but also more broadly in terms of transit from the region and beyond. It emphasised the potential for building an EU-Mediterranean partnership in the production and management of renewables, in particular solar and wind energy, and in having a joined-up approach to ensuring energy security. It declared that

> "it is desirable to open a credible perspective for the integration of the Southern Mediterranean in the EU internal energy market based on a differentiated and gradual approach. In the mid to long term, this would mean establishing a form of 'EU-Southern Mediterranean Energy Community' starting with the Maghreb countries and possibly expanding progressively to the Mashreq". (Commission 2011b)

Despite these ambitious plans, the reality is that the Mediterranean region is marginal in the overall European perspective. This is not meant to deny that, for some EU member states, the Mediterranean represents a crucial space not just in energy terms but more broadly for a number of spill-over effects that derive mainly from the geographical vicinity of this region. However, it is necessary to frame the discussion on the EU Mediterranean energy policy in the broader picture of the EU external energy policy with a view to pinpointing the positive contribution of the former to the definition of the latter.

In this quadrant, bilateralism refers to two different forms of cooperation that are prominent between the EU and the Mediterranean. The first reflects a lack of convergence among the member states as far as their energy foreign policies are concerned, which leads to the development of strictly bilateral relations with the Mediterranean partners or, broadly speaking, with the energy source countries. The second concerns another form of bilateralism linked to the 'hub-and-spokes' EU approach pursued in the framework of the European Neighbourhood Policy (ENP).

Member states' energy foreign policies are defined by national access to resources, nationally developed facilities, integration into specific systems and connections, and differing or competing national decisions regarding power generation. It is important to stress that all EU member states are increasingly confronted with global competition from emerging economies and the depletion of domestic and European reserves. Thus, all of them face the challenge of differentiating their energy sources.

Despite shared challenges and strategic objectives, the primacy of national energy strategies at the member state level is the decisive obstacle for all efforts to forge a Common External Energy Policy (CEEP) at the EU level. The factors that shape these national policies, making it difficult for them to converge on substantive goals, are partly the result of different historic trajectories developing out of national specificities, including domestic resources, geographical location, domestic demand and public opinion. Relations with energy supplying countries, for example in the Mediterranean, are also the result of historical partnerships that have made the development of connective infrastructure and ties at the level of the main energy companies possible. These historically established energy relations with distinctive producing regions or countries narrow the present and future options for external energy policy and lead to conflicting preferences (Baumann and Simmerl 2011: 13).

To take one significant example, it is not surprising that a country like Italy has developed strong relations with energy supplying partners such as Algeria and Libya. A critical factor is the role played by ENI – the leading Italian national energy corporation – in these countries. Years of state intervention and a longstanding presence in these countries – in Libya ENI has been operating since 1959 – have led Italy to protect the interests of its national champion as a means to ensure energy security, to enhance its negotiating power *vis-à-vis* its partners, and to develop strong bilateral relations. In this light, it is significant that during the 2011 war in Libya, many voices in Italy raised concerns about the possible negative impact situation on Italy's supply of energy, while no common EU position was voiced

expressing a joint strategy to face this critical circumstance. *Mutatis mutandis*, the pattern described above holds true for all the EU member states, which may be gravitating towards other supplying regions or countries.

According to Baumann and Simmerl (2011: 14-15), it is possible to identify roughly four geographic energy regions within the EU, all of which are constituted by bilateral arrangements between supplying and receiving countries. While the existence of these "energy regions" could become the bedrock of the integration of the EU energy policy at the external level, for the time being member states' efforts to defend their sovereignty and the prevalence of bilateral forums inhibit the creation of the CEEP. Attempts by the Commission to improve the consistency and coherence of the EU's external actions in the field of energy are regularly dampened by the Council due to a lack of consensus, "while the member states are only able to agree upon very general principles – for example diversification of transit routes and resources – which are just a weak frame of reference for joint action" (Baumann and Simmerl 2011: 3). One means to counter these centripetal movements by the EU member states is that individual member states are invited to inform the Commission of all their existing and new bilateral energy agreements with third countries starting from 1 January 2012. The Commission will then make this information available to all other member states, having regard for the need to protect commercially sensitive information.

That EU energy security has achieved the least palpable progress in comparison to competitiveness and sustainability is partly the result of how closely intertwined energy is with the EU's foreign policy priorities. A major challenge to the CEEP is that all of the aforementioned attempts to create it are couched within the broader concept of establishing a European Common Foreign and Security Policy (CFSP). Despite the effort to define common foreign and security policies at the EU level, this domain continues to be driven by national priorities, domestic considerations and the perception of threats in the global security environment. While a number of issues related to energy security are eminently technical and economic in nature, they are framed in a complex and varied security and defence context. Similarly, the fact that the external energy policy is an integral part of the EU's foreign policy is seen as a case of overstretch from the perspective of some member states that enjoy particularly good relations with their foreign suppliers, thus providing more incentives for free-riding. Finally, it is still unclear who – the Commission, the High Representative for Foreign Affairs and Security Policy or some "Mr./Mrs. Energy" – should be in charge of representing the EU on energy questions (Baumann and Simmerl 2011: 7).

