

Critical Perspectives on Euro-Mediterranean Relations after the “Arab Spring”

Arap Baharı Sonrası Avro-Akdeniz İlişkileri Üzerine Eleştirel Bakışlar

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Abstract

The essay points out that the transformations caused by the uprisings of the “Arab Spring” imply the necessity of rethinking the history of the Euro-Mediterranean relations – since the Treaty of Rome (1957) until the Review of the European Neighbourhood Policy in 2015 – and of reconsidering their future perspectives. In these relations the cultural legacy of colonialism is still very strong through the influence that the western powers have continued to exercise towards the postcolonial States both in Africa and the southern shore of Mediterranean. In particular the study outlines the colonial concerns that played central role in the establishment of the EEC in 1957 through the association agreements with the postcolonial States in the frame of the project called “Eurafrica”.

The overcoming of the colonial heritage ought to radically change the European protectionist policies and the conditionality clause towards the countries of the southern shore of Mediterranean in order to realise a condition of interdependence and a real partnership of equals in the common space of Mediterranean. In this perspective, a different migration policy which considers the migrant as a transnational actor able to contribute to the development of both his country of origin and of the receiving one is also necessary.

Keywords: Euro-mediterranean, Arab Spring, Migration, Colonialism, Eurafrica, Mediterranean Partnership

Öz

Makale “Arap Baharı” ayaklanmaları ile başlayan dönüşümün, Roma Anlaşmasından 2015’de Komşuluk Politikasının gözden geçirilmesine kadar olan döneme dair Avrupa-Akdeniz İlişkileri tarihini ve bu ilişkilere dair gelecek perspektiflerini yeniden düşünme ihtiyacı doğurduğuna işaret etmektedir. Avrupa Devletlerinin Afrika ve Akdeniz’in Güney kıyılarında yer alan koloni geçmişi olan devletler üzerindeki etkisi çok yüksek olduğundan kolonyalizmin kültürel mirası halen oldukça güçlüdür. Makale, “AvroAfrika Projesi” çerçevesinde eski koloni devletleri ile imzalanan ortaklık anlaşmalarının, 1957’de AET’nin kuruluşunda oynadığı önemli role vurgu yapmaktadır.

Kolonyal mirasın üstesinden gelmek için Avrupa’nın, Akdeniz’in güney kıyılarındaki ülkelere yönelik korumacı politikalarının ve koşulluluk ilkesinin radikal bir biçimde değiştirilmesi gerekmektedir.

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Akdenizde gerçek bir ortaklığın ve karşılıklı bağımlılık koşullarının oluşabilmesi için bu gereklidir. Bu perspektiften bakıldığında, göçmeni, hem menşe ülkesinin hem de kendisini kabul eden yeni ülkenin kalkınmasına katkıda bulunan ulusaşırı bir aktör olarak gören farklı bir göç politikasının da geliştirilmesi gerekir.

Anahtar kelimeler: Avro-Akdeniz, Arap Baharı, Göç, Kolonyalizm, Avro-Afrika, Akdeniz İşbirliği

Introduction: Euro-Mediterranean Policies and Forms of Colonialism

The object of this essay regards three aspects of Euro-Mediterranean relations: firstly, the period from the establishment of the European Economic Community (EEC) up to the beginning of the “Arab Spring”; secondly, the new EU policies after the uprisings of the “Arab Spring”, and thirdly, the new EU perspectives after the failure of the “Arab Spring” with the exception of Tunisia. In particular the essay analyzes the review of the European Neighbourhood Policy (ENP) in 2011 and in 2015 after the end of the “Arab Spring”’s uprisings.

Since World War II, in the era of decolonization, Europe has held itself out as a “civil power” intent on keeping the peoples of the Mediterranean’s southern shore in a state of dependence by making its aid to development conditional on their adoption of Western-style forms of democratic government and human rights protection. We have to introduce a historical perspective in order to understand this continuity.

At the time the European Coal and Steel Community (ECSC) was established, in 1951, France was firmly in control of its colonies and protectorates, so much so as to lead Schuman, Foreign Minister of France, to predict that these countries, too, could themselves be part of the new European Community. That actually happened, for example, with Algeria, which in 1957 was integrated into the European Economic Community (EEC) under Article 227 of the Treaty of Rome (the founding treaty of the European Economic Community), which was signed in the same year and came into force the following year, in 1958 (Isoni, 2013, p. 9)¹. In the light of the complementary relation between former colonies and the metropolises, Article 3 of the Treaty introduced *the principle of association* for the purpose of increasing trade and pursuing economic

1 I will be drawing on this clear-sighted article in reconstructing the origin of Euro-Mediterranean policies. Article 227 declares: “1. This Treaty shall apply to the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands. 2. With regard to Algeria and the French overseas departments, the general and particular provisions of this Treaty relating to the free movement of goods; agriculture, save for Article 40(4); the liberalization of services; the rules on competition; the protective measures provided for in Articles 108 [“where a Member State is in difficulties or seriously threatened with difficulties as regards its balance of payments”], 109 [“where a sudden crisis in the balance of payments occurs”] and 226 [“in the course of the transitional period, where there are serious difficulties which are likely to persist in any sector of economic activity”]; the institutions, shall apply as soon as this Treaty enters into force.” The EEC was to ensure the possibility of the economic and social development of the regions concerned. In addition, the overseas countries and territories would be the subject of “the special arrangements for association.”

and social development.² The purpose and content of such association is set out in greater detail in Articles 131–136.³ This provision was expressly requested by France as a condition for signing the founding treaty and was aimed at those non-European countries and territories that were bound to certain member states by so-called “special relations”—*the coded language by which Article 131 referred to certain relations of manifest colonial dependence* (Martines, 1991, p. 404).

