Beate Neuss | Antje Nötzold [eds.]

The Southern Mediterranean

Challenges to the European Foreign and Security Policy

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Foreword

The self-immolation of Mohamed Bouazizi, a Tunisian fruit and vegetable vendor, on December 17, 2010 was the trigger for a series of demonstrations and protests that within weeks embraced nearly the whole Arab world. Quickly emerging catchphrases like "Arab Spring" and "Arabellion" referred to the momentum of the Prague Spring 1968 as well as the successful peaceful revolutions in Eastern Europe in 1989/1990 and expressed the hopes of fundamental changes in North Africa and the Middle East towards rule of law, democratization and approximation to European values. Those aims the European Union pursues in its Southern neighbourhood since the Barcelona Declaration 1995 were fueled again. José Manuel Barroso, president of the European Commission, declared in Cairo in July 2011: "democracy, freedom and openness are the fundamental values that will bind Europe and Egypt together in the future".

However, the nature as well as the outcome of the upheavals vary from country to country, ranging from peaceful protests to violent riots even to civil war, and from the overthrow of the authoritarian leaders in Tunisia, Egypt, Libya, and Yemen to merely cosmetic changes in political participation. Hence, "Arab Spring" was a misnomer and less than two years after the terms "Arab Winter" and "Islamist Winter" began to circulate referring to the rise of foremost Islamist movements rather than of democratic actors and a diverse and lively civil society. Not only is the region itself confronted with radical changes also the neighbouring European Union has to face serious and ever-increasing challenges with regard to its foreign and security policy in the Mediterranean.

The contributions of this book are based on an interdisciplinary, international conference hosted at Technische Universität Chemnitz in May 2014 analyzing the herculean tasks in the Southern Mediterranean for the foreign and security policy of the European Union. The articles of the book are arranged in four complexes. *Part I* is devoted to the EU's neighbourhood policy in the Mediterranean. Julia Simon analyses the development of the EU approach towards its Southern neighbours and Jan Šnaidauf gives a report from within the comparatively still very young European External Action Service about its experiences in the Southern region.

Part II considers economic and social dynamics across the Mediterranean. Maximilian Benner portrays the economic relations between the European Union and the Maghreb countries and the possibilities of a mutual beneficial partnership. Stephan Roll shed light on the economy and especially on the investment situation in Egypt after the revolution and its impacts on the future stability of the country. Furthermore, Steffen Angenendt and Silvia Popp focus on unemployment and migration pressure as important consequences of this difficult economic situation in North Africa and their impacts on the EU-Mediterranean relations.

Subsequently, challenges from societal actors are addressed in *Part III*. Dustin Dehez elaborates the revolutionary movements of the Arab Spring as well as the distinct role of the military and deduces prospects for democratization in the Middle East and implications for European policy. Alessandro Quarenghi on the one side gives considerations to the fact that the political ideology of Islamism is gaining ground in the Mediterranean again and on the other side assesses chances and possibilities to cooperate with moderate Islamist groups or parties against the backdrop of European values. The history and political path of the Muslim Brotherhood, the oldest organization that institutionalized political Islam, as well as the prospects of the Brotherhood and the political future of Egypt are analyzed by Burak Küntay.

Part IV completes the volume with a view on the responses of the eminent regional actors Turkey and Israel, which had been and still are at the front and center of the turmoil in the region. Çağrı Erhan, Pırıl Ocak and Baran Kuşoğlu investigate the different periods of the development of a Turkish model and whether it succeeded or failed as a role model for the Arab world, which needs to reconstitute itself after the Arab spring. Amichai Magen explains Israel's foreign policy in response to the Arab upheavals based on the country's perception of the occurrences and the range of its available policy instruments. Finally, Sharon Pardo closes the circle back to the European Union with his analysis of the developments and difficulties in EU Israel relations offering insights how the EU is actually judged as an international actor by Israel.

We would like to thank all participants at the conference for their contributions and comments during the lively discussion period. We are indebted to all the speakers at the conference for updating their papers as well as to those who joined this publication project.

We wish to express our gratitude to the joint organizers Arbeitskreis Europäische Integration e.V. (AEI) with its managing director Dr. Frédé-

ric Krumbein as well as to Thomas Birringer, Head of Team Middle East, Department European and International Cooperation of Konrad-Adenauer-Stiftung for their help and support in organizing the international conference "The Southern Mediterranean: Herculean-Task for the European Foreign and Security Policy". A special thank for the co-funding of the conference and of the present volume goes to the European Commission and Konrad-Adenauer Stiftung. Only their generous support made this international, interdisciplinary academic discourse possible.