Turning to the second meaning attached to bilateralism in the EU Mediterranean energy policy, it must be stressed that a complementary effort in the development of the CEEP is to reach out to non-member states in a number of regions with which the EU as a whole is interested in building a solid energy relationship. The southern Mediterranean region does not escape from the EU's reach in this respect. The Union is trying to develop beneficial energy partnerships covering a wide range of issues, ranging from energy legislation and regulatory approaches - thereby facilitating foreign investments - to energy security and efficiency. The ultimate aim is to encourage neighbouring countries to embrace the EU's relevant internal energy market rules, notably by extending and deepening the Energy Community Treaty to further integrate countries willing to participate in the EU's energy market. In the process, the promotion of regional cooperation initiatives becomes possible.

The ENP provides an adequate framework to fulfil this aim. It represents the bilateral component of the energy partnership policy. Energy cooperation takes place within the context of broader multi-sectoral bilateral agreements, such as the ENP Action Plans with specific partner countries. Both the EU-Morocco and the EU-Egypt Action Plans, dating back to 2005 and 2007, respectively, outline the objective of cooperation in the field of energy. This cooperation is basically framed along the lines of the EU's energy policy objectives, which include security of supply, competitiveness and environmental protection.[12] Specific mention is also made in both documents of the need to implement the Memorandum of Understanding (Rome, 2 December 2003) on the gradual integration of the electricity markets of the Maghreb countries into the EU's internal electricity market. The EU is, in fact, aware of the necessity for the countries of the Maghreb region to pursue regional cooperation and integration, particularly in a fundamental sector such as energy.

The cases of Algeria and Libya, the two most important energy producers in the region, are distinctive. While these two countries have not yet signed an Action Plan with the EU, they are part of a programme of cooperation with the EU Commission under the European Neighbourhood Policy Instrument (ENPI) that makes more than a passing reference to their enormous energy potential and crucial contribution to the energy security of the European countries.[13] The partnerships between the EU and these two countries, despite the fact that

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[12] See the EU-Egypt Action Plan at http://trade.ec.europa.eu/doclib/docs/2010/april/tradoc_146097.pdf (accessed on 12 March 2011) and the EU-Morocco Action Plan at http://trade.ec.europa.eu/doclib/docs/2006/march/tradoc_127912.pdf (accessed on 12 March 2011).

[13] See the ENPI Libya Strategy Paper and National Indicative Programme 2011-2012 at http://ec.europa.eu/world/enp/pdf/country/2011_enpi_csp_nip_libya_en.pdf (accessed on 13 March 2011) and the ENPI Algeria Strategy Paper 2007-2013 and the National Indicative Programme 2007-2010 at http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_algeria_en.pdf (accessed on 13 March 2011).

mutual relations are troubled in other policy domains such as migration or trade, are a priority for Europe.

A partial deviation from this bilateral trend on the part of the EU is represented by the Union for the Mediterranean (UfM). In reality, it is not an example of multilateralism but rather of an inter-governmental endeavour launched in 2008 in which the European institutions have been purposely sidelined. Although this form of inter-governmental cooperation would not in principle be incompatible with multilateralism, for the time being it is precisely that due to the numerous shortcomings and failures that it has displayed since its very beginning (such as limited cooperation among its members on technical and sectoral issues due to political cleavages). The development of renewable energy, especially solar and wind, is one of the six projects of the UfM. The Mediterranean Solar Plan, not to be mistaken for the Desertec Project launched by a consortium of German and international companies, aims at exploiting the huge solar, and in some cases, wind potential of the MPCs. The development of renewable energy in the MPCs could, according to the authorities in these countries, have a significant socio-economic potential in terms of job creation and positive spill-over effects.[14] However, as far as the concrete implementation of this plan is concerned, the Plan is lagging. So far discussions have focussed on the development of a Master Plan, which should be submitted by mid-2013 and will be made up of five main building blocks: policy and regulatory frameworks, funding and support schemes, physical infrastructures, renewable energy as an industrial policy tool, and know-how transfer and capacity development. Another substantial difficulty concerns the need to mobilise funds for this project. In conclusion, the picture of EU-Med cooperation on energy issues appears to be rather mixed with a strong prevalence of bilateral initiatives hampering the potential for multilateral cooperation.

Mediterranean Energy Potential in the Eyes of External Actors

The Mediterranean energy landscape is in constant flux due to the emergence of new actors and international dynamics that add to the complexity of EU external energy policy. Here, we consider only two external actors: Russia and the United States. EU cooperation with them in the Mediterranean as far as energy is concerned is strictly limited.

Russia is not a new actor in the Mediterranean, but it is emerging with a completely different role compared to the Soviet period. Russia appears to be increasingly involved in the countries of the southern Mediterranean, particularly in Algeria to which Russia has

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[14] Author's interviews in Algeria and Morocco, December 2009 and October 2010.

cleared a debt amounting to $4.7 billion dating back to the Cold War period. It is likely that Russia is trying to position itself on the Mediterranean market in order to compete with North African producers as supply markets for the EU (Colombo and Lesser 2010: 4).

As far as the United States is concerned, its presence in the region does not derive from the need to satisfy its energy needs but rather from much broader geo-political and geo-strategic considerations. It is possible to argue that the United States does not have a view of the Mediterranean as a space 'per se' but rather as the strategic depth of much more pivotal areas, such as the broader Middle East and Afghanistan. All in all, due to its dwindling physical presence in the Mediterranean region, the US Navy is not playing its traditional role of securing energy transportation routes through and around the Mediterranean as in the past (Ibidem: 5). This role could be undertaken by China in the future, given its growing physical presence in the Mediterranean.

