



The State of Play of the Union for the Mediterranean in the Euro-Med Context

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Abstract

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

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

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by Roberto Aliboni*

The Union for the Mediterranean (UfM) was established by representatives of 43 governments and the European Commission (EC) on 13 July 2008 in Paris. The Arab League is an observer (in every layer of the organisation). The UfM substituted the Euro-Mediterranean Partnership (EMP), previously established in November 1995 in Barcelona.

What is the UfM? Although, as we will see below, it is still not fully operational, the following is a summary illustration of how it is expected to function according to the documents that established the Union.¹ The UfM is a biennial Summit of Heads of State and Government which appoints for next two years a Co-Presidency composed by one Co-President from the North and one from the South. The agenda of the summit meetings is prepared and implemented by an annual conference of Ministers whose deliberations are prepared and implemented by a conference of Senior Officials (which in turn is supported, on a daily basis, by a Joint Permanent Committee of national officials located in Brussels).

In preparing the agenda, the Senior Officials receive inputs from their respective governments and from the Secretariat of the UfM. The EC, as a member of the UfM, can take initiatives and submit proposals to the Senior Officials with a view to have them incorporated in the agenda of the Ministers and the Heads of State and Government. On the other hand, both the EC and the other components of the UfM organisation can be requested by the UfM leadership to contribute to the implementation of the UfM's decisions and actions.

The daily life of the organisation will have to be steered and harmonised by the biennial Co-Presidency, which will contribute to shape the agenda, ask for contributions to implementation and take political initiatives within the limits of the top leadership's broad mandates.

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¹ *Joint Declaration of the Paris Summit for the Mediterranean*, Paris, 13 July 2008; *Final Statement of the Barcelona Process: Union for the Mediterranean Ministerial Conference*, Marseille, 3-4 November 2008 (both available on the web site of the EU).

The Secretariat is in charge of implementing the big regional projects decided by the head of States and Governments and the Ministers in their conferences, conceiving of new ones, and raising funds in order to achieve them. It has to be headed by a Secretary coming from a non-EU country, which is assisted by six deputy secretaries. The rather reduced staff of the Secretary will be formed by seconded officials from both the South and the North, the EU being no exception.

The UfM represents a dramatic change from the past. To understand the significance of such changes, some principal issues must be examined: the political identity of the UfM, its relations with the EMP's Euro-Mediterranean "acquis" and the functioning of its institutions.

1. The Intergovernmental Identity of the UfM

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

The primary "driving-force" of the UfM is to overturn this unequal balance of power with a shift towards an organisational structure based on the principle of "parity". This approach stems from the conviction that the Arab governments were reluctant to cooperate as they were faced with a "take it or leave it" option regarding the proposed EU initiatives in an EMP framework in which they were on an unequal political standing with the EU Member States. It was also argued, especially by France (principal promoter of the UfM) that once full sovereignty is guaranteed, the Arab partners will have a more interested and constructive attitude towards the functions of the UfM.

The results of the UfM's activities to date have not met expectations, though. Instead of being used in a constructive manner, full sovereignty has been employed as an obstacle. Therefore, for all of 2009, the Egyptian co-Presidency impeded the constitution of the UfM's governing bodies, starting with the Secretariat in protest against Israel's invasion of Gaza at the end of 2008. Only in May 2010 did the

Secretariat actually take up its functions. However, at the beginning of June it was impossible to hold the second Summit of Heads of State and Government, again because of frictions between Arabs and Israel. The Summit has been postponed to the end of November in a context of institutional and political bewilderment and disarray.

This situation has caused alarm and concern among the European partners, but on second thought, it is obvious that the Arab countries, exerting their full sovereignty, would react in this way towards one of the most pressing problems of their foreign (and internal) policy. In the EMP, the Arab states were house-guests; in the UfM they are the owners. Therefore, it is evident that the UfM is even more vulnerable to external factors than the EMP. The EMP was always hostage to the Arab-Israeli conflict, but as guests, the Arab states could only protest. In the UfM, they cannot but act to uphold both their national and security interests. As a result, the intergovernmental nature of the UfM is destined to reflect the conflict situation in the Middle-East without any filter whatsoever.