Starting from 1961 a subsequent series of agreements was initiated with almost all the Mediterranean countries, under which the EEC countries would buy raw materials from these non-European countries while selling them European industrial products (Isoni, 2013, p. 10). The first association agreements were reached with Greece in 1961 and Turkey in 1963. They were followed in 1965 by a mixed agreement – both commercial and of technical cooperation – with Lebanon. In 1969, two commercial agreements were signed with Tunisia and Morocco.

This was *a strategy designed to exploit commercially developing economies*, while protecting the European economy by making sure that agricultural products and other commodities and manufactured goods coming from those economies would not enter the EEC if they were in competition with European goods and commodities (Pocar, 1981, p. 5-17).

We can see, then, the need for a historical reconstruction that reveals how *development discourse is continuous with colonial policies*, and the way in which this continuity has made it possible to promote ideas of Western superiority, difference, and inequality (Kothari, 2005, p. 63).

Eurafrica

It is necessary to outline the colonial concerns that played central roles in the establishment of EEC in 1957. Indeed, it is important to acknowledge the relevance of the colonial legacy in contemporary EU politics and, at the same time, the centrality of Africa for European integration. According to Hansen and Jonsson, the relation between European integration and colonialism must be established and analyzed (Hansen and Jonsson, 2014, p. 5).

The Eurafrika project was created in 1957 through the establishment of the European Economic Community (EEC). When it was set up the Community comprised not only Belgium, France, Italy, Luxembourg, Netherlands and West Germany, but also all the colonies of the Member States. Hansen and Jonsson point out that the name “Overseas Countries and Territories” included Belgian Congo and French West and Equatorial Africa, while Algeria, that in that period was part

2 Article 3 reads as follows: “For the purposes set out in the preceding Article [namely, “establishing a Common Market and progressively approximating the economic policies of Member States”], the activities of the Community shall include [...] (k) the association of overseas countries and territories with the Community was set up with a view to increasing trade and to pursuing jointly their effort towards economic and social development.”

3 Article 131: “The Member States agree to associate with the Community the non-European countries and territories which have special relations with Belgium, France, Italy, the Netherlands and the United Kingdom.” The association had the objectives of applying to the trade with the countries and territories the same treatment as the Member States accorded each other and of realizing the investments required for the progressive development of those countries and territories (Art. 132).

of metropolitan France, was formally integrated into the EEC. In the European political debate it was clear that Eurafrica was “indispensable for Europe’s geopolitical and economic survival” (Hansen and Jonsson, 2014, p. 8).

During the Cold War, Europe was constrained between the two imperial blocks: East and West. In this situation, Africa was considered a solution in terms of territories and resources that could be attained through the union of all colonizing nations that merged their colonial possessions for the common good.

The Eurafrica project was implemented, as we have emphasized, through the process of association of colonial territories to the Common Market of European States. As Hansen and Jonsson state, the EU (or better the EEC) “would not have come into existence...had it not been conceived as a Eurafrican enterprise in which colonialism was Europeanized” (Hansen and Jonsson, 2014, p. 13).

For the African States that gained independence, the Eurafrica project allowed the political elites of those States to reach a compromise with their previous colonial rulers, but that happened at the cost of the majority of African peoples. The postcolonial State continued to apply institutional structures that had been created by colonial rule and grounded on the procedures of the colonial administration. The postcolonial State conducted economic activities and trade according to the old patterns. This has been the function of the association agreements of the EEC (Hansen and Jonsson, 2014, p. 15). Through these agreements Europe continued to maintain control over the resources of the African continent.

In about the mid-1960s, Eurafrica was substituted by the project of development, aid and diplomatic relationships. When in 1963 18 independent African States decided to maintain their association with the EEC in the frame of the Yaoundé Convention, the fears that the African States could leave the EEC vanished definitively. These African States subsequently opted for association with the EEC through the Lomé convention (1975-2000) and then through the Cotonou Agreement (2000).

The African Association with the EEC continued with the approval of the Yaoundé Convention, although with nominally independent African States⁴. But the “spirit” of association with the EEC was still in the frame of the old colonial paradigms. In the Fifties and afterwards the economy of Europe needed the markets and the resources of Africa through a relationship of geopolitical complementarity.

The Eurafrica project represented an alternative to the perspective of pan-Africanism. According to Nkrumah, the first president of independent Ghana, the Treaty of Rome could be considered

4 In 1963 18 ex-African colonies entered the EEC on the ground of treaties of associations. In 1964 and 1965 there was the establishment of trade relations with Israel and Lebanon and 1969 there were the treaties of associations with Tunisia and Morocco and in 1970 with Cyprus and Malta.

the Treaty of the Berlin Congress in 1885 (Hansen and Jonsson, 2014, p. 270). Its meaning signified the advent of neocolonialism in Africa.