The degree of energy cooperation between the EU and these external actors in the Mediterranean is very limited. There are no examples of jointly devised or implemented activities. It is, however, possible that their presence may become more significant as a result of the increasing competition for energy resources, thus pushing the EU to develop strategies of engagement towards them.

Further mention deserves to be made of two international organisations dealing with energy security in the Mediterranean, specifically, NATO and the International Energy Agency (IEA). The EU has developed only limited cooperation (so far) with the IEA beyond the rhetorical level. In this case, however, the picture is less one of competition than a mutually reinforcing attempt to rationalise the EU Mediterranean energy space. However, it does not translate into effective multilateral cooperation. Limited cooperation with IEA is linked to the fact that most EU member states participate in this organisation and thus they are bound by the institutional framework and the objectives pursued by IEA in a number of areas of energy security. The countries of the Mediterranean are involved in bilateral cooperation with IEA as recipient countries.

Turning to NATO, the new Strategic Concept adopted at the Summit meeting in November 2010 provides an indication of NATO's new tasks in assuring energy supply. It explicitly refers to "contribut[ing] to energy security, including protection of critical infrastructure and transit areas and lines, cooperation with partners, and consultations among Allies on the basis of strategic assessments and contingency planning."[15] The Concept emphasizes the

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[15] See NATO's new Strategic Concept at http://www.nato.int/lisbon2010/strategic-concept-2010-eng.pdf (accessed 16 June 2011).

security dimension of energy supply. To achieve these goals, the Alliance is committed to a sustained dialogue with other actors such as the EU and the IEA. The role of NATO in energy security - which extends from promoting consultations, stability, exchange of information and best practices, to the protection of critical energy infrastructures - is perceived to be complementary to that of other relevant actors, including that of the EU in the Mediterranean. In order to ensure complementarity, NATO seeks to ensure that all actors know one another and thus avoid wasteful duplication. NATO is also actively cooperating, on a multilateral and a bilateral basis, with its partner countries in the Mediterranean through the Mediterranean Dialogue (MD) and the Istanbul Cooperation Initiative (ICI) cooperative frameworks.

From this analysis, it is clear that EU external multilateralism in the Mediterranean has not developed its potential yet. Rather, it is possible to speak of non-institutionalised cooperation among a N-group of actors, which includes the EU, Russia, the United States, NATO and IEA, on the grounds of shared energy preoccupations and objectives. A more articulated, comprehensive and institutionalised form of cooperation has not materialised yet.

Europe's Migration Policy and the Mediterranean: Effective Multilateralism or Patchy Implementation?

EU migration policy can be summarised as a constant battle between internal and external levels. The 2011 Arab Spring and resulting increase in migration from North African countries exposed the perennial questions of control of external borders versus the prerogative of free movement within the Union's territory; and how the EU ought to deal with new challenges internally, and externally in their relations with the Mediterranean. On the external front specifically, concerns with the unrest in neighbouring regions reveal the importance the EU attaches to cooperation with third countries.

Migration is an issue that involves a number of actors, and whose management is seen as necessarily involving various parties. The EU has consistently endorsed this view in the past decade or so, most notably through the 2004 Hague Programme at the internal level and through the 2005 *Global Approach to Migration: Priority Actions Focusing on Africa and the Mediterranean* on the external front. Both of these strategies endorse multilateral cooperation as necessary for dealing with migration challenges.

But does the EU pursue its migration policy objectives in a multilateral fashion? And if so, is its approach effective? In order to answer these questions it is important to make two distinctions. The first involves the kinds of migration policies involved — whether these are restrictive (related to migration control, surveillance of borders, return, and so on), or preventive (linked to developmental goals in countries of origin and/ or managing legal migration in a positive manner). The second concerns the level at which multilateralism is being observed: internally (within the EU) or externally, according to the matrix being used in this research. The argument advanced here is that the success of the multilateral aspirations of the EU for tackling migration depends on the kinds of policies and the level at which these are pursued. Member states are more amenable to pursuing multilateral initiatives both internally and externally on restrictive measures, and more likely to cooperate with one another. The Commission, on the other hand, seems keen to pursue multilateral initiatives at both levels and on both kinds of policies. This mismatch in priorities and visions translates into a mixed implementation picture with the Mediterranean. Aspirations for tackling migration in a way that brings together countries of the region and a range of international and non-governmental organisations have not been realised. What has emerged instead are patchy arrangements whereby migration concerns are tackled through bilateral initiatives, and in conjunction with a range of organisations.

Mapping the Actors in EU Migration Policies

Where do different actors stand on migration policy within the frameworks for relations established at EU level? How does their engagement at internal and external levels, and on different kinds of policies, condition multilateralism and its effectiveness? This section will examine how the member states and the European Commission engage with one another, and with the Mediterranean partners and other relevant organisations in the pursuit of declared common policy objectives. The analysis is summarised in the following table:

Table 3 — Cooperation Patterns on Migration Policy

ACTORS / LEVELS	EU INSTITUTIONS AND MEMBER STATES	EU AND NON-EU GOVERNMENTAL AND NON-GOVERNMENTAL ACTORS
INTERNAL EU POLICIES	**SELECTIVE CONVERGENCE**	**LIMITED COMPLIANCE**
EU POLICIES IN THE MEDITERRANEAN	**DOMINANT BILATERALISM**	**PATCHY COOPERATION**