   Last but not least, we would like to express many thanks to Daniel Adler, B.A. for his thoroughly editorial assistance and technical editing of the conference publication.

Beate Neuss   *Antje Nötzold*

Chemnitz, January 2015

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List of Abbreviations

AA	Association Agreement
ADI	Ausländische Direktinvestitionen
AP	Action Plan
ABM	Ansar Bayt Maqdis
AKP	Justice and Development Party
AQI	Al-Qaida im Irak
BMENAP	Broader Middle East and North Africa Project
CFSP	Common Foreign and Security Policy
CHP	Republican People Party
CIA	Central Intelligence Agency
DCFTA	Deep and Comprehensive Free Trade Agreement
EC	European Community
ECJ	European Court of Justice
EEAS	European External Action Service
EEC	European Economic Community
EED	European Endowment for Democracy
EIDHR	European Initiative for Democracy and Human Rights
EMP	Euro-Mediterranean Partnership
ENI	European Neighbourhood Instrument
ENPI	European Neighbourhood and Partnership Instrument
ENP	European Neighbourhood Policy
ESDP	European Security and Defense Policy
EU	European Union
FMF	Foreign Military Funding
FP	Framework Programme for Research and Technological Development
IAF	Israel Air Force
ICT	Information and Communication Technologies
ILO	International Labour Organization / Internationale Arbeitsorganisation
ISIS	Islamischer Staat im Irak und in Syrien
IWF	Internationaler Währungsfonds
KAS	Konrad Adenauer Stiftung
MFA	Ministry of Foreign Affairs / Israelisches Außenministerium

List of Abbreviations

NGO	Non-Governmental Organization
NIS	Neue Israelische Schekel
OECD	Organisation for Economic Co-operation and Development
OIC	Organization of Islamic Cooperation
OT	Occupied Territories
P3A	Programme d'appui à la mise en oeuvre de l'Accord d'Association
PA	Palästinensische Autonomiebehörde
PASRI	Projet d'Appui au Système de Recherche et de l'Innovation
PIJ	Islamischer Jihad in Palästina
PLO	Palestine Liberation Organization
ROO	Rules of Origin
SPP	Special Privileged Partnership
SPRING	Support for Partnership, Reform and Inclusive Growth
TESEV	Turkish Economic and Political Studies Foundation
UfM	Union for the Mediterranean
UN	United Nations
US	United States
VAE	Vereinigte Arabische Emirate

Part I – European Neighbourhood Policy in the Mediterranean

Euro-Mediterranean Political Cooperation for the Promotion of Democracy: Comparing Pre- and Post-Arab Spring Approaches

Julia Simon

I. Introduction

Currently, the "Mediterranean region" is covered by multiple cooperation frameworks designed by the European Union (EU). They differ regarding the number and heterogeneity of included non-member states as well as in respect of their geographical and thematic scopes.

This shows, firstly, that the term "region" in these cases is a political and artificial, not a geographical concept, and, secondly, that the structure and profile of each regional cooperation frame serve specific goals and follow different internal logics of the EU, having been borne out of different political, strategic and integration-related contexts.

From the 1970s on, the European Communities (EC) and several states around the Mediterranean basin were predominantly connected by inter-governmental, bilaterally organized cooperation agreements that were all similar in structure and (unpolitical) in their focus on trade and aid issues.[1] When this system was deemed no longer adequate by the EC/EU in the 1990s, the positive developments in the Middle East conflict provided an international political context favourable to an innovative, *regional* concept. Thus, the Barcelona Process (or Euro-Mediterranean Partnership, EMP) was launched in 1995 to include 12 non-member states[2]. The EMP added a multilateral layer as well as a decidedly *political*, democracy-oriented dimension to the trans-mediterranean relations. The EMP's re-

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1   For an overview of the evolution of the European Mediterranean policies see: Bicchi, Federica: European Foreign Policy Making towards the Mediterranean, New York 2007.