2. An “acquis” at Risk

In addition to these difficulties, the UfM remit is still not clear. This lack of clarity does not stem only from the dispositions itemized in the constitutional documents (the Paris Declaration of July 2008 and the subsequent Marseilles Conference of November 2008), which are neither clear nor perspicuous. There is also the uncertainty concerning the respective competencies of the UfM and the EU with regard to the legacy, i.e. the “acquis”, left by the EMP.

In this framework of widespread uncertainty, two tiers of competencies seem to have been clearly attributed. First of all, the EU Commission will continue to develop its own economic programmes, within the second “Barcelona pillar”, many of which have an important Mediterranean focus such as the free movement of goods and the development of large-scale projects regarding infrastructure and transport. By the way, this could constitute grounds for cooperation between the EU Commission and the UfM Secretariat, especially regarding financing of such projects for which the EU has the financial means and the UfM has not. Second, the “Barcelona political and security pillar” has undoubtedly been transferred to the UfM and its governing bodies (the Conference of Heads of Government, the Conference of Ministers of Foreign Affairs and the co-Presidency).

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

The most radical supporters of the UfM intergovernmental “revolution” maintain that, while the bilateral components of the former EPM have been taken over by the European Neighbourhood Policy (ENP), all multilateral components now fall under the UfM. Consequently, the UfM is destined to manage these networks and other multilateral initiatives born under the flag of the EMP. In particular, it is also maintained that their management has to be entrusted to the UfM Secretariat. In truth, this is not set down in the constitutive documents and is not particularly supported by the public opinion. By both, the UfM is seen as a body essentially tasked with launching large-scale technical and/or economic projects and the Secretariat as the implementer and manager of such initiatives. Nevertheless, it is also true that a cultural project like the EMUNI (the Euro-Mediterranean University with headquarters in Slovenia) was included as one of the six large-scale projects approved by the Paris Declaration, something that seems to belie this common perception. Furthermore, the documents clearly state that the Secretariat will have to implement any actions the Heads of State and Government may request. Therefore the co-Presidency is to a certain extent taking steps on its own, but if the next meeting of the Heads of State and Governments were to decide to include the networks and other initiatives resulting from the ex-EMP's third pillar in the UfM, the ambition to manage these networks and any other Third pillar matter would be completely legitimated.

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

What to think of this? The inclusion of third pillar issues under the UfM umbrella and particularly, civil society networks, is certainly not consistent with European interests and intentions. Indeed, these networks which were conceived as catalysts for change, now risk suppression or domestication once they enter the intergovernmental sphere of the UfM. We can easily imagine what kind of human rights networks the Southern and Eastern governments of the Mediterranean region have in mind.

Undoubtedly, some European members of the UfM will oppose this trend but, given the UfM's intergovernmental logic, their opposition will lead at best to pitiful compromises that many networks will not accept. As a consequence, the future could bear the same names as in the past but the situation would be quite different.

In conclusion, what the Egyptian and French co-Presidencies are doing could be interpreted as forcing the rules a little, but it is certainly not illegitimate. Such actions fall within the general process of replacing the EMP with the UfM. We must remember that

there is still a very important grey and hazy area between these two organisations. The official rhetoric of the EU says that, in the new Mediterranean architecture, the EU will take care of the Mediterranean bilaterally through the Neighbourhood Policy which is managed directly by the EU Commission and multilaterally by means of common actions promoted by the governments through the UfM. It is clear that if this approach is enacted fully then the greater part of the multilateral initiatives and political "acquis" of the EMP will be diverted towards the UfM where they will be substantially altered or disappear. As we are well aware, this "acquis" contains many of the fundamental ideas which have both guided and been pivotal for European Mediterranean policy, such as the upholding of human rights, dignity of women, freedom of religion and political reform. If this has been a mere error of judgment by European governments, then some sort of order will have to be re-established during the next scheduled meeting of the UfM Heads of State and Governments. If, on the other hand, the governments were aware of what they were doing, actions and the changes that we are witnessing today can be attributed to the political fallout of post September 11, then everything is going as planned. In fact, why should the UfM remain unaffected by the general backward shift which includes such phenomena as re-nationalisation in Europe, increased securitization for immigration in the EU, the rebirth of realism, the balancing of power in foreign policy, etc. ?