Internal Multilateralism on Migration: A Case of Selective Convergence

Multilateral cooperation between member states and European institutions represents a case of selective convergence on migration issues, which differs from the bargaining for effective convergence observed for energy policy. Internal selectiveness has been abetted by the EU's (and previously the Community's) institutional setting. Prior to the establishment of the EU's three-pillar structure, members of the Communities came together to discuss issues related to migration mainly under ad hoc frameworks (Geddes 2008). Governments sought to coordinate their national policies and consult one another mainly on restrictive measures: deportations, exchanges of information, conditions for admitting migrants, and how to manage external frontiers (Geddes 2003). The nature of governments' engagement with one another on migration issues was institutionalised under the Maastricht Treaty. Migration matters were placed under the third inter-governmental pillar for cooperation on justice and home affairs (JHA). Recognising that they could not deal with the challenges of migration individually, European countries discussed border controls, police cooperation, readmission agreements and visa provisions (Boswell 2003; Guiraudon 2003; Uçarer 2003). The angle adopted at the time linked migration to the perceived security repercussions of having freedom of movement for EU citizens. The implementation of the Schengen Agreement in 1995, designed to manage the Union's external borders on a common basis in the absence of internal controls, reveals convergence on this kind of approach amongst member states.

The European institutions were sidelined during these periods, and were not effective participants in multilateral discussions. The Commission tried to play a greater role in migration issues by linking its responsibilities with the measures that were discussed by governments (Callovi 1993; Geddes 2008). It argued that the policies embraced by states impinged on the Community's social issues — in relation to migrant integration and their working conditions, for instance (Ugur 2005), which were under its responsibility. Yet, internal cooperation continued to focus on irregular migration control. Cooperation on these policies mostly involved officials from interior and justice ministries away from public scrutiny (Boswell 2003; Geddes 2008).

There were two significant developments at the end of the 1990s. European institutions gained greater say in JHA matters when these were largely moved into the Community's competence with changes introduced by the 1997 Amsterdam Treaty. Migration and asylum were moved from the inter-governmental third pillar to the Community first pillar (with the exception of legal migration that remained under member state competence). As a result, the Commission became much more active in putting forth proposals (Geddes 2008; van

Selm 2002). Then, the 1999 Special Justice and Home Affairs Council held in Tampere advocated a common EU policy on migration and a more comprehensive approach to this issue-area. It not only emphasised restrictive measures, but also preventive ones (Council 1999). Both of these developments are reflected in subsequent initiatives and proposals, suggesting that internal multilateralism on migration came to be inclusive of a wider range of policies. The Hague Programme is representative of the scope of internal coordination that the EU and member states envisaged.

The Hague Programme, adopted in 2004, sought to coordinate internal-level concerns in relation to external policies. Measures under the Programme were considered from the angle of establishing an area of freedom and security within the Union. In relation to migration, these included entry and admission of migrants, and their integration into host societies in Europe, effective border controls, as well external aspects such as return and dealing with the root causes (or reasons leading people to migrate) (Council 2004). Considering these external aspects, as well as issues of integration, signified a departure from the previous focus on control measures alone. In particular, the presence of legal migration concerns in EU discussions pointed to ways in which migration policy became more comprehensive, in line with the Tampere Conclusions. By the time the last Progress Report of the Hague Programme was published in June 2009, Directives had been adopted for setting conditions of entry, employment and residence for certain categories of migrant workers and non-EU residents (Commission 2009).

The issue of legal migration, however, reveals the extent to which internal convergence has been selective on migration issues. In the period between the ratification of Amsterdam and Lisbon, legal migration remained under member state competence. As such, coordination for a common policy in line with the goals outlined in the Tampere Conclusions was difficult to achieve. For instance, seasonal employment remained a matter that member states managed on their own, and were reluctant to pass on to EU level – despite lack of convergence impinging on the implementation of comprehensive goals (author's interviews, September-November 2009).

The coming into force of the Lisbon Treaty is expected to deal with some of these difficulties, as it has altered the institutional setting that fostered member states' selective convergence. Work is being done on the establishment of a comprehensive legal migration framework at EU level. A Directive on seasonal workers is currently being discussed and the EU Blue Card Directive has been passed, which is a special work permit for highly qualified migrants (DG Home Affairs 2011). On ensuring the freedom and security of

citizens, the 2010 Stockholm Action Plan has set the priorities to be pursued, emphasising a stronger role for European institutions holding competence in these matters (Commission 2010a). Nonetheless, it is too early to assess how these initiatives and plans will be implemented, and the degree of further convergence they may entail.

To reiterate, what continues to be more obvious (and easier to achieve) is member states' convergence on migration control issues. Successful cooperation between various member states with FRONTEX for instance, the EU's border agency, is documented in the Hague Progress Report as an area in which considerable achievements have been made (Commission 2009). More recently, the Arab revolutions and uprisings have served to illustrate the extent of internal convergence on matters of migration control. Member states lining the Mediterranean have been experiencing an increase in migration flows, predominantly from North Africa, as a consequence of unrest in the region. Italy and France were embroiled in bitter debates over who was to take responsibility for migratory movements into the EU. On 4 May 2011, a Commission Communication was issued, which outlined emergency measures to deal with migration concerns. One of these measures reinstated border controls within the Schengen area "to handle situations where one Member State is not fulfilling its obligations to control its section of the external border, or where a particular portion of the external border comes under unexpected and heavy pressure due to external events" (Commission 2011a: 8).