2   These were Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, the Palestinian Authority, Syria, Tunisia and Turkey. Cyprus and Malta then obtained EU membership status in 2004.

sulting thematic breadth is structured into three "baskets"[3]: Political and Security Partnership, Economic and Financial Partnership and Partnership in Social, Cultural and Human Affairs.[4]

In 2003, the European Commission issued the Wider Europe communication[5] which according to the official introduction also focused on the promotion of democracy, good governance and economic development in order to avoid the emergence of blatant political and economic dividing lines between the EU and its new neighbourhood after the "big bang" enlargement of 2004. Subsequent intra-EU processes to balance political clout and resources with regard to bordering regions led to the inclusion of the "old" neighbours to the South and a renaming of the policy frame to European Neighbourhood Policy (ENP).[6] Furthermore, the perceived threat of transnational terrorism after the terrorist attacks on the United States (2001) and Europe (2004/2005) merged with concerns about "illegal" migration especially from North Africa and contributed to the context for this additional approach.[7] An increased focus on security goals within Euro-Mediterranean relations and a downgrading of the democracy dimension resulted in the EU oscillating between its original goal of fostering around it a ring of well governed states and the option of settling for a ring of well-enough governed states.[8]

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3   The name Barcelona "Process", the "basket" structure as well as the process-oriented and long-term methodology are inspired by the Conference on Security and Co-operation in Europe's Helsinki Process.

4   Barcelona Declaration adopted at the Euro-Mediterranean Conference – 27-28/11/95, 28 November 1995, Barcelona.

5   European Commission: Communication from the Commission to the Council and the European Parliament. Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours, COM(2003) 104 final, 11 March 2003, Brussels.

6   European Commission: Communication from the Commission: European Neighbourhood Policy. Strategy Paper, COM(2004) 373 final, 12 May 2004, Brussels. Eventually Algeria, Belarus, Egypt, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Syria, Tunisia, Ukraine (and also Armenia, Azerbaijan and Georgia) were included in the cooperation framework.

7   While the Barcelona Declaration connected migration to issues of racism and xenophobia, the ENP downgraded this thrust in favour of a security focus on the nexus of migration and terrorism. See: Barcelona Declaration; European Commission: Wider Europe; European Commission: ENP Strategy Paper.

8   Tassinari, Fabrizio / Holm, Ulla: Values Promotion and Security Management in Euro-Mediterranean Relations: 'Making Democracy Work' or 'Good-Enough

Based on the initiative of then candidate for French presidency Nicolas Sarkozy, a third framework, the Union for the Mediterranean (UfM), was added in 2008, encompassing 44 states in total. In contrast to what the original official title "Barcelona Process: Union for the Mediterranean"[9] suggested, this cooperation frame does not directly complement the Barcelona Process: Regarding its contractual and institutional structure, its apolitical and even more pronounced executive-centred[10] thrust, its instruments and project-oriented rationale, it actually deviates considerably from the (theoretical) fundamentals at the intersection of EMP and ENP.

However, the three frameworks in their various geographic scopes all include the North African partner states that have gained center stage also in the latest EU approach, the *new* ENP including the "Partnership for Democracy and Shared Prosperity with the Southern Mediterranean"[11]. Moreover, as regards content, EMP and ENP expressly include a political component – in particular the promotion of democracy – in their respective concepts.[12]

Governance'?, DIIS Working Paper 2010:17, Danish Institute for International Studies, Copenhagen 2010.

9   This title was changed to the "Union for the Mediterranean" in November 2008.

10 A narrow focus of bilateral cooperation on the governments becomes most problematic only with regard to authoritarian regimes (that are non-representative, not freely and publicly elected, not restricted in the execution of their powers and thus not responsive or accountable to the people under their rule).

11 European Commission: Joint Communication to the European Council, the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean, COM(2011) 200 final, 8 March 2011, Brussels; European Commission: Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A new response to a changing Neighbourhood, COM(2011) 303, 25 May 2011, Brussels.

12 While the rhetoric of democracy promotion was upheld in the UfM's Paris Declaration, none of the key initiatives of the UfM (e.g., the de-pollution of the Mediterranean Sea, the establishment of maritime and land highways and a Mediterranean solar energy plan) include political or democracy-oriented instruments or objectives. Since the following contribution will deal in more detail with the political cooperation/democracy promotion across the Mediterranean, the following considerations will focus more on the EMP/ENP and the new ENP respectively. See: Partner States of the Union for the Mediterranean: Joint Declaration of the Paris Summit for the Mediterranean, 13 July 2008, Paris.

Even though calls for a revision of the ENP reach back further,[13] the "new" approach was launched in the aftermath of the Arab Spring[14] in 2011. Having recognized its stability-oriented cooperation initiatives with the authoritarian elites as "errors of the past"[15], the EU now emphasized a shift towards a genuinely pro-democracy agenda in its relations to the Mediterranean partner countries.[16] Taking this repetitively made announcement as a starting point (still to be confirmed empirically), a comparative overview of the pre- and post-Arab Spring approaches to the key theme of the political dimension of cooperation – the promotion of democracy – in the "Southern Mediterranean" will now follow suit.[17]

The respective "approaches" will be subdivided into the categories of (1) legal framework and organizational structure, (2) pivotal objectives and key principles, and (3) political instruments. The important aspect of who the EU's main cooperation partners in democracy promotion were or currently are will be taken into account across the sections of the overview.