Frantz Fanon declared that the Eurafrika project was one of substituting Africa as “a hunting ground of France” into “a hunting ground of Europe” (Fanon, 2006, p. 126). But most of the African leaders followed Houphouët-Boigny, the first president of Ivory Coast, who called for Eurafrika interdependence.

Briefly, it could be said that the association of African colonies with the EEC represented a strong obstacle to the realization of African integration and unity (Wallerstein, 2005, p. 129-51). According to Obadiah Mailafia, the “coercive association” of African independent States with the EEC “was oriented toward financing of infrastructures and was markedly biased against industrialization [...] association did not mark a major departure from the historical pattern of colonial development” (Mailafia, 1997, p. 60). The African territories had remained “agricultural appendages to Europe” (Coryell, 1962, p. 13).

From the Global Mediterranean Policy to the Project of a Mediterranean Partnership

In the early 1970s – when the problem emerged of supplying oil to the European countries and of expanding the European Community by including Great Britain, Ireland, and Denmark (which occurred in 1973) – Europe’s Mediterranean policies saw a turning point. At the Paris summit of 1972, a *Global Mediterranean Policy*⁵ was set out that would enable developing Mediterranean countries and industrialized European economies to enter into global cooperation agreements.⁶

The long-term objective of the cooperation agreements was the realization of a free trade Mediterranean area, free access to the European market for industrial products, except textiles and refined petroleum; better access to agricultural products of the Maghreb and a 20-80 percent custom decrease (Zank, 2009, p. 130). Around the mid-seventies, in 1973, the three countries of Maghreb – Algeria, Morocco and Tunisia – signed cooperation agreements with Europe, followed in 1977 by cooperation agreements with Egypt, Jordan, Lebanon and Syria.

5 On the Global Mediterranean Policy and the subsequent cooperation agreements with Egypt, Syria and Jordan in 1977 see Trentin (2012). Despite the proposal of establishing a free-trade area, some items produced by the Arab countries – for instance textiles – were excluded from a reduction in custom tariffs. Moreover the EEC financed the purchase of European machinery by Arab partners that would export semi-finished goods into the EEC (Trentin, 2012: 228-229).

6 The new agreements would be modelled on the New International Economic Order (NIEO) adopted in 1974 by the UN General Assembly and conceived as an instrument through which to aid the transition from a right to decolonization to a right to development (Isoni, 2013: 12). With regard to the NIEO see Noudehou (1990: 31). The NIEO ought to represent an alternative, in particular in the field of the treatment of foreigners and of foreign investments, to the international law that “has served almost as a stronghold from which to preserve a system suited to protecting as far as possible the interests of the Western economic powers” (Angioi, 2006: 60; my translation).

On the ground of these agreements, the European tariffs were lowered between 30 and 100 percent for 86-89 percent of agricultural produce. Compared with the agreements signed in 1969, Tunisia and Morocco obtained tariff reductions of 30-40 percent for their exports. However, there were quantitative restrictions on wines, potatoes, oranges and tomatoes (Zank, 2009, p. 131).

But this new European policy was once more informed by a *neocolonial perspective*, for it all revolved around the notion that European commodities came first, followed by those from the Mediterranean countries, in turn “conceived as mere suppliers of raw materials and as markets for European goods. The policy built on this idea thus had a twofold effect, for on the one hand it kept in place *a model of asymmetric economic relations*, and on the other it prevented the Mediterranean countries from developing those production sectors—especially textiles and agriculture—that would have had considerable advantages over their European counterparts” (Isoni, 2013, p. 13; my translation).

It bears recalling in particular that the protectionist measures adopted in the 1980s under Europe’s Common Agricultural Policy were aimed at protecting the agricultural sectors of the European countries of the Mediterranean that were then joining the economic community, namely, Greece in 1981, followed by Spain and Portugal in 1986.

With the end of the Cold War, a new landscape came into view, making it possible to rethink Euro-Mediterranean relations. However, looming over the whole policy debate was the question of *security*, which itself had to be reframed in the light of the new global order that would take shape in the 1990s once the political hostility between the Soviet bloc and the Western powers had been overcome.

In 1990, the EEC launched the *Renewed Mediterranean Policy*, which introduced two new policy areas: environmental protection and the development of human resources. An innovative component of this new strategy was the launch of decentralized cooperation policies that would also involve participants in civil society through so-called Med programs (Med-Campus, Med-Urbs, Med-Invest) designed to address the shortcomings of the bilateral agreements between states (Isoni, 2013, p. 17).

However, these policies failed to close the gap between the economies of the European countries and those of the countries along the Mediterranean’s southern shore, as was evidenced by the Mediterranean migratory flows into Europe. A new phase thus set in, driven by the attempt to see the Mediterranean as a complex reality in which the future of Europe inevitably had to be conceived as bound up with that of the Middle Eastern Mediterranean countries. And so in 1995, under this new vision, came a proposal to establish a Euro-Mediterranean Partnership (EMP), that was launched by the Conference held in Barcelona on the 27th and 28th November 1995 (European Commission, 1995).

The idea of a partnership dates back to the Maastricht Treaty of 1992 and is based on the principle that “any scheme of objectives and actions should not come as an imposition but

should rather result from a process of negotiation understood as a concerted effort that proceeds from a common ground. This requires a context where different actors have different claims and concerns but ultimately recognize that they are acting in pursuit of a common set of objectives and interests” (Angioi, 2007, p. 77; my translation).