These developments bring to the fore perennial questions of EU migration policy, in terms of how member states deal with the issue internally, but also how they conceive of handling migration externally with the Mediterranean. Internal multilateralism exhibits patterns of selective convergence, depending on the kind of policies pursued. Most successful is convergence on migration control issues. The following section will assess how this internal picture reflects on the conceptualisation of the external front and the pursuit of initiatives in relations with Mediterranean partners.

The EU and the Mediterranean: Dominant Bilateralism

The internal multilateralism picture of EU migration policy determines the external one to a great extent. Similar to the Hague Programme, the 2005 Global Approach was conceived as a strategy for pursuing a comprehensive approach to migration at the external level. In its conceptualisation, the Global Approach is a multilateral endeavour that brings together origin, destination and transit countries in order to manage migration flows in an orderly manner. It seeks to tackle measures that are control-related, developmental, and related to

legal migration. The implementation of this vision, however, is hindered by divisions between the Commission and the member states — on a desirable approach, and on the competencies each holds. Selective convergence at the internal level leads to an external dimension where bilateralism dominates (see third quadrant of the matrix); an observation that coincides with the cooperation pattern observed above for energy policy. Dominant bilateralism in migration policy is examined below by scrutinising member states' and the Commission's view of the Mediterranean, and engagement with partner countries.

In addition to disagreeing on how to deal with migration priorities, European states differ in their views of the Mediterranean. Certain European states – especially France, which launched the UfM under its EU Council Presidency, along with Italy, Spain, Malta and Portugal – have traditionally shown greater interest in establishing closer relations with countries of the region. There is also a geographical component to member states' view of the Mediterranean. Those in closer proximity to the region – such as those just mentioned – tend to emphasise the desirability of establishing closer relations with partner governments. These divergences at EU level are evident in negotiations for drawing a comprehensive approach to the Mediterranean on migration issues. How to achieve migration-related objectives repeatedly sparks intra-EU debates. Various European Council meetings have addressed the issue of whether to be stricter and condition concessions in other policy areas on progress made in migration policy cooperation (Council 2002a; author's interviews, September-November 2009). Reflective of the thorny nature of migration, there was disagreement over what to include in the UfM framework. Member states are said to have explicitly left migration out of discussions in order to secure progress in other issue-areas of interest (author's interviews, September-November 2009).

These conditions — different geographical prioritisations and disagreements over how to best pursue objectives — impinge on the implementation of migration goals multilaterally at the external level. Convergence is observed along the lines dominant internally, for example on restrictive measures. Managing undocumented migration individually is costly and challenging, to say the least; and states seek to cooperate with external partners in order to tackle irregular migration movements. The Mediterranean is key in this sense; it is not only a region of origin but also one of transit of (mostly) sub-Saharan African migrants. The idea of establishing a buffer zone of sorts around the EU cannot be implemented without the concerted efforts of neighbouring third countries. At EU level, the EMP has not been conducive to joint, regional management and control of irregular migration. However, member states have nonetheless resorted to other multilateral venues to advance restrictive measures. The 5+5 Dialogue is a case in point; it brings together Mauritania,

Morocco, Algeria, Tunisia, Libya, Portugal, Spain, Italy, France and Malta. Under the auspices of the International Organisation for Migration, these countries come together to discuss matters related to irregular migration and trafficking (Lavenex 2006).

Also similar to the internal setting, member states' engagement with initiatives for other areas of migration policy — namely migration for development and legal migration — is lacking. Rhetorically, member states have intermittently advocated targeting development aid to deal with the causes leading people to leave their countries of origin. However, as an aim to be pushed through a multilateral framework, initiatives in this area have been very limited. Funding has been allocated and increased over time, but the content of programmes does not prioritise developmental aims. This is the case of the chapter on Migration, Social integration, Justice and Security, also known as JAI, introduced at the 2005 Euro-Mediterranean Summit, which outlines the aims for better managing legal migration, opening up job opportunities in Europe, establishing linkages between development concerns and migration movements, and jointly controlling irregular migration (Council 2005a). The EMP JAI chapter has rather focused on endeavours that target research initiatives, data collection, information dissemination, and capacity-building and training (Commission 2007a), while the kinds of programmes pursued are symbolic in that they have not institutionalised cooperation amongst partners (Abdelkhaliq 2010).

Limited member state engagement in multilateralism is also the case for legal migration. European governments are reticent about offering opportunities for legal migration into the EU, especially to Mediterranean partners due to security considerations (author's interviews, September-November 2009). Legal migration opportunities are generally negotiated bilaterally between individual member states and third countries, and are limited in number. For instance, seasonal workers' recruitment is organised between Spain and Morocco, and France and other North African countries, but these programmes are not widespread (Ibidem). Member states are not amenable to multilateral cooperation when it comes to managing domestic labour demand, a matter that hinders the Commission's efforts for conceptualising a comprehensive policy towards the Mediterranean. It is too early to tell whether this situation will change post-Lisbon.

