

Union for the Mediterranean Building on the *Barcelona acquis*

CONTRIBUTORS

Roberto Aliboni
George Joffe
Erwan Lannon
Azzam Mahjoub
Abdallah Saaf
Álvaro de Vasconcelos

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Participants discussed the emerging objectives and contours of the proposal for a Union for the Mediterranean, revisited the principles, achievements and challenges of the existing Barcelona Process, and assessed evolving Euro-Mediterranean challenges. Their discussions form the subject of two separate reports, edited by Tiago Marques. This report is an expanded discussion of the issues involved, based on the conclusions they reached and additional analysis that the Institute has undertaken.

Institute for Security Studies
European Union
43 avenue du Président Wilson
75775 Paris cedex 16
tel.: +33 (0)1 56 89 19 30
fax: +33 (0)1 56 89 19 31
e-mail: info@iss.europa.eu
www.iss.europa.eu

Director: Álvaro de Vasconcelos

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EXECUTIVE SUMMARY

The project of a Union for the Mediterranean has relaunched the debate on Euro-Mediterranean relations in a broader context. In this regard, one should not forget that the Euro-Mediterranean Partnership (EMP) – the ‘Barcelona Process’ – is much more than a mere intergovernmental process of political cooperation. It is also about using the Community approach.

One of the pre-conditions for the success of this new Mediterranean initiative is to clearly identify what the achievements of the Barcelona Process – its ‘acquis’ – have really been. Any new initiative such as the Union for the Mediterranean should therefore aim to consolidate and reinforce the Barcelona *acquis* while preserving its social, people-to-people, dimension.

The need to re-evaluate the challenges facing the Mediterranean and the Union’s policy towards the region has become increasingly urgent. The EMP is already an instrument which closely mirrors the basic tenets of the European Union’s own mechanisms for creating peace and inclusive democracy and must, therefore, be preserved. As a model for the development of the Euro-Mediterranean Community of Democratic States, it involves an all-inclusive strategy encouraging reform in the South. It thus creates an opportunity for cooperation via trans-Euro-Mediterranean networks linking civil societies on both shores of the Mediterranean.

Unless the Union for the Mediterranean is seen to complement the Barcelona Process and the European Neighbourhood Policy (ENP), it might well damage their visibility and effectiveness. Coherent and effective long-term policies towards both the East and the South are fundamental to the cohesiveness of the European Union itself.

Another pre-condition for the success of the new ‘Barcelona Process: Union for the Mediterranean’ initiative is that it should address a number of key challenges within the region such as: political Islam, policy securitisation stemming from the consequences of the terrorist attacks in the US on September 11, 2001, the role of migrants as actors in the Barcelona Process, the consequences of the misplaced ‘clash of civilisations’ concept, remaining regional conflicts and tensions, and the need to enforce rule-of-law and civil liberties for effective economic and social development. As part of this process, the Union must also come to terms with its own claims of ‘inclusion within diversity’ and the reality that many Europeans still refuse to accept the heterogeneity of European society itself for, without such self-awareness, Europe can never engage meaningfully with the Mediterranean over the issue of migration.

There is room for new institutions, mechanisms and instruments within the framework of Euro-Mediterranean relationships but the risk of continuing paralysis within the management of the Barcelona Process because of antagonisms between partners

should not be underestimated. However, new initiatives could be considered as opportunities to reinforce the current Process and to tackle issues that were not addressed, or were not properly addressed, during the past decade.

The political focus of Mediterranean policy should be clearly identified and reflect common Euro-Mediterranean interests, preoccupations and challenges. Proper consultation with the Mediterranean partners of the European Union is now an urgent matter. The abandoning of political reform incentives and positive conditionality in the name of *realpolitik* and avoidance of the main socio-economic and political issues within the Mediterranean region is to be avoided as well, as is also the marginalisation of civil societies there. Positive conditionality in the ENP should emphasise respect for the international rule-of-law and evolution towards democratic governance.

Union for the Mediterranean: Building on the *Barcelona acquis*

INTRODUCTION

The French-led initiative for the Union for the Mediterranean has relaunched the debate on the Barcelona Process – the Euro-Mediterranean Partnership (EMP) – and on Euro-Mediterranean relations in a broader context. It is a debate that has made it possible to re-evaluate past achievements in Europe’s Mediterranean initiative and to identify what needs to be done to reinforce the original initiative – a very desirable development. The original French proposal for a Mediterranean Union had been confined only to the littoral states of the Mediterranean as those states most directly concerned in Mediterranean affairs. It had proposed an administrative structure to bring these states together for a process of co-development, together with a co-presidency organised on a North-South basis. These new institutions would manage and finance development projects that had regional implications for the states concerned.

The proposal excited a certain anxiety amongst European Union Member States because it implied a distinction between the Union and Mediterranean littoral states over policy towards Europe’s southern periphery, a major priority of the Union itself. It is important, in this context, to note that the European Security Strategy of December 2003 states that ‘The European Union’s interests require a continued engagement with Mediterranean partners through more effective economic, security and cultural cooperation in the framework of the Barcelona Process. A broader engagement with the Arab World should also be considered.’ After an intense debate between the twenty-seven Member States of the Union about the viability of the initiative, since it involved only those countries that border the Mediterranean proper, a consensus was reached at the March 2008 European Council meeting when they ‘approved the principle of a Union for the Mediterranean which will include the Member States of the EU and the non-EU Mediterranean coastal states.’¹

¹ Annex I of the Presidency Conclusions of the Brussels European Council of 13/14 March 2008 on ‘Barcelona Process: Union for the Mediterranean’.

The decision, however, begs a further question; namely, how could such a project be inserted within the framework of the Barcelona Process without affecting its nature and at the same time giving to it a much needed fresh impetus? Answering this question is now the task of the European Commission. It has been invited by the European Council to outline the ‘necessary proposals for defining the modalities of what will be called “Barcelona Process: Union for the Mediterranean” in time for the summit which will take place in Paris on 13 July 2008’,² as the French presidency of the European Union begins.

However, the precise benefits that the new proposal will provide to Euro-Mediterranean relations – a key element of which is the Barcelona Process – are still to be established. In this respect, the Barcelona Process itself deserves closer scrutiny rather than just simply being dismissed as a failure. This issue should be addressed, first, by revisiting the very wide-ranging and detailed debate that took place during the preparatory meetings for the 2005 Barcelona Euro-Mediterranean Summit review, which also commemorated the tenth anniversary of EMP. The Summit may have failed as a result of the absence of the vast majority of the heads of state from the Southern Mediterranean but the complex analysis of the EMP that had been undertaken during the preparations for the event should be revisited in any future initiative, especially if the objective is to revive Euro-Mediterranean relations. In this context, the active participation of civil society representatives from both shores of the Mediterranean Basin in the Barcelona 2005 debates should be emphasised.

