

The European Union Standing the Mediterranean Test

Is the European Union Standing the Mediterranean Test? The Lack of a European Foreign and Security Policy in the Face of the Current Turmoil

Marc Pierini

Visiting Scholar

Carnegie Europe, Brussels

While the Mediterranean area was the subject of a major EU foreign policy initiative in 1995, it has gradually become the epicentre of the most dramatic challenges confronting the EU: terrorism, wars in Syria and Libya, instability in Tunisia and Egypt, the refugee crisis, massive migration challenges, a shift from democracy to autocracy and the Kurdish conflict in Turkey.

Simultaneously, the EU's inner structural changes (Lisbon Treaty, creation of the European External Action Service) resulted in a substantial diminution of its foreign policy abilities. The question therefore arises for both internal and external reasons: Is the EU standing the Mediterranean test?

The EU's Mediterranean Policy Has Been Shattered by Events and Politics since 2001

The November 1995 Barcelona Conference launched the Euro-Mediterranean Partnership on the basis of intensive consultations with all countries concerned and in a spirit of equality. The so-called 'Barcelona Process' quickly registered good results and a myriad of joint projects and networks were launched.¹

The horrendous attacks in the United States on 11 September, 2001 radically changed the political context. Authoritarian regimes such as those in Egypt, Syria or Tunisia, who had subscribed to the partnership, promptly reverted to their favourite nar-

rative with the West: 'we are your best firewall against Islamic terrorism.' The aftermath of the suicide attack on the Djerba synagogue on 1 April, 2002 constitutes the perfect example of the premium given to Arab authoritarian regimes by 9/11: by releasing key elements of the enquiry to France and the US, the Tunisian leadership literally offered them on a silver tray the then-number 4 of Al-Qaeda and planner of the twin towers attack in New York, Khaled Sheikh Mohamed. For Western leaders, engaging the Tunisian President on human rights and fundamental liberties became a secondary priority. There could not be a better example of how 9/11 drastically altered the spirit of the Barcelona Process, especially on governance matters.

Later on, then President Sarkozy's own ambitions in the Mediterranean and the anti-EU mood of his entourage resulted in the hasty launching of the Union for the Mediterranean² (UfM), essentially designed to put a dominant French imprint on the relationship with the Mediterranean area. Today, there is not much to celebrate concerning the UfM's achievements.

The Arab Spring of 2011 further upended the EU's Mediterranean policy.

Lisbon Treaty Implementation versus the Arab Spring Outbreak: an Unfortunate Coincidence

The Lisbon Treaty started being implemented in January 2011, exactly when the Arab Spring began in Tunisia, followed by Egypt, Libya and Syria. The EU was caught unprepared, in part but not entirely, because of its own institutional reshuffle. Transferring

¹ The Barcelona Declaration, November 1995: www.eeas.europa.eu

² Launching declaration of the UfM, 13 July 2008: www.ufmsecretariat.org

the 'diplomatic wing' of the European Commission to the nascent European External Action Service and incorporating to the latter diplomats from EU Member States was a slow and painstaking operation, despite a positive launching narrative³. But the overall political context was negative too: post-Lisbon, the 'big three' Member States were not too keen on leaving foreign policy-making to EU institutions, which, in any case, they deemed incompetent. Simultaneously, the nature of the Mediterranean challenges had changed: with major upheavals everywhere, strong military and counter-terrorism in the Libyan and Syrian revolutions, and strategic stakes such as the Suez Canal in Egypt, the crisis was predominantly handled from a military and intelligence perspective. This, in turn, left little room for EU action, be it diplomatic or technical (project aid, support to reforms).

In addition, the EU and national capitals had a hard time understanding the change of paradigm in Arab countries, especially the deep roots of the revolution in the demographic, social, economic and political fields. They could not grasp how poorly the EU was perceived as protecting the people ('Where were you when we were tortured?') and how profound the change of political tide was, bringing Islamist parties to the fore, at least in the initial elections in Tunisia and Egypt. A paradox slowly and painfully emerged in European capitals: the Arab revolutions were as much anti-Western as they were pro-rights. Hence, the EU's legitimacy as a partner for the future was relatively weak, at least initially.