Even so, it must be underscored that *the north-south partnership is still a partnership among unequal parties*. This inequality is expressed in particular in the *principle of conditionality*, which I will expand on shortly.

From a legal point of view, a trade and development partnership is meant to facilitate an *association* among countries, which in turn is understood as a “primary normative tool of EU foreign policy” (Raux, 2000, p. 97) and “is used when the partnership to be established between countries requires a particularly structured and complex system of relations” (Angioi, 2007, p. 80; my translation).

From a political point of view, the basic content of a trade partnership agreement is the *nexus between democracy and development*. Indeed, the view that has taken hold in European policy is that development cannot be pursued without also advancing the interests of democracy and the protection of human rights. But a close analysis of Euro-Mediterranean relations in the 1990s and of their future prospects will make it possible to deconstruct the nexus between democracy and development and bring out its deep ambivalences.

To see the deep ambiguity of the process promoted by the European countries in their effort to democratize the southern Mediterranean countries, we need only consider that, on the one hand, the European countries were requiring democratization as a condition for granting foreign aid (this is the *conditionality* clause), but at the same time they were supporting the antidemocratic elites in the Arab-Muslim countries to which they were giving aid.

Figuring as an “essential element” in the Euro-Mediterranean accords was the provision that relations among the parties were contingent on their respect for human rights and the guarantee of democratic principles. This formed the basis of the *conditionality clause*, which applies in the event of any human-rights or minority-rights violations, “but no sanctions were provided for such violations, much less was the suspension clause made effective” (Angioi, 2007, p. 335; my translation). The reason for such laxness is that the EU did not in such cases intend to void the accords en bloc: by and large, the idea was rather to suspend only *some* of their provisions, especially those relative to the disbursement of European funds.

Furthermore the democratization required as a condition for foreign aid also resolved itself into an effort to *Europeanize* the institutions of the Arab-Muslim countries. The process of Europeanization was launched by the European Neighbourhood Policy (ENP) in 2003-2004 and meant assistance to the Arab countries “in adapting to the complex market regulations of the EU” (Zank, 2009, p. 137), in order to offer them “a stake in the Internal Market” of the EU. But on the one hand, the *adaptation* caused an increase in the numerous Islamic movements that resisted

Europeanization and, on the other, entailed a deep *asymmetry* in the relations between the EU and the North African countries, in that “the main supervisory bodies and the dispute-settlement institutions such as the European Court of Justice are all EU institutions. Countries outside the EU have to adapt” (Zank, 2009, p. 138). Indeed the ENP was a *Eurocentric* policy. These two aspects, namely, *democratization/conditionality* and *Europeanization*, can be described as the *two defining traits of neocolonialism*⁷.

What Future for Euro-Mediterranean Relations after the “Arab Spring”?

The Arab revolutions have paved the way for a radical transformation of Euro-Mediterranean relations. Before the “Arab Spring”, the southern Mediterranean countries, in search of legitimation by the EU, had acquiesced in trade agreements that worked to their detriment. This led to lower export revenue, coupled with an “absence of competitiveness of their manufactured products on European markets on the one hand, and the maintenance of barriers against agricultural products on the other” (Mouhoud, 2012, p. 42).

Furthermore, within the system of Euro-Mediterranean relations, the Arab Mediterranean states had agreed to repress their own flow of migration and that of migrants from Sub-Saharan Africa. The new situation brought about by the Arab uprisings has meant that neither the ENP nor the Union for the Mediterranean (UfM), introduced in 2008, can be accepted any longer, for they both entail a legitimation of Arab autocratic regimes. What kinds of prospects are the Arab states now looking at?

As regards the prospect of development in the Arab world, significant improvements can already be attributed to the free trade agreement signed in Cairo in 1996, which set up the so-called Greater Arab Free Trade Area (GAFTA). Indeed, GAFTA, which now includes 17 Arab countries, already increased intra-regional trade by 26.6% from 1997 to 2007 (Abedini and Péridy, 2008, p. 848-872)⁸.

But the most important transformations will concern Euro-Mediterranean relations. When the 2011 uprisings spread across North Africa, the EU reconsidered its relations with the Arab countries by framing new priorities for its initiatives. *But, as noted, the criteria for Euro-Mediterranean policy need to be revisited so as to put on an equal footing the asymmetric relations they continue to support.*

7 This continuity between the colonial past and the later development policies has also been pointed out by E. Tourme-Jouannet, who also observes that “development studies are the direct continuation of colonial law studies” (Tourme-Jouannet, 2013: 11).

8 GAFTA was designed to close the gap between the aim of greater internationalization for the Arab economies and the reality of limited regional integration. To this end, GAFTA removed tariffs and other trade barriers, but it still falls in the category of a traditional trade agreement by reason of its exclusive focus on the exchange of goods and commodities (Romagnoli and Mengoni, 2014: 209).

Euro-Mediterranean policies have so far been framed in keeping with a specific hierarchy of three basic priorities (Cassarino, 2012, p. 5ff). In the first place, the North African countries have been requested to curb the flow of illegal migration. In the second place, as a result of the security paradigm that took hold in the wake of 9/11, the southern Mediterranean countries have found themselves under pressure to promote policies for the fight against terrorism, while sidelining democratization and human rights policies. In the third place, the dominant concern with stability has favoured authoritarian regimes, which have accordingly seized the opportunity to present the stability paradigm as an expression of “good governance”, all the while translating that paradigm into forms of government control of the economy, thus excluding the possibility of fostering a free market economy.