Thus, in order to ensure that the Paris summit in July will be a success, it is important to take into account both the achievements of the Barcelona Process and the reasons for its shortcomings, especially in view of the ambitious agenda that the Process originally set itself. The tendency to ‘start all over again’, could prove to be very costly. In consequence, we begin this analysis of the potential of the Union for the Mediterranean to revive Euro-Mediterranean relations by reviewing the current status of the EMP and the potential it has for the future. One of the purposes of the present report is to highlight the following four questions:

- i. What should the political focus of Mediterranean policy be?
- ii. How should the Euro-Mediterranean cooperation framework be structured?
- iii. How should security and reform be correlated?
- iv. How can migrants become full actors of the Partnership?

² Ibid.

I. THE GLASS HALF FULL: EXISTING INSTITUTIONS, POLICIES AND PROPOSALS

It is important to bear in mind that common institutions and policies have been developed in the Mediterranean region for more than a decade already and that these achievements should not now be lost in any new initiative.

A. BARCELONA PROCESS: THE COMMUNITY DIMENSION

The EMP is much more than a mere intergovernmental process of political cooperation. It is also about using the Community approach that was successfully applied to enlargement in developing Euro-Mediterranean relations.

1. Beyond intergovernmental political cooperation

The Euro-Mediterranean Association Agreements, for example, establish an array of norms and standards with the objective of facilitating Euro-Mediterranean inclusion, although the enlargement of the Union is not envisaged in the long term. In this sense, they are the heirs of the European integration experience.

Indeed, they build on existing EU policies³ as well in that they encourage the states concerned to build on the Community's own achievements in a number of fields. In this regard the European Court of Justice of Luxembourg has already taken up a large number of cases concerned with the social aspects⁴ of agreements concluded with the Maghreb countries and with Turkey. Furthermore, in its second phase of activity, the Barcelona Process concentrated on the creation of common institutions. These included a Euro-Mediterranean Parliamentary Assembly and a Foundation for Dialogue between Cultures, institutions that are nonetheless still suffering from a clear deficit among the civil societies on either side of the Mediterranean. What is even more noteworthy is that the Partnership originated an important number of people-to-people initiatives that involved overall hundreds of non-governmental organisations on both shores of the Mediterranean

³ For instance, the articles of the Euromed Association Agreements devoted to competition policy are similar to the ones enshrined in the EC Treaty.

⁴ Social security or pension rights, for example.

2. An economic community between the EU and its partners

This approach was reinforced when the European Neighbourhood Policy (ENP) was launched. This provided the means by which Southern Mediterranean countries could, if they wished, integrate into the European Economic Area. The European Commission has been key to developing this approach, particularly as far as the ENP and the MEDA financing programme within the Barcelona Process are concerned.

As a result, so the 2006 Communication of the European Commission on ‘Strengthening the European Neighbourhood Policy’ claims, there is now a ‘longer-term vision of an economic community emerging between the EU and its ENP partners’ and ‘elements of this are already being developed around the Mediterranean through the Agadir Agreement.’ The European Commission, moreover, stressed that in the longer term, ‘working towards a broader Neighbourhood economic community would include such points as the application of shared regulatory frameworks and improved market access for goods and services among ENP partners, and some appropriate institutional arrangement such as dispute settlement mechanisms.’⁵

B. PRESERVING THE BARCELONA ACQUIS

Despite the stamp of political approval for the latest version of the ‘Union for the Mediterranean’ provided by the March 2008 European Council, several technical problems remain to be resolved. The main guidelines as to how this might be done should be derived from the achievements of the Barcelona Process by consolidating and reinforcing what has already been accomplished and what remains to be done.

1. The Barcelona *acquis*

One of the pre-conditions for the success of the new Mediterranean initiative is to clearly identify what the achievements of the Barcelona Process – its ‘*acquis*’ – have really been. Even if this *acquis* has not yet received a legal definition, it clearly encompasses a wide range of components, including elements of Community law. The most important of them comprise:

- i. The Barcelona Declaration;
- ii. The Euromed Agreements, protocols and other legal acts annexed to them;
- iii. Secondary legislation (MEDA I and II regulations, the European Neighbourhood and Partnership Instrument);
- iv. Decisions by the Court of Luxembourg over the Euromed Agreements;

⁵ Communication from the Commission on ‘Strengthening the European Neighbourhood Policy’, COM(2006)726 final, Brussels, 4 December 2006, p. 5.

- v. Other Ministerial Declarations;
- vi. The Euromed Institutions and the numerous civil society networks, supported by the Partnership, in the area of people-to-people initiatives;
- vii. The 2005 Commission five-year work programme and the Code of Conduct on Countering Terrorism.

It should be stressed that this is an incomplete list of what should comprise the Barcelona legal acquis, for it, like the Community's own acquis, is in constant evolution. It does not wholly take into account the wide political acquis that was able to bring together, in certain areas, the societies from both shores and a socialisation process between diplomats, political actors and civil society whose impact is hard to measure but no less important.

2. The objectives of Barcelona 2010

The potential additional acquis of the Barcelona Process – and one that would be key to the success of the Union for the Mediterranean – is based on the understanding that many of the concrete objectives set out in 1995 (such as the Free Trade Area or the Pact for Stability and Security) were designed to be achieved only by the 2010 headline goal over the Process overall and thus remain still to be completed. A crucial component, too, was a regional free trade area within the South, also due for completion by 2010. These objectives will therefore involve both free trade across the Mediterranean and the integration of southern markets as well, thus achieving a Mediterranean Free Trade Area (MEFTA).

MEFTA, however, cannot be limited to the purely commercial objectives implied by free trade, for it will necessarily involve the establishment of the rule-of-law as an integral part of the project and must also include a social contract between itself and the states and populations concerned which would be designed to mitigate the inequalities that such a process can generate. The overriding interest in this would be to establish social justice and end poverty and unemployment. It would also be vital to preserve the democratic acquis of the Barcelona Process and not to give in to the temptation to discard it in the name of *realpolitik*, cultural relativism or commercial concerns. No less importantly, it is necessary to strengthen the rapprochement process and the active association between societies from both shores through the definition of specific goals for that purpose.