II. The EU and its "Southern Neighbourhood": Pre-Arab Spring political cooperation for the promotion of democracy

The foreign ministers of the EU members and their partner states as well as the Vice President of the European Commission as the representative of

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13 European Commission: Communication from the Commission to the European Parliament and the Council. Taking stock of the European Neighbourhood Policy, COM(2010) 207 final, 12 May 2010, Brussels.

14 For the overall phenomenon the term "Arab Spring" is by now habitually used in the discipline. Several authors, however, emphasise the specificities of the developments in different countries, see e.g.: Jünemann, Annette / Zorob, Anja (eds.): Arabellions. Zur Vielfalt von Protest und Revolte im Nahen Osten und Nordafrika, Wiesbaden 2013); Perthes, Volker: Der Aufstand. Die arabische Revolution und ihre Folgen, München 2011.

15 Füle, Štefan: Arab Spring, SPEECH/12/66, Conference: EU-Nachbarschaft – Der Arabische Frühling ein Jahr danach, 3 February 2012, Munich, p. 2

16 European Commission: A new response, p. 1.

17 For a detailed analysis of the status quo ante of EU democracy promotion in North Africa see e.g.: Gillespie, Richard / Youngs, Richard (eds.): The European Union and Democracy Promotion: The Case of North Africa, London 2002; Jünemann, Annette / Knodt, Michèle (eds.): European External Democracy Promotion, Baden-Baden 2007.

the EU adopted the Barcelona Declaration (including a five-year work plan) as the founding agreement of the EMP at the Euro-Mediterranean conference in November 1995. The executive agreement is a quintessentially political document which bears no direct legal implications for the parties. A second five-year work programme was launched at the Euro-Mediterranean Summit on the tenth anniversary of the original conference in 2005.[18] These documents in addition to the Wider Europe (2003) and the European Neighbourhood Policy (2004) communications issued by the Commission constitute the conceptual cornerstones of the pre-Arab Spring approach.

II.1 Legal framework and organizational structure

On this background, the legal basis of the cooperation is made up of Association Agreements (AA) negotiated and adopted bilaterally. In practice, AA with seven EMP countries have become effective between 1998 (Tunisia) and 2006 (Lebanon) to replace the previous agreements concluded in the 1970s.[19] Each of the contracts contains an identical mandatory "essential elements" clause which codifies the parties' commitment to democratic principles and fundamental rights as the basis for the agreement as well as for its suspension in case of grave violations thereof. Even though this is in theory a strong lever in political cooperation vis-à-vis the authoritarian Mediterranean regimes, the clause has to date never been activated.

   These intergovernmental agreements outline and structure the relationship between the EU and each individual partner in political, security and economic matters. The focus of the bilateral relations was clearly on the latter aspect as the network of AA was supposed to function as an organizational foundation stone for an intra- and eventually inter-regional free

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18   Council of the European Union: Five Year work Programme, 10th Anniversary Euro-Mediterranean Summit, Barcelona 27 and 28 November 2005, 15074/05 (Presse 327), Brussels. In 2005 a fourth "basket" focusing on the issue of migration was added.

19   During this time AA were also concluded with Algeria, Egypt, Israel, Jordan, Israel, and Morocco. An "Interim AA on trade and cooperation" exists as a basis for cooperation with the Palestinian Authority.

trade area, initially planned to be realized by 2010.[20] Therefore, especially with regard to the second Barcelona basket, the bilateral dimension is structured in a parallel manner for all partner states.

Institutionally, a Ministerial-level Association Council, senior official level Association Committees and Subcommittees staffed by the EU, the member states and the respective partner country underpin the bilateral relations. They negotiate the political cooperation agendas and monitor their implementation, also regarding the first and third baskets of cooperation which are most relevant with regard to democracy promotion. The ENP kept these contractual and institutional arrangements intact and even intensified this bilateral level of the cooperation framework through the introduction of specifically individualized intergovernmental Action Plans layered on top of the existing AA.