The deep transformations that have taken place in North Africa have imposed a new hierarchy of priorities among Euro-Mediterranean relations. In the wake of the “Arab Spring”, the focus of the European response to the transformations of the Arab world was laid out in two documents issued in 2011 by the European Commission and the High Representative of the EU for Foreign Affairs and Security Policy. The two documents were entitled *A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean* and *A New Response to a Changing Neighbourhood: A Review of the European Neighbourhood Policy*⁹.

In the first place, the ENP review has implied that the EU recognized the need to provide its neighbours with greater resources. Under the review plan, foreign aid was to be increased to 1.2 billion euros by 2013; another 1 billion euros was to be lent by the European Investment Bank (EIB); and the European Bank for Reconstruction and Development was to initiate further programs with an initial outlay of 1 billion euros.

The aid has been used to grow the economy and improve society by helping small to medium-sized enterprises and providing microcredit, reducing economic disparity, and launching pilot projects for agricultural and rural development. Furthermore, in the medium to long term the common objective with the Southern Mediterranean countries is the establishment of so-called Deep and Comprehensive Free Trade Areas, where to conclude Deep and Comprehensive Free Trade Agreements (DCFTAs) with the aim of finally making good on the ENP’s broken promise to enable neighbouring countries to participate in the EU single markets (Colombo and Tocci, 2012, p. 87).

If the EU’s current economic and political crisis and the uprisings in the Arab countries had taken their full course, an opportunity would have been opened to renegotiate the “free trade agreement with the EU demanding both the opening of the EU agricultural markets and a *temporary asymmetry* to the benefit of MENA (Middle East and North Africa) countries” (Mouhoud, 2012, p. 43-44).

9 European Commission and the High Representative of the EU for Foreign Affairs and Security Policy, COM (2011) 200, and European Commission and the High Representative of the EU for Foreign Affairs and Security Policy, COM (2011) 303.

But a closer analysis of the documents issued by the EU after the Arab uprisings – that is *A Partnership for Democracy and Shared Prosperity* and *A New Response to a Changing Neighbourhood* – suggests that the EU’s policy towards the southern shore of Mediterranean has not changed.

The core of the ENP review in the latter document lies in *a new framing of the conditionality principle* based on the concept of “deep democracy,” consisting in free elections; the protection of freedom of expression, assembly, and association; the fight against corruption; and the introduction of the rule of law; among other elements. The means identified to achieve these objectives consists in offering incentives in the form of foreign aid, better trade relations, and greater mobility (Balfour, 2012, p. 64).

However, the conditionality principle at the core of a new ENP clashes with some limits that can hardly be overcome. In the first place, as noted, the principle is grounded in an asymmetric relationship with the EU aimed at influencing the transformations of the Arab countries, and that stands in contrast to the strong defence of the sovereignty principle inherited from the postcolonial Arab world. In second place, in reviewing the conditionality principle, the EU has to redefine the “ethical standards” of its policy in the light of the support it has given to authoritarian Arab regimes. And, finally, a new system of Euro-Mediterranean relations ought to acknowledge the lasting “unacknowledged cultural legacy of colonialism” (Halliday, 2005).

“Interdependence, rather than conditionality based on an asymmetry of power, and reference to universal principles, rather than to standards of democracy, make it legitimate to support them abroad [...]. And identifying common interests and concerns that reflect the demands of the people in this common Mediterranean space may be a way to establish a new dialogue with a changing Arab world” (Balfour, 2012, p. 68; italics added).

Moreover the DCFTAs require once again the *adaptation* of the southern Mediterranean countries to the EU’s criteria of the single market, as it was in the frame of the ENP.

A new season could have opened up for Euro-Mediterranean relations. But the upheaval and disorder currently ravaging the Middle East, with their global repercussions, are dashing all hopes in that regard. It bears pointing out here that while the Arab revolts have made for an extraordinary opportunity to rebuild Euro-Mediterranean relations, the current economic crisis in the EU is preventing the EU from playing an active role in bringing about authentic change in the southern Mediterranean countries (Paciello, 2013, p. 83).

In fact, the enduring crisis has only intensified competition among EU Member States, while calling Europe’s common trade policy into question. In addition, the economic crisis has effectively caused trade negotiations with the southern Mediterranean countries to grind to a halt, with the single exception of the DCFTA being negotiated with Morocco as of 2013. What is more, the European crisis has prompted Egypt and Tunisia to diversify by seeking out new

trading partners, and so far they have forged closer trade relations with Turkey and the Persian Gulf countries, especially Qatar and Saudi Arabia.

The EU does not seem to have learned from the failures of the past, for it keeps rehashing its traditional trade policy. Even the policy based on conditionality, if unaccompanied by real economic incentives, is making it harder and harder for the EU to bring about political change, especially in view of the fact that non-European actors such as Qatar, Saudi Arabia, and Turkey are offering resources without demanding that changes be made to the political framework (Paciello, 2013, p. 88).

Precisely at a time when a bold transformation of Euro-Mediterranean relations is looking increasingly necessary, the economic downturn appears to be making the EU powerless to come forward with a partnership proposal that can work to the mutual benefit of both the EU and the Arab countries.

