

LEBANESE AMERICAN UNIVERSITY

The European External Action Service Reviewed:
How the Arab Uprisings Test the EU's Newest Foreign Policy Project

By

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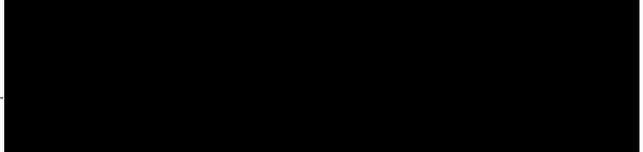
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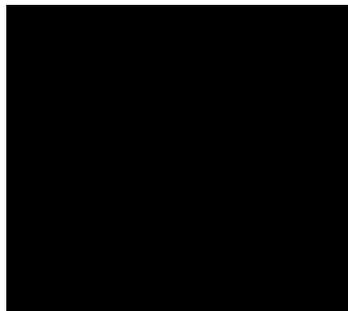
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**The European External Action Service Reviewed:
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Maarten van de Pavoordt

Abstract

The Arab uprisings of 2011 and the consequent ousting of long-standing autocratic regimes in North Africa have forced the European Union to radically alter its relationship with its neighboring region. In effect, this process became the top priority for the European External Action Service (EEAS), Europe's newly created foreign policy agency. Now, more than two years later, this thesis asks: To what extent has the EEAS, as created by the Treaty of Lisbon, achieved its goal of becoming an effective global actor when we review its response to the Arab uprisings? Taking Egypt and Libya as case studies, this thesis identifies that the EEAS has failed to live up to expectations since it has not succeeded in achieving its goals both within the European political arena and abroad. This is the result of both institutional weakness and individual shortcomings. Nevertheless, this new institution can be seen as yet another step in the incremental development of common European capabilities in the field of foreign policy. However, concerning the European response to the Arab uprisings the EEAS has not been able to turn the EU into the global actor it aspires to be.

Keywords: European External Action Service (EEAS), Arab Uprisings, European Union, foreign policy, Treaty of Lisbon, Egypt, Libya.

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Glossary of Term

CFSP:	Common Foreign and Security Policy
CSDP:	Common Security and Defence Policy
DCFTA:	Deep and Comprehensive Free Trade Area
EEAS:	European External Action Service
EEC:	European Economic Community
ENP:	European Neighbourhood Policy
EP:	European Parliament
EPC:	European Political Cooperation
ESDP:	European Security and Defence Policy
EU:	European Union
HR:	High Representative of the Union for Foreign Affairs and Security
MLG:	Multi-level Governance
MENA:	Middle East and North Africa
NATO:	North Atlantic Treaty Organization
SPRING:	Support to Partnership, Reform and Inclusive Growth
TEU:	Treaty on European Union
TFEU:	Treaty on the Functioning of the European Union

CHAPTER ONE

INTRODUCTION

1.1 – Observations

The revolutionary and violent events that have continued to sweep across the Arab world since December 2010 have had an enormous impact on the global political approach towards the region. For decades the governing bodies in the MENA region had been characterized by stable authoritarian regimes, but as of January 2013 several regimes have collapsed due to fierce protests, most notably in Tunisia, Libya and Egypt, while riots and violence continue to rage daily in Bahrain and Syria. The European Union, due to its character as a promoter of democratic development and its geographic proximity to the area, has been one of the actors involved in the building of a new Arab era that aims to be more prosperous, fair and peaceful. In doing so, the EU keeps in mind its own interests related to the neighboring area, such as security, migration and trade.

The main EU institution dealing with foreign policy is the European External Action Service (EEAS), which was created by the Treaty of Lisbon and formally launched on December 1, 2010. The Treaty of Lisbon, also known as the Reform Treaty, marked the end of the EU's three-pillar system and gave the central institutions more authority in order to "improve the coherence of the Union's action."¹ Subsequently, the coordination of European foreign policy was revisited in order to allow the EU to become a more effective global actor and to assert itself as a global peace-builder and norm-setter. Now, more than two years after the EEAS'

¹ European Union, Treaty of Lisbon, 13-12-2007. Via www.lisbon-treaty.org visited 04-03-2013.

conception, this thesis will aim to assess whether this new EU institution has been able to fulfill the European wish of a common and independent foreign policy organ able to “make a difference” on the world stage. Considering that the Arab uprisings erupted almost coincidentally with the creation of the EEAS and have since dominated its agenda, these revolutionary events function as the ideal setting in which to evaluate the new European foreign policy project.

The focus of this research is the complex structure of the European Union and more specifically its authority as a foreign policy institution. Even though the foreign policy wing of the EU has remained primarily intergovernmental, member states have also become less and less independent in this aspect of governance. Resulting from this rise to prominence in international affairs, the EU has challenged the traditional state-centric approach in international relations thinking and has prompted new theories of state behavior. Among these theories is the concept of Multi-level Governance (MLG), which acquired academic standing during the EU’s evolution into an international organization with an increasing amount of power. This theory explains how EU member states have created an institution with independent authority and significant powers without making it a supranational entity. In theorizing the governance side of EU’s development it has identified the emergence of multiple levels of authority that took upon state functions, which led to a subtle decline of state power. Although the concept has been used in several EU contexts it has yet to be applied to the EEAS. Subsequently, this thesis will therefore focus on the institution’s position within this theoretical framework.

1.2 – The Research

This research will thus evaluate the EEAS. This goal stems from a deeper desire to grasp and examine the core activities of this new institution that is little known by European citizens and one that is even not fully understood by students and specialists of international politics. In order to respond to these incentives this thesis will focus on the central question: To what extent has the EEAS, as created by the Treaty of Lisbon, achieved its goal of becoming an effective global actor when we review its response to the Arab uprisings? In order to answer this question, this research will also need to address the following questions: How can the EEAS be characterized and does its operation comply with the theoretical model of Multi-level Governance? What foreign policy tools does the EU possess and are they all equally effective? Moreover, this study will look to evaluate several hypotheses, namely that (1) the EEAS has been unable to create and execute a clear and unified policy vis-à-vis the new Arab order, and (2) the EEAS is ill-equipped to realize the goals that have been set by various EU documents.

In order to root this research in the real world, this thesis will focus on the European response to the revolutions in Libya and Egypt. Both these countries have experienced fundamental changes of government during the Arab uprisings and are of great geopolitical importance to the EU. Additionally, since the ousting of their leaders in 2011, both countries have settled into a post-dictatorial yet still fluid situation and are showing signs of a new era with new priorities and policies. Yet, external actors cannot approach both countries the same way by due to three important realities. One, whereas Libya had to oust Muammar Gaddafi by means of a short but violent civil war, Hosni Mubarak was forced to leave office due to heavy, but mainly peaceful, demonstrations. Two, while Egypt's large and religiously

diverse population has chosen the conservative Muslim Brotherhood to lead the post-revolution state, Libya's small and majorly tribal population has opted for a more moderate future. And three, while Egypt is in dire economic straits and heavily relying on foreign creditors, Libya has the comfort of its wealth in resources that can help the country to move forward. The EEAS is aware of these differences and has therefore been forced to use a wide variety of policies, which results in a wide range of material for this research.

1.3 – Challenge and Contribution

In the attempt to formulate a clear and accurate evaluation of the EEAS this research will concentrate on comparing the goals that were set by the European institutions with the activities of the EEAS. This method demands an analysis of primary sources coming out of the EU indicating the aims of EEAS policies. In light of this, accords, meeting outcomes, official statements and policies of the relevant EU bodies towards post-revolution Arab states will be consulted. In the evaluation part of the thesis information coming from both governmental and non-governmental European organizations will be included, here one could think of elaborate reports as well as newspaper articles. As for the theoretical framework of this research, sources from the academic field will be used.

The main challenge this research faces is formulating the level of success of the EEAS. Although the EEAS has set out some explicit *general* goals, its objectives in a specific sense are rather vague. By indicating the strengths and weaknesses of the EEAS that have surfaced over the last two years and comparing them to specific goals set by single initiatives, this thesis attempts to value the overall efforts of the service. Nonetheless, a fully objective analysis will be hard to achieve.

Although the aim of this study, to evaluate the EEAS, might sound quite modest, it will undoubtedly serve an underlying and more important end of providing a better understanding of the increasingly important foreign policy mechanism of the European Union. This service has been allocated a bigger budget each year and has the potential of becoming a serious actor in global politics. Still, regular European citizens are not even aware of its existence and continue to look to their national representatives when it comes to international affairs while veteran scholars and critics leave the impression that they do not see the EU as a powerful foreign policy maker. Although the EEAS is an organization that is still in an early phase and which is exploring its infrastructure and capabilities, it cannot be left neglected and understudied after two years in operation.

The more direct contribution of this study will be the evaluation of the EEAS. This young institution has been given the green light by the member states at the end of 2010 and is looking for a renewal of its mandate in 2014. Considering the fact that the EU does not have the reputation of a being a transparent and democratic organization, it is of great importance that an outsider sheds a light over the EEAS and determines what can be defined as the strengths and weaknesses of the organization before the likely approval of a new mandate. In light of this, the Arab uprisings have undoubtedly posed the greatest test for the service and are therefore the relevant focus of this thesis.

Whereas both the contributions above are of a practical nature, this thesis will also aim to add a new insight to the theoretical debate. As mentioned before, Multi-level Governance continues to evolve and has recently developed a categorization into two types. This research will thus place the EEAS in this theoretical framework and thereby provide further knowledge on how to value this theoretical distinction.

1.4 – The Structure of the Thesis

In order to build a strong research foundation this thesis will start out by presenting its theoretical framework. As mentioned above this will mainly concern the concept of Multi-level Governance as first articulated by Marks and Hooghe (1992), but will also include a deeper explanation of the rival theory of liberal intergovernmentalism as set up by Moravcsik (1993). This theoretical contrast will subsequently offer the reader a better understanding of MLG altogether and will serve as a justification for the use of MLG in this research on EU foreign policy-making. This will be followed by an extensive literature review on the academic efforts to clarify the mechanisms of EU foreign policy by using the MLG theory.

The following chapter will move its focus to the EU, specifically the External Action Service. In order to fully understand the significance and capabilities of the common foreign policy initiative, a brief genealogy of European cooperation in this field will be presented. More detailed information will be given on the recent developments that have influenced the current structure of the EU foreign policy-making process. Subsequently, crucial EU institutions and treaties like CFSP, the Treaty of Lisbon, the Foreign Affairs Council and ultimately the EEAS will be examined. Also the relationships, interaction and hierarchy between them will be further explained. This chapter will serve to establish a clear overview of the current goals and capabilities of the EU in the field of foreign policy, thereby providing a framework for an overall evaluation after having applied the case studies.

After having set up both the theoretical and institutional frameworks, this research will turn to an analysis of the EU's response to the Arab uprisings of recent years. First, this chapter will identify the general strategies and objectives towards the changed MENA region. Then, the political crises of Libya and Egypt will be

particularly studied since the combination of both has forced the EU to employ every aspect of foreign policy, including the economic, security and governance aspects. Since no specific order of analysis seems necessary, the chapter will adopt a chronological order by first delving into the case of Egypt before examining the Libyan crisis.

Before setting up the conclusion, this thesis will devote a chapter to an overall analysis that includes a review of the theoretical framework when linked to the research findings, the evaluation of formulated hypotheses and the answering of the research questions. As a result, this part will eventually be of most significance since it will deliver an additional understanding of the MLG theory by applying it in another case study and it will include a concise evaluation of the EEAS in preparation of the EU's own assessment that will forego the probable renewal of the EEAS mandate in 2014.

CHAPTER TWO

THEORETICAL FRAMEWORK

2.1– Introduction

The continuously evolving project of extensive cooperation among European states has made a big impact on the theoretical debate on state behavior and international politics. Especially since the signing of the Single European Act in 1986 and the Maastricht Treaty in 1992, when the member states committed themselves to unprecedented levels of European cooperation, traditional theories have been challenged by alternative ideas that were inspired by this new reality. However, the overall debate has remained focused on the traditional dichotomy between scholars defending the state-centric assumption and the ones challenging that idea. Multi-level Governance (MLG) is one these new concepts challenging the state-centric approach and will form the theoretical base of this thesis. It is of great importance that this theory must not be mistaken for a theory of integration, since it tries to understand the EU as a political system and ignores the puzzle of the integration process. For that reason MLG is perfectly suited to function as the theoretical framework in this research on the operation of the EEAS.

This chapter will present the academic efforts in chronological order, starting with the founding article by Gary Marks in 1992. Along the way this overview will present the development of MLG from a vague and relatively hollow reaction on the new European political order to a full-fledged theory with different strands and a significant following. In order to justify the choice for this theory this chapter will also include a brief overview of Andrew Moravcsik's theory of Liberal

Intergovernmentalism. Although this theory emerged coincidentally with MLG and bases its findings on the same historical events, it is often seen as the antithesis of Multi-level Governance and has consequently pushed the theory in a certain direction. The final part of this chapter will turn to the current state of the theoretical debate within MLG and will pay attention to studies applying the theory to EU institutions. Here, great attention will be paid to the recent theoretical effort to distinguish two types of governing structures that fall within the framework of MLG.

2.2 – Breeding Ground for MLG

While an already decades long debate on the theoretical reasons behind state decisions to integrate into a European organization muddled through, a new generation of scholars awoke in the 1990's. This new generation started to treat the EU as a political system like any other state. Instead of asking where the EU was heading, these scholars were interested in how the international organ works on a daily basis. In doing so, these new scholars started to use concepts borrowed from domestic and comparative political theory. Highlighting this shift towards theorizing EU governance instead of EU integration was the article "The Study of the European Community: The Challenge to Comparative Politics" by Simon Hix of 1994 in which he called upon scholars to ask questions concerning the everyday operating of the EU.

Here, governance can be defined in accordance with the definition of Jachtenfuchs and Kohler-Koch (2004) as "a continuous political process of setting up goals for society and intervening in it in order to achieve these goals." They concluded that the EU works accordingly while pointing out that policy networking is the Union's most characteristic feature in this process. Their conclusion was not

revolutionary since the concept of policy networks had been used in other studies on governance such as Business Administration (Thorelli 1986; Powell 1990) and Public Policy (Marsh and Rhodes 1992). Börzel (1997) defined policy networks as “a set of relatively stable relationships which are of non-hierarchical and interdependent nature linking a variety of actors, who share common interests with regard to a policy and who exchange resources to pursue these shared interests acknowledging that co-operation is the best way to achieve common goals.” Considering this definition, it is understandable that the concept of policy networking has always been linked to the EU (Bressand and Nicolaidis 1990; Wallace 1990; Keohane and Hoffmann 1991). However, it wasn’t until 1993 when Gary Marks came up with the concept of Multi-level Governance, which successfully incorporated policy networks in the study of EU governance. Although this concept was only modestly introduced, it would eventually grow out to be one the major concepts in the study of European politics.