With regard to Euro-Mediterranean political cooperation, the unilateral or intra-EU processes are relevant as well. EU institutions manage the agenda-setting, preparation and follow-up of the conferences and meetings (no permanent common facility like a joint secretariat as a hub for the organization of the relations was set up)[21]. But more importantly, they are responsible for the structuring, monitoring and financing of the implementation of the reform agendas. Based on Commission proposals, the Council of the EU (involving the European Parliament in the limits of its respective competences) sets the general political guidelines, financial perspectives and annual budgets, the Commission then manages the funding of programmes and projects.[22]

The EMP additionally introduced an innovative multilateral level to the relations, which was intended to provide a foundation for North-South (and potentially South-South) political dialogue as well as for economic, political and security-related cooperation. Based on the above mentioned work programmes and successively agreed (in terms of political coopera-

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20 Cardwell, Paul James: EuroMed, European Neighbourhood Policy and the Union for the Mediterranean: Overlapping Policy Frames in the EU's Governance of the Mediterranean, in: Journal of Common Market Studies, Vol. 49, No. 2 (2011), p. 232.

21 The UfM, however, does have such a secretariat based in Barcelona.

22 Philippart, Eric: The Euro-Mediterranean Partnership: A Critical Evaluation of an Ambitious Scheme, in: European Foreign Affairs Review, Vol. 8, No. 2 (2003), pp. 202ff.

tion just as vaguely worded) agendas[23] this was envisioned to take place in Euro-Mediterranean Conferences of foreign ministers, in sectoral ministerial conferences and Euro-Mediterranean Committees and Working Groups. Moreover, the Euro-Mediterranean Parliamentary Dialogue (later formalized and renamed Euro-Mediterranean Parliamentary Assembly) accompanied the process without any formal rights or competences.

Such decidedly regional structures and fora for multilateral dialogue strictly speaking do not exist in the ENP which solely focuses on the bilateral relations.[24] But the EU conceptualizes both approaches as complementary:[25] "The two are mutually reinforcing. Barcelona remains the cornerstone of the Partnership with the Mediterranean – and the Neighbourhood Policy gives us the possibility to work more flexibly to meet the interests of each country"[26]. The inter-regional notion of the EMP has however in general been altered and now tends to resemble more closely a centre-periphery approach.[27]

II.2 Pivotal objectives and key principles

One of the three Euro-Mediterranean Partnership baskets is devoted to the political (and security) partnership which contains the key objective of the development of democracy and the rule of law.[28] As the term *partnership*

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23 The multilateral political/security dialogue and cooperation were also severely hampered by the deterioration of the Middle East conflict.

24 For a detailed account of the Union for the Mediterranean, its structures and relation to the EMP, see e.g.: Bicchi, Federica: The Union for the Mediterranean, or the Changing Context of Euro-Mediterranean Relations, in: Mediterranean Politics, Vol. 16, No. 1 (2011), pp. 3-19.

25 Council of the European Union: Presidency Conclusions for the Euro-Mediterranean Meeting of Ministers of Foreign Affairs, The Hague, 29-30 November 2004, 14869/04 (Presse 331), Brussels; European Commission: Wider Europe, p. 6, European Commission: ENP Strategy Paper, p. 15.

26 European Commission: Euro-Mediterranean Partnership – Where are we 10 years after the Barcelona Declaration?, Memo/05/442, 24 November 2005, Brussels.

27 Del Sarto, Raffaella A. / Schumacher, Tobias: From EMP to ENP: What's at Stake with the European Neighbourhood Policy Towards the Southern Mediterranean, in: European Foreign Affairs Review, Vol. 10, No. 1 (2005), p. 27; Cardwell: Euromed, pp. 233ff.

28 The third basket is furthermore (indirectly) relevant to political cooperation promoting democracy. Formally, it contains the statement that the partners "will en-

emphasizes, this goal should be accomplished through joint actions based on the notions of equality and co-ownership in the bilateral dimension and especially on the principle of regionalism which could potentially result in more symmetrical and less hierarchical relations. This, however, only works effectively as long as the main goal of democratization is shared by all partners. Otherwise, political declarations of intent touching upon this goal and the above principles connected to it in the EMP have to square the circle – as for instance when the EU emphasized vis-à-vis its Southern partners the main objective of establishing "the rule of law and democracy in their political systems, while recognizing in this framework the right of each of them to choose and freely develop its own political, sociocultural, economic and judicial system"[29].

The principle of equal (intergovernmental) partnership – in this statement overriding the goal of fostering (European liberal) democracy – is in turn theoretically contradicted by the option of negative conditionality enshrined in the AA and in the financial instruments applicable to the Southern Mediterranean partners. However, the criteria for the enforcement of conditionality and possible sanctions with regard to democratic standards are utterly unclear as no definitions or specifications of criteria of the kind of democracy to be established are made explicit.[30] While from 2004 on the ENP focused more on positive conditionality and in principle introduced a benchmark system for the measurement of progress, this pertained rather to the realm of economic liberalization than to democracy promotion, even though the level of cooperation is expressly still dependent on the "extent to which common values are effectively shared"[31]. It is nevertheless striking that even very basic features of political democracy like electoral processes or the freedom of assembly are not mentioned in the fundamental EMP/ENP documents. The freedom of association is referred to in the Barcelona Declaration, albeit qualified by the condition "for

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courage actions of support for democratic institutions and for the strengthening of the rule of law and civil society", Barcelona Declaration.