The Commission, for its part, has participated in and supported meetings of member states who shaped the EMP political agenda — namely Spain, Italy and France (Bicchi 2007). With the launch of the Barcelona Process in 1995, the Commission was given a mandate to negotiate Association Agreements that would reflect the priorities of different EMP chapters. The increase in its competencies post-Amsterdam allowed the Commission's

involvement in drawing an external dimension of migration that aimed at tackling all kinds of measures — legal, irregular, and development-linked (Council 2005b). The Commission has been quite active in developing the Global Approach framework, and in presenting proposals to elaborate objectives and ways to achieve them. Examples of their efforts include Communications regarding cooperation with third countries on migration and asylum matters, a policy plan for legal migration, ensuring the coherence of a comprehensive approach, and complementary thematic lines for working with a range of organisations outside of frameworks for relations with partner governments (see Commission 2005, 2006a, 2006b, 2006c).

Being in charge of the Global Approach gave the Commission a direct role in negotiating its aims with partner governments within EU institutional frameworks. Therefore, within the EMP's JAI chapter, in bilateral relations, and in line with the ENP, the Commission has a role in implementing the Union's aims on migration. The Commission is indeed involved in the managing and running of JAI. It has also been given a mandate to negotiate readmission agreements with third countries. In its programmes in third countries, funding has been allocated to target developmental aims linked to migration, and there are operational initiatives to tackle migration control — such as joint patrolling of borders, capacity-building, and cooperation within the context of operations of the EU's border agency, FRONTEX (Lavenex 2008).

A closer look at these initiatives, however, reveals limitations in the Commission's role and aspirations for putting together multilateral endeavours. Commission officials in charge of relations with the Mediterranean criticise member states for not granting more legal migration opportunities to partner countries, and for excessively stressing control measures. They support instead positions that may allow for multilateral cooperation to be more effective — such as offering more legal migration opportunities, but also aligning with developmental goals of Mediterranean countries. These difficulties are directly linked to the internal level of multilateral cooperation. Imbalances at the EU level constrain the Commission with regard to the content of negotiations with third countries; and in the kinds and volume of programmes it can implement there (author's interviews, September-November 2009).

As for Mediterranean countries, they are generally interested in more legal migration and development-related cooperation, rather than the predominant focus on measures of migration control (author's interview, October 2009). They are also suspicious of Europe's regionalisation efforts (Collinson 1996; Fontagné and Péridy 1997; Gillespie 2006). At

various points, partner governments have been reticent to cooperate as part of a multilateral framework, favouring instead to capitalise on their bilateral relations with the Union (Aghrout 2000; Volpi 2004). The ENP framework is attractive because of this reason; it allows for the differentiation of bilateral relations.

Morocco is an interesting illustrative case, and one that portrays the way in which migration cooperation translates into practice through dominant bilateralism. Morocco shows little engagement with multilateral endeavours and argues for its special place vis-à-vis Europe. With the introduction of the ENP, it has been acknowledged to be one of the most active in advancing bilateral relations (Commission 2004). Since 2008, it has been engaged in negotiating Advanced Status with the EU, for preferential relations on a number of sectors. On migration, it is one of the most cooperative with the EU on common concerns – albeit with setbacks as readmission – and it is the highest recipient of Community aid (Ibidem).

At bilateral level, therefore, relations with Mediterranean partners are more successful than at multilateral level. The Commission acknowledges that with Morocco, for instance, great progress has been made on irregular migration control — on restrictive measures. Moroccan government officials themselves highlight progress in bilateral relations with the EU, at the same time emphasising difficulties in participating in multilateral frameworks. They do, however, also emphasise the selectiveness of policies pursued by the EU, with legal migration lagging behind. Even though there are legal migration opportunities offered by individual member states, Moroccan officials criticise the lack of incentives at the level of relations with the EU as a whole (author's interviews, September-November 2009).

The difficulties — between member states and with the Commission — are therefore reflected in the content of negotiations with third countries. The latter are amenable to comprehensive goals that mix preventive and restrictive measures. Mediterranean governments, along with sub-Saharan African states, have committed to the multilateral implementation of common policy objectives through the Rabat Process and the Tripoli Process. The content of these initiatives grants equal weight to all migration-related concerns, similar to the EU's Global Approach. In practice, however, the focus on security-related objectives on the EU's part has rendered comprehensive, multilateral cooperation unsuccessful (author's interviews, September-November 2009). FRONTEX is perhaps an example of an initiative that has managed to bring together various actors to control irregular migration movements into the EU (Lavenex 2008). But again, it is reflective of internal prioritisations for restrictive measures and does not reflect the grand scale envisaged by declared multilateral endeavours.

International Migration Management and Limited Compliance

So far, the discussion has focused on how member states cooperate with one another and the Commission for dealing with migration internally and externally with the Mediterranean partner governments. Cooperation patterns at the internal level showed selective convergence, and externally they were dominated by bilateralism. But how does the EU relate to international organisations and NGOs whose work deals, or touches on, migration issues? This section discusses how member states and the EU have related to international debates on migration, and how it has affected (or not) its own initiatives. The compliance observed in energy policy is opposed in migration policy with limited compliance in work done at international level (the second quadrant in the matrix). Two points will be addressed in particular as underlying reasons for falling short of compliance: the EU's approach vis-à-vis the international scene and its relation to international standards.