2.3 – MLG’s Inception

Gary Marks first introduced MLG in his article “Structural Policy and Multi-level Governance in the EC” of 1992. In the article he analyzed the new political order that he had seen emerge during EU intergovernmental negotiations on the creation of the Structural Policy, better known as the Cohesion Fund, which aimed to increase economic and social cohesion in the Union. He pointed out that in order to understand EU institution building one should look beyond the interaction between the member state and the European institution. Although the prominent European treaties are the result of intense interstate interaction on an intergovernmental level, much is left unclear about the implementation of these newly signed documents

since they primarily voice a common intention. As a result, institutional formation and governance is created in 'Brussels' and is decreasingly shaped by member states.

Marks points out that the setting up of the Cohesion Fund is in line with this claim. As a result, he claims that the traditional theoretical debate between the functionalists, claiming that integration into a supranational Europe comprises state autonomy, and the intergovernmental approach of realists is no longer relevant. Although these theories oppose each other, they both share the assumption that the EU should be studied based on its position vis-à-vis the member state. Marks argues instead that the EU should be studied independently since it is a system of continuous negotiation among and within governing bodies of different territorial tiers. This is what he labeled Multi-level Governance. He concludes that, as a result of increased European cooperation, previously state-centralized functions have been pulled to both supranational and subnational governing bodies.

Although Marks came to this conclusion after studying a single mechanism of the large range of European organs, his findings opened up new possibilities to study the EU in order to better understand its everyday operation. As a result, other scholars increasingly embraced the newly introduced idea as a useful concept of analysis and subsequently joined the theoretical expedition (Sbragia 1993; Caporaso and Keeler 1993). However, Marks remained the central figure in the development of the theory in order for it to be able to compete in the academic debate that emerged as a result of the recent European developments. In this debate on state sovereignty and European cooperation, Andrew Moravcsik and his state-centric theory of Liberal Intergovernmentalism proved to be the most prominent adversary of MLG. Moreover, it was mainly through this debate that the theory of Multi-level Governance gained a lot of its theoretical consolidation.

2.4 – Theoretical Coming of Age Brings Debate

In the article “European Integration from the 1980s: State-Centric versus Multi-level Governance” of 1996, Marks, Hooghe and Blank illustrated why a state-centric approach had become obsolete when talking about the European Union. By the time of writing the authors had been able to observe and analyze the changed European political constellation as the reforming treaties had been operating in full affect for several years. In this respect, one should think specifically of the effects of the introduction of qualified majority voting in the European Council and the different compositions of the Council of Ministers and the increased power of the European Parliament. Furthermore, the author noted that underneath the institutional level a new cooperation network between European subnational actors had emerged. The authors claim that as a result “authority and policy-making influence are shared across multiple levels of government – subnational, national and supranational (Marks, Hooghe and Blank 1996).”

The state-centric, or intergovernmentalist, approach refutes the assumption of decreased state autonomy. In contrast, it argues that European cooperation is the result of intergovernmental bargains and that no country is forced to integrate more than it wishes. Additionally, the supranational actor possesses no independent influence and is only there to facilitate its members (Moravcsik 1991, 1993, 1994; Milward 1992). From the scholars supporting this view, Andrew Moravcsik and his theory of Liberal Intergovernmentalism drew the most attention. This theory does not deny the supranational character of the EU per se, but emphasizes that it is allowed that position by national governments since it strengthens their domestic power position and provides them the tools to achieve goals that are otherwise unattainable. Moravcsik argues that states have come to erect these institutions

because they reduce the transaction costs of international bargaining and should therefore be seen as the result of member state calculations (Moravcsik 1993). According to this approach, EU policies reflect nothing more than the lowest common denominator among state officials.

While the Multi-level Governance approach shares the assumption that “the state arena remains the most important piece of the European puzzle” (Marks, Hooghe and Blank 1996), it also claims that states have lost significant influence on EU policy-making, which directly affects their territories, in three ways. First, MLG finds it uncontestedly true that the European Commission and the European Parliament (EP) have independent decision-making capacity at the European level, meaning that states do not longer monopolize it. Second, collective decision-making in the European arena enforces rules across the EU that each member state must comply with, even when a member state might oppose one. And third, the political arena of Europe has become interconnected, meaning that subnational actors can circumvent their national governments and approach Brussels directly. These three assumptions argue that both supranational and subnational actors possess policy-making power. Nonetheless, also in MLG the state remains a powerful part of the EU.

The authors have come to these conclusions after having observed that states, individually and even collectively, are limited in executing control over the EU in all phases of policy-making. Marks, Hooghe and Blank argue that policy initiative and agenda setting competence is mainly held by the EC and to a lesser extent by the EP. The member states, as represented by the European Council or the Council of Ministers, only define general outlines and meet too rarely to make an impact in this phase. Additionally, the influence of subnational actors and interest groups in this

stage can be considered significant due to the open-door policy of the Commission. This assumption is supported by studies on the EU international energy policy (Matlary 1993) and the EU Committee of the Regions (Hooghe 1996).

According to MLG, also in EU decision-making state dominance has eroded. Before the Maastricht Treaty the intergovernmental EC was the sole holder of legislative power in the EU. However, after 1992 states lost significant sovereignty in this aspect since the EP acquired decision-making power in the form of the co-decision procedure that gave the Parliament absolute veto power on some issues. Furthermore, decision-making in the Council has also become more supranational since the introduction of qualified majority voting, meaning that individual states can be outvoted. Adding to this, several scholars have also claimed that the Commission has claimed indirect decision-making powers because of its expertise and easy access to information in specific areas (Hooghe 1996) As a result, MLG argues that currently EU decision-making is shared among supranational and national actors on the basis of variable lines of authority.

Lastly, Marks, Hooghe and Blank also have found grounds defending their Multi-level Governance theory in the policy implementation phase of EU governance. Although in principle states have the responsibility to implement the regulations, in practice the Commission appoints committees to monitor this final stage (Anderson 1996). In this process subnational actors are often consulted and are in direct contact with the European institution. In some policy areas, such as environmental policy, this shared implementation capability and interaction with local authorities is vital to effective governance. So also in this stage all levels of governance are incorporated in the process.

In short, the authors are convinced that state executives have lost their dominant position in almost all aspects of EU governance and that the new reality of policy-making is “characterized by mutual dependence, complementary functions and overlapping competencies. (...) Actors from different levels of governance operate in a polity of diffuse political control while traditional channels of communication are being sidestepped (Marks, Hooghe and Blank 1996).” However, the authors note that their theorized observation must be seen as transitory since Multi-level Governance is unstable due to a lack of a European constitutional framework. As a result of the continuous remodeling of EU institutions, competencies of all actors must be seen as undetermined.

Nevertheless, liberal intergovernmentalists have persisted in their belief of the uncontested strength of the nation-state in the European Union (Dougherty and Pfaltzgraff 1997; Moravcsik 1997, 1998). For them European integration does not challenge the autonomy of the nation-state since they assume that EU members have only allowed the supranational institutions capabilities in aspects of governance that can only be managed through cooperation. Moravcsik states: “the integration process has never superseded or circumvented the political will of national leaders (Moravcsik 1998).” According to him, EU institutions do not operate independently leading him to focus on decisions and preferences on the national level. This conviction sets liberal intergovernmentalists clearly apart from Multi-level Governance.

However, as European integration has progressed Liberal Intergovernmentalism has come under increasing scrutiny (Bukowski, Piattoni and Smyrl 2003; Ruzza 2004; Franchino 2012). Specifically the claim that the European institutions do not operate independently is often challenged by studies on the EU

(Thomson and Hosli 2006; Finke 2009). The most extensive research in this series is the study of Jonathan Slapin of 2008 in which he studied member state preferences during intergovernmental conferences that led to the Treaty of Amsterdam of 1997. His analysis demonstrates that during the negotiation process of a new treaty the European institutions possess fundamental capabilities to influence the outcome since the majority of states, including relatively big powers such as France, were unable to realize their goals. Moreover, the intergovernmentalist claim that treaties and EU regulations reflect the lowest common denominator among the members was also contradicted by a recent similar study (Franchino 2012).

2.5 – More Profile, more Criticism

Multi-level Governance, on the other hand, has gained increasingly more input for further theorization by the developments in the EU. This has led to a surge of academic work studying the theory to the extent that scholars warned for a conceptual overstretch (Piattoni 2009). Aside from this superficial critique, the increased attention also generated more substantial criticism. In his article “The European Union: an evolving system of Multi-level governance... or government?” of 2001, Andrew Jordan identified seven points of criticism on Multi-level Governance when applied to the European Union. He contends that MLG:

1. Is a mixture of already existing theories of policy networking.
2. Cannot be considered a theory since it only describes the operation of the EU.
3. Overstates the power of subnational authorities in the policy implementation phase.

4. Assumes that Brussels allocates power to subnational actors, meaning that acquiring influence from the bottom-up is impossible.
5. Excludes significant groups, due to the virtual absence of bottom-up influence.
6. Equates mobilization capacity with actual influence while this is not necessarily true.
7. Ignores the global level of international interaction.

In response, Stephen George (2004) defended MLG in light of this criticism. He acknowledges that MLG is not a revolutionary new concept, but argues that it is a “sophisticated restatement” that enables scholars to better grasp European developments. However, George completely opposes the claim that MLG cannot be considered a theory since scholars who use the concept as a framework in their studies disagree over its validity. Considering the other points of critique, George points out that they fail to attack the core statement of MLG, which is that the European institutions erode state sovereignty. However, he concedes that the mobilization capacity of sub-national actors should indeed not be equated with influence. Yet, further research on the role of these sub-national actors is welcomed and could still justify the claim of MLG.

Another, more profound, critique came from Peters and Pierre (2004). They argue that MLG lacks critical analysis of the consequences of this newly perceived EU reality on the democratic process. According to them, the development of Multi-level Governance into an accepted model could have dangerous implications since it advocates a system of informal and formal negotiations between different institutions without a clear legal framework. They warn that within this system “core values of democratic governance are traded for accommodation and efficiency (Peters and

Pierre 2004).” In similar fashion, Jan Olsson (2003) argues that structures of MLG in the EU should be abolished because of their democratic deficit. According to Olsson, directly elected institutions, either national or supranational, should replace them.

As previously mentioned, the profile of MLG increased at the start of the new millennium. The idea of a new era in which the developments in technology and means of transportation would have an enormous effect on day-to-day life encouraged scholars to look ahead and to abandon traditional theories. It became clear that in politics, as well as in all other aspects of life, the traditional separation between the domestic and international was fading rapidly. This global trend of globalization came hand in hand with fragmentation, which led to new demands challenging traditional forms of government. MLG could therefore be used globally since the concept is capable of facing these new demands due to its character of a structure with dispersed, yet linked, “spheres of authority” (Rosenau 2004). MLG could also be used to construct an understanding of the current world structure in which hierarchy has been weakened by globalization (Jessop 2004). Others however remain focused on Europe and concluded that the EU resembles neither a state nor an international organization, thereby making all traditional theories ill-suited as tools of analysis (Scharpf 2001).

2.6 – Classification in Theory

Both the criticism of MLG and additional scholarly work beyond that of its founder Gary Marks indicate that the concept has matured and that it has acquired a significant place in the theoretical debate on the EU. Even beyond the scope of Europe, MLG has made an impact as a framework of modern day governance. In order to keep the theory moving and for it to be useful for analytical studies, Marks

and Hooghe returned to the theory building process and further developed the concept of MLG. In their article “Unravelling the Central State, but How? Types of Multi-level Governance” of 2003, Marks and Hooghe introduced two different types of MLG. According to the authors, scholars are increasingly supportive of the idea that modern society demands a dispersal of authority across multiple actors (Marks and Hooghe 2001). However, there is no consensus about how such a society should be organized. In order to advance this discussion, Marks and Hooghe present two types of MLG and indicate their different strengths and weaknesses.

In trying to distinguish between the different structures of MLG, Marks and Hooghe focus on the question: Who should be included in a jurisdiction, and what should that jurisdiction do (Marks and Hooghe 2003)? After having analyzed global, regional, national and local policies, the authors divide the types based on whether these levels work together in an authority that is of general purpose or issue-specific.

Type 1 MLG can be seen as close to the federalist model in which power is shared among a limited number of governments from just a few territorial levels. Decision-making powers are bundled in packages, making the governing body responsible for multiple policies. Furthermore, in Type 1 MLG membership of jurisdictions at higher and lower tiers do not intersect due to clearly defined boundaries. This type of MLG is crafted in a way that radical adjustment to it is rare, although small changes often occur to make the system more durable.

Type 2 MLG is clearly different since multiple jurisdictions fulfill distinct functions. These goal-oriented authorities work independently and smaller jurisdictions are allowed to execute their power in every element of the system. Here membership thus intersects and hierarchy is less dominant. These kind of problem-driven systems have appeared in the form of interregional commissions and task

forces and are the result of what Rosenau calls “fragnegration (..) a combination of fragmentation and integration (Rosenau 1997).” These jurisdictions are formed as a quick response to changes in preferences and are therefore less likely to survive than Type 1 MLG. The territorial scale of this type can vary from global to regional.

As mentioned above, the task-specific Type 2 MLG has a higher mortality rate than Type 1. Yet, they are more common in international politics. This is because governments find them instrumental in reaching their goals while they do not directly challenge a wide range of state authority. A global example of a Type 2 MLG could therefore be the Kyoto environmental agreement. On a more regional level, the cross-border cooperation between Mexico and the US on drug trafficking could serve as an illustration. Here, also the smallest of authorities is active in the system of governance (Blatter 2001). What is important to note is that a Type 1 system does not exclude the operating of a Type 2 MLG in the same area, since the geographic scope and the subject of analysis can vary.

From this distinction, the authors note that the two types have a bias towards different conceptions of their community. Type 1 MLG is often based on a clear territorial community, but can also be based on ethnicity or religion. This community thus has a historically crafted identity. As a result, a unit leaving the jurisdiction is almost impossible since that would mean a fundamental change of identity in that unit. Consequently, the authority is characterized by a stable group of members who articulated their conflicts. Type 2 MLG, on the other hand, is much more pliable. Here the community shares just the common need for collective decision-making authority. When the task has been fulfilled or the need for the organization has disappeared members often leave the agreement.

Most governments up to the national level reflect the characteristics of Type 1 MLG. Especially since World War II decentralization has occurred almost anywhere in the world, although most notably in Europe. Here, not only subnational institutions were empowered, but also supranational organs were created. Marks and Hooghe (2004) indicate that the EU, in line with Type 1, consists of only a few tiers of authority while policy competencies are bundled together. However, zooming in on aspects of the EU one could claim that the organization has elements that are more representative of Type 2 MLG. In addition, the fact that the EU does not represent all aspects of a federation, the preferred system of Type 1 MLG, fosters the debate on the Union's character. When looking at the foreign policy wing of EU governance it will move even further from Type 1 MLG, although describing it as a Type 2 MLG might seem equally unfitting at first sight.