29 Barcelona Declaration.
30 For a detailed analysis of the specific type of democracy that the EU promotes in Euro-Mediterranean relations see: Simon, Julia: The European Union and its Southern Mediterranean Neighbourhood – What kind of democracy promotion after the Arab Spring?, in: L'Europe en formation, No. 371 (2014), pp. 58-81.
31 European Commission: ENP Strategy Paper, p. 13.

peaceful purposes" which leaves interpretational leeway for the respective governments.[32]

The principle of decentralization which can be favorable to the societal and political anchoring and implementation of democratic principles was integrated into the 1995 work programme which stated that the priority action for further cooperation "may apply to States, their local and regional authorities as well as actors of their civil society"[33]. Specific EMP initiatives aiming to support decentralized activities and exchanges within the non-state political, cultural and economic spheres are however to take place only "within the framework of national laws"[34] – a condition which again favours the partnership principle with the authoritarian partner regimes over the objective of supporting democratization.

Within the ENP (and most certainly the UfM) the potential option of decentralized cooperation was scaled back in favour of an approach more focused on the executives of the participating states, and generally there is no instance in which civil society actors are envisioned as direct partners or addressees of cooperation in democracy promotion. Firstly, this accompanies the shift from EMP regionalism and multilateralism to the ENP principles of differentiation and individualized bilateralism. Secondly, it may be a concomitant of the higher prioritization of matters of security in the wake of September 11, 2001, which led to an even closer cooperation with the ruling elites and their security apparatuses.

Pre-2011, core aspects of democracy (promotion) like freedom of expression or independent media were thus not assigned any particular political salience but were instead framed in a more apolitical way, underscoring these elements' relevance only regarding "the reciprocal recognition and understanding of cultures as a source of mutual enrichment"[35]. Other elements, like an effective and independent judiciary were merely considered in the context of crime and security threats and investment protection.[36] Moreover, a conflation of democracy and more general and less

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32   Barcelona Declaration; European Commission: Wider Europe, p. 12.
33   Barcelona Declaration.
34   Ibid.
35   Barcelona Declaration; European Commission: ENP Strategy Paper, p. 21.
36   European Commission: Wider Europe, pp. 9ff; European Commission: ENP Strategy Paper, p. 13; 16f.

controversial or politically loaded terms like human rights or the rule of law is discernable for this period of time.[37]

II.3 Political instruments

In the framework(s) of the Euro-Mediterranean political cooperation and democracy promotion, the EU could resort to a broad range of direct and indirect, region-specific or globally applicable foreign policy instruments which address different categories of actors and originate across the EU's policy fields (and pre-Lisbon pillars).[38]

In the following part, the measures will be classified according to their implementation logic and main channel for influence respectively: top-down (intergovernmental) and bottom-up (societal).

When it comes to the intergovernmental level of cooperation, the EU has several diplomatic foreign policy tools at its disposal, which address the Southern Mediterranean partner governments but are not confined to the realm of EMP/ENP, such as official demarches, statements and declarations by the competent institutions and representatives of the EU, conclusions of (extraordinary) Council meetings or the appointment of Special Representatives for a thematic or geographical area of operation. Several EU institutions have made use of those instruments mostly in a general manner, discussing the issue of democracy promotion and the EU's position towards and cooperation with the Mediterranean region.[39]

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37 Bicchi, Federica / Voltolini, Benedetta: EU Democracy Assistance in the Mediterranean: What Relationship with the Arab Uprisings?, in: Democracy and Security, Vol. 9, No. 1-2 (2013), pp. 80-99.

38 Besides the instruments mentioned, several others belonging to fields of CFSP/ESDP, development cooperation or migration/visa policy bear relevance on the Euro-Mediterranean intergovernmental level. Their goal however is not necessarily or directly the promotion of democracy. And as Jünemann rightly points out, the only (very effective) instrument that the EU cannot use in this context is the option of EU accession (Jünemann, Annette: Realpolitisches Nutzenkalkül oder konstruktivistischer Rollenkonflikt? Erklärungsansätze für die Inkohärenz europäischer Demokratieförderung im südlichen Mittelmeerraum, in: Jünemann, Annette / Knodt Michèle (eds.): European External Democracy Promotion, Baden-Baden 2007, p. 298).