3. Institutional and Financial Problems

The way in which Europe's UfM co-Presidency has developed has undoubtedly played an important role in these none too felicitous circumstances. The UfM has a shared EU and non-EU co-Presidency, whose representatives are elected by the parties and remain in office for two years. The EU has still not been clear regarding its UfM representative: should the Council nominate an "ad hoc" representative to the UfM for the prescribed two year period or should the EU President in office be the co-President for a six month period? No precise answer was given to this question when the UfM was established. In Paris, the Heads of State and Governments elected France and Egypt as co-Presidents for the two-year period 2008-2010, but on termination of the French Presidency semester, the Czech Republic, about to take over the six-month EU Presidency, protested and this issue was raised again when Sweden took over the Presidency in the second semester of 2009. The existing compromise entrusts the EU President in office with the chair of the political meetings (i.e. the co-Presidency of the Conference of the Senior Officers of the UfM) and European co-President in office with the co-Presidency of the sectoral meetings. This compromise has governed also the Spanish semester during the first half of 2010.

With the enactment of the Treaty of Lisbon, the EU Presidency is now headed by a President nominated for a renewable term of two and a half years (Herman Van Rompuy, flanked by a powerful High Representative for External Affairs and Vice President of the Commission, Ms Catherine Ashton) and the six-month national presidencies. The EU President chairs the European Council; the High Representative chairs a newly constituted Council for Foreign Affairs and Security Policy (separate from the General Affairs Council); the rotating national semester presidencies head the General Affairs Council and the other technical and sector-specific councils. On top of this baroque institution, the European co-President of the UfM will not be the new EU

President but an "ad hoc" co-President who will take over from France for two years. Spain is expected to inherit the UfM co-Presidency as soon as the next Summit conference is able to take place.

The Presidency introduced by the Treaty of Lisbon has been kept deliberately weak by the Member States. On the whole, it is a decision which will not make things easier for the EU and certainly will not contribute to increasing the EU's prestige nor making it more intelligible to European citizens. This weak remit and the baroque structure of the EU Presidency (due to the need to satisfy as many national ambitions as possible) are all factors which contribute to weakening the UfM co-Presidency, both its European component and the co-Presidency itself.

Institutional problems are not limited to the co-Presidency. The structure of the Secretariat will also be a source of problems. In May 2010, the Jordanian Ambassador, Ahmed Masa'deh, has been definitively appointed as the UfM Secretary General. Further six deputy Secretaries with specific powers and competencies have also been instituted and partly nominated. It is evident therefore that the Secretariat, first envisaged as a streamlined structure, has now become cumbersome and a little unbalanced which leads one to think that even if the initial boycott of the Secretary General's nomination has been overcome, further problems may arise.

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

The division of roles within the Secretariat should, more or less follow the six general guidelines approved in Paris. The additional Secretaries will have the following mandates: economic development and the small and medium sized enterprise sector; pollution and environmental matters; social issues and civil protection; higher education and research; transport and energy. The General Secretariat will evidently have to maintain coherence within the programmes and will have to prepare the decisions of the political bodies and also follow their implementation. One of its roles will certainly be project financing in collaboration with its additional Secretaries. While the UfM personnel is seconded and paid by the governments and the operative premises have

been made available by Spain, other resources for its functioning and above all, for the implementation of its projects will have to be found. It will not be an easy task.

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

Conclusions

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

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

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

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