3. The potential political dimensions

The basis upon which the potential acquis of the EMP can be determined is the 1995 Barcelona Declaration. This explicitly defines a shared goal of achieving 'a common area of peace & stability' based on essential principles of international law. The Dec-

laration also reaffirmed 'common objectives in matters of internal and external stability'. These were the bases upon which the signatories made their 'declaration of principles' which included the commitment to '...develop the rule of law and democracy in their political systems' and 'respect human rights and fundamental freedoms and guarantee the effective legitimate exercise of such rights and freedoms, including freedom of expression, freedom of association for peaceful purposes and freedom of thought, conscience and religion, both individually and together with other members of the same group, without any discrimination on grounds of race, nationality, language, religion or sex'.

The potential of the overall *acquis* is enormous, not least because the EMP has always been a process looking towards future outcomes, with the objective of gradually building a true Mediterranean community, even if this occurs at different paces because of the differing political and economic capacities of its members. This is, after all, a consideration for which provision has been made in the Action Plans of the ENP (see below) and the Association Agreements of the EMP. It was this factor that facilitated the cooperation initiatives which brought civil societies from the Mediterranean area closer together, enabling women's rights to be discussed in Istanbul during a ministerial meeting in 2006, as well as having paved the way for the approval of the governance facility in 2005.

The EMP is also a framework through which the normative aspects of the European Union's policies flow towards Southern Mediterranean partners. It also ensures that the relationship between Southern and Northern partners enjoys a permanent and highly visible diplomatic profile, thus reinforcing its regional significance. It has also established a regional security organisation which, even if it is still weak, is operative, and has created a sense of solidarity among its members. In this sense, the EMP, however it might now be changed, is already an instrument which closely mirrors the basic tenets of the European Union's own mechanisms for creating peace and inclusive democracy and must, therefore, be preserved.

Besides this, there is also a security *acquis* which is shared by all the Euro-Mediterranean partner states although it is still, admittedly, rather limited. Nonetheless, it contains important elements, the most important being the consensus over the EMP's regional structure – a structure which includes both Israel and the Palestinians, which is in itself a measure of mutual trust and a solid basis for regional cooperation in the Middle East as soon as peace is achieved in the region. In this sense, the Euro-Mediterranean security *acquis* is based on the conviction that it is possible to build a Euro-Mediterranean area of peace inspired by principles and norms through democratic inclusion. This would ensure secure international relations, focused on principles of political and economic association whilst rejecting power politics as an instrument of policy between neighbour-states. This security *acquis* implies political reform, an enhanced popular role in international relations, and economic interdependence as essential conditions for ensuring collective security. In essence, the

security *acquis* implicit in the Barcelona Declaration is fundamentally based on the linkage between security and economic, political and social convergence. This is an *acquis* that members have not been able to make explicit in a road map for security and cooperation in the Mediterranean, as had been planned.

Against this background, the outcomes from the Barcelona Process to date have fallen far short of expectations within the European Union. Furthermore, there have been significant changes in Euro-Mediterranean relations because of the wider strategic implications of changes in international relations, such as the 9/11 attacks – and the American response to them – as well as changes in the Union itself, such as enlargement and the failure to strengthen the Union's political base through the adoption of the European Constitution. In consequence, the need to re-evaluate the challenges facing the Mediterranean and the Union's policy towards the region has become increasingly urgent.

4. The people-to-people dimension

Any new initiative such as the Union for the Mediterranean should therefore aim to consolidate and reinforce the Barcelona *acquis* while preserving its social dimension, itself a major achievement of the Barcelona Process, for it creates a crucial popular and social dimension to the initiative. While governments are called on to steer the Process forward, the EMP itself seeks for engagement, by developing people-to-people relations.

The idea underlying this aspect of the Process is that regional security depends on enhancing relations among the peoples of the region and enabling them to live side-by-side despite cultural and civilisational differences. This development of a concept of unity within diversity in the interaction of Mediterranean and European societies – a people-to-people dialogue beside the government-to-government dialogue – is another key element of the Barcelona *acquis* that needs to be highlighted and reinforced. This, in turn, implies the full engagement of the full range of civil societies within the countries of the Euro-Mediterranean Partnership

C. THE EUROPEAN NEIGHBOURHOOD POLICY (ENP)

The ENP represents a major new Union initiative along the European periphery – both East and South – yet, during the recent discussions held over the Union for the Mediterranean, the ENP was almost completely ignored. This is of major concern as the ENP is today the driving force, at a bilateral level, of reform and financial cooperation along the Union's southern periphery.

1. East-South equilibrium

Since the 1994 Essen European Council the Union's 'proximity strategies' – policies towards its peripheral neighbours – have been based on the concept of a European East-South equilibrium. In practice, this means that any new initiative for the East must be counter-balanced by a parallel initiative for the South and vice versa. This equilibrium was an essential component of the Franco-German consensus after the end of the Cold War over future priorities for the European Union, after the adoption of the Maastricht Treaty and the introduction of the Common Foreign and Security Policy. It was underlined by Poland during the March 2008 European Council when it actually made its agreement over the Union for the Mediterranean issue dependent on a new and specifically European approach to Ukraine.

Furthermore, given the current framework for cooperation, it will be very difficult to ignore issues such as the Black Sea Synergy initiative, the Southern Caucasus or new Member States such as Bulgaria and Romania within the context of the ENP, for one of the keys to its success is inclusiveness. In addition, the main objectives of the policy should be defined in terms of common goals, not European or national ones.

Understandably, some European Union Member States may perceive the Mediterranean as a distant and even an alien area which does not impinge on their direct political and economic interests. Over time, however, they have come to better appreciate that the Community *acquis* reflects the interests of the European Union itself and cannot be segmented. Thus, the reason why the Mediterranean dimension of the *acquis* is important for the Baltic countries is that the Nordic dimension of the same *acquis* is important for Southern Europe. Some Member States have been quick to grasp this concept, others will need more time. In general, however, the Community *acquis* which was integral to the accession treaties to the European Union has been accepted by all Member States, new or old.

On the other hand, enlargement, by including countries mainly from Central and South-East Europe, has raised anxieties in some parts of Southern Europe that the initial balance within the Union on which Mediterranean policies were based has suffered a shift towards the East. This feeling has been one of the drivers behind France's proposal for the Union for the Mediterranean, even though France has now agreed to bring its initiative under the European Union's umbrella. In short, coherent and effective long-term common policies towards both the East and the South are fundamental to the cohesion of the European Union itself and, for this reason, these policies cannot afford to ignore its Southern Mediterranean partners.