The 2015 ENP Review

Now after the failure of the “Arab Spring”, with the exception of Tunisia, the EU’s policy towards the Mediterranean countries assumes new criteria. This new perspective is expressed in a document of the European Commission and the High Representative of the European Union for Foreign Affairs and Security Policy entitled *Towards a New European Neighbourhood Policy* issued in 2015, in which the EU considers the results and the validity of the ENP. The ENP evolved into the creation of the UfM in 2008 and the realization of the Eastern Partnership in 2009.

Moreover, the neighbouring countries now have the perspective of the creation of DCFTAs, as well as Mobility Partnerships. As we know, the ENP was reviewed in 2011 to devise a response to the uprisings of the Arab springs. But these processes of transition have had different conclusions in the Arab countries and it is for this reason that this document once again critically analyses the validity of the ENP¹⁰. The EU has used the ENP as a tool on an annual basis to favour and assess the efforts for the reforms in every country, in particular as regards the field of the governance, on the ground of action plans stipulated with the individual partners.

An important consideration of the document outlines the fact that, although the ENP covers 16 neighbouring countries, it is also necessary to address *the neighbours of the neighbours*, thereby redefining the Mediterranean area that also comprises relations with Russia, with partners in Central Asia, in Africa and with the Gulf countries. In this perspective the representation of the Mediterranean area appears flexible according to the policy definitions of the EU.

10 European Commission and the High Representative of the European Union for foreign Affairs and Security Policy (2015) *Towards a New European Neighbourhood Policy*, JOIN (2015) 6 final, Brussels, 4th March 2015, p. 3. With regard to this document see Lannon (2015: 220 ff).

This paper makes mention of unsolved problems: *how can the ENP sustain the management of migration flows and, furthermore, how can the EU foster a sustainable economic and social development in partner countries of the ENP?*

Very significant and innovative is the perspective of the promotion of *regional cooperation* that could be more adequately accomplished through collaboration with other regional actors (Council of Europe, OSCE, League of Arab States, Organization of the Islamic Conference, the African Union).

The Member States of the EU outline four priority areas that need further consultation and reflection: *Differentiation, Focus, Flexibility, Ownership & Visibility*.

As regards *Differentiation*, in relation to the countries of the southern shore and considering their different processes of transformation, the document asks whether the ENP ought to adopt a kind of “variable geometry” with different levels of relationships with the partner countries. In the European Council conclusions on the review of the ENP of 20/04/2015, the Council stresses that the European policy should be capable of responding flexibly to the changing situation in the region, “challenges and crises while preserving its continuity and predictability”¹¹.

The second point – *Focus* – entails the need to assess the specific interests of the EU and of the different neighbouring partners. On the ground of informal consultations, it emerges that the EU and the neighbouring partners have strong common interest in the following areas: promoting trade and an inclusive and sustainable economic development; energy security; protection against security threats deriving from conflict situations; the capacity to tackle governance challenges; cooperation in the field of migration and mobility.

As regards *Flexibility*, the EU has utilized a plurality of tools with many ENP partner countries: in particular Association agreements or Partnership and Cooperation Agreements.

Financial resources have already been assured to ENP partner countries and a further EUR 15 billion will be provided for the period 2014-2020. There will be a mid-term review in 2017 that will represent an opportunity to implement the funds of the European Neighbourhood Instrument in relation to the changing developments of the region¹².

Lastly, in relation to the forth point – *Ownership & Visibility* – the document points out that one of the main criticisms levelled against the ENP is the limited sense of ownership with the partners and a weak awareness of the aims of the policy and its impact. Efforts are needed to improve both the ownership of this policy by the partners and the communication of its objectives and results.

A new document of the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy entitled *Review of the European Neighbourhood Policy*

11 European Council (2015), Council conclusions on the Review of the European Neighbourhood Policy, 20th April 2015, p. 1.

12 Towards a New European Neighbourhood Policy, JOIN (2015) 6 final, Brussels, 4th March 2015, pp. 8-9.

states that “the current review of the ENP is to propose how the EU and its neighbours can build more effective partnerships in the neighbourhood”¹³.

The review of the EN, proposed by President Juncker and requested by EU Member States, has brought over 250 responses to the public consultation from Member States, partner governments, EU institutions, international organizations, social partners, civil society and so on. The review confirms the “need for change in the ENP both in substance and in methodology”.

The document acknowledges that the incentive-based approach (“More for More”) has been successful in fostering the reforms in the fields of good governance, democracy, rule of law and human rights, but it has not been a sufficiently strong incentive where there has not been the political will. In these cases the EU will explore alternative ways through the engagement of civil, economic and social actors.

As regards the possibility of stipulating agreements with highly relevant partner countries is the hypothesis on the part of the EU to assume greater flexibility. So there will be neighbours that have accepted a path of close economic integration with the EU, through the implementation of association agreements on a Deep and Comprehensive Free Trade Area, such as Morocco and Tunisia with which negotiations have just been launched. But a number of partners do not currently wish to pursue such a model. For them the EU will try to propose attractive alternatives, through different kinds of agreements, in order to promote integration and foster trade and investment relations.

It looks as if the EU is aiming at the realization of an increasing flexibility with the neighbouring countries. But this is a very uncertain perspective without a clear and common strategy. The same is happening in the field of migration.