Moreover, with state structures collapsing in Libya and Syria and challenged in Egypt, there was even less room for the EU to act, especially as the EU cooperation machinery was essentially geared to transferring economic and political governance models to partner countries through their governments (now engaged in countering revolutions) and civil society (now repressed). What was left from pre-revolution cooperation schemes with authoritarian regimes to 'reform the judiciary' or 'promote the development of medium-sized businesses' made little sense post-revolution. The implications of the Arab revolutions on EU policies toward its southern neighbourhood were in fact much bigger than they looked at the outset. Political engagement with new

leaders became more important than well-defined cooperation schemes, but the EU machinery (whether EEAS or the Commission) wasn't really prepared for such a change.

The EU and national capitals had a hard time understanding the change of paradigm in Arab countries, especially the deep roots of the revolution in the demographic, social, economic and political fields. A paradox slowly and painfully emerged in European capitals: the Arab revolutions were as much anti-Western as they were pro-rights. Hence, the EU's legitimacy as a partner for the future was relatively weak

A Lasting Weakening of the EU Institutions' Foreign Policy-Making Capabilities

Due to the concept of EU foreign-policy making introduced by the United Kingdom, France and Germany, there has been less and less room left for the EEAS and the Commission in the policy-making field. In retrospect, however, it is far from certain that London, Paris and Berlin ever wanted to build a real 'EU Foreign Ministry.' Rather – many EU diplomats currently in service would argue – the opposite goal prevailed: to maintain the EEAS in a declaratory role and the Commission in a purely technical one.

Adding to this state of affairs, an initial five years of '*mésentente cordiale*' between the first EU High Representative and Vice-President, Catherine Ashton, and the then Commission President, José-Manuel Barroso, had a calamitous effect on the smart use of the EU 'toolbox.' The EEAS-Commission link was only repaired after November 2014, when Federica Mogherini became the new HRVP.

³ European External Action Service : www.eeas.europa.eu

Yet, the weakening of EU institutions is a far bigger phenomenon than just the personal capacities of their leaders. It is the consequence of a systemic breakup: separating the EEAS from the Commission created the expected institutional rivalries, while at the same time integrating a large influx of national diplomats without experience on the EU decision-making mechanisms proved to be slow in producing a cohesive diplomatic outfit.

More generally, the Lisbon Treaty's implementation in the foreign policy field was focused on discussions at European Council level (i.e. Heads of State and Government), without the presence of Foreign Ministers, generally under severe time pressure and from a short-term and media-driven perspective. Such a shift to the top-level executive body produced a foreign policy pattern largely void of substantive analysis and a focus on crisis management, and with a view to satisfying domestic political preoccupations.⁴ Subsequently, the UK stopped being very proactive, because the stakes of the Brexit debate were far higher than those of a putative 'EU foreign policy' which they never fully supported anyway. Simultaneously, the rise of the so-called Islamic State in Iraq and the Levant (ISIL) as of June 2014, and the Russian intervention in Syria as of September 2015 further complicated the political environment in the region. Almost by definition, these developments left even less room for manoeuvre for the EU foreign policy apparatus.

With ISIL, the Arab Revolutions Morphed into an EU Internal Challenge

On 28 June, 2014, when the Islamic State in Iraq and the Levant declared the instauration of a 'caliphate' astride Syria and Iraq and started demonstrating both its military capabilities, its taste for unlimited violence and its aptitudes at mass communication, few realized how serious and lasting this development would be.⁵

With a massive recruitment policy in the Arab region – first and foremost in Tunisia, Saudi Arabia,

Morocco and Jordan – but also across Europe – especially in Belgium and France –, ISIL quickly became a challenge straddling the realms of foreign policy, home affairs and counter-terrorism. By way of its modern communication strategy and widespread use of social media, ISIL brought its war from the Middle East to other Arab countries (Libya, Egypt, Tunisia), but also to Paris and Brussels.