39 Council of the European Union: Council conclusion on Democracy Support in External Relations, 2974th External Relations Council meeting, 17 November 2009, Brussels; European Commission: Communication from the Commission to

A measure rooted in the EMP framework is the option of political dialogue on democracy-related matters. Here, however, a trend towards more unpolitical, sectoral and intercultural dialogue can be traced.[40]

The most important and direct instruments which can be used to support top-down democratization are the ENP Action Plans which outline each country's short- and medium-term agenda for political and economic reforms. Linked with the annual national and regional Progress Reports, the Indicative Programmes and financing plans produced by the Commission (and since its inception the European External Action Service, EEAS) and the option of conditionality enshrined in the essential elements clause within the AA and in the main instruments of funding, they theoretically provide an influential mechanism in this regard.[41] The financial instruments organized unilaterally by the EU could provide the foundation for suspending, reducing or augmenting funding according to the reform actions of the partner states. However, regarding democratization this lever was hardly used; sanctions were never invoked, incentives were very small and judging from the democratic developments in the respective states as documented in the progress reports, substantial political domestic reforms could not have been the main basis of allocation of funds. [42]

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the Council and the European Parliament. Reinvigorating EU actions on Human Rights and democratisation with Mediterranean partners. Strategic guidelines, COM(2003) 294 final, 21 May 2003, Brussels; European Council: EU Strategic Partnership with the Mediterranean and the Middle East, Final Report (approved by the European Council in June 2004), Brussels 2004; European Commission: Communication from the Commission to the Council and the European Parliament on Strengthening the European Neighbourhood Policy, COM(2006) 726 final, 4 December 2006, Brussels.

40 Barcelona Declaration; European Commission: Wider Europe, pp. 8, 12f; European Commission: ENP Strategy Paper, pp. 13f, 23; Partner States of the Union for the Mediterranean: Paris Declaration, pp. 8, 10.

41 The financial instruments MEDA I (1995-1999, budget of 3.435 billion Euros) and MEDA II (2000-2006, budget of 5.35 billion Euros) served as a framework for the political instruments. In 2007, MEDA and the financial instrument covering the Eastern Dimension of the Neighbourhood Policy (TACIS) were merged into the ENPI (2007-2013, budget of 11.18 billion Euros).

42 Initially, the Wider Europe and ENP concept offered a great increase of incentives ("sharing everything but institutions", Prodi, Romano: A Wider Europe – A Proximity Policy as the key to stability, Sixth ECSA-World Conference. Jean Monnet Project, 5-6 December 2002, SPEECH/02/619, Brussels). This was later scaled down again. An example of an instrument based on positive conditionality and additional rewards towards the governments is the ENPI instrument *Govern-*

With regard to content, reforms of institutional and administrative rules and procedures were emphasized in the realm of intergovernmental cooperation. Building upon a very vague "support for democratic institutions" in the Barcelona Declaration, the 2003-ENP extended the institution-building programmes Taiex and Twinning to the Mediterranean partner countries and displayed a pronounced focus on regulative and institutional approximation to the EU acquis.[43] In the 2004 Strategy Paper, the effective functioning of public institutions is more explicitly linked to the policy area of Justice and Home Affairs.[44]

For the first time in the context of Euro-Mediterranean relations, the Barcelona Process also acknowledged (civil) societies. However, they were continuously assigned an underspecified, at the utmost passive and secondary role. Projects or instruments targeting them which could be classified as promoting democratic change indirectly are mostly to be found in the third basket titled "Partnership in social, cultural and human affairs: Developing human resources, promoting understanding between cultures and exchanges between civil societies". It encompasses educational and exchange programmes like for instance Erasmus Mundus, Tempus, Euro-Med Youth or Euro-Med Audiovisual. The "Anna Lindh Euro-Mediterranean Foundation for the Dialogue Between Cultures", founded by the EMP governments in 2005, is highly relevant in this regard. These initiatives are assumed to support bottom-up democratization indirectly via long-term socialization processes and the structural power of attraction. Yet, firstly, their content is rather unpolitical and at best stimulating intercultural "people-to-people" contacts. Secondly and connected to this, they are elite-oriented and as such maintaining the political status quo and excluding certain parts of (civil) society such as in these cases religious, especially Islamist groups, or genuinely pro-democratic forces.

In the years leading up to the Arab Spring, there is no genuine ENP instrument designed to directly target the societal cooperation channel to support political changes in terms of democratization. Yet, the European

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ance Facility, which was launched in 2006 but given up again in the following financial circle. See: EU Neighbourhood Library: Principles for the Implementation of a Governance Facility under the ENPI, http://www.enpi-info.eu/library/content/principles-implementation-governance-facility-under-enpi (27.10.2014).