2. Complementing the ENP

Unless the Union for the Mediterranean is seen to complement the Barcelona Process and the European Neighbourhood Policy (ENP), it might well damage their visibility and effectiveness for the following reasons:

- i. The objectives and the approach of the Barcelona Process are well-known, not only among governmental elites but also among influential sectors of civil society in the South, in particular.
- ii. The ENP itself was effectively launched on 1 January 2007 and depends on the 2007-2013 financial perspectives of the Union, for the European Neighbourhood and Partnership Instrument is now the single financial mechanism for the European Neighbourhood region as a whole. In addition, a number of country reports, action plans and follow-up reports have already been adopted within this framework;
- iii. The Barcelona Process – the EMP – has already been integrated into the ENP, even though at least two states (Algeria and Syria) still remain outside the wider ENP structure.

In other words, any new initiative should take account of those instruments and their own particular objectives. In this regard, it should be noted that among the documents submitted to the March 2008 European Council was a report prepared by the Slovenian presidency specifically on the progress made within the framework of the ENP.

3. ENP positive conditionality and differentiation principles

In short, the Barcelona Process-Union for the Mediterranean (BP-UM) can only be achieved if it is effectively linked to the ENP, especially since this will help to define the rhythm of integration of Southern partner-states with Europe. One of the most important aspects of this was the introduction of the concept of ‘differentiation’ between individual states in terms of their processes of integration with the Union, together with the use of positive conditionality to support those states that wish to upgrade their relations with the Union more quickly. This has allowed Morocco, for instance, to move towards an advanced status within the EMP-ENP and this will give it access to specific European programmes and policies. Israel is also to benefit from a similar arrangement. Positive conditionality should therefore emphasise the commitment that states within the ENP, especially those enjoying advanced status, make to respect the rule-of-law, evolution towards democratic governance and respect for international law. Although the nature of the ENP limits the consequent benefits that participating states may gain, there would then be significant benefits in the fields of economic, social and technological cooperation.

D. EURO-MEDITERRANEAN COMMUNITY OF DEMOCRATIC STATES

In the context of building on existing institutions and policies, it is also worth reviewing a model for the future structure of an integrated Mediterranean area that was proposed by a group of experts from both the European Union and the Southern partner-countries for a Euro-Mediterranean Community of Democratic States. The details of the proposal were laid out in a report prepared by the EuroMeSCo network for the 2005 Barcelona summit, at the request of the ministries of foreign affairs of states within the Euro-Mediterranean Partnership.⁶

Integral to the proposal was the statement that Member States would share the common goal of democratic governance. Some critics have considered this proposal for a community of democratic states to be inherently unrealistic because of the authoritarian nature of several political regimes in the South Mediterranean. This criticism, however, disregards the fact that the objectives of the EMP could only be achieved in the long term at rates that corresponded to the needs and expectations of a very large proportion of civil societies in the region. It is also a strategy that assumes the Southern governments' stated objective of undertaking political reform. Such a strategy is very different to that followed by the Bush administration in the Broader Middle East Initiative, which resulted in a tragic attempt to impose democracy on Iraq by force, in the hope that 'democratic contagion' would spread throughout the region.

In fact, the model for the Euro-Mediterranean Community of Democratic States involves an all-inclusive strategy encouraging reform in the South. It thus creates an opportunity for cooperation via trans-Euro-Mediterranean networks linking together civil societies on both shores of the Mediterranean. Furthermore, no state would be excluded, in terms of the nature of its regime since achieving this Community would be a long-term project based on the common engagement taken by all participants in 1995 to 'develop the rule of law and democracy in their political systems.'

⁶ 'Barcelona Plus: Towards a Euro-Mediterranean Community of Democratic States', *EuroMeSCo Report*, April 2005. See: http://www.euromesco.net/media/barcelonaplus_en_fin.pdf.

II. KEY CHALLENGES

A renewed BP-UM initiative should address a number of key challenges that the Barcelona Process has yet failed to solve, but which are nevertheless essential for the Mediterranean region.

1. The role of political Islam

One of the main obstacles to the further development of the Barcelona Process has been the inability, on both shores of the Mediterranean, to deal with the growing political significance of Islamist forces in Southern countries. This was one of the great failures of the past and must be central to any debate on the future of the Process or over new initiatives associated with it, such as the Union for the Mediterranean. The strategy of some governments in the South, designed to marginalise Islamists and their followers within civil society, has been supported in Europe, which has contributed to the marginalisation of non-Islamist political sectors who seek democratic reform and freedoms as well.

The Barcelona Process is therefore currently perceived in a number of countries as supporting the *status quo*, rather than as contributing significantly to political reform. This has severely dented its legitimacy in the South Mediterranean region. Furthermore, it is a fundamental principle of effective reform to ensure that civil society and political parties are fully involved in the process of political reform. In countries like Morocco and Jordan it is already the case that Islamist parties participate in political life.

2. 'Freedom' not 'Securitisation'

Ensuring the internal stability and security of the European Union was an important motive in the original decision to bring Greece, Portugal and Spain within the European Economic Community (EEC) in 1981 and 1986. The same logic operated with even greater force as far as the Central and Eastern European countries were concerned after the collapse of Communism. At that time, the core perception was that, had the Union failed to include Central and Eastern European countries by helping them to achieve democratic governance, the failure might have hurt the cohesive democratic and social system that had been created through the Union itself. This concept, in essence, subsequently underpinned the nature of Europe's approach towards the Mediterranean. It was for this reason that the Union initiated the Barcelona Process as an inclusive and cooperative diplomatic framework providing inducements to encourage political and economic reform. These reforms were intended to ensure that Mediterranean countries would be able to resolve their conflicts and develop their economies.

In other words, at the root of Europe's security concept there is a general conviction that security depends on the Union's ability to foster political and economic reforms abroad. This is part of the core European *acquis* and applies equally as well to the EMP and to Euro-Mediterranean policy in general. However, the security/reform *acquis* is being called into question as far as the Mediterranean is concerned, essentially by two developments. The first was the failure of the EMP partners in Marseilles in 2000 to agree on a common ground for security and, then, the trend towards policy securitisation stemming from the consequences of the 11 September 2001 terrorist attacks and those subsequently perpetrated in Madrid and London.