2.7 – A Theory for EU Foreign Policy

Compared to other aspects of governance in the EU, European cooperation in foreign policy has taken a different path. Whereas monetary policy for the Euro-countries has been completely supranationalized, foreign policy cooperation has remained more intergovernmental. It is clear that states perceive this element of governance to be closely related to their sovereignty. However, according to Michael Smith this reality does not exclude this branch of the EU from being outside the theoretical reach of MLG. He indicates that the intensification of European cooperation in foreign policy since the Treaty of Maastricht has involved several intergovernmental, transgovernmental and supranational institutions (Smith 1998). In the article "Towards a theory of EU Foreign Policy-Making" of 2004, Smith

emphasizes that national and European foreign policy are deeply linked since member states do not form their positions in isolation anymore.

He arrives at this conclusion after having analyzed the operation of the Common Foreign and Security Policy (CFSP) and its impact on policies of its member states. Although the institution is primarily intergovernmental, there are characteristics indicating otherwise. First, CFSP is a coherent policy sector whose decisions are legally binding on its members. Second, besides the individual member states CFSP, the policy making process also includes the independent European Commission who is able to set the agenda and thus steer the direction CFSP is going. Additionally, European foreign policy has pushed national foreign policy makers towards Europe due to the regular meetings between them. The author also emphasizes that the role of subnational actors in foreign policy making has increased due to the open character of the Commission. As a result, Smith claims that states have lost a significant amount of sovereignty regarding foreign policy and that European Multi-level Governance best describes policymaking in this field.

However, the author concedes that the abovementioned describes an ideal-type and that a multitude of factors can lead member states to resort to their right to take unilateral foreign policy decisions. Smith identifies several situations in which MLG is most problematic in EU foreign policymaking:

- The crisis demanding a response is very violent.
- The crisis demanding a response calls for direct action.
- In cases where consensus is the formal rule of decision-making
- In cases where the European Council has no mandate.
- In cases where the EU is dependent on states for the implementation of the policy.

- In cases where the EU needs extra funding from the member states.

These conditions illustrate that MLG in CFSP is difficult to pursue and leads the author to conclude that MLG, in the ideal type, has only been executed once; during the European approach towards South Africa in transition in the early 1990's.

2.8 – The Impact of MLG

From this theoretical overview of Multi-level Governance one can conclude that the concept is complex and malleable at the same time. As a result MLG can be interpreted in different ways, thereby making it applicable to a wide range of international organizations. Gary Marks introduced the concept as a response to the process of European integration that fundamentally altered the concentration and location of power. In the process Marks shifted the attention from the traditional debate on integration to the daily operating of the EU. This new approach to the EU inspired scholars to look at the “nature of the beast” and subsequently led to a better insight in what was happening in Brussels.

As the European Union progressed in its process of integration, MLG was repeatedly used as a theoretical tool to understand the development of this revolutionary organization. John McCormick inventively linked the emergence of both a new organization and a theory by calling MLG “the conceptual cousin of the traditional structures of federalism and confederalism (McCormick 2008).” Among others, these developments have further challenged the state-centric approach of Liberal Intergovernmentalism and favored MLG. However, there are still some tough critiques to MLG, namely concerning the effect it has on the democratic level of the EU.

In the remainder of this thesis MLG will serve as a theoretical background for the analysis of the recently introduced European External Action Force. Considering the topic of the thesis most attention will be paid to the interaction between the European and the national level while the subnational level will be less involved. However, this thesis not only aims to utilize MLG in order to better understand the EEAS, this thesis also has the ambition to contribute to the theoretical debate on MLG. For example, during this research it will be interesting to see how to categorize the EEAS along the lines of the typology made by Marks and Hooghe. Furthermore, after the study of Smith on the situations impeding MLG in CFSP, this thesis may give insight to whether these barriers have been taken down over the course of nearly a decade. Hopefully these findings will not contribute to what some scholars see as an already overstretched concept and instead add to our understanding of MLG.

CHAPTER THREE

EU FOREIGN POLICY STRUCTURE

3.1– Introduction

The creation of the EEAS is the latest development in a series of EU initiatives concerning the enhancement of a European foreign policy. Although foreign policy has always been on the agenda of the intergovernmental European summits, it has only risen to prominence with the creation of the Common Foreign and Security Policy (CFSP) in 1993. Ever since, its institution building has been a top-priority during the subsequent meetings of the European heads of state. Alongside the CFSP other initiatives concerning European cooperation in the field of foreign affairs have emerged. These developments might give the impression that now, after two decades of intensive European debate, this aspect of governance has become increasingly Europeanized. This is not necessarily true. Due to the delicate position foreign policy authority holds in a state's perception of its sovereignty, EU members have been reluctant to transfer decision-making capabilities to a supranational institution. Nevertheless, it would be unjust to characterize the current foreign policy structure as solely intergovernmental.

The signing of the Treaty of Lisbon in December 2007, which called for the formation of the European External Action service, is the latest expression of a common will to advance European cooperation in the field of foreign policy. Although the treaty includes a wide range of modifications in EU governance, it has been widely interpreted as a document aimed at strengthening the international position of the EU (Van Langenhoven and Costea 2007; Howorth 2010). The

European Council underscored this focus by stating their belief that the treaty “will bring increased consistency to our external action”.² This new objective could be interpreted as the start of a new era in European integration since the common market had been completed at the beginning of the millennium and the Union had finalized its enlargement towards Eastern Europe.

Since the official launch of the EEAS in December 2010, the service has been expected to manage and improve the pre-existing European structures on foreign policy, inter alia the CFSP, and to enhance Europe’s influence in a rapidly evolving globalized world. These objectives and the appointment of an independent High Representative of the Union for Foreign Affairs and Security Policy have raised the profile of this formerly subordinated aspect of the EU. However, due to its unclear mission and complex structure the EEAS has been difficult to comprehend for the vast majority of European citizens and has even puzzled students of international politics.

This chapter thus turns its attention the institutional framework of this research and subsequently aims to explain the operating of the EEAS. In order to better understand the origins of the EEAS, this chapter will first present a genealogy of European cooperation in the field of foreign policy. This is essential since most former agreements have never been abolished and are still functioning albeit within a new framework. Subsequently, the transformation of the foreign policy wing that was inflicted by the Treaty of Lisbon will be closely examined. Here the focus will be on the prescribed *modus operandi* and the legal framework of both the High Representative and the EEAS. In the final part of this chapter attention will be paid to the goals that have been set out by the several actors involved. This part will be of

² European Council, Presidency Conclusions – Annex on ‘EU Declaration on Globalisation’, 14-12-2007. Via www.consilium.europa.eu visited 16-05-2013.

great interest since it will be crucial in deciding whether the EEAS can be considered a successful organ.

3.2 – From Enemies to Allies

The devastating effects of two world wars formed the incentive for six European countries to start an international organization. France, Germany, Italy, The Netherlands, Belgium and Luxemburg were determined to create a structure that would prevent a possible outbreak of another massive war on European territory and decided to create the European Coal and Steel Community in 1952. According to the former French foreign affairs minister Robert Schuman this pooling together of the several war industries would make war “not merely unthinkable but materially impossible.”³ The formation of this first supranational regime ever eventually proved to be the start of a peaceful European era in which international cooperation on a wide range of issues became a central aspect of governance. Although historically European economic integration and both institutional and territorial enlargement has claimed most of the world’s attention, cooperation in the field of foreign policy has continuously been on the agenda.

Very much in line with the idea of coupling the European war industries with each other in order to avoid armed conflict in Europe was the French initiative of the European Defense Community. This plan surfaced in 1950 and was the first in a series of European efforts of foreign policy cooperation. After ratification in four countries this proposed supranational military organization was close to being implemented were it not for the French Assembly who disapproved it in 1954. As a consequence, foreign policy did not feature in the 1958 Treaties of Rome that

³ The Schuman Declaration, 09-05-1950. Via www.europa.eu visited 19-05-2013.

established the European Economic Community (EEC). The French, led by the ambiguous Charles de Gaulle, however continued to push forward a common European foreign and defense policy aimed at counterbalancing the American led NATO on which Europe relied for regional security. However, the other EEC countries did not share this desire thus creating a rift within the community.

The failure of both these initiatives indicates that an explicit common foreign policy institute provoked opposition and created dissent among the member states. Yet, the EEC proved to be successful in speaking with one voice to third parties during several international trade conventions in the 1960's. Consequently, this more subtle and uncontroversial approach was pursued for the subsequent years and resulted in the gradual development of the EEC as a foreign policy actor. Since it did not possess any formal competences in foreign policy and member states were not fully supportive of the development, friction rapidly emerged. One could state that the origin of the traditional European problematic on foreign policy, in which the international institute is ahead of its given mandate, lies here (Keukeleire and MacNaughtan 2008).

In response to the grown international profile of the EEC, the member states chose to advance foreign policy cooperation by the The Hague Summit Declaration of 1969. The Luxembourg Report, issued with the task "to study the best way of achieving progress in the matter of political unification, in the context of enlargement"⁴, emphasized that more political cooperation was needed by stating that the EEC should focus on the "coordination of foreign policies in order to show

⁴ The Hague Summit Declaration, 02-12-1969. Via www.cvce.eu visited 20-05-2013.

the whole world that Europe has a political mission.”⁵ As a result the European Political Cooperation (EPC) was created in 1970.

The EPC aimed at ensuring a better mutual understanding concerning great international problems and encouraged harmonization of views and implementation of common action. It operated on an intergovernmental basis in which the European Political Committee, consisting of national delegates, would meet regularly. In addition, biannual summits among the Ministers of Foreign Affairs would be held. Due to positive experiences the EPC adopted the advice of Copenhagen report in 1973, which specified that “each state undertakes as a general rule not to take up final positions without prior consultation with its partners.”⁶ Yet, no competences were transferred to a high authority and the EPC remained strictly separated from the rapidly developing EEC framework. In short, the EPC must be seen as an arena in which continental norms emerged through consultation rather than an institute creating common foreign policies (Øhrgaard 1997).

The EPC maintained its independence from the other European institutions until the first major reform treaty, The Single European Act of 1986. Although no fundamental changes were made, the act codified the roles of the European Council, Commission and Parliament within the still intergovernmental EPC. However, just six years later the foreign policy structure did experience a critical transformation as a result of the Maastricht Treaty. This treaty, now already including twelve signatories, meant a revolutionary step towards continental integration. While the EEC became part of the larger structure of the European Union, the EPC dissolved and was replaced by the newly created Common Foreign and Security Policy.

⁵ The Luxembourg Report, 27-10-1970. Via www.cvce.eu visited on 20-05-2013

⁶ Second Report on European Political Cooperation in Foreign Policy Matters, 23-07-1973. Via www.cvce.eu visited 21-05-2013.

The demand for this new structure was the result of significant developments in Eastern Europe where the collapse of communist regimes left behind a volatile region. The Maastricht Treaty stated that CFSP would safeguard the common values and fundamental interests of the Union while aiming to strengthen international security and promote democracy, the rule of law and human rights abroad. These objectives signified the emergence of the EU as a normative power and were to be achieved through systemic European cooperation and joint action. Moreover, the treaty demanded states to operate in a spirit of loyalty and ordered its members to not take action contrary to the interest of the Union.⁷

Understandably, the creation of the CFSP created great expectations. However, these hopes faded rapidly when it became clear that the weighty phrases around the CFSP were not backed by substantial powers. EU capabilities in this aspect were mainly enshrined in Title V of the Maastricht Treaty and stipulated that CFSP was to remain a completely intergovernmental body in which the national governments maintained full authority. The rationale behind placing CFSP in a pillar separate from the more supranational European Community pillar was to avoid spillovers from the latter into the former. In addition to this institutional standstill, the member states also refused to endow the new organ with policy instruments or substantial financial resources. Furthermore, also in the field of military and security issues, in which differences between member states were starkest, the EU remained rather powerless. Although the treaty text included a possible future opening for European cooperation on these aspects, it explicitly specified that NATO remained the continent's major defense structure.⁸

⁷ European Union, Consolidated version of the Treaty on European Union, 09-05-2008. Via eur-lex.europa.eu visited 22-05-2013.

⁸ Idem.

Although not in the framework of CFSP, the EU succeeded in formulating strategies and structural policies towards its surrounding regions in the following years through other channels. An initiative of particular interest is the Euro-Mediterranean Partnership that was set-up during a conference in 1995 in which EU countries and institutions met with governing officials of the southern and eastern Mediterranean countries. This partnership aimed at strengthening ties between the EU and its neighboring countries through the pursuit of shared economic, cultural and political goals. The partnership came under the control of the Commission who allocated the different tasks to various Commissioners. This initiative eventually became integrated with the more structural European Neighbourhood Policy (ENP) that was developed in 2004. In this structure the EU's 16 closest neighbors became individual partner countries on the basis bilateral political relations with the EU.

Besides these institutional activities based on trade and values, the deficient common foreign policy ambition was eventually also reinvigorated in the late 1990's. This was due to the protracted conflict in the Balkans and the EU's inability to cope with it (Bindi 2010). The frustration on both the European and American side resulted in the creation of the European Security and Defence Policy (ESDP) in 1999. This former taboo subject of cooperation in the field of security went through a surprisingly rapid development since only three years after its formation it not only established a permanent European military structure but it also already launched its first crisis operation in Macedonia. In effect, the ESDP allowed the neglected CFSP to become a more active foreign policy actor that was able to put boots on the ground in the form of military and civilian missions.

3.3 – The Problem of two Pillars

From the overview stated above one could conclude that the former bitter and often violent rivalry on the European continent has been transformed into an impressive network of transnational, supranational and intergovernmental cooperation. This is the result of a multitude of treaties, conventions, declarations and accords on effectively every aspect of governance. While competences in several fields of authority were completely transferred to a supranational organ, most notably in trade and monetary policy, the field of foreign policy has been significantly less supranationalized. However, the increase in external actions of the EU during the late 1990's and the 2000's and the subsequent rise of its international profile created internal and external dissatisfaction with the ill-equipped European institutions. The culmination of foreign policy arrangements had produced a complex structure that demanded a revolutionary reorganization.

By the early 2000's the EU foreign policy system could best be described as an organ with "a cumbersome internal structure and a diffuse external representation."⁹ The pillar structure, as introduced by the treaty of Maastricht, is often seen as the cause of the woolly structure since it created two policy-making regimes with overlapping competences in defining external action. The first pillar included the foreign policy accounts that fall under central European authority, such as trade, development cooperation and humanitarian aid. The supranational Commission led policy-making in this pillar, as it possessed the right of initiative and carried the responsibility for implementation. Moreover, it represented the EU externally in these dossiers. However, the Commission did need a majority in the

⁹ J. Paul, EU Foreign Policy after Lisbon. Will the new High Representative and the External Action Service make a difference? *CAP Policy Analysis No.2*, p. 8.

Council of Ministers in most cases, thereby eroding a bit of the supranational character of this decision-making regime.