43 Barcelona Declaration; European Commission: Wider Europe, pp. 4, 10.
44 European Commission; ENP Strategy Paper, pp. 16, 25; European Commission: Wider Europe, pp. 6, 10, 16.

Initiative for Democracy and Human Rights (EIDHR, renamed European Instrument for Democracy and Human Rights in 2006)[45] which in principle has a global scope is the key bottom-up instrument directly promoting democracy via the societies in the Southern Mediterranean. This instrument also absorbed the MEDA Democracy programme launched in 1996 which had directly supported non-governmental actors in promoting democracy throughout the Mediterranean non-member countries before. A relevant and most distinctive characteristic of the EIDHR is "its independence of action from the consent of third country governments and other public authorities. This makes possible cooperation with civil society on sensitive human rights and democracy issues"[46]. Subsequently, it does not need to establish a financial convention with the host government either, thematic priorities and the selection of project partners are managed solely by the EU. More specifically, the Commission Directorate-General EuropeAid in cooperation with EEAS delegations on the ground is currently responsible for the execution of the instrument. Thematically, the orientation of this non-Mediterranean specific instrument is broader than the institutionalization of democratic governance principles. It includes more general aims like for instance the promotion of human rights and the rule of law, the abolition of the death penalty and the strengthening of the International Criminal Court.

III. Results of this approach in light of the Arab Spring

According to the classification of Freedom House, the democracy criteria have not improved in the Southern EMP/ENP countries between the second half of the 1990s and the beginning of the Arab Spring in 2010.[47]

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45   For a detailed analysis of the application of the EIDHR in the Mediterranean see Bicchi, Federica: Democracy Assistance in the Mediterranean: An Overview, in: Mediterranean Politics, Vol. 14, No. 1 (2009), pp. 61-78 and Bicchi / Voltolini: EU Democracy Assistance.

46   European Parliament / Council of the European Union: Regulation (EC) No 1889/2006 of the European Parliament and the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide, in: Official Journal of the European Union, Vol. 49, No. L 386 (2006), pp. 1-11.

47   For the "Freedom of the World" evaluation for each individual country see Freedom House: Freedom of the World. Region: Middle East and North Africa,

While the advertisement of the goal of democracy promotion in the Euro-Mediterranean relations was upheld throughout this period, competing policy objectives like trade integration, short-term (regime) stability and security from soft security risks perceived as emanating from the Southern Mediterranean persisted as well. Subsequently, the political, democratic reform-oriented thrust of the cooperation was successively weakened and the focus on the bilateral links between the executives in power on the Northern and Southern shores of the Mediterranean had grown even narrower. In the wake of the Arab uprisings at the turn of the year 2010/11, the external democracy promoter itself admitted "that EU support to political reforms in neighbouring countries has met with limited results"[48]. At this point, however, the EU did not abandon democracy promotion vis-à-vis the Southern Mediterranean altogether but instead prominently declared a refocusing on this objective. How this is spelled out in the EU's post-Arab Spring approach will be comparatively considered in the following paragraphs.[49]

IV. A "new" European Neighbourhood Policy for the Southern Mediterranean: The more things change, the more they stay the same?

According to the EU, it was a "new" approach to the Southern neighbourhood that was launched in 2011, based on two communications issued by the European Commission and the High Representative of the Union for Foreign and Security Policy. After recognizing the failure of its previous

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https://freedomhouse.org/regions/middle-east-and-north-africa#.VFzvtclGncw (23.10.2014). Freedom house annually measures the status quo regarding the two broad categories "civil liberties" and "political rights". For details of their methodology please refer to Freedom House: Freedom in the World 2014 Methodology, http://freedomhouse.org/report/freedom-world-2014/methodology#.VFzwtcl Gncw (23.10.2014).

48   European Commission: A new response, p. 1.
49   Euro-Mediterranean post-Arab Spring relations in its various facets are also analysed in e.g., Panebianco, Stefania / Rossi, Rosa (eds.): Winds of Democratic Change in the Mediterranean? Processes, Actors and Possible Outcomes. Rubbettino Università 2012; Horst, Jakob / Jünemann, Annette / Rothe, Delf (eds.): Euro-Mediterranean Relations after the Arab Spring. Persistence in Times of Change. Farnham 2013; Boening, Astrid B.: The Arab Spring. Re-Balancing the Greater Euro-Mediterranean. Cham / Heidelberg 2014.