After the failure of the Marseilles conference – when it became clear that the kind of EMP Europeans had expected would prove very difficult to construct – the European EMP governments pushed security reform to the back of the diplomatic stage. The Commission, in contrast, continued the agenda of reform promotion in the Southern countries of the EMP, evolving new concepts and policies that were subsequently subsumed in the narrower vision of the ENP. This agenda, however, has been significantly and adversely affected by the shift in perceptions triggered by the 9/11 terrorist attacks on the United States. Some Southern governments considered that those attacks proved that their policies of repression towards Islamist oppositions – which they labelled as part of the threat in the fight against terrorism – were correct. The fact that the United States, the world's largest democracy, was to delink 'justice' from the 'war against terror' they took as a vindication of their strategies and this, in turn, weakened the Union's approach based on the rule-of-law. Arguments in favour of the status quo became more popular but were no less detrimental to European Union policies in the region.

This point is worthy of further, more detailed consideration. The Justice and Home Affairs (JHA) policy framework, which the European Union has developed alongside the Common Foreign and Security Policy (CFSP), is based on the rationale of a common space of freedom, justice and security in which the external and internal dimensions of policy become two sides of the same coin. However, securitisation prevents issues of freedom from being properly implemented in external relations, including those with the Mediterranean. In the Euro-Mediterranean context, the growing popularity of a security approach towards migration, increasingly presented as part of the threat in the European strategic debate, is particularly damaging to the legitimacy of the European Union as a normative power. In an even more worrying development, it also tends to be interpreted as endorsing the tendency to confirm that Europeans of Muslim origin are a potential security threat, as reflected in the policies of popular xenophobic parties there.

Securitisation may well hinder the promotion of political reform in the South, which is precisely one of the goals of the EMP. Furthermore, it restricts freedom of movement of, for example, migrants, rather than helping to liberalise it. The European consensus on the Mediterranean, which in the 1990s was based on clear concep-

tual and political assumptions, is based today on a much more ambiguous approach. This should be clarified in order to establish a reasonable balance between short-term security requirements (in which securitisation may have a place) and long-term requirements (where reform promotion should be the fundamental objective). The outcome would be clear – security through reform; democracy and freedom within the EU and its neighbours, as well as in the wider external environment. Policies actually carried out within the framework of growing securitisation threaten to betray such outcomes and obscure the European consensus on them.

3. Implementing a positive approach to migrants and their communities

Yet migrants are also actors in the Barcelona Process as migrants, not as a security threat. Indeed, the problem of dealing with migration in accordance with the principles and values of the Barcelona Declaration has been a major challenge for Euro-Mediterranean relations, particularly now that the issue of migration has gained a central position in European political and security discourse. Furthermore, the process of Euro-Mediterranean inclusion within a single region cannot occur if its human dimension is excluded, especially if the ‘other’ is seen as a problem rather than as an opportunity. It is of fundamental importance to treat migrant communities as full actors within Euro-Mediterranean cooperation. Their remittances generate investment, they themselves, upon return, may aid in technology transfer and even internalise in North Africa their images and experiences of Europe itself. At the same time, it is also essential to put an end to xenophobic attitudes towards those migrant communities in Europe.

This issue has significantly affected the ability of the Barcelona Process to make migrants actors in Euro-Mediterranean relations and this failure has helped to promote xenophobia in European countries. One of the major objectives of the Mediterranean Union, therefore, must be to change this approach towards both migration and the communities that result from it in order to boost the human dimension of the Partnership. The proposed Union should also make the fight against xenophobia one of its priorities, in accordance with the principles enunciated in the Barcelona Declaration. This clearly stated that the partners, ‘...underline the importance of waging a determined campaign against racism, xenophobia and intolerance and agree to cooperate to that end.’

4. Rejecting the ‘clash of civilisations’

Although it has become fashionable to explain crises in the Mediterranean in terms of Samuel Huntington’s concept of the ‘clash of civilisations’, the rationale behind the EMP rejects visions based on the innate hostility between civilisational blocs. Instead, and more importantly, it seeks wide-ranging ‘inclusion in diversity’, based on

the shared values that were agreed at the Barcelona Conference in 1995. Issues such as the 'Cartoons Crisis' have significantly contributed towards the widespread arguments that consider 'civilisations' as major actors in international relations. Such arguments rely on the view that fundamental freedoms and democracy are incompatible with Islam. Yet challenges based on civilisational incompatibility are not the real issues that confront political initiatives based on concepts of unity within the Mediterranean. In fact, Southern societies are profoundly marked by civil societies which fight for reform, for human rights and for democratic political change.

In effect, the Union for the Mediterranean must accept that the real actors in the region are not civilisations but governments and political parties, civil society and the commercial sector, all of whom have an enormous range of different interests. If each individual experiences multiple identities and interests – human rights, women's rights, or hopes for economic development, for example – he or she share many of them with others, in the North and the South of the Mediterranean. Those shared affinities are the only solid basis for Euro-Mediterranean interaction and cooperation.

5. Conflicts and regional tensions

Any initiative in the Mediterranean, whether new or old, that promotes political cooperation and South-South integration will continue to face enormous difficulties as a result of the political tensions between Algeria and Morocco over the Western Sahara issue and as a consequence of the Arab-Israeli conflict. The main objectives of the Barcelona Process can only be attained if solutions to these issues are also found. Nor can the Union for the Mediterranean escape having to deal with the same difficulties! Indeed, the Union for the Mediterranean could become a stimulus for the EMP if it incorporates the appropriate lessons from the failures of the Barcelona Process, by facing realities, and not undermining what has already been achieved.

In the original version of the EMP, the Mediterranean was conceived as a link between Europe and both the Levant and North Africa. It was to be the arena in which the Union's policy towards those regions would be developed. It was not an appropriate framework in which the problems of the Western Adriatic states could be resolved, even if they were included within the Mediterranean arena geographically. Nor does it provide an appropriate arena in which the process of Turkey's integration with the Union could be achieved. Such approaches would make the concept of the Mediterranean into no more than a heterogeneous and meaningless collection of policy initiatives within a single geographic expression because of the different types of policies that would be expressed by the Union towards each of these groups of regional states.

Other matters, on the other hand, are intrinsically part of the political arena of the Mediterranean. As was clearly pointed out in the European Security Strategy of 2003

and in the entire tenor of Union policy since the Venice Declaration in 1980, the solution of the Arab-Israeli conflict, in particular the Israeli-Palestinian conflict, is a major consideration for the Union's security and certainly for that of its Southern partners. If, therefore, the Union for the Mediterranean is to succeed, its Member States need to maintain their focus on the Arab-Israeli conflict. This is a common endeavour that should also mobilise the energies of EMP Member States, although the evidence to date has been very discouraging.