The second pillar consisted of the decisions concerning CFSP and was characterized by the intergovernmental method. Here, the Council of Ministers held all authority as no competences were transferred to the EU. During the monthly meetings between the several national foreign ministers resolutions could only be adopted by unanimity. Nonetheless, in practice the Council would still be reliant on the central European institutions. Due to a bigger staff and a wide range of expertise the Commission was often asked to help the Council in both policy-making and implementation. Additionally, the workload of the Council was often too big causing decisions to be made on a lower level within the bureaucratic machinery of Brussels. This led scholars to believe that the Council was losing its grip on the strictly intergovernmental CFSP. Terms like ‘commonization’, ‘Brusselization’ and even integration were used to describe this development away from a member state controlled decision-making regime (Dassu and Missiroli 2002, Barbé 2004, Keukeleire and MacNaughton 2008).

Although the creation of separate pillars aimed at providing a clear structure so that actors, authorities and decision-making procedures were clearly defined, it effectively created the opposite. On many topics of foreign policy both pillars were used and all EU actors were involved. Critics argued that this structure created some malfunctions that caused the EU to punch below its economic and political weight (Crowe 2004, Paul 2008). Amongst the problems was the looming risk of institutional inconsistency since within both pillars and at various committees people would work on the same issue while it seldom resulted in the same policy. This was somewhat improved by the installation of a separate High Representative for CFSP

in 1999, but it did not completely mitigate the problem due to the reluctance of member states to empower this position with ample resources. In short, the institutional split in resources and responsibilities impeded the development of a proactive and coherent EU foreign policy.

In addition to the overly complex internal structure, the EU also possessed little simplicity in its external representation. For matters within CFSP continuity was often lacking because of a rotating presidency within the Council. Every six months a new member would head the organ and would change the focus of Europe's foreign policy. This was somewhat improved by the installation of a High Representative for CFSP in 1999, but not to a meaningful extent. Moreover, the plethora of European institutions with foreign policy responsibilities led to confusion in partner countries about whom to approach on what subject. Although the Commission was permanently represented in several third countries, it did not possess full authority and it allegedly also lacked diplomatic professionalism (Spence 2006, Cameron 2007, Missiroli 2007). In short, this diffuse external representation impeded the Union in becoming a visible and influential player on the international scene and kept Henry Kissinger's legendary question, "Who do I call when I want to talk to Europe?" a relevant issue.

3.4 – A new Framework

The shortcomings of the foreign policy structure, as set up by the Maastricht treaty, surfaced quickly after its implementation and became increasingly apparent due to the EU's rise to international prominence, especially in economic terms. Soon the need for reform became undeniable and triggered the European heads of state to set up the 'Convention on the future of the Union' in 2001. This working group was

issued to set up a draft constitution for the EU. This unprecedented path towards unity aimed generally at reforming the EU's legal foundations. As to external action specifically, the Council asked the Convention to make the Union "stronger in the pursuit of its essential objectives and more present in the world."¹⁰ Looking back, this assignment initiated a process that would eventually lead to a fundamental reorganization of the EU's foreign policy structure and the set-up of the Union's own body of representation: The External Action Service.

The Convention presented a draft constitution in July 2003 that would have rigorously rearranged the Union's constellation. Undoubtedly, one of the most affected fields of governance by this document would have been the CFSP. However, due to the negative referenda outcomes in France and The Netherlands in 2005, the Union had to go back to the drawing board in order to come up with a treaty that was supported by all. The result was a slightly modified document that amended the former European treaties instead of the constitutional objective of completely replacing them. Signed in Lisbon in 2007, the Reform Treaty nevertheless brought key innovations to the foreign policy system of the EU.

Undoubtedly, the most important innovations following the Lisbon Treaty are the revived position of the High Representative and the creation of the External Action Force. However, the altered legal structure of the EU needs to be explained first. In effect, the treaty abolished the pillar structure thereby merging the supranational Communities and the other intergovernmental bodies into one single legal personality. This feature is highly important since it allows the EU to act under international law and within international organizations as a single entity. Another

¹⁰ European Council, Presidency Conclusions, 15-12-2001. Via www.consilium.europa.eu visited 24-05-2013.

implication of the abandonment of the pillar structure is that the external actions of the Commission and the CFSP come closer together. In effect, the same authority now governs all foreign policy formulated by the EU. However, the treaty still provides a clear distinction between the two pre-existing decision-making regimes.

The maintained exceptional position of CFSP is pointed out in two declarations attached to the treaty. They stipulate that the new European agreement does not affect the power of a member state to conduct their own foreign policy and that nor the Commission, nor the Parliament obtains more rights in the domain of decision initiation.¹¹ Moreover, the updated Title V of the Treaty of the European Union (TEU), the part of the treaty containing the ‘General Provisions on the Union’s External Action and Specific Provisions on the Common Foreign and Security Policy’, prescribes that the former Community method of decision-making¹² is applied to all areas of the Union except to the field of CFSP. Instead this “shall be defined and implemented by the European Council and the Council of Ministers acting unanimously.”¹³ Additionally, once decisions are made they do not become an EU legislative act, meaning that the European Court of Justice has no jurisdiction over the provisions in this area.

This description indicates that CFSP has remained an intergovernmental body. Yet, this specific character could gradually dissolve without having to start the elaborate procedure of treaty revision. This is because the Lisbon Treaty authorizes the European Council to classify, by unanimity, specific issues to be decided upon

¹¹ European Union, Declaration 13 &14 of the Lisbon Treaty, 13-12-2007. Via www.lisbon-treaty.org visited 24-05-2013.

¹² This is the EU's usual method of decision-making, in which the Commission makes a proposal to the Council and Parliament who then debate it, propose amendments and eventually adopt it as EU law.

¹³ European Union, Article 24.1 TEU-L.

by using qualified majority voting.^{14,15} This dynamic element in CFSP could therefore diminish its intergovernmental level, although this heavily relies on the approval of the European Council. Furthermore, the treaty allows for the creation of enhanced cooperation within the EU, meaning that some member states can choose to advance integration in the certain aspects of foreign policy if the other members allow them to. Both these provisions have made CFSP into a more flexible organ that could turn it into a less intergovernmental system in the near future.

An indispensable element within CFSP is the ESDP, which was re-baptized by the Lisbon Treaty as the Common Security and Defence Policy (CSDP). Here, the updated treaty is very specific in the range of missions that can be carried out in the name of the EU:¹⁶

- Humanitarian and rescue tasks
- Conflict prevention and peace-keeping tasks
- Tasks of combat forces in crisis-management
- Joint disarmament operations
- Military advice and assistance tasks
- Post-conflict stabilization tasks

Besides these issues concerning extraterritorial tasks of the EU, the treaty also added a mutual defense clause and a solidarity clause which both enter into force automatically in case of an attack on one of the EU members.¹⁷ Aside from these somewhat exceptional cases, all CSDP decisions are made in the Council by unanimity. Here, the treaty provides neither exceptions nor any room for adjustment.

¹⁴ The current qualified majority is 255 out of a total of 345 weighed votes and representing a majority of the Member States. Moreover, a Member State may request verification that the QM represents at least 62% of the total population of the Union.

¹⁵ European Union, Article 31.1 TEU-L.

¹⁶ European Union, Article 42 TEU-L.

¹⁷ Idem.

Adding up the above stated features of CFSP under the Lisbon Treaty, one could argue that the abolished intergovernmental pillar remains in place. Also when analyzing the provisions of CFSP as assigned by the treaty, the unique nature of the organ becomes clear. According to the new legal framework the Union either has exclusive, shared, supportive, coordinative or supplementary competence in a field of governance.¹⁸ However, CFSP is mentioned outside this categorization of EU authority, again indicating its specific position in the overall framework. As a result of the marginal supranationalization of CFSP, much of the attention was drawn to the other innovations that were introduced by the treaty of Lisbon.

3.5 – The High Representative as the New Face of Europe

The first key innovation was the reinforcement of the position responsible for Europe’s external policy. Whereas the draft constitution opted for a Union Minister of Foreign Affairs, Lisbon had to settle for the somewhat less weighty title of High Representative of the Union for Foreign Affairs and Security (HR). This position combines the former offices of the High Representative for CFSP and that of the EU Commissioner for external relations. This “double-hat” is a revolutionary improvement since it aims at overcoming the gap between the on-going external affairs of the former Community and the more nationally politicized issues of CFSP. Additionally, it aims to improve the consistency of Europe’s foreign policy and contributes to the unitary representation of the Union in third countries and organizations.

Following the merger of the CFSP position and that of the Commissioner, the HR thus requires a dual mandate. Subsequently, a qualified majority among the

¹⁸ European Union, Article 2 TFEU.

heads of state in the European Council appoints the HR. This person then has to be approved by the President of the Commission and also requires a vote of consent in the Parliament. When taking up the position, the HR is both chairperson of the CFSP meetings and EU Commissioner of external affairs. Additionally, he or she becomes the vice-president of the Commission. In practice, these functions allocate a lot of power to a single independent EU posting. However, in legal terms the member states have made sure that this person does not possess effective legal power by withholding the HR a right to vote in CFSP.

In effect, the Lisbon Treaty assigns the HR with a wide range of tasks. In the first place the HR has great influence on the direction of CFSP since the position holds the right of initiative and has the obligation to prepare the meetings in the Council. Furthermore, the HR has the right to call for extraordinary meetings and can also assign priority to certain topics. Considering that the CSDP is an element of CFSP, the HR thus also possesses these rights in military issues. Moreover, as foreign policy chief, the HR coordinates the common civilian and military missions. Taking into account that the term for this position is five years one could claim that, although the HR might not take part in decision-making, the position provides the opportunity to shape EU foreign policy through other channels and to rise up as an influential political figure.

Another important task of the HR is to work towards a workable and meaningful compromise in matters of CFSP. This demands diplomatic skill and persistence. These abilities are also needed in ensuring consistency in policy both horizontally, as compared with work of other commissioners that involves external aspects, and vertically, meaning that compliance of the members is guaranteed. This last task is a tricky one since the HR does not have any instruments to inflict this.

Consequently, implementation of policy thus also falls under the responsibilities of the HR. According to the Lisbon Treaty the HR is expected to conduct, carry out, and put into effect CFSP as mandated by the Council.¹⁹ Besides these duties within the EU, the HR also figures as the single voice of foreign affairs while representing the EU in meetings with third parties. The treaty provides the position with a mandate to negotiate on behalf of the Union and to act within international organizations.²⁰

This job description indicates that with this position come great responsibilities. Moreover, one could claim that the entire successfulness of the Lisbon Treaty depends on the capacity and skill of the HR. In the first place because the balancing of activities between the Council and the Commission is already institutionally complicated thus constituting a very delicate assignment in practice as well. Furthermore, the Lisbon Treaty still allocates the right of representing the Union to three entities, namely the HR, the Commission and the rotating Presidency of the Council meaning that much comes down to the personal willingness of the HR to claim the spot in the limelight. Additionally, a great deal of pragmatism and diplomatic skill is demanded from this post in order for the CFSP to produce significant policies that in turn will decide whether or not the EU can become an effective global actor. This adds up to an almost impossible workload. Luckily the member states have decided to setup an important supportive institute with a substantial budget. This will supply the much-needed assistance for the HR to execute the job successfully.

¹⁹ European Union, Article 18 TEU-L.

²⁰ European Union, Article 27 TEU-L.

3.6 – A European Diplomatic Service

Since the member states have traditionally been reluctant to allocate resources to Brussels in the field of foreign policy, the formation of a distinct European diplomatic force can be considered a revolutionary step in the maturing of European foreign policy. As requested by declaration 15 of the Treaty of Lisbon the EU began preparatory work on the creation of the European External Action Service (EEAS) directly after the signing of the document and eventually led to its official launch in December 2010. This service was created to assist the HR in the multitude of tasks that were directed towards that desk. The member states underlined the importance of this new organ by allocating a budget of around 500 million euro's in 2011,²¹ which has slightly gone up in the subsequent years. In characterizing the new service several analyses concluded that its powers and resources make the EEAS a unique institution that is neither intergovernmental nor completely supranational (Van Vooren 2010, Helwig and Stroß 2011). This is reflected by both its internal and external setup.

When analyzing the internal setup it is of great importance to emphasize that the EEAS was placed in between the Commission and the Council. After all, one of the main goals of the Lisbon Treaty was to overcome this gap between both EU foreign policy actors. Examining the Council decision establishing the organization and functioning of the EEAS of July 26, 2010 this unique internal setup comes to the fore. Article 1.2 states that:

“The EEAS, which has its headquarters in Brussels, shall be a functionally autonomous body of the EU, separate from the General Secretariat of the

²¹ BBC, Q&A EU External Action Service, 07-12-2010. Via <http://www.bbc.co.uk/news/> visited 28-05-2013.

Council and from the Commission with the legal capacity necessary to perform its tasks and attain its objectives.”²²

In effect, this independent position and bridging location enables the EEAS to build consistency in the EU’s external relations (Mauri and Gya 2009).

With the creation of the EEAS came a reallocation of offices. Both from the Council and the Commission directories were transferred to the new service. (For the complete overview see Appendix A.) The incorporation into the EEAS of former Council administrations, such as the Crisis Management and Planning Directorate and the European Military Staff, is of specific interest since it signifies a shift away from the intergovernmental Council and a move towards the new hybrid organization. However, there were also departments formerly belonging to the supranational Commission transferred to the EEAS. The most significant in this respect is the large Directorate-General for External Relations; this includes the Commission delegations in third countries. Although this might seem as a relapse of European authority, it is an understandable decision taking into account that it will avoid double structures and it increases efficiency of the EU activities (Avery 2009). Nevertheless, significant policy areas such as trade, development and humanitarian aid remain under the control of the Commission meaning that “decommunization” was minimized.

According to Article 6 of the Council Decision, the EEAS delegates are expected to act in the interest of the Union alone. Moreover, they may not take instructions from anyone outside the EEAS and they must operate in full service of

²² European Union, Council Decision (2010/427/EU), 26-07-2010. Via <http://www.eeas.europa.eu> visited 28-05-2013.

the HR.²³ Overall, this job description and the reallocation of offices signifies that the creation of the EEAS has led to a decrease of intergovernmentalism in the field of European foreign policy. As a result, this development indicates that, although the member states maintain their absolute voting rights and no hard power is allocated to European institutions, foreign policy becomes increasingly “Brusselized” (Helwig and Stroß 2011).

When analyzing the external setup of the EEAS, meaning its relationship with other EU institutions, it becomes clear that also here intergovernmental structures might be slowly eroding. Central in this claim is the role of the European Parliament, Europe’s supranational institution par excellence. Although the EP does not possess any important authority when it comes down to foreign policy, it did however succeed in claiming some power through the marginal influence it does enjoy. By threatening to reject the EEAS budget and the entire proposed diplomatic officials in 2009, the EP pressured the already appointed HR, Catherine Ashton, to include the Parliament in several issues relating the EEAS.²⁴ As a result, the EP now has the full budgetary oversight over the service and is increasingly involved in the area of CFSP through consultation in the form of regular meetings. Moreover, the EEAS is now politically accountable to the Parliament, something that was not included beforehand.²⁵ It is undeniable that these developments have extended the influence of the supranational EP in the daily operating of the EEAS, albeit only slightly.