This new and tragic situation has led to a considerable reshuffling of actions taken by the EU and its Member States. They now have to act on multiple grounds at the same time, both internally and externally. They also have to cooperate much more between each other and with Mediterranean countries on counter-terrorism, countering radicalization, fighting ISIL, while all along maintaining rule of law and freedom of expression. These are huge challenges, and it is not always clear whether they should be responded to at EU or national level, especially when there are so many disagreements between EU countries on, for example, military intervention or intelligence sharing, not to mention the EU countries' very different capabilities in these areas. In other words, tackling these new challenges at EU level, albeit only partly, is not necessarily a natural avenue for action. In such a degraded environment, experts have considered that during the period 1995-2015 "the EU has largely failed to make use of its (limited) crisis management toolbox, mainly due to internal political divisions."⁶

The emergence of ISIL and the resilience of al-Qaeda, together with the frequently shifting alliances and allegiances between terrorist movements and their active networks in several EU member countries, have created a set of three major internal challenges:

- a) *Counter-terrorism activities* across the Mediterranean region have become a must, but they work in a highly uneven fashion: while some countries like Jordan, Morocco or Tunisia have shown an interest in cooperating with EU countries, others, like Turkey, have only cooperated with difficulty because of a diverging perception

⁴ LEHNE, Stefan. "Are Prime Ministers Taking Over EU Foreign Policy?", *Paper*, Carnegie Europe, 16 February 2015. <http://carnegieeurope.eu/publications/?fa=59070>

⁵ PIERINI, M. *Do not belittle the Islamic State*, Carnegie Europe, 20 July 2014, <http://carnegieeurope.eu/2014/07/10/do-not-belittle-islamic-state/hfj6>

⁶ COLOMBO, Silvia and HUBER, Daniela. "The EU and Conflict Resolution in the Mediterranean Neighbourhood: Tackling New Realities through Old Means?", *27 Papers IEMed EuroMeSCo Series*, IEMed: Barcelona, 2015. www.iemed.org/publicacions-en/historic-de-publicacions/paper-siemed-euromesco/27-the-eu-and-conflict-resolution-in-the-mediterranean-neighbourhood-tackling-new-realities-through-old-means-1

of their national interest (letting ISIL prosper as a way to undermine Assad) or because of a different perception of geopolitical trends (seeing a 'Kurdistan' emerging on its south-eastern flank versus seeing the Syrian Kurds as an efficient buffer against ISIL).

- b) *Societal destabilization* has become a major domestic factor with a strong influence on foreign policy, as was seen in France after the January and November 2015 terrorist attacks. Fighting ISIL on its own soil resulted in the French government having to resort to extreme measures such as instituting a state of emergency, restraining freedom of expression, passing new laws on citizenship, and taking measures to limit freedom of movement for suspected citizens. Analyses of ISIL's policies have pointed to the group's hope that "attacks in its name will provoke state and social backlash against Europe's Muslim communities, encouraging radicalization and jihadist recruitment."⁷
- c) The *freedom of movement* instituted by the Schengen Treaty between 22 of the 28 EU member countries and four non-EU countries has been used by ISIL to shuttle its operatives undetected between several EU countries. Restrictive measures have been taken by France and other countries and concerns have been raised that the entire Schengen concept has been in danger of collapsing.

The Latest Blow to EU Foreign Policy: the Refugee Crisis

Contrary to many perceptions, the 2015 refugee crisis did not come as a surprise. The seasonal patterns were well documented, it was known that the degradation of the Syrian army in early 2015 would lead to an increased effort to draft young, educated men who had so far escaped conscription, and the working methods of human traffickers were also known. In addition, when the European Commission proposed, in good time, a comprehensive set of actions and policies on migration and asylum, there was a major disagreement in the Council (May 2015)

on the proposal. As a result, it was not until the Aegean Sea and Western Balkans routes had become unsustainable, from a humanitarian and political standpoint, that the EU started to act.