6. The economic imperative

In the years before the Barcelona Process was launched, politicians in Europe and in the South Mediterranean believed that radicalisation and anti-European sentiment in the South arose from economic and social shortcomings in Southern states. These, in turn, generated high levels of unemployment and poverty. Therefore, they argued, economic development of the region would stabilise it, stem migration flows and prevent political Islam developing there.

Similarly, economic development in itself was expected to foster democracy in the region. That proved not to be the case, and this argument, which linked economic development with stability and freedom, was demonstrated to be inadequate. Many studies – especially those by FEMISE – have since shown that effective sustainable development also requires the rule-of-law and civil liberties, including women's rights. Yet arguments based on the priority of economic development and commercial cooperation underpinned by foreign investment, still hold sway. They even include references to the Marshall Plan and to the process of European integration to justify their claims, despite the entirely different socio-economic environments in which those initiatives took place.

At the same time, economic development remains a fundamental tool through which an Euro-Mediterranean community can be built, provided the appropriate measures for its construction are adopted. This implies ensuring that the Euro-Mediterranean free trade area is developed, not only on a North-South axis but in an equally effective South-South dimension as well. A significant aspect of the Mediterranean Union initiative would be, in this context, its proposals to reinforce the capacity of the Barcelona initiative to undertake major projects that would help to create employment opportunities as well as regional cooperation and integration. These projects should include initiatives in the domain of expanding the 'knowledge society' and innovation, the environment and sustainable development, and in education, as well as facilitating the mobility of students and researchers throughout the Euro-Mediterranean arena.

III. NEW EURO-MEDITERRANEAN INSTITUTIONS?

Another element of the new initiative that should be taken into account is linked to the proposals made regarding new institutional arrangements. As outlined above, the original proposal, put forward in Toulon and Tangiers in 2007, has undergone yet further mutation, as a result of the European Council meeting on 14 March 2008. Now it will involve all Union Member States and the South Mediterranean states as well. They will meet at a single conference in Paris on 13 July, presumably to discuss detailed plans for this new version.

This, of course, is to completely abandon the original principles upon which the Union for the Mediterranean was premised, namely that it should be the possession of the Mediterranean littoral states alone. In other words, the Mediterranean Union which began as an exclusively Mediterranean club is now, in terms of membership, coterminous with the Barcelona Process. It is to offer genuine equality to all Member States – Southern states have long complained about European dominance. However, nobody knows yet whether the proposed Union for the Mediterranean will be absorbed into the Barcelona Process or whether it will be used to revitalise the Process itself.

In fact, if all Member States of the European Union, together with the Mediterranean partner states, are to be involved in the new initiative, it is difficult to see how it can be kept separate from the Barcelona Process and the ENP. Yet, if the new project does emerge in July as a means of reinforcing the EMP then it is worth examining at institutional level how the current Euro-Mediterranean framework could be meaningfully reinforced. Alternatively, another option could be to create a new basket within the Barcelona Process solely for the Union for the Mediterranean

1. Regular summits of heads of states or governments (G-Med)

One suggestion has been to create a kind of ‘G-Med’ arrangement, with regular meetings of heads of state or government for the states involved. There is certainly room for regular Euro-Mediterranean summits of heads of state or of government. A precondition for this should be an honest examination of the reasons for which most heads of state and government of the Mediterranean Partners boycotted the 2005 Barcelona summit. The second consideration would be to study good practice, as identified in the regular summits that take place, for example, between the Union on the one hand and Latin America, Caribbean and Asian countries on the other.

2. The rotating dual presidency

The proposed biannual rotating dual presidency involving one representative from the South of the Mediterranean and one from the North is designed to reflect the idea of co-ownership on the basis of equality between states. This is an excellent principle, no doubt, but it could mean that the Union for the Mediterranean would confront precisely the same problem as has the Barcelona Process in trying to find a solution to deal with the institutional reform of the EMP.

Within the Barcelona framework it is the Council presidency which plays that role for the Member States. Arab countries have tried to speak with one voice from time to time but have not been able to institutionalise this to date. Furthermore, two non-Arab countries (Israel and Turkey) are also full members of the Euro-Mediterranean Partnership and would have to be included among those states that might provide a candidate for the Southern co-presidency. Whether Arab countries would accept to be represented by Israel remains doubtful since most of them do not have diplomatic relations with it. In short, the idea can only work if formal peace has previously been achieved between Israel and the Arab states. Otherwise the natural rotation of the co-presidency among South Mediterranean states would imply Arab recognition of Israel before peace had been achieved whenever Israel held the Southern co-chair and there is no doubt that some Arab states would not agree to this. Indeed, Algeria has already said as much.

Furthermore, the original French proposal was to reserve, in the short term at least, the Northern presidency for European Mediterranean States. This will not be easily accepted by European Union Member States such as Germany or Poland. Furthermore, the Member States will be bound by the new rules enshrined within the Lisbon Treaty if the latter is ratified. On the other hand, there is a serious need to reinforce the sense of ownership of the Barcelona Process among all the partner-states, so any proposal aimed at reinforcing this sense of ownership is certainly most welcome.

3. A permanent secretariat, Committees or Common Working Groups?

It is worth noting that today there is no Barcelona secretariat as such to manage the EMP, as the European Commission actually manages the Process. It remains to be seen how this could be achieved in practice, especially as the Union for the Mediterranean proposal contains provisions for an administrative component, equally accessible to the Mediterranean states involved.

The idea that the partners should be integrated into the day-to-day management of the Barcelona Process is certainly an interesting one. However, the risk of paralysis

within the management of the Barcelona Process because of antagonisms between partners should not be underestimated. Moreover, serious technical difficulties may arise at a practical level, given the current organisation of the external services (DG Relex, Aidco) of the European Commission, not least because of the substantial changes to be implemented through the Treaty of Lisbon.

It would be more realistic to create different Common Working Groups or Committees where civil servants from both sides of the Mediterranean could prepare the programmes and actions of the Union for the Mediterranean on the basis of the principles of co-ownership and co-responsibility. This could even evolve into a 'Mediterranean secretariat', staffed equally by civil servants from the North and the South to support the work of the different working groups and to monitor the implementation of their conclusions.

IV. CREATING NEW PROGRAMMES AND INSTRUMENTS

Another issue involves the kind of actions or programmes that would be promoted within the framework of the new initiative, and the extent to which they would complement ongoing projects.

1. Shortcomings of the Barcelona Process

If the idea is to concentrate on a few specific actions in the fields of environment, finance and development, education and research, culture and society and non-military security issues, for example, there should be no major problems if the pre-conditions laid out above are respected and if appropriate care is taken to avoid overlapping with existing programmes. On the other hand, new initiatives could be considered as opportunities to reinforce the current Process and to tackle issues that were not, or were not properly, addressed during the past decade.