²³ European Union, Council Decision (2010/427/EU), 26-07-2010. Via <http://www.eeas.europa.eu> visited 28-05-2013.

²⁴ European Voice, MEPs seek more power over diplomatic service 15-10-2009. Via www.europeanvoice.com visited 30-05-2013.

²⁵ European Union, Declaration by the High Representative on political accountability, 09-07-2010. Via www.europarl.europa.eu visited 30-05-2013.

The collaboration between the HR and the EEAS has allowed the EU to become more effective as a global actor that is involved in a wide range of foreign activities. Now, for example, the EU operates as a single entity in peace-building mission around the world, specifically in former-Yugoslavia. Here the EU aims to help the countries reconcile with their past in order to build a sustainable future. Another example is that the EU is now acting as a single actor in finding a resolution for the Arab-Israeli conflict, because the members unanimously support the two-state solution. Additionally, the EU speaks with one voice when it comes down to initiatives battling climate change and aims to become a leading player on this issue. Also, due to the inclusion of CSDP in the CFSP, the EEAS and the HR work as security officials that coordinate civilian and military operations worldwide such as the large mission tackling piracy off the coast of Somalia.

3.7 – Europe’s General Foreign Objectives

The new institutional framework of Europe’s foreign policy mechanism and the collaboration between the EEAS and the HR were among the biggest implications of the Treaty of Lisbon. The member states hereby clearly decided to push forward for an increasingly common foreign policy that would enable the EU to become an efficient and global actor. In institutional reform this meant that external representation became more uniform, policy instruments became more integrated and policies more coherent. With this new structure came new goals. In order to grow towards a global actor, the Treaty of Lisbon provided objectives for the new diplomatic apparatus. Additionally, the Council, the Commission and the High Representative set up goals during the inaugural years of the new structure.

Title V of the newly amended Treaty on European Union (TEU) deals with the Union 's external action and defines a set of objectives in Article 21.2:

- a) Safeguarding its values, fundamental interests, security, independence and integrity.
- b) Consolidating and supporting democracy, the rule of law, human rights and the principles of international law.
- c) Preserving peace, preventing conflict and strengthening international security.
- d) Fostering sustainable economic, social and environmental development in developing countries.
- e) Encouraging the integration of all countries into the world economy through abolishing trade restrictions.
- f) Promoting an international system based on multilateral cooperation and good governance.

Besides these goals the article also emphasizes the importance of environmental protection and the necessity of humanitarian aid in case of a natural or man-made disaster.²⁶ Regarding that the Lisbon Treaty placed them in the framework of the TEU it is considered that these goals are to be linked to the CFSP model of EU foreign policy.

The EU's other external objectives, more related to the former Community method, are specified in the Treaty on the Functioning of the European Union (TFEU), which replaced the Treaty establishing the European Community. This treaty is a considerable part of the Lisbon Treaty and sets out the Union's external affairs in part five. Although the opening Article emphasizes that all EU action in

²⁶ European Union, Article 21 TEU-L.

this framework has to comply with the principles and objectives as lay down in Title V of the amended TEU, the remainder of the document sums up the goals more specifically.²⁷ In it issues such as the EU's common commercial policy and the Union's policies on development and humanitarian aid are stipulated. Due to their rather detailed nature and minor relevance to the remainder of this research they will not be summarized here.

However, there are also other documents of interest that set out the EU's objectives for foreign policy. First and foremost is the European Security Strategy of former Commissioner of CFSP Javier Solana. The Council adopted it in 2003, six years before the Treaty of Lisbon, and is still in force today. Solana felt that at the time the EU was facing a rapidly changing world with which came new challenges and threats. In it prominent attention was paid to the importance of building security in the EU's direct neighborhood. The report stipulated that due to technological innovation and globalization a new threat evolved in the form of dynamic non-state entities. It concluded that therefore it is in Europe's direct interest to promote good-governance in the world and more specifically in its direct environment. As a result, the document proposed to enhance engagement with the southern-Mediterranean and the neighbors in the East by setting up a partnership that includes economic, security and cultural cooperation.²⁸

The Council took this recommendation to heart as they approved the development of the European Neighbourhood Policy (ENP) in 2004. Over the years this structure has worked as a bilateral process between the EU and the partner country in order to attain its main objective: "avoiding the emergence of new dividing lines between the enlarged EU and its neighbors and instead strengthening

²⁷ European Union, Article 205 TFEU-L.

²⁸ J. Solana, European Security Strategy, 12-12-2003. Via www.consilium.europa.eu visited 30-05-2013.

the prosperity, stability and security of all.”²⁹ For that to happen the EU has identified four policy areas that support this goal:

- People: Promote employment and social cohesion.
- Peace: Cooperate on countering terrorism.
- Democracy: Strengthen the rule of law and respect for human rights.
- Economy: Promote market reforms

Essential in this process is the bilateral ENP Action Plan on which both parties agree. The Action Plan is a tailor made agreement that sets out the agenda of reforms, articulates priorities and determines the package of support. In 2008 the ENP underwent a slight institutional change, as the organ became the overall organization that covers both the Union for the Mediterranean and the Eastern Partnership. The ENP as a bilateral mechanism remained in place, but now also accommodated two multilateral institutions. Today, the ENP is incorporated in the EEAS and takes up a significant chunk of the service’s capacity. The EEAS and the HR are the key actors in this structure since it operates outside of the CFSP model.

3.8 – Conclusion

Today it is almost inconceivable to see Europe fall back into bloody conflicts similar to those that dominated the continent for centuries. This durable peace and stability can be accredited to the project of European cooperation to a significant extent. More than fifty years after the foundational Treaty of Rome the project has grown both territorially and institutionally and finds itself today in the shape of the European Union. The recurrent meetings and subsequent treaties signify that the EU is an on-going project looking to improve its effectiveness both internally and

²⁹ EEAS website. Via <http://eeas.europa.eu/enp/> visited 31-05-2013.

externally. An interesting element in this institution building has been the trajectory of European cooperation in the field of foreign affairs. The above provided overview points out that this is a controversial subject of integration that has resulted in an unconventional structure of cooperation.

Clearly, the coming into force of the Lisbon Treaty marked a watershed in the EU's approach to common foreign policy since its main innovations were in the aspect of governance. The end of the pillar structure and the confirmation of EU's single legal personality meant that the Union now speaks with a single voice. That single voice is currently Catherine Ashton, the High Representative of the Union for Foreign Affairs and Security. She is supported by the EEAS, a new diplomatic structure that has taken up most of the foreign affairs activities that were first either Council or Commission responsibilities. However revolutionary its ambitions were, the Lisbon Treaty did not abolish the absolute power of the member state since decisions of great importance are still taken by unanimity. As a result much will depend on the personality and skillfulness of the HR and the effectiveness of the EEAS.

Both face an enormous assignment in making the EU the global actor it aspires to be. Several EU documents have provided them with the Union's general objectives and principles. In addition, a significant budget has been given to them in order to attain these goals. Now that this structure has been in place for little over two years there are already signs of a more coherent and decisive strategy in some aspects of EU foreign policy. However, considering the aim of this research the most interesting EU activities in foreign policy are the ones aimed at the Union's southern neighbors. It is clear that the tumultuous political change that has swept the area in recent years is an unnerving development that demands a clear European position.

The structure provided by the Lisbon Treaty should enable the HR and the EEAS to make a significant impact in a region that will define the successfulness of this new mechanism to a large extent.

CHAPTER FOUR

THE EU AND THE ARAB UPRISINGS

4.1 – Introduction

The EEAS started its activities on the first of December 2010. However, this particular month will not be remembered as the month in which Europe became a diplomatic entity. No, this particular month the whole world was watching the people of North Africa rise up against their dictatorial leaders. What started as a small demonstration in a rural town in Tunisia eventually became a massive popular movement unparalleled by any protest in the region's post-World War era. Suddenly Europe found out that its once so steady southern neighbor countries harbored a people deeply dissatisfied with their governing systems. The resulting uprisings caused the collapse of three long lasting regimes in North Africa. Ben Ali, Gaddafi and Mubarak were ousted from their presidential positions in Tunisia, Libya and Egypt respectively. The revolutionary spirit travelled across the Arab world leading media and observers to call this transformation “the Arab Spring”.

This development meant that the EU saw the governments of some of its partners change dramatically. Moreover, the rapid overthrow of the autocrats meant that the Union now directly bordered a region of great instability. However, several European observers pointed out that this historic event opened up real opportunities for the EU to rise up as a foreign policy actor (D'Alema 2011, Koch 2011, Schumacher 2011). Since the Lisbon Treaty of 2009 and the subsequent changes in the EU foreign policy structure, expectations were that the EU would demonstrate a more coherent and common foreign policy towards these countries. In the end, the

EEAS and the bolstered position of the High Representative were created in order to respond to situations such as these. It is therefore no surprise that over the last two years this new foreign policy structure of the EU has dedicated most of its time to the political transitions in the Arab world. As a result, the Arab uprisings provide the perfect framework for a critical review of the activities of the EEAS and the functioning of the HR.

In order to keep this research within limits, this chapter will mainly focus on the European policies towards Libya and Egypt. Both these countries underwent a major political transition since their autocratic leaders had to make way for reformists who have changed the country's government fundamentally and will most likely continue to do so. However, this is where the parallel comparison stops since Egypt's and Libya's revolutionary processes and aftermaths differ greatly. This forced the EU to setup two very distinct strategies including military, governance, economic and social aspects. In addition, the geopolitical importance of both countries to the EU make that these two cases are the most appropriate for an in-depth analysis of European foreign policy.

The first part of this chapter will look at the EU's initial and general response to the Arab uprisings. Considering that the events coincided with the inaugural period of the EEAS it will be of great interest to see what the objectives and ambitions of the new institution were at its outset. As a result, an overview of Europe's strategy towards the changed region will be provided. Naturally, a significant part of these documents are aimed towards the internal structures of the EU. Subsequently, this research analyses the EU policies towards the two specific countries. First the case of Egypt will be discussed, followed by that of Libya. Whereas the priority in the policies concerning Egypt lay at economic and

humanitarian reform, in Libya more attention is paid to security and institution building. In both cases this research will focus on policy objectives, implementation and effectiveness.

4.2 – The Revolutions of 2011

Since its launch in 2004 the European Neighborhood Policy has tried to enhance development and prosperity in the southern Mediterranean by encouraging integration and trade between Europe and its neighbors. The idea behind it was to create a prosperous and thus more peaceful and stable Arab world that could guarantee the security of Europe. The events of early 2011 that expressed the deep discontent of the people with the status-quo reminded the EU that these policies had achieved very little and pointed out that a new strategy with a radically different approach was needed. However, the EU does not have a reputation of being an agile and flexible organization. This led some scholars to ask the question: Can the leopard change its spots (Behr 212)?

This question also refers to the traditional supportive stand of the EU towards the former dictatorial regimes of North Africa. Over the years, while initially preaching for political reforms and the development of a civil society, the ENP had increasingly moved towards facilitating the continuation of the status quo. This was mainly the result of Europe's priority of regional stability over democratization and possible political unrest. In effect, the initial normative agenda lost against the Union's security and economic interests, a reality that was happily exploited by the Arab autocrats (Bicchi 2011). Consequently, during the years leading up to the eventual revolutions, the EU set up small initiatives of good governance and projects fostering economic reform that were aimed at creating conditions for sustainable

democratization. Yet, these policies were never aimed at destabilizing the regimes and often even cemented the political status quo (Kienle 2005, Behr 2012).

The wave of protests that started in December 2010 surprised the world and caught the EU off-guard. Not only was the EU at the time in the middle of starting up its new foreign policy structure, it had also neglected its connections with the Arab countries since ENP summits with the Mediterranean partners had been repeatedly postponed. In addition, Europe had to consider its position vis-à-vis the demonstrations keeping in mind its relationships with the autocrats. As a result, the EU was slow to respond to the events in Tunisia, the first country to experience massive protests. It was actually only after the ousting of President Ben Ali that HR Catherine Ashton issued a statement expressing EU's "support and recognition to the Tunisian people and their democratic aspirations."³⁰

The successful revolution in Tunisia fuelled the spirit of the protestors in neighboring North African countries, primarily in Egypt. This push not only intensified the popular uprising but also altered the European position towards President Mubarak. On January 27, 2011, almost three weeks before the eventual fall of Mubarak, Ashton sided with the protestors and called for an end of the violence against civilians.³¹ Both these statements indicate that at the time the EEAS and the HR purely reacted to the events in the area. Nevertheless, the EU recognized that a complete revision of its approach to the region was needed.

On February 4, with protests underway in both Libya and Egypt, the Council stated in a declaration addressed to the region that the EU is determined "to lend its full support to the transition processes towards democratic governance, pluralism,

³⁰ Joint statement by EU High Representative Catherine Ashton and European Commissioner Stefan Füle on the event in Tunisia, 14-01-2011. Via <http://www.eeas.europa.eu/> visited 01-06-2013.

³¹ Statement by the EU High Representative Catherine Ashton on events in Egypt, 27-01-2011. Via <http://www.eeas.europa.eu/> visited 01-06-2013.

improved opportunities for economic prosperity and social inclusion, and strengthened regional stability.”³² In the same document the Council also requested the HR to come up with a series of measures in order to support these processes and asked the EEAS to revise the policies within the ENP. Catherine Ashton acknowledged the urge for change by responding that Europe had to drop its old strategy of stability in order to pursue a policy of democratic progression in the region. These statements from the Council signified the beginning of a more prolific and central role of EU institutions in the interaction between the two regions.

Meanwhile, in these first couple of months of the regional uprisings the EU had already undertaken several measures as an immediate response to the events. The Commission ordered a humanitarian aid package of 30 million Euros to assist in direct needs. Moreover, it bolstered its project along the borders in order to cope with the flow of migrants wanting to cross the Mediterranean. In this aspect extra operations were executed and the European External Border Fund and the Refugee Fund received an extra budget of 25 million Euros. During this period the HR, in cooperation with her EEAS, worked towards a more long-term approach towards the changed Arab neighbors.

4.3 – A Constructive European Response

In effect, the revolutions allowed the EU to return to a bilateral policy focused on democratic values instead of just stability. The first document to emphasize a structural difference in Europe’s approach to the Southern Mediterranean was published on March 8, 2011 in the form of “A Partnership for Democratic and Shared Prosperity”. This supportive program consists of three

³² European Council, Declaration on Egypt and the region. 04-02-2011. Via www.consilium.europa.eu visited 02-06-2013.

pillars: One, democratic transformation and institution-building; Two, making a difference on a personal level, with the specific emphasis on civil society improvements especially for the young; and Three, developing sustainable economic growth through support for education projects and small and medium sized enterprises.³³ Additionally, this statement announced that the ENP would be fundamentally reviewed in order to build a new foundation for a future partnership.