To begin with, it is important to note that there is no international migration management regime as such. However, a range of organisations have been engaged in discussions for decades now on how one could be created, which would allow for the integrated management of migratory movements at local, national and international levels (Ghosh 2000; Loescher 1989; Thouez and Channac 2006; Widgren 1989). The restrictive policies pursued by states in the 1980s and 1990s drove various organisations and bodies – the International Organization for Migration (IOM), the International Labour Organization (ILO) and the United Nations (UN), for instance – to discuss ways in which migration concerns could be tackled without sidelining developmental considerations (Olesen 2002). This approach would, in theory, in the long term target the reasons leading people to migrate: poverty, unemployment, political instability, and so on, rather than adopting a short-term stance that sought to stop migration.

Even though members of the Communities at the time were engaged in inter-governmental consultations in order to implement restrictive measures, they wanted the Commission to keep track of these international debates (Butt Philip 1994). Without adhering to international endeavours, the Commission tried at various points to integrate these debates into Community initiatives. In 1994, for example, it presented a Communication which advocated a more comprehensive approach to migration (Commission 1994). This approach was adopted post-Tampere, both in the Hague Programme and in the Global Approach. Both of these strategies are congruent with pursuing migration policy in a way that not only focuses on restrictive measures, but also considers developmental and legal migration matters. In addition, the Commission relies on international organisations for

drawing up and implementing its programmes. According to various officials, the expertise and access provided by the IOM and UN agencies, for instance, is instrumental in the way migration policy is conceptualised and pursued (author's interviews, September-November 2009).

What is noteworthy, however, is that the EU employs international debates as a basis for its initiatives but it creates its own frameworks for dealing with migration issues. Moreover, when it comes to international conventions that address migrants' issues, or touch upon migration, compliance is rather limited. Geddes (2008) argues that there are two reasons for this compliance gap. First, international (UN) standards are expansive in that they grant rights to people regardless of nationality (EU/ non-EU) or status (legal/ irregular migrant). Second, they are legally weak, especially in comparison with EC law. A case in point is that of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The Commission invited member states to sign the Convention, but none had done so by the time of writing. The justification given is that the Convention does not make clear distinctions between legal and irregular migrants and may give the wrong message to migrants about how extensive the rights granted will be (author's interviews, September-November 2009). Like this Convention, there are cases of responsibilities states should adhere to as outlined by the ILO or the Council of Europe for ensuring the rights of migrants and their protection but compliance depends on the national context, as well as on the categories of migrants and their citizenship (Geddes 2008).

Other Organisations and Patchy Cooperation

The relevance of international organisations for the EU's approach to migration is better observed at the external level, rather than in terms of internal compliance. Alongside its multilateral and bilateral endeavours, the EU (through Commission funding) supports a range of organisations to carry out work that is in line with migration policy goals established at European level. These organisations allow for the pursuit of objectives that, as shown above, are difficult to channel at EU level. International and non-governmental organisations at the internal and external levels fill the void for comprehensive initiatives that are difficult to agree on multilaterally with partner countries (and between member states and the Commission). The result is that pursuing this avenue for implementing migration objectives results in patchy cooperation. In this regard, the cooperation pattern is similar to the limited cooperation observed in the energy realm. For migration policy, patchy cooperation depends on whether funding is allocated and awarded, and on the expertise and access that relevant organisations have.

In 2001, budget line B7-667 was created by the Commission to support cooperation with third countries on migration-related matters. It was a thematic line – meaning that it had a sectoral focus and was complementary to ascribed frameworks for relations with partners. Thematic lines have become increasingly prominent since then. B7-667 was followed by the AENEAS Programme, and the latter was succeeded by the current Thematic Programme for Cooperation with Third Countries in the Areas of Migration and Asylum (Commission 2006c). The volume of funding dedicated to these lines has consistently increased over the years and the kinds of endeavours supported have also expanded and considerably grown in number.

Thematic lines allow the Commission to work with civil society, non-governmental and international organisations in projects that cohere with the EU's migration policy goals. These budget lines facilitate the implementation of initiatives without necessarily involving partner (or member state) governments and they are not liable to binding, official agreements (author's interview, November 2009). In addition, they endorse more comprehensive objectives, and in practice bring together a range of different actors. Initiatives funded under thematic lines involve organisations working in the EU and the Mediterranean, providing a venue alternative to governmental channels for migration-related endeavours. But as mentioned above, they result in patchy cooperation because of their very nature: they do not always involve governments, and do not require changes in policies at the official level.

However, in terms of their scope, projects under AENEAS, but more so the Thematic Programme, have displayed the most comprehensiveness of any migration initiatives — despite not conforming to the conceptualisation of multilateral cooperation within a regional framework, or necessarily involving governments. For instance, the International Organization for Migration (IOM) has managed, and manages, a number of initiatives. This organisation operates across the Maghreb region on projects relating to irregular migration management, with activities including border control, capacity building, and assisting undocumented migrants return to their countries of origin — usually in sub-Saharan Africa (Commission 2004, 2007; IOM 2010). NGOs also work within the thematic framework, focusing for example on initiatives related to human rights and civil society participation in migration matters; or providing services for migrants stranded in transit countries of North Africa (Commission 2006a).

Far from resulting in an international migration management regime, patchy cooperation highlights the difficulties of establishing one. Some of these difficulties have been discussed above, from the lens of EU internal and external multilateralism patterns. Selective convergence at the internal level, and limited compliance with international debates results in the dominance of bilateralism, and patchy cooperation with relevant organisations operating in third countries.

Conclusions

To what extent is the EU able to work multilaterally and effectively in energy and migration cooperation?