Among those issues, corruption and respect for human rights and democracy should be considered as priorities at the political level. It should be recalled that the issue of political conditionality was never mentioned in the proposals for the Union for the Mediterranean. At economic level, the promotion of foreign direct investment and the issue of the informal economy deserve special attention, given the need for Mediterranean partners to diversify their exports. The need to reinforce the social dimension of the Barcelona Process and the necessity to increase South-South sub-regional cooperation are also obvious. Within the framework of the human, social and cultural basket, this new initiative could also be used to relaunch the idea of promoting micro-projects that was abandoned at the end of the 1990s, not forgetting the central issues of the free movement of persons and of major Southern preoccupations such as health and housing.

These are serious issues that must be addressed if the Union for the Mediterranean is to make a positive contribution to the worsening situation in the Mediterranean region. It is the case that there are specific problems that are of primary concern to littoral states, even if the wider issues of economic under-development, the management of the common border and the spillover effects of crises in the South are of concern to Europe as a whole. It is in these trans-Mediterranean domains that President Sarkozy's proposal begins to demonstrate its true relevance and it is for this reason that the ideas he has put forward need to be taken seriously, quite apart from the tensions they may have generated inside the European Union. It would be highly regrettable if they were to be frustrated either by those tensions or by the political problems that have beset the Barcelona Process, thereby contributing to its relative failure.

2. Generating projects in the Mediterranean

The requirement that projects should be self-generated by Mediterranean littoral countries themselves, thus corresponding to objectives that they would seek to prioritise, is clearly appropriate. Since the projects would be adopted on a case-by-case basis and depend on targeted funding, this would obviate much of the bureaucratic problems associated with current funding mechanisms through MEDA-related processes⁷ and the European Investment Bank soft loan schemes.

The Union for the Mediterranean does offer a way in which the objectives of Euro-Mediterranean Policy can be revived. The key to this lies not in the structures that it proposes to create but in the project agenda it seeks to promote. Another key to success will, therefore, be to create new mechanisms so that project proposals also originate from the southern shores of the Mediterranean basin and not only in Brussels or in the Member States.

3. Enhanced Euro-Mediterranean cooperation

It is clear that the Union for the Mediterranean should go beyond simply expanding the Barcelona Process. It should be an opportunity to innovate and to create new instruments such as enhanced Euro-Mediterranean cooperation. This could provide a new driving force for the Barcelona Process in the sense that several partners could take the lead on certain issues of particular importance, provided that such enhanced cooperation be based on strict conditions such as:

- i. Involving a minimum number of partners from both the South and the North (or just from the South on a sub-regional basis);
- ii. Preserving and reinforcing the Barcelona *acquis*; and
- iii. Being open to all partners to participate at any time.

⁷ This refers to the old *Mesures d'Adjustement* system and the subsequent European Neighbourhood and Partnership Instrument operated by EuropAid.

V. CREATING A NEW FINANCIAL MECHANISM

The proposed funding method for the projects to be adopted by the Union for the Mediterranean, through an independent agency that would seek a mix of public and private sector funding on a project-by-project basis, sounds very similar to the Mediterranean Development Bank that Tunisia has long proposed and may well become a mechanism by which private investment by Mediterranean partners could be mobilised.

The main issue with this, however, is that if, for example, private investment originating from the Gulf Cooperation Council Member States can be mobilised, those countries will expect to be involved in the implementation, monitoring and evaluation of the projects covered by the funding they have provided. Under current European financial frameworks, this would be effectively impossible, given the duties and responsibilities of the European Commission and Member States in this regard. It would therefore be essential to create a new and independent financial mechanism. On the other hand, it is also crucial to associate government and civil society representatives from both shores of the Mediterranean with such a new funding mechanism.

VI. KEY QUESTIONS REVISITED

In what has been discussed above, we have tried to show that there are no easy solutions to the problems of building a Euro-Mediterranean community, for hard choices must be made by the European Union and its Southern partners alike. Those choices revolve around four main questions:

- i. What should the political focus of Mediterranean policy be?
- ii. How should the Euro-Mediterranean cooperation framework be structured?
- iii. How should security and reform be correlated?
- iv. How can migrants become full actors of the Partnership?

Any response to these questions will also require responses to substantive and specific policy issues that have been the subject of inconclusive debate in recent years. Such issues include the future integration of the EMP and the ENP; policy towards moderate Islamist political parties; mechanisms through which reform can be fostered by external actors; and effective policy towards the Israeli-Palestinian conflict and other tensions in the region in the Maghreb and the Mashriq that pose major obstacles to regional integration. Here, the Union for the Mediterranean could be an opportunity to build on these debates without abandoning the *acquis* of the Barcelona Process. It could therefore partner the Union's own institutions in this debate, for the reform of the constitutional treaty, enshrined in the Treaty of Lisbon, though less sweeping than expected, provides instruments and the authority for the key institutions of the Union, in particular, the High Representative, to organise a meaningful debate on these issues.

CONCLUSIONS

Despite the tensions it raised in the European Union, President Sarkozy's proposal for a Union for the Mediterranean certainly touched a sympathetic chord in the South Mediterranean region and even among some Southern European states as well. The main reason for this is that it promises Mediterranean partners the possibility of ownership of a shared policy, something which has not really hitherto been evident within the Euro-Mediterranean Partnership, despite its name. Within the European Neighbourhood Policy, given its bilateral nature, the issue does not arise in the same sense and the positive conditionality it involves, together with the way in which Action Plans have been prepared, overcomes, in part, this problem. However, its lack of a significant horizontal and regional component, except in association with the Partnership, undermines these advantages.

The Union for the Mediterranean, on the other hand, quite specifically addresses this concern. Its co-presidency proposals were one aspect of this, together with its separate, if sparse, administrative structure. The other important aspect was the way in which its activities were to be selected in accordance with an agenda agreed across the Mediterranean. Even now that the project has been subsumed into the concerns of the wider European Union, these features persist. They underline the way in which the interests of the Mediterranean and the priorities for Mediterranean states can differ from those of the Union as a whole.

It is this, in part, that made President Sarkozy's original proposal of interest to most South Mediterranean states, especially when he highlighted the future of Europe, too, as lying in the Mediterranean. After all, one of the constant complaints of Mediterranean partners has been the way in which the Union has tended to ignore or minimise their concerns about the growing dominance of the European East in the Union's preoccupations. Here was a proposal that allowed the South to achieve its proper significance. Fortunately, that aspect still remains, even in the current attenuated form of the proposal.