As a result, the HR, in collaboration with the Commission, issued an official communiqué on the changes in the ENP in May 2011 called “A New Response to a Changing Neighbourhood”. In it Ashton addressed both the Member States and the partner countries in order to emphasize this new time of opportunity. Towards the Member States she stipulated that:

“The Lisbon Treaty provides the EU with a unique opportunity to become a more effective actor. Nowhere is this more relevant than in our neighborhood. But rising to the challenge requires that EU and Member States policies be much more closely aligned than in the past, in order to deliver the common message and the coherence that will make our actions effective. EU instruments and policies will be effective only if properly backed by Member States policies. Business as usual is no longer an option if we want to make our neighborhood a safer place and protect our interests.”³⁴

Even more significant was her announcement of the new unilaterally declared strategy of the ENP. With this document Catherine Ashton and the Commission

³³ European Commission, A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean, 08-03-2011. Via www.ec.europa.eu visited 02-06-2013.

³⁴ European Commission, A New Response to a Changing Neighbourhood, 25-05-2011. Via www.ec.europa.eu visited 02-06-2013.

launched the “more-for-more” policy, which entails that the southern partners will receive more support from the EU if they demonstrate willingness and progress towards democratic reforms. This new approach implied that the EU would now pursue a policy that would differentiate amongst the partner countries. In order for the new governments to profit from this new strategy the EU demands as an entry qualification “a commitment to adequately monitored, free and fair elections.”³⁵ From there on, the partner’s efforts to align with the values and norms of the EU would be awarded with increased support. This enhanced support could come in the form of increased funding for economic development or institution-building, greater access to the European market or greater mobility for people to move in-and-out the EU. This package became known as “The Three Ms”; Money, Mobility and Markets. The document however also included a warning that governments violating human rights or reversing democratic reforms could see sanctions targeted upon them.

This new strategy relies on the Joint Action Plan between the partner and the EU, making this ENP mechanism more important than it was before. Based on these Action Plans, which figure as an indicator of progress, countries can be granted support in the form of one of the ‘M’s, or a combination thereof. In financial terms the EU made available a large sum for assistance during the transformation. In addition to the already available 5.7 billion Euros for ENP projects in the period 2011-2013, the Commission allocated an extra 1,2 billion Euros for the same period.³⁶ With the new budget and the more-for-more strategy came the need for a separate organ to disburse the funds. As a result the Support to Partnership, Reform and Inclusive Growth (SPRING) program was set up in September 2011. This

³⁵ European Commission, A Partnership for Democracy and Shared Prosperity, 08-03-2011. Via www.ec.europa.eu visited 02-06-2013.

³⁶ European Commission, A New Response to a Changing Neighbourhood, 25-05-2011. Via www.ec.europa.eu visited 02-06-2013.

agency controls a folder of grants and allocates them to partner countries showing sustained commitment to democratic reforms.

Concerning markets, the EU offers partner countries that demonstrate democratic transformation an improvement in their access to the vast European market. This means that the trade barriers frustrating Arab export to flow to Europe will be reduced if the ENP decides so. Furthermore, a program of increased market integration can be set up that could eventually evolve into the Deep and Comprehensive Free Trade Area (DCFTA). This projected free trade area goes beyond the removing of barriers and will aim towards an enhanced trade cooperation. Regarding mobility, the EU is willing to open up and facilitate visas for civilians from countries demonstrating a shared understanding of values and norms. Additionally, Catherine Ashton has appointed an EU Special Representative for the Southern Mediterranean in order to maintain in political dialogue and ensure optimal coordination of EU efforts.

These initiatives indicate that the EU is genuinely occupied with the events and developments in the Arab region. Still, these initiatives have been criticized for not supplying clear defined reforms and goals that will result in rewards (Schumacher 2011). This leaves a rather vague impression of what is expected from the Arab countries and a need for clear benchmarking might be essential to the success of the project (Behr 2011). Conversely, other have welcomed its vagueness since it expresses a sort of assurance in the new governments that they share the same ideas and that they need to be put in effect in their own ways outside the European definition (Frattoni 2011).

Yet, one can identify European priorities. One of them is the support and enhancement of civil society organizations. The Union sees them as key players in

creating accountability thereby shaping the future political environment. Another often heard term in EU rhetoric about the Arab transformation is the need for “deep democracy”. HR Ashton coined this term to emphasize that democracy is much more than elections. According to her this term encompasses respect for the rule of law, freedom of speech, respect for human rights, an independent judiciary and impartial administration.³⁷ According to the EU these aspects should guarantee a sustainable democratic system. However, a clear interchange between achieving goals and awarding set rewards was not defined.

Now more than two years after the revolutions, one could see a significant move towards democracy in North Africa. In February 2013 the Commission summarized the state-of-play after two years of the new EU-Arab interaction. It emphasized the positive developments such as the successfully held democratic elections in North Africa and the abolishment of several restrictive laws on freedom of expression or assembly. However, it also warned that security challenges remain present and that a deteriorating economic situation is leading to social tensions. In turn these tensions can become a serious threat to the social cohesion of the already fragile countries and can impede the democratic transition. This memo therefore stresses that continued EU support is essential to the future of the region.³⁸

Two recent EU statements emphasize this expression of continued need for support to neighboring countries. Institutionally, the EU underlined the importance of civil society support by establishing the European Endowment for Democracy in October 2012. This agency aims to help political parties, non-registered NGOs, trade unions and other social partners to promote democracy as well as respect for human

³⁷ European Council, Remarks by the EU High Representative Catherine Ashton at the Senior officials’ meeting on Egypt and Tunisia 23-02-2011. Via www.consilium.europa.eu visited 03-06-2013.

³⁸ European Commission, EU’s response to the “Arab Spring”: The State-of-Play after Two Years. 08-03-2011. Via www.eeas.europa.eu/ visited 03-06-2013.

rights and the rule of law. It offers a rapid and flexible funding mechanism for important carriers of democratic values that operate in a very uncertain political context. Although it now operates autonomous from the EU, this agency maintains a close relationship with the EEAS and is largely dependent on EU funding.³⁹

Furthermore, the EU is looking to finalize its budget for the period 2014-2020 and has included a significant increase in ENP funding to 18 billion Euros. Compared to the budget 2007-2013, the requested amount includes an increase of approximately 40%.⁴⁰ Although the negotiations are still running and are likely to be difficult considering the economic hardship in the whole Union, it indicates that EU officials see the transformation of the neighborhood as a top-priority in EU affairs for the coming years. In order to understand what these initiatives mean and how the abovementioned strategy is used in practice, this thesis now turns to an analysis of their implementation in Egypt and Libya.

4.4 – The Case of Egypt

4.4.1 – Introduction

When the protests started on Tahrir Square on January 25, 2011 the EU was ill prepared for a transition in an important partner country in the region. Moreover, the EU and former autocratic President Hosni Mubarak had maintained close ties for decades. This was emphasized by the appointment of Mubarak as Co-President of the multilateral Union for the Mediterranean, which was launched in 2008. Following the events in Tunisia, the revolutionary spirit swept through Egypt and produced massive protests in late January 2011. After the experience of Tunisia, the

³⁹ European Council, European Endowment for Democracy – Additional Support for Democratic Change, 09-01-2013. Via www.consilium.europa.eu visited 06-06-2013.

⁴⁰ European Neighbourhood Info Centre. Via www.enpi-info.eu/main visited 05-06-2013.

EU envisaged the coming situation and dropped its support for the regime and called for free and fair election through a statement on January 31.⁴¹ Yet, it did not directly demand Mubarak's resignation, thereby stopping short of the US official position. In light of the abovementioned altered ENP strategy, the EU changed course and made the successful democratic transition in Egypt a top priority. In it both political and economic interests were at stake for both parties.⁴²

4.4.2 – Egypt in Transition

With the ousting of the regime came a transitional authority that would supervise the period towards the first free democratic presidential elections in the country. However, this transitional government, in the form of The Supreme Court of the Armed Forces, did not necessarily welcome all European proposals and did not comply with a series of EU preconditions for full support. Under their rule Egypt experienced troubled times in which the external actors often found themselves sidelined.

The EU's primary concern in Egypt was the repeated beating down by security forces of protest activities that continued to appear in the period leading up to the elections. During that time thousands of activists were arbitrarily detained and trialed before military courts. These events were constantly condemned by the EU officials and raised concerns about the support for democratic transition among the military leaders. Similarly, the EU was very concerned about the restrictions that were placed upon civil society organizations. Several NGO's were expelled or ordered to cease their activities, which led the HR and the Council to demand for "the adoption of a new law that would be consistent with Egypt's international

⁴¹ European Council, Council Conclusions on Egypt 31-01-2011. Via www.consilium.europa.eu visited 06-06-2013.

⁴² European Council on Foreign Relations, European Foreign Policy Scorecard 2012.

obligations.”⁴³ Another prominent point of concern of the EU was the Egyptian rejection of a full-fledged electoral observation mission for both the parliamentary as well as the presidential elections. In addition to this, the transitional authorities were hesitant in responding to EU long-term initiatives. For example, preparatory talks on a mobility partnership were halted and also an EU initiative to begin integrating the Egyptian economy into the single European market was turned down by the Egyptian caretaker government.

Nonetheless, the EU continued to financially support projects of which it believed that they were able to make a positive impact in Egyptian society. Immediately after the revolution the EU approved to respond to the Egyptian people’s request in order to protect civil, political and socio-economic rights and launched a 20 million Euros civil society package. This direct response was followed up by a series of financial aid programs that amounted to a total of 132 million Euros for the year of 2011. Among the receiving parties were organizations intending to increase political participation and electoral awareness as well as agricultural businesses in need of support. Furthermore, the EU extended a 900 million Euro loan to the country via the European Investment Bank. In the meantime the EU remained very active in seeking contact with the new government, which is expressed by the multiple visits of HR Ashton to Cairo.

Still, the overall impression is that the EU did not succeed in transferring its democratic hopes and ideas for Egypt to the transitional authorities who held external influence largely at bay. This sentiment is shared by the independent think-tank called The European Council on Foreign Relations who pointed out in their scorecard on the EU’s foreign policy efforts of 2011 that the Union presented itself

⁴³ Council of the European Union, Council conclusions on Egypt, 27-02-2012. Via www.consilium.europa.eu visited 07-06-2013.

as a soft actor in the case of Egypt. The EU did not succeed in pressuring the army to agree to certain legal changes, most notably concerning NGO's, while it continued to provide financial aid. It must however be noted that the amount of resources committed were maybe insufficient to create any real leverage.⁴⁴

The EU itself conceded to these shortcomings in their ENP Country Progress Report on 2011, but emphasized that it was a difficult year for both parties since it was a year of transition in Egypt and an inaugural year of the new ENP strategy. Adding to it that it was also the EEAS its first full year of operation and was still trying to find its way, the modest results were to be expected. Consequently, the progress report urged Egypt to implement a list of reforms that already featured in the first and only EU-Egypt Action Plan of 2007:⁴⁵

- Ensure that all powers are handed over to a civilian administration and that the state of emergency is fully lifted before the presidential elections.
- Draft and adopt a democratic constitution that enshrines respect for human rights.
- Discontinue the use of military courts to judge civilians.
- Create the conditions conducive to an active and independent NGO community and adopt NGO legislation in full compliance with international standards.
- Preserve the freedom of religion and protect minorities.
- Design and implement an Economic Reform Programme that ensures macro-economic stability and strengthens public finance management, in order to open the door to international financial assistance.

⁴⁴ European Council on Foreign Policy, European Foreign Policy Scorecard 2012.

⁴⁵ European Commission, ENP Country Progress Report – Egypt, 15-05-2012. Visited via www.europa.eu on 11-06-13.

4.4.3 – The EU and Morsi’s Egypt

In June 2012 Egypt elected its new President, Mohammed Morsi, in a historical election that ended autocratic leadership. This event was obviously welcomed by the European officials who in turn congratulated the Egyptian people on a successful free and fair election that could pave the way to a new and cooperative relationship between the Union and Egypt. The election victory of the Muslim Brotherhood and the inauguration of Morsi signified an opportunity for the EU to try again to get Egypt involved in its envisioned democratic future of the country, something that it clearly failed to achieve during the short ruling of the armed forces.

This new era started on a positive note as the emergency law, which was in place for decades, was abolished just in time for the presidential elections. Consequently, the authority in Egypt was transferred to a civilian government led by the Muslim Brotherhood. This means that the EU now deals with an Islamist party in its direct neighborhood, something they have little experience in. Soon after his election as President, Muhammad Morsi visited Brussels in order to exchange ideas about the next steps for Egypt and the role the EU could play in this. Both sides then and there decided to continue their relationship based on the Association Agreement of 2004, which forms the official legal basis governing their relationship, and to uphold the ENP Action Plan of 2007. The upside of holding on to these older documents is that the continuity of the relationship is being protected and that ongoing processes aren’t impeded. Conversely, one can also claim that, given the fact that the EU enjoyed close ties with the autocratic regime, this agreement did not signify a clear break from history on the side of the EU. Issuing a statement declaring that the EU and Egypt would enter a new era based on new documents

governing that altered relationship could have made a positive impact.

During that same meeting, Ashton and Morsi agreed to organize an EU-Egypt Task Force in November 2012. The Task Force is a new form of EU diplomacy and results directly from the work of the EEAS. This specific two-day meeting included over 500 participants from both the Egyptian and European public and the private sector. During the summit both sides traded ideas and initiatives in order to reinvigorate the Egyptian economy, while also human rights and governance aspects were discussed. In the end the EU, together with its companies, committed to a total budget of nearly 5 billion Euros in loans and grants.⁴⁶ This meeting thereby not only provided just financial aid, it also created a structural bilateral cooperation between the two in which both hold their responsibilities.

4.4.4 – Deep Democracy versus Deep Differences

Besides the abovementioned improvements, the EU found itself disappointed in the new government all too often. The ENP country report on 2012 points out that compared to the report on 2011, several key-issues were still not addressed. The element of most concern to the EU was the lack of improvement in the treatment of civil society organizations and NGO's working in Egypt. What began as a crackdown by the transitional government on NGO's in December 2011, continued to dominate the European diplomatic efforts for the rest of the year. Europe had high hopes that under the civilian led government, which experienced similar treatment under the Mubarak-regime, prosecutions and further suppression would stop. However, this was not the case. This issue was not only a concern in 2012 but continues to put the bilateral relations with Europe, and Egypt's international

⁴⁶ European Union, EU-Egypt Task Force Fact Sheet, 14-11-2012. Via www.consilium.europa.eu visited 11-06-2013.

position altogether, in jeopardy today.^{47, 48}

It seems that the repeated demand of the EU and other organizations for Egypt to create conditions favorable to an active and independent NGO community has fallen on deaf ears. A recent civil society bill that is endorsed by President Morsi has moved Egypt further away from the international standards of NGO legislation. The new bill places tight restrictions on civil society groups and makes it even harder for foreign organizations to operate in the country. In effect, the new law provides extensive control over the registration, funding and activities of NGO's to a newly formed committee consisting of state officials and intelligence agents. Indications are that fundraising activities in particular will be reviewed and that Egyptian human rights organizations, which receive 95 percent of their funding from foreign sources, will be heavily affected.⁴⁹ According to President Morsi this is needed in order to protect "the Egyptian society from foreign dangers."⁵⁰

In addition to this restrictive civil society law, the Egyptian court recently sentenced 43 Egyptian, European and American NGO staff members working for different secular organizations to prison terms of up to five years.⁵¹ This combination of events led HR Ashton to issue an official response stating that:

"The High Representative fears that the law still contains elements that can unnecessarily constrain the work of NGOs in Egypt and hinder our capacity

⁴⁷ New Europe, NGO Law in Egypt criticized by Ashton, 03-06-2013. Via www.neurope.eu visited 23-06-2012.