In order to assess whether EU migration policy objectives are sought as part of multilateral arrangements, and whether multilateralism is effective, two angles can be adopted. The first relies on the EU's own conceptualisation of multilateralism and how migration can be effectively managed within this framework. The second follows the definition developed by the Mercury Project.

The EU's aspirations for organising relations with the Mediterranean rely on an assumption of being able to gather together a range of countries to work on issues of common interest. Migration, as a policy area, is portrayed as ideally bringing together a number of stakeholders for the orderly management of irregular and legal migration. It aims to implement development programmes that may reduce people's motivations for leaving their countries of origin.

However, we have seen that EU institutions and member states diverge in their views about the measures to be pursued multilaterally with the various actors concerned at internal and external levels. Cooperation on migration is not effective on the scale envisioned by the EU as a whole in all kinds of policies; thus multilateralism is not comprehensive. Internal EU dynamics reveal different prioritisations of policies to cooperate on. There is convergence in member states wanting to pursue restrictive measures, internally and externally. But European governments are more reluctant to include legal migration or migration and development goals in a multilateral framework or strategy. The Commission seeks to bring together preventive and restrictive measures, but ends up resorting to patchy cooperation, or implementing largely bilateral endeavours, due to constraints imposed by relations with member states.

Multilateralism thus seems to be effective only on a restrictive approach to migration. It is not effective when it comes to conforming to the comprehensive goals rhetorically embraced by the EU, or in fact endorsed at international level by relevant organisations. Even though some of the initiatives expounded above conform to MERCURY's definition of multilateralism – they tend to involve three or more actors with varying degrees of voluntarism, institutionalisation and rules – migration goals are not consistently pursued. They are only effective in achieving certain objectives. For instance, cooperation on irregular migration and the work of international organisations represent implementation successes on a smaller scale. The viability of (and resort to) more ambitious arrangements, however, poses questions about whether achieving effective multilateralism on migration is possible for the EU as part of internal cooperation or in relations with the Mediterranean.

As far as energy is concerned, the internal and external dimensions of the EU energy policy must be understood as mutually enforcing. Due to the multidimensionality of the energy security dilemma, looking inward is not a good strategy (Baumann 2008). Having considered both dimensions of multilateralism in the energy domain, it is possible to identify a gap in the multilateral performance of the EU. As we have demonstrated, the internal dimension of the European energy policy is far from completed but appears to be moving towards its objectives, having set both "negative integration" objectives, such as, the reduction of trade barriers, and "positive integration" ones, including common targets related to climate-change and the principle of solidarity. Furthermore, the Commission has been the promoter of two clusters of initiatives in the internal policy dimension that have considerably strengthened the perception of the EU as a multilateral actor, both internally and externally. These initiatives are the creation of an internal energy market and the promotion of climate protection policies and renewable energy. The question remains whether convergence on domestic parameters, with member states developing increasingly convergent energy mixes despite differing national plans, will translate into joint efforts in external energy policy. This is all the more true as a climate-friendly energy policy can only be effectively achieved on a global scale and has deeply imbued the EU relationship *vis-à-vis* MPCs.

So far the overall dynamics of the EU external energy policy has been dominated by the propensity of member states to conclude bilateral deals. Thus it has lacked a concrete shared vision of how to ensure energy security multilaterally. The underdevelopment of the external dimension of the EU energy policy is linked to the lack of ability by the EU to act as a multilateral actor, both internally and externally, in this specific policy domain. Its efforts to do so are hampered by the existence of diverging interests and objectives among the

member states and the short-sightedness of its vision, which puts energy security above other goals such as democracy promotion.

To conclude, two final remarks are in order. The first is that the common misconception that completion of the EU internal energy market should occur before the consolidation of a common external policy has provided the EU member states and other national non-governmental actors with the leverage and opportunity to cultivate strictly bilateral relations. The EU must now act promptly to formalise the principle whereby member states should act for the benefit of the EU as a whole in their bilateral energy relations. The other aspect concerns the fact that energy security has clearly become a tool in the foreign policy toolbox of a number of countries outside the EU – as the case of Libya has recently demonstrated. In the absence of a well-defined EU external energy policy, it is realistic to think that the EU and its member states will remain vulnerable to blackmail in this crucial issue.

By adopting a comparative perspective on EU-Med energy and migration cooperation, it is possible to recall the similarities and common trends that emerge from the two matrices presented above. Generally speaking, there seems to be a parallel evolution of EU energy and migration policies both as far the internal and the external levels are concerned. These trends are stronger and less nuanced in energy cooperation, most likely due to the more technical nature of some of the issues involved compared to migration policies. However, as we have emphasised, for example, the compliance observed between EU and non-EU governmental and non-governmental actors at the internal level is more on norms than actual energy policies.

More pointedly, bilateralism and limited/patchy cooperation tend to prevail in EU-Med energy and migration policies. This point is very relevant and represents the main answer to the question that this paper has tried to address, namely the extent to which the EU is capable of acting multilaterally and effectively in the Mediterranean. All in all, it is reasonable to claim that the EU does not live up to its multilateral rhetoric and potential in the Mediterranean. The reasons why this is the case have been illuminated in this paper. They range from existing national policies and preferences that clash with one another, to the limited articulation and inconsistent pursuit of common goals and rules in conjunction with other international and regional actors. Perhaps other policy areas would tell a different story about the EU's practice of 'effective multilateralism'. But we are inclined to think it unlikely.

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