Very quickly, it appeared that the massive refugee crisis was splitting EU countries into three groups. Germany was on its own: with economic growth, budget surplus, one million vacant jobs and a compassionate public opinion, it had room for a positive attitude. At the other end of the spectrum, Central European states – who had themselves gone through refugee crises of their own and had massively benefitted from EU solidarity upon and after accession – refused to take any part in the necessary effort to redistribute migrants across Europe. 'Opt-out' countries such as the UK and Denmark took a similar attitude. A third category, composed of most other member countries, decided to follow German leadership but on the condition that they would not be significantly affected by refugee flows.

This fundamental disagreement on migration and asylum policy left Germany in a corner, leading Berlin to forcefully imposing its own policy with Turkey as of early September, leading (as a side effect) to a further diminished role for the European Council President, the Commission President and the High Representative, since institutions were essentially responding to energetic German initiatives.

The EU-Turkey deal (29 November 2015 and 18 March 2016) came out as the strangest piece of EU diplomacy ever, with major implications on:

- a) the EU's moral stance on refugees and the pre-existing policy in that field (Turkey doesn't fully apply the UN Convention on Refugees, thus leaving those returned to its territory without international protection; in addition, the EU trampled its own implementation of the 2013 Directive of the UN Convention on Refugees);
- b) Turkey's own domestic evolution toward an absolutist regime (the EU helped, as it initially decided to silence its own political conditionality on accession for the sake of obtaining a deal on refugees);
- c) a lack of preparedness for any subsequent refugee crises in the Mediterranean (Frontex, Border

⁷ GAMBHIR, Harleen. *ISIS's Campaign in Europe: March 2016*, Institute for the Study of War, 25 March 2016. www.understandingwar.org/background/isis-campaign-europe-march-2016#sthash.R5NFkYNe.dpuf

and Coast Guard agency, asylum policy, humanitarian policy within EU borders), either in the form of a resurgence of the Aegean flow of Syrian refugees or a surge in the flow of economic migrants from Africa through the Libyan track.

In addition, there have been repeated challenges to the Schengen Treaty as several Member States have decided to take temporary measures in view of the waves of refugees coming to their borders.

An Unforeseen Headache: the Military Coup Attempt in Turkey

On 15 July, 2016, a military uprising took place in Turkey with unheard-of violence against citizens and state institutions (parliament, presidency, army headquarters, police). This was a surprise to the Turks and to the world, and it subsequently led to a purge of all imaginable institutions, with many tens of thousands people being either arrested, or sacked or suspended, pending trial, and financial and physical assets being confiscated. EU and US leaders both voiced support to democratically-elected institutions and also requested that corrective post-coup measures be taken within the remit of rule of law. One important consideration is the possible reinstatement of the death penalty, which, if implemented, would mean a major rift with the EU and the suspension of accession negotiations. More generally, the failed coup has triggered many questions about the reliability of the Turkish armed forces – NATO's second conventional army after the US –, about Turkey's engagement against ISIL, and about the potential degradation of rule of law or even of the Western orientation of Turkey. These broad questions will only receive their answers after the stabilization period is over, since the shock on the Turkish State has been a major one and inevitably calls for swift restoration of law and order.

Is There Any Hope Left?

An EU Global Strategy Review was published in June 2016 by High Representative and Vice-President Federica Mogherini. Inevitably, since this policy framework was issued after more than five years of Arab revolutions, major terrorist attacks on EU

soil, a massive refugee crisis, and a widespread rise of extreme right parties across Europe, its discussion is bound to be influenced by its 'security' components to the detriment of its 'values' components. Whether the Global Strategy Review will lead to real policy changes or to more 'good words' is an open question at this stage.

Finding a meaningful form of EU involvement in the Syrian crisis settlement: such a 'return' of the EU to the Syrian issue could perhaps take the form of a coordination role entrusted to the HRVP which is similar to the role it had in the nuclear negotiations with Iran

Meanwhile, the EU has several obvious challenges on its hands.