⁴⁸ EU Neighbourhood Info Centre, Human Rights: EU follows development of new NGO law in Egypt, 18-06-2013. Via <http://www.enpi-info.eu> visited 23-06-2013.

⁴⁹ Nancy Messieh, The Consequences of a Repressive NGO Law, 03-06-2013. Via www.acus.org visited 11-06-2013.

⁵⁰ Associated Press, International Rights Group Deems Egypt's Civil Society Bill as "Death Blow" 29-05-2013. Via www.washingtonpost.com visited 11-06-2013.

⁵¹ Washington Post, NGO Workers Convicted in Egypt 04-06-2013. Via www.washingtonpost.com visited 11-06-2013.

as a foreign donor to support their work. The law has to be in line with international standards and obligations of Egypt.”⁵²

Although it is clear that these developments are an enormous blow to the European norms of civil society and the idea of deep democracy, the HR refrained from accusing Morsi and maintained her cooperative attitude as she added that the EU would remain committed to ensure that an NGO law in line with international norms is adopted in Egypt.

Returning to the ENP country Report of 2012, the treatment of civil society organizations is not the only concern of the EU. Politically, Egypt went through another eventful year including several controversial decisions. Among the continued struggle over the legitimacy of the in 2011 elected Egyptian Parliament rose two interrelated issues that would become heavily debated both inside and outside Egypt. Since the revolution, calls arose for a new Egyptian constitution. But because of great political divisions, progress towards the setting up of a committee and the actual formulation of the constitution was slow. In a move to speed up this process President Morsi issued a decree on November 22 that granted himself extensive power in order to break the deadlock over the design of the constitution.⁵³ As a result, the draft constitution became a rather non-secular document that, instead of forming a foundation on which citizens can unite, made many people felt disenfranchised. This decision sparked widespread anger among the liberal Egyptians and the significant Coptic-Christian minority.⁵⁴

⁵² Statement by the Spokesperson of the HR Catherine Ashton on the new NGO law in Egypt, 02-06-2013. Via www.consilium.europa.eu on 11-06-2013.

⁵³ New York Times, Citing Deadlock, Egypt's Leader Seizes New Power and Plans Mubarak Retrial, 22-11-2012. Via www.nytimes.com visited 12-06-13.

⁵⁴ The Guardian, Morsi 'Power Grab' Angers Opposition, 23-11-2013. Via www.guardian.co.uk visited 23-06-2013.

Although a slight majority eventually adopted the drafted constitution via a referendum, the EU still voiced its concerns about its controversial process and the final document itself. In the country report the EU points out that developments like this can create deep political divisions in Egypt. Furthermore, the report stated that the new constitution illustrates the lack of progress on human rights and that it does not sufficiently guarantee the freedom of religion or the protection of minorities. A recurrent theme in the last decade in Egypt is violence against the Coptic community. Although there were some signs of mutual sympathy during the revolution, violence has broken out several times recently. The EU did not only condemn this troubling situation in the annual report, but repeatedly denounced the events in separate statements, most recently on April 7, 2013.⁵⁵

Furthermore, the country report stated its concerns over the political progress in the country as the Egyptian parliament was ruled illegitimate and had left the country somewhat ungoverned for almost a year. Here, the EU emphasized the importance for setting up a timetable for the parliamentary elections set for 2013 and reiterated its offer to support the event by sending an election observation mission. In contrast to 2011 Egypt accepted this offer, albeit only a reduced size of only a handful of experts.

4.4.5 – Evaluating Post-Mubarak Relations

For decades the European Union has seen Egypt as an indispensable partner in the Mediterranean neighborhood. This is expressed by the fact that the European bodies have independently maintained bilateral contacts with Egypt since 1977. However, recent events have significantly influenced this long-lasting relationship. The revolution of February 2011 and the ousting of President Mubarak forced the

⁵⁵ Statement by EU High Representative Catherine Ashton on the violent incidents at the Coptic Cathedral in Cairo, 07-04-2013. Via www.eeas.europa.eu visited 12-06-2013.

EU to reassess its relationship with the large and geostrategic important country. As a result, the EU substituted its traditional priority for stability for the spread of democratic norms and values. However, both the transitional government as well as the newly elected President Morsi have responded lukewarm to European initiatives. In the years since the revolution the EU has continued to offer financial support and several partnership deals, but has been given little in return. EU principles concerning deep democracy and civil society improvements have not been implemented which indicates that the Union has not succeeded in getting a foot in the Egyptian door.

Looking back, the EU could have made a clearer statement of breaking with history by completely replacing the EU-Egypt Association Agreement, The ENP Action Plan of 2007 and the Union for the Mediterranean. Although it would not have guaranteed an improvement in European leverage over Egypt's democratic development, it would have given off a strong signal. Furthermore, the upholding of the agreements gives the new government a reason to be ambiguous towards the EU, since it enjoyed close ties with the authoritarian regime.

Another weakness in the European strategy towards Egypt is the implementation of the new more-for more ENP strategy. The EU maybe should have taken a stronger line against the Egyptian authorities for not following up on agreements about human rights by not extending several aid programs. This soft approach might have marginalized the chances of the EU to influence new governing standards. However, withholding financial aid would mean that the already broken economy of Egypt would have had even more problems, causing damage to the whole society. It may therefore be the better decision of Europe to keep assisting Egypt in these difficult times in order to keep the possibilities open for future

improvements. Nonetheless, the EU has developed a structure of constant interaction with Egypt that accounts for the increased European coherence in dealing with the country. This can be seen as a valuable development that results from the work done by the HR and the EEAS and that can only contribute to a more successful strategy towards Egypt.

4.5 – The Case of Libya

4.5.1 – Introduction

Just as the Tunisian revolution inspired the Egyptian people to rise up against their autocratic leader, both the Tunisian and Egyptian uprisings inspired large parts of the Libyan population to do the same against long-time ruler Colonel Gaddafi. While there were already signs of popular unrest in January, the massive protests erupted on February 15, 2011, just three days after the resignation of President Mubarak. This event demonstrated the domino effect of the Arab revolutionary spirit and confirmed that North Africa was experiencing an extraordinary development in which three longstanding autocratic regimes rapidly lost their seemingly stable positions. From the outside it may look that these protests are similar and can therefore be approached in similar ways by external actors such as the EU. However, this is definitely not the case due to significant differences in history, revolutionary trajectory, and emerging political actors.

In contrast to the friendly and stable relationship between Europe and Mubarak, Gaddafi had a more troubled political record with its northern neighbors. As a result, Libya was sidelined during the setting up of the several trans-Mediterranean structures and initiatives. However, after about two decades of

complete disassociation with the West, Gaddafi and the EU started a path towards normalization of relations in April 2004 with the Colonel's visit to Brussels.⁵⁶ During the following years contacts between the EU and Libya intensified as both sides were looking to speed up Libya's integration into the partnerships between the EU and the Southern Mediterranean. This resulted in the abolishment of European sanctions on Libya and eventually led to the opening of negotiations on an EU-Libya framework agreement in November 2008. This agreement would "consolidate Libya's integration in the rule-based international political and economic system."⁵⁷ Yet, when the protest broke out at the beginning of 2011 no concrete agreements were concluded meaning that Libya was still excluded from official EU structures.

4.5.2 – War Breaks Out

Just a mere four weeks after the protests emerged the Libyan uprising evolved into a full-blown civil war. In response to the initial peaceful protests Gaddafi immediately ordered his army to suppress the demonstrations with force, which led to a high number of civilian casualties. On the 20th of February Catherine Ashton condemned the brutality and urged the authorities to refrain from the use of force.⁵⁸ Yet, violence increased leading the UN Security Council to issue a resolution that included a freeze of Gaddafi's assets, an imposition of an arms embargo on the country and an official referral of the situation to the International Criminal Court.⁵⁹ In the meantime, the EU had already issued a humanitarian aid package to assist

⁵⁶ European Voice, Prodi Welcomes Gaddafi with Open Arms, 29-04-2004. Via www.europeanvoice.com visited 13-06-13.

⁵⁷ European Neighbourhood and Partnership Instrument, Libya Strategy Paper & National Indicative Programme 2011-2013.

⁵⁸ European Union, Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on events in Libya, 20-02-2011. Via www.eeas.europa.eu visited 23-06-2013.

⁵⁹ UN Security Council resolution 1970, 26-02-2011.

refugees from the country and had also set up a specific border-control mission under the umbrella of Frontex, EU's common border management mechanism, in order to manage the flow of migrants.

During the first weeks of the conflict, the now armed opposition set up the National Transitional Council that operated from the Eastern city of Benghazi over which the demonstrators had gained control. This rapid escalation led Ashton and President of the Council, Herman van Rompuy, to convene an extraordinary Foreign Affairs Council meeting and an extra European Council meeting to discuss the issue. There, the heads of state and the Foreign Ministers agreed that the Libyan regime had lost all credibility and demanded Gaddafi to step down. However, these meetings also meant a break of the unified European response to the Libyan conflict as France individually expressed its formal recognition of the Transitional Council and the decision to explore the possibility to carry out targeted bombings. This unilateral move frustrated HR Ashton and several other European leaders who nevertheless expressed the future possibility of European military action in the form a no-fly zone.⁶⁰

While the fighting intensified, including the deployment of warplanes and heavy artillery of the regime towards Benghazi, not only the EU but also the entire international community became preoccupied with the situation in Libya. Due to the break of consensus among the European states the focus shifted to the UN Security Council for an international response to this pressing issue. In effect, the much-anticipated improved European foreign policy mechanism that was constructed in order to make the EU an effective global actor failed already at the very first serious test (Koenig 2011). The Libyan crisis made it clear that the implementation of the

⁶⁰ EurActiv, France Breaks Ranks on Libya, Dwarfs EU's Ashton 11-03-2011. Via www.euractiv.com visited 13-06-13.

Lisbon Treaty had not generated an increased common foreign policy in matters entrusted to the Council. This led European diplomats to state that “EU’s security and defense policy is closed until further notice”⁶¹ or even declare that “CFSP died in Libya”.⁶² Furthermore, the fact that the crisis unfolded on the Union’s doorstep and still did not generate a coherent European position caused for concerns (Menon 2011).

The failure to set up a common strategy not only disappointed EU officials and European politicians but also upset the US, which had allowed the EU time and space to tackle the situation on its own.⁶³ Consequently, the matter was ultimately addressed by UN Security Council Resolution 1973 that established a no-fly zone over Libya and authorized its members to “take all necessary measures to protect civilians while excluding a foreign occupation force.”⁶⁴ The decision that led to this resolution further underlined the internal European differences since the UK and France, as fierce supporters of the no-fly zone, voted in favor while Germany chose to abstain from voting. As a result, during the subsequent NATO mission, the EU was completely sidelined.

Nevertheless, HR Catherine Ashton continued to look for emerging issues in Libya on which the EU could respond in unity. This effort led to European agreements such as the Council’s decision of April 1st to set up a military operation in support of humanitarian assistance operations in Libya. This CSDP decision however, should not be seen as a revolutionary statement since it was made dependent on a request from the UN office coordinating the security operation,

⁶¹ Eubusiness, EU Defence Project Sidelined in Libya Crisis, 30-03-2011. Via www.eubusiness.com visited 14-06-2013.

⁶² Atlantic Council, Diplomats Mourn “Death” of EU Defence Policy Over Libya, 24-03-2011. Via www.acus.org visited 14-06-2013.

⁶³ Washington Post, On Libya, Obama willing to let allies take the lead, 10-03-2011. Via www.washingtonpost.com visited 14-06-2013.

⁶⁴ UN Security Council, Resolution 1973 17-03-2011. Via www.un.org visited 14-06-2013.

which in the end never came.⁶⁵ Furthermore, the EU focused on the humanitarian crisis and the flow of refugees that came with the intensified violence. In this context several plans were adopted that amounted to a total of 85 million Euros for immediate relief.⁶⁶ Maybe more interesting is Ashton's decision of April 5 to send a diplomatic envoy to the "rebel-capital" Benghazi in order to set up contacts with Gaddafi's opposition.⁶⁷ Considering the support from American, European and Arab forces to the rebels it was likely that Gaddafi's rule would come to an end, which motivated the EEAS to open interaction with the opposition early on.

4.5.3 – Rebuilding Libya

While NATO supported the rebel forces by bombing Gaddafi's troops and supplying valuable intelligence, the EU committed itself to assisting in the planning of a post-Gaddafi era. It upheld contacts with the opposition through the EU envoy in Benghazi and eventually recognized the interim rebel council as a "legitimate interlocutor" on May 11.⁶⁸ This declaration was followed up by an official visit of HR Ashton to Benghazi on May 22, where she opened an enlarged EU office able to accommodate all the needs to support a democratic transition.⁶⁹ In the following months the rebels advanced from their Eastern base towards Tripoli to eventually capture Libya's capital on August 21. However, the fighting continued another two months until the capture and killing of Colonel Gaddafi, which meant that Libya celebrated its first "Day of Liberation" on October 23. This event led to the retreat of the foreign forces and paved the way for the EU to fill the gap in assisting the

⁶⁵ Ana Gomes, Was Eufor Libya an April fool's joke?, 13-07-2011. Via www.euobserver.com visited 14-06-2013.

⁶⁶ EEAS, ENP Package Libya, 15-05-2012. Via www.europa.eu visited 14-06-2013.

⁶⁷ EurActiv, EU Sends Envoy to Libya's Rebel Capital, 05-04-2011. Via www.euractiv.com visited 14-06-2013.

⁶⁸ Reuters, Poland's Sikorski Meets Libyan Rebels, Delivers Aid, 11-05-2011. Via www.reuters.com visited 14-06-2013.

⁶⁹ EEAS, EU High Representative Catherine Ashton Opens EU office in Benghazi. Via www.eeas.europa.eu visited 14-06-2013.

transformed country towards democracy.