Migration in the Mediterranean Area

An important chapter in Euro-Mediterranean relations concerns the large flows of migrants from the Mediterranean’s southern shore into Europe. The problem, as is evident, is closely bound up with that of redefining Euro-Mediterranean relations.

On November 18, 2011, the European Commission issued a document entitled *The Global Approach to Migration and Mobility* (GAMM), and in that connection it stated: “The Arab spring and events in the Southern Mediterranean in 2011 further highlighted the need for a coherent and comprehensive migration policy for the EU”¹⁴. The document lays out a set of recommendations as follows, with an emphasis on what it terms the four pillars of the GAMM:

13 European Commission and the High Representative of the EU for Foreign Affairs and Security Policy, Review of the European Neighbourhood Policy, JOIN (2015) 50 final, Brussels, 18th November 2015, p. 2. See Lannon (2015: 224).

14 European Commission (2011) *The Global Approach to Migration and Mobility*, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions, COM (2011) 743 final, Brussels, 18th November 2011, p. 2.

The GAMM should be based on *four equally important pillars*:

- (1) organizing and facilitating *legal migration and mobility*;
- (2) preventing and reducing *irregular migration and trafficking in human beings*;
- (3) promoting *international protection* and enhancing the external dimension of *asylum policy*;
- (4) maximizing the *development impact* of migration and mobility.

The GAMM should be *migrant-centered*. It is to be based on the principle that the migrant is at the core of the analysis and all action and must be empowered to gain access to safe mobility.

The *human rights of migrants* are a cross-cutting issue in the GAMM, as this dimension is relevant to all four pillars. The GAMM should strengthen respect for fundamental rights and the human rights of migrants in source, transit and destination countries alike. In particular, in regard to the fourth pillar, “the EU should reinforce its support for capacity-building in partner countries. Coordination and coherence between national migration and *development policies* ...should be strengthened... Successful mainstreaming of migration in *development thinking* requires making it an integral part of a whole range of sectoral policies (on agriculture, health, education, etc.)” (European Commission, 2011, p. 19).

But the EU is not expressly committed to a global approach to migration processes and still seems stuck on a policy of keeping migrants in check and even subduing them (Lavenex and Stucky, 2011, p. 116-142). Moreover, despite the attempts in the 1999 Tampere Summit and the 1997 Treaty of Amsterdam to achieve an integrated European migration policy¹⁵, *we have to recognize that European migration policies are still essentially shaped at the national level*. The European countries’ attitudes regarding migration processes are indeed quite different. There are the positions of “the North European countries, including France and Germany, for which Schengen’s border and policing arrangements do not guarantee enough security”. Then there are the “Southern European countries that ...want the right to make exceptions to the EU’s ‘Dublin regulation’ on asylum, which stipulates that they must care for all asylum seekers who reach their shores first without sending them on to the richer countries further north” (Brady, 2012, p. 276). These differences are at the root of the EU impasse and of its inability to form a coherent and common policy on migration processes.

But in the face of the deep transformations in the North African and Middle East countries, a new migration policy is necessary to redefine the founding principles of Euro-Mediterranean relations in such a way as to embrace a *co-development* approach on which migrants are regarded as transnational actors contributing to the development both of their countries of origin and of the ones they migrate to. European people ought to emphatically underscore the role of migrants

15 See Treaty of Amsterdam, Part One, Article 2(15), amending Part Three of the Treaty Establishing the European Community, and in particular Title IIIa (Visas, Asylum, Immigration and Other Policies Related to Free Movement of Persons), Arts. 73i, 73j, and 73k.

as fundamental actors in development, in such a way as to counteract the priority the European countries allot to security.

The document of the European Commission and High Representative of the Union for Foreign Affairs and Security Policy, *Review of the European Neighbourhood Policy*, issued on 18th November 2015, states that the ENP will reflect an intensified cooperation on both regular and irregular migration. The European Council conclusions of 25-26 June and 15-16 October, the High-Level Conference on the Eastern Mediterranean/Western Balkans Route of 8th October and the Valletta Summit on Migration of 11-12th November of the same year had all confirmed the new political impetus of deeper cooperation¹⁶ with ENP partners. But this concept of cooperation is grounded on the purpose of introducing criteria of differentiation among the migrants. Indeed, the EU aims to promote better tools *to identify skill gaps in the European labour market* and encourage the recognition of qualifications of third country nationals working in the EU. In March 2016, the Commission planned to improve and further facilitate the entry and residence of highly skilled third-country nationals in the EU. From this perspective the EU will cooperate with the ENP countries to encourage and make progress on facilitating recognition of skills and qualifications¹⁷. It is clear that there is only a *functional* approach to migration in relation to the needs of the European labour market. There is no idea of humanitarian aid!

Furthermore, the document seemed to assume the perspective of *co-development*, because there is the declaration that more effective ways of building links with diaspora communities and of working on circular migration will be sought. The EU should also promote migration schemes in small and medium-size enterprises and training programmes for entrepreneurs in European countries.

Moreover, the EU will create a new start-up fund to provide capital to promote “brain circulation” in order to sustain migrants returning to their countries of origin. This could help the migrants contribute with the acquired skills to the economic and social development of their countries. *In short, on the one hand, the EU adopts a functional approach to the European labour market and, on the other, it sustains the project of migrants returning to their own countries.*

Finally the document points out that the EU will continue to foster a realistic and fair narrative on migration and to combat vigorously all forms of racism and discrimination promoting intercultural dialogue, cultural diversity and mutual understanding. However the perspectives of this EU’s policy are very difficult to be realized in front of the nationalist and populist resistance of many European civil societies, in particular in Eastern European countries.