Some are **short-term crises**, actual or potential, that cannot wait until a new foreign policy framework is in place:

- a) *Getting equipped for future refugee crises*: this includes agreeing on an asylum policy (as difficult as it may seem), the creation of a Border and Coast Guard Corps, the adaptation of humanitarian aid tools to make them more responsive and also able to intervene on EU territory (Greece and Italy are the most exposed EU Member States), cooperation with countries around the Mediterranean, in Western Africa, in the Horn of Africa, and as far afield as Pakistan and Bangladesh. It also implies that the EU will acquire the ability to communicate publicly to asylum seekers and would-be economic migrants, so as to undermine the traffickers' shameful propaganda.
- b) *Finding a meaningful form of EU involvement in the Syrian crisis settlement*: such a 'return' of the EU to the Syrian issue could perhaps take the form of a coordination role entrusted to the HRVP which is similar to the role it had in the nuclear negotiations with Iran (the 'P 5+1' formula). In this specific case, the EU was praised for its "ability to smooth drastic differences amongst its

members and retain a prominent mediation role.”⁸ Although important differences exist between the Iran nuclear deal and the current conundrum in Syria, this type of scheme might be workable, since the EU High Representative – acting as a ‘convener’ – would not sit on behalf of a party directly or indirectly involved in the military conflict. Arguments have been developed in favour of a replication of the ‘P 5+1’ model for the discussions on Syria.⁹

- c) *Handling the rise of absolutism in Turkey* (partly occurring with the EU’s blessing due to the refugee deal): this means differentiating clearly between the refugee deal (however objectionable it is on legal and moral grounds) and other EU policies applying (or not) to Turkey, such as visa-free movement and accession. Protecting, however modestly under the current circumstances, the core elements of rule of law and freedom of expression, and giving hope to future generations will remain crucially important for the medium and long term. This task has been made substantially more complicated in the post-coup context, since the Turkish leadership will argue that the attack on the State and its institutions has no precedent in the country’s history. The EU leverage might well be further curtailed by the coup attempt and its aftermath.
- d) *Finding an efficient way to help Tunisia*: the only remaining hope in the Arab region needs increased support before the current difficulties morph into a crisis situation, which implies stepping up EU aid and trade alongside other donors, and improving coordination and accountability.
- e) *Tackling the next steps of the Libyan crisis*: this includes helping reconstruct the Libyan State, especially its security apparatus, and helping Libya to efficiently control its human traffickers before it becomes once again (but in a much bigger way) the main channel for irregular immigration to the EU.
- f) *Tackling terrorism in the Mediterranean area*: this needs to be done at national and EU level alike (however difficult this may currently seem). It

can be further complicated by third countries’ domestic politics and by ongoing conflicts in the Mediterranean region.

In the **medium and long term**, the revision of the EU policy framework – the ‘Global Strategy Review’ – needs to include both a better integration of the security dimension in the daily conduct of the CSFP and a return to an active use of the multifaceted EU toolbox in order to prevent or manage adverse developments in neighbouring Mediterranean countries. However, the post-Brexit context leaves a much reduced space for a genuine EU foreign policy. Given the prevailing emergencies (Brexit, terrorism), it is likely that the Strategy Review will take some time to get proper attention at European Council level, let alone operational conclusions.

The challenges are huge, but they do not mean that recent developments – be them the Arab revolutions, the refugee crisis or Turkey’s new absolutist direction – condemn the EU to forgetting about its values and the policies to promote them

The challenges are huge, but they do not mean that recent developments – be them the Arab revolutions, the refugee crisis or Turkey’s new absolutist direction – condemn the EU to forgetting about its values and the policies to promote them. The much-discussed differentiation between countries who want to be close to the EU and those who don’t remains a valid policy guideline. But more generally, at country level and whatever the regime in place, the EU has a role in defending human rights activists, democrats, free media, and more generally those aspiring to EU values. Finding smart ways to support these countries and segments of their population has now become a major part of the challenge.

⁸ RAMANI, S. *Why the European Union is a Big Winner from the Iran Deal*, 8 March 2015, www.huffingtonpost.com/samuel-ramani/european-union-iran-deal_b_7978588.html

⁹ CRONBERG, Tarja. *P5+1 Diplomacy on Iran: Lessons for Syria*, 6 November 2015, www.europeanleadershipnetwork.org/p51-diplomacy-on-iran-lessons-for-syria_3295.html