Even though the possible role of the European Commission has been stressed by the Council of the European Union for the Union for the Mediterranean, the ultimate success of the initiative will depend on the Mediterranean partners still being able to claim ownership of the initiative. This should apply to both governments and peoples in the South. This has some quite specific implications for the way in which the new Union would be managed that must be included at the outset, both in terms of the administrative structure and in terms of project selection and finance.

There remains, however, one final consideration which, even if unpalatable to the European Union itself, will condemn the proposal to ineffectiveness if it is not observed. This is that, until genuine peace is established in the Middle East to which all

parties can subscribe, Israel and Palestine cannot provide one of the co-presidents. Without this constraint, Arab states will not participate meaningfully in the initiative. Yet this should be only a temporary constraint for, in theory and, perhaps, in practice, all parties to the Arab-Israeli conflict wish to see it resolved. In addition, the construction of a Southern free trade area will continue to encounter difficulties until the issue of the Western Sahara has been resolved. Then – and only then – can a genuine Mediterranean Free Trade Area be achieved.

SHORT-TERM POLICY RECOMMENDATIONS

I. Methodology

In the development of the project, the partners should:

- i. Urgently ensure structured and transparent consultation with the Mediterranean partners, so that the 'Barcelona Process: Union for the Mediterranean' (BP-UM) can be based on the principles of co-responsibility and co-ownership.
- ii. Preserve the *acquis* of the EMP and the potential *acquis* of the EMP and the ENP in the establishment of BP-UM.
- iii. Pursue common Euro-Mediterranean interests, preoccupations and challenges and address the real key issues; such as democratic reforms, free movement of persons and the fight against xenophobia in the objectives of BP-UM.

II. Institutions and programmes

In the development of institutions and programmes of the BP-UM, the partners should:

- i. Adopt the principle of equity in staff numbers from each side of the Mediterranean, with South Mediterranean representatives occupying the senior administrative posts in any new administrative institution. They should operate on the same basis as the staff of the Commission, in that they should not articulate national agendas in their professional activities.
- ii. Establish a BP-UM Secretariat that would be compatible with the role of the European Commission; and establish Common Euro-Mediterranean Working Groups and Committees in order to involve civil society experts and representatives in project design. These innovations should take account of the role of the European Commission in the EMP and the ENP. This would also avoid the creation of purely inter-governmental structures.
- iii. Draw inspiration from the spirit of the infrastructural projects created by the 'Paquet Delors'. Project selection boards and the independent financing agency should involve Mediterranean partners as well, with a donor conference being organised to raise funding.
- iv. Reinforce the legitimacy and the representativeness of the Euromed Parliamentary Assembly and make sure the Anna Lindh Foundation contributes to the empowerment of civil society and to pluralism in the cultural sphere.

III. Addressing potential risks

To avoid potential risks that would undermine the objectives of the BP-UM, the EU and Mediterranean partners should:

- i. Ensure that the dilution of the Barcelona and the ENP *acquis* be avoided, especially as far as political aspects are concerned.
- ii. Consider mechanisms to ensure that the new framework does not need to lead to the abandoning of political reform incentives already developed within the ENP and EMP frameworks or divergence from the main socio-economic and political challenges within the Mediterranean region.
- iii. Make sure that positive conditionality in the ENP emphasises respect for the rule-of-law and evolution towards democratic governance.
- iv. Counter the risk of the marginalisation of civil societies in the preparation, implementation and monitoring of projects.

NOTE ON THE CONTRIBUTORS

Roberto Aliboni is Vice-President at the International Affairs Institute-IAI in Rome and head of the Institute's programme on the Mediterranean and the Middle East. He taught International Economics at the Universities of Naples and Perugia from 1972 to 1979 and held research positions in different Institutes. Presently he is Co-President of the EuroMeSCo General Assembly and member of the Scientific Council of the Tampere Peace Research Institute-TAPRI. He has published numerous articles and books.

George Joffe lectures at the Centre of International Studies in the University of Cambridge. He also holds a research fellowship in the Centre of Islamic Studies at the University of Oxford, a professorial fellowship at the Centre of Global Studies at London Metropolitan University, a visiting professorship at King's College in London University and a fellowship at the EU Institute of Strategic Studies. Previously he had been deputy-director and acting-director at the Royal Institute of International Affairs (Chatham House) in London.

Erwan Lannon is Professor at the University of Ghent and at the College of Europe (Bruges and Natolin). He is Senior Associate Researcher at the EU Institute for Security Studies, member of the Euro-Mediterranean Study Commission and co-holder of the Chair on the political, administrative and international reforms at the Louvain-la-Neuve University.

Azzam Mahjoub is Professor of Economics at the University El Manar, Tunis. He is also an international consultant (UNDP, UNCTAD, EU, EuroMeSCo, Blue Plan for the Mediterranean – UNEP) and consultant at national level (Ministry of Environment, Ministry of Education, Ministry of Economic Development, ENDA, Tunisia Labour Union, Tunisian Cities Association, Association for International Studies). He was a main contributor to the First Arab Human Development Report (UNDP) and to the elaboration of the Mediterranean Sustainable Development Strategy (UNEP).

Abdallah Saaf is Director of the Centre for Studies and Research in Social Sciences in Rabat and Professor in Political Science at the Mohammed V University. Previously, he had been Dean of the Faculty of Judicial, Economic and Social Sciences, Minister of National Education, President of the Moroccan Association of Political Science and President of the Moroccan Democratic Civil Forum. He is editor of *Abhath*, Moroccan magazine of Social Sciences and author of numerous books including *L'Espérance de l'Etat Moderne du Maroc*.

Álvaro de Vasconcelos has been Director of the EU Institute for Security Studies since May 2007. He headed the Institute of Strategic and International Studies (IEEI) in Lisbon, of which he is a co-founder, from 1981 to 2007 where he launched several networks including the Euro-Latin American Forum and EuroMeSCo.

As well as being a regular columnist in the Portuguese and international press, he is author and co-editor of many books, articles and reports, notably in the areas of the EU's Common Foreign and Security Policy (CFSP), Euro-Mediterranean relations and on the theme of world order, such as *Portugal: A European Story*, *La PESC: Ouvrir l'Europe au Monde*, *The European Union*, *Mercosul and the New World Order*, and *A European Strategy for the Mediterranean*.



European Union Institute for Security Studies
www.iss.europa.eu • info@iss.europa.eu