But to date only the EU-Turkey agreement has been subscribed, on 19th March 2016. On the ground of this agreement, following on from the EU-Turkey Joint Action Plan of 29th November

16 Concrete actions of international cooperation at all levels ought to be grounded on the traditional EU’s commitment to human rights standards (Abdel Aziz, 2016: 112).

17 European Commission and the High Representative of the EU for Foreign Affairs and Security Policy (2015) *Review of the European Neighbourhood Policy*, JOIN (2015) 50 final, Brussels, 18th November 2015, p. 16.

2015 and the 7th March EU-Turkey Statement, the European Union and Turkey have decided to stop the irregular migration from Turkey to Europe. The agreement aims to combat people smuggling and to break off the irregular routes to the EU, in the frame of EU and international law¹⁸.

In particular the EU and Turkey have agreed that: – all irregular migrants from Turkey to Greece will be returned to Turkey from 20th March 2016;

for every Syrian being returned to Turkey from Greece, another Syrian, who has received the status of refugee, will be accepted in Europe. The legal basis on which irregular migrants will be returned from the Greek islands to Turkey is the bilateral readmission agreement between Greece and Turkey, that from 1st June will be substituted by the EU-Turkey readmission agreement. The number of migrants that ought to be accepted in the EU amounts about to 72,000 (D'Argenio, 2016, p. 2), but – as we know – some European countries, namely Central and Eastern European countries, have refused to accept migrants.

The EU will disburse € 3 billion in the frame of the Facility for Refugees in Turkey¹⁹ programme and will add € 3 billion more to the end of 2018. But the main question is whether the protection of human rights will be assured. There is the risk indeed that there could be collective expulsions that are prohibited on the ground of the art. 4 of the IV Protocol of the European Convention on Human Rights. Moreover, migrants that have the right to international protection, but that arrived irregularly in the Greek islands, will also be returned to Turkey.

Furthermore, the procedures for receiving the status of refugee must be guaranteed²⁰ and the human rights of migrants be protected in Turkey too, as regards for instance the right of children to education.

So the national politics of European countries on the one hand, and the difficult implementation and the limits of the EU-Turkey agreement, on the other, demonstrate the absence of a clear strategy of European politics in the field of migration, that represents no emergency question, but a structural problem that will face the EU for a long time to come²¹.

18 European Commission, EU-Turkey Statement: Questions and Answers, Brussels, 19th March 2016, [Online], Available: http://europa.eu/rapid/press-release_MEMO-16-963_en.htm, p. 1.

19 European Commission, The EU-Turkey Cooperation: A € 3 billion Refugee Facility for Turkey, Brussels 24 November 2015.

20 Turkey does not fully apply the UN Convention on refugees with the consequence that people returned to Turkey are left without international protection (Pierini, 2016: 79).

21 The immigration crisis is the most decisive for the EU's identity because it represents the crisis of the European values of solidarity and human rights and has driven "its populist and nationalist movements" (Borrell, 2016:88). Questionable seems to be the Memorandum of Understanding signed on the 2nd of February 2017 by the Italian Government and Fayez al-Sarraj, Chairman of the Presidential Council of Libya and Prime Minister of the Government of National Accord of Libya. The Memorandum starts a politics of cooperation to stem the illegal migrant flows (art. 1), together with the fostering of a Euro-African cooperation to eliminate the causes of migrations through the realization of strategic projects of development with African countries. The Malta Declaration, issued by the European Council on 3rd February, approved the Memorandum of Understanding between Italy and Libya. The Declaration states the priority of disrupting the business model of smugglers through an integrating approach

Conclusions

At the end of this essay it is necessary to introduce some short considerations about the future of the European identity.

After the uprisings of the “Arab Spring” that have caused the crisis of the Euro-mediterranean relations, now the future of the European Union is represented by the necessity of a new policy for the Mediterranean area.

The Mediterranean represents indeed an opportunity and above all a necessity for the safeguard of the European identity. Through the integration of large masses of migrants – instead of a policy of mere containment of migration – the European Union could sustain its economy and maintain its level of social security; and through projects of cooperation with the countries of MENA area that offer conditions of stability, and with the African countries that are at the origin of the huge flows of migrations, the EU could contribute to create an area of common prosperity against the perspective of instability and the challenges of terrorism.

Without this change of political perspective, the risk is a deep economic and political crisis of the EU and of its cultural identity.

involving Libya and other countries and, at the same time, outlines the need to support the development of local communities in Libya in order to improve their socio-economic situation and “enhance their resilience as host communities” (Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route, 03/02/2017, Available: <http://www.consilium.europa.eu/en/press-releases/2017/02/03-malta-declaration/>).

However it is important to point out with approval the criticism expressed against the Malta Declaration by the UNHCR representative for South Europe, who has declared that it is unacceptable to consider the migrants “illegal”, because the majority of them are people that have the right to receive the status of refugees. Moreover Libya, that has not signed the Geneva Convention, is no safe haven and in its migrant centres there offer no guarantee of rights. (See *la Repubblica*, 4th February 2017, p. 11).

We are still very far from a fair solution for the epochal question of migrants!

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