Since Libya was still not part of the ENP or other EU partnerships, much work was to be done in order to incorporate the country into the international political mechanisms, one of the main goals of the EU. As a result Brussels started its assessment of linking the Libyan needs to Europe's capabilities and programs. This led to an ENP report in May 2012 that pinpointed four aspects in which the EU could provide support, namely security, migration, deep democracy and economy.⁷⁰

Among these four issues, national security required the highest priority as the report stated that there was virtually no police force nor national army and public services were very weak. Considering that there were armed militias in the country and in the region, the setting up of border management became top priority. Although this was initially the responsibility of NATO, the EU expressed its intention to take over their tasks in early 2012. Subsequently, the EU sent an assessment mission in March. It took however until December for the Foreign Affairs Council to consider their report and agreed to continue the efforts. This laid the fundament for the eventual CSDP mission that was approved by a Council decision on May 22, 2013.⁷¹ The decision enjoyed high support as all member states offered to contribute to the border management mission that is being deployed in the summer of 2013. Yet, the fact that it took the EU more than a year to get from the initiative to the execution raises concerns about the flexibility and adeptness of the EU as a security actor (Hatzigeorgopoulos & Andrianarijaona 2013). In addition to the border security mission, the EU assisted the new authorities with several programs in order to tackle primary needs. A total of 25 million Euros was made available to help, for example, in clearing unexploded missiles and to set up a

⁷⁰ ENP Package Libya, 15-05-2012. Via www.europa.eu visited 14-06-2013.

⁷¹ European Council, Green Light for Civilian Mission to Support Border Security in Libya, 22-05-2013. Via www.eeas.europa.eu visited 14-06-2013.

security reform and rule of law program.

An extension of Libya's security issue was the problem of migration. The Libyan war had caused a flow of migrants towards Europe but also towards other African countries. In response, the EU allocated 19 million Euros to programs dealing with the migration flows, such as voluntary repatriation. Furthermore, due to Gaddafi's reliance on foreign fighters during the war, Libya also hosted immigrants who were often maltreated after the conflict. The EU raised its concern over the multitude of human rights violations, such as torture and illegal detention, towards these migrants. Regrettably, the report of March 2013 emphasized that progress in this aspect has been very limited.⁷²

Another priority in Libya, according to the EU, was the creation of favorable conditions to the development of deep democracy. Under the old regime independent civil society organizations were not allowed, thus causing a huge reliance on foreign actors in this new era. In response, the EU has pledged a significant sum to support the civil society actors that were eager to use the opportunity. Moreover, the EEAS organized the EU-Libya civil society forum in order to promote partnerships between European and Libyan NGO's and also set up training and information centers across the country in order to assist these starting organizations.

Besides the promotion of civil society, the EU also assisted in more direct aspects towards democratic transition, most notably during the first free Libyan elections of July 7, 2012. The EU assisted through an EU election observation mission that had already began its tasks in April. The successful, pluralistic and peaceful process was welcomed by HR Ashton who congratulated the Libyan people "for their determination to move forward on the road to democracy in a peaceful and

⁷² EEAS, ENP Package – Libya, 20-03-2013. Via www.eeas.europa.eu visited 15-06-2013.

dignified manner.”⁷³ Moreover, the election of 33 women to the National Congress was also warmly welcomed. What followed was the formulation of a national constitution. Also here the EU offered support to the drafting in order to press forward its values such as respect for human rights and the protection of minorities. However, this process is still underway and has seen some setbacks due to serious intimidations of lawmakers and conflicts over the composition of the constitutional committee.⁷⁴

The fourth aspect of European concern is the composition of Libya’s economy. The Libyan economy is for 90% dependent on oil and gas exports, mainly to Europe, and also has a very high unemployment rate that has been at that level for decades.⁷⁵ These facts indicate that Libya has a very under-developed economy that can threaten the progress towards a sustainable democracy. In response, the EU has set up a program to diversify the economy and to modernize the labor market. Considering its modest budget of 6,5 million Euros one could claim that the EU has not committed itself enough to this aspect of building a stronger Libya.

4.5.4 – Evaluating EU’s Response to the Libyan Crisis

It is clear that EU’s main goal considering Libya is to rapidly include it in the arena of international politics and to involve it in international trade and treaties. The former situation in which Colonel Gaddafi formed an unpredictable actor on the border of the European continent is undesired by all. In this respect the EU has done a lot and now sees the new government progressing towards integration. The decision to join the Union for the Mediterranean as an observer in January 2013

⁷³ Statement by HR Catherine Ashton on the announcement of preliminary results of Libyan elections, 19-07-2012. Via www.consilium.europa.eu visited 15-06-2013.

⁷⁴ Karim Mezran and Duncan Pickard, Libya’s Constitutional Process: Moving Forward? 22-04-2013. Via www.acus.org visited 15-06-2013.

⁷⁵ EEAS, ENP Package – Libya, 20-03-2013. Via www.europa.eu visited 15-06-2013.

underlines this development. In this respect the EEAS played a major role as a negotiating and supporting actor. The setting up of EU offices in several cities across the country and engaging with the opposition in an early stage has yielded the EU a foot in the door in Libya's new government. This open stance towards EU involvement was already expressed during Ashton's visit to Benghazi in May 2011 when she was warmly greeted by the people in the streets.⁷⁶

This however conceals the failure of the EU, and in particular that of the HR and the EEAS, during the initial stages of the crisis. In the first weeks of the rebellion against Gaddafi's regime the EU did not succeed in speaking with one voice. The unilateral declaration of France to support the representative body of the rebels indicated the start of a divided Europe. The break of the consensus must be seen as a diplomatic failure of the European bodies since it is their main task to formulate declarations to which all member states can agree. Shortly after that the European differences appeared again, now in the UN Security Council, stipulating a continental rift. Furthermore, HR Ashton backed the campaign of overthrowing Gaddafi only after the UN Security Council Resolution was published, indicating that she feared to speak out as the representative of a growing global actor.

In the months that followed, NATO executed the UN resolution of the no-fly zone. The sidelining of the EU and the involvement of other foreign actors might have created a legacy that subsequently impeded the EU from formulating an adequate and timely response to the responsibilities it had taken on. An example of this is the lengthy process of setting up a border security mission under the umbrella of the CSDP.

However, the profound involvement of France and the UK during the NATO

⁷⁶ Euronews, Ashton in Benghazi promises rebels EU support, 22-05-2013. Via www.euronews.com visited 15-06-2013.

mission has been greeted by the Libyan people with open arms and has boosted the image of Europe in the country. As a result, the EU has been able to feed off of that and has seen its influence in the country grow. However, Libya is still far from a stable democracy or European partner and is still facing pressing security issues. Continued European dedication is therefore crucial. Unfortunately, according to the yearly EU foreign policy scorecard of the independent European Council on Foreign Relations this has not been the case. It concludes that it seems as if attention has shifted away from Libya now that much of the urgency has gone and argues that the EU might have achieved more if greater energy and resources were allocated.⁷⁷

⁷⁷ European Council on Foreign Policy, European Foreign Policy Scorecard 2013.

CHAPTER FIVE

ANALYSIS

5.1 – Introduction

By grouping together the findings of the previous chapters, this part of the research tries to identify elements that contribute to the overall knowledge on the functioning of the European External Action Force. In the end, the aim of this research is to explain the new foreign policy mechanism and to assess whether it has succeeded in fulfilling its objectives. Therefore, the theoretical framework of MLG will figure as a background to understand the impact the EEAS makes on EU foreign policy. In doing so the EEAS will be evaluated against the model of MLG as described by Gary Marks, while also including a perspective on the rivaling theory of Liberal Intergovernmentalism of Moravcsik. In addition, the conclusions of Michael Smits, who identified situations in which the functioning of MLG is problematic, will be compared to the experiences of the EEAS.

In order to illustrate this, the findings from the relevant case studies and the overall response of the EU on the Arab uprisings will be used. Furthermore, these findings will contribute to our understanding of what the EEAS effectively does and how their policy should be interpreted in the larger context of the European Union. Looking ahead to the probable extension of the EEAS' mandate in 2014, this research can now also illustrate the weaknesses and strengths of the agency. Eventually the combined findings of the three research chapters will lead to conclusions, which in turn will answer the central question: To what extent has the

EEAS, as created by the Treaty of Lisbon, achieved its goal of turning the EU into an effective global actor when reviewing its response to the Arab uprisings?

5.2 – MLG as a Theory for the EEAS

As previously mentioned, the Multi-level Governance theory of Gary Marks should be seen as a vehicle in order to understand the impact of the EEAS on EU foreign policy and how it relates to the member states. The EEAS is undoubtedly a revolutionary institution since it is the first diplomatic service of a non-state actor. It was created as a result of the European wish to speak out as one in international politics, but also emerged as a response to an increased demand for an agency that would bring coherence to the EU's multitude of implicit and explicit foreign policy responsibilities. This latter fact has been a traditional theme in the European structure since the central organizations in Brussels repeatedly explored their legal boundaries and also overstepped them. Looking back, member states have tried to accommodate this inclination by setting up the EPC and later the CFSP. Both structures almost immediately failed in their task to bring the foreign policy actorness of the EU closer to the authority of the member state. As a result of this failure the Commission emerged as a global actor. With the signing of the Lisbon Treaty, and the creation of the EEAS in combination with the increased authority of the HR, the member states have tried to accommodate this problem for once and for all.

The result is a diplomatic service that is legally placed in between the supranational Commission and the intergovernmental Council, thereby literally adding another intermediary level to the European foreign policy mechanism. However, this feature is not the reason to apply MLG to the EEAS. In the first place,

MLG is solely dedicated to contribute to our understanding of governance as opposed to European integration as most other theories do. MLG thus rose to prominence when the EU developed uncontested supranational powers in the policies concerning trade, national economy and the environment. As for the case of foreign policy, the EU developed less rapidly and can be characterized today as a sui generis mechanism of cooperation. Nevertheless, also here MLG can be used to make relevant claims.

When analyzing the EEAS and the current European foreign policy structure, one can identify its independent character since it has been handed a significant amount of resources for it to operate autonomously. In turn, those resources allow the EEAS to influence all aspects of EU foreign policy-making, most notably in the policy initiative stage. This connects to Marks' observation that EU member states have lost their full control over the process. Moreover, the assumption that EU institutions work independently from member states is also confirmed by the EEAS' daily operation. MLG argues that these mechanisms do not necessarily imply a supranational authority and acknowledges the prominent role of the state since it still sees it as the center of power, although it now has to share it. This argument is reflected by the European reality that decisions of CFSP are to be taken unanimously.

The description of the new foreign policy mechanism as a structure with the ability to interfere in several elements of the policy-making procedure also brings to mind the concept of policy networks on which Marks derived his theory. The composition of the EEAS reflects an interconnected web of actors who are involved in every stage of policy making. This multitude of commissions within the EEAS however complicates the characterization of the agency as compared to the

prescribed types of MLG according to Marks and Hooghe. Whereas Type 1 MLG is characterized by clear jurisdictions and boundaries of actors within the larger system, Type 2 prescribes a more fluid structure in which actors intersect. Here, one might think that Type 2 would therefore better grasp the operating of the EEAS. Yet, Type 2 MLG is seen as a goal-oriented structure that does not confine itself to a certain geographical scope, such as the Kyoto agreements on the environment. In that respect the EEAS does not mirror this description. Also keeping in mind that Type 1 MLG is closely linked to the operating of a federal system, which does also not apply to the case of the EEAS, one could conclude that the EEAS not only holds a unique position in practice but also in theory.

5.3 – The EEAS and Moravcsik’s Approach

On the other hand, the practice of unanimity in the Council could also validate the claim of the opposing state-centric approach of Moravcsik. He argues that EU policies reflect nothing more than the lowest common denominator and that the member states ultimately hold all authority over the EU. In certain cases of EU governance this claim has often been proved wrong. However, in the aspect of CFSP member states do possess the ultimate decision-making power. A great example of this is the mentioned choice of France to respond unilaterally to the crisis in Libya. This case does reflect to some extent also the claim that European states use EU institutions only in cases when they facilitate the state and help achieve goals that are individually unattainable.

Yet, Moravcsik’s claim that EU institutions do not possess independent power and that the state is the uncontested locus of power fails to explain the impact of the EEAS. Especially its feature as an organ with policy initiative power is

heavily underestimated by this theory. Moreover, this independent power has been underlined by the European states through the allocation of significant powers to the HR. Since the Treaty of Lisbon this official is allowed to autonomously represent the EU in external affairs and has been given a particular position as the central figure through which all policies should pass. As previously stated, much will depend on the ability of the HR to generate that authority into real power.

In short, although the theory of Liberal Intergovernmentalism by Moravcsik has lost most of its credibility in other fields of European governance it does maintain certain relevance when it comes to EU foreign policy. However, its central claim that EU institutions do not possess independent authority fails to describe the development of this new EU foreign policy mechanism. In the case of understanding the role of the EEAS, the concept of MLG is of more help. Gary Marks' perception of European governance is reflected by the position of the EEAS as the central actor in many policy networks, thereby exercising its influence through indirect channels.

5.4 – Evaluating Europe's Initial Response

Since the impact of the EEAS on the European political arena has been formulated by the analysis above, this chapter now turns to the task of assessing the Union's response to the Arab uprisings that started in 2010 but continue to dominate the political agenda. Through the Lisbon Treaty the EU bolstered its facilities in order to take on more responsibilities in international politics. Subsequently, it formulated several objectives. The main objective of the Lisbon Treaty was to create preconditions so that the EU would become an effective global actor. In order to become one, the European states realized that enhanced policy coherence and ample

resources were key to the successfulness of this mission. However, in the end it all depends on how these are used and whether they are used effectively.

By the signing of the Treaty of Lisbon, the HR and the EEAS were tasked to bring all the formerly dispersed EU activities concerning foreign policy together and accommodate them in order to make the EU more effective. It must be pointed out that with the Lisbon Treaty came no significant new tasks or approached, rather it reformed the already existent structures. This implies that the policy procedures of both CFSP and non-CFSP issues remained largely unchanged. Within these boundaries both the HR and the EEAS now work towards the creation of a common and coherent EU policy. As straightforward as it might sound, this task demands a lot of skill in practice.

The idea behind positioning the EEAS in between the Council and the Commission, and the double-hat function of the HR as both Commissioner and actor in the Council, was to provide the new structure with all the information and connections it needed to execute its role. In turn, this central agency could then streamline European foreign policy and generate a harmonization among the member states. In much of the EU's response to the Arab uprisings it has spoken with a single voice. During the initial weeks of the events the European leaders rallied behind Brussels and voiced the importance of a common policy. However, the HR and the EEAS did not respond adequately since Brussels purely reacted on the events and remained conservative in its declarations towards the autocratic leaders. Here, the HR could have called for an exceptional meeting of the heads of state in order to create a common statement that could have been crafted by the EEAS.

While the protests expanded and signs of a transnational revolutionary spirit emerged, the EEAS and the HR turned inward instead of stepping forward. In

Brussels work focused on reformulating former policies towards the Southern Mediterranean. Although this revision produced a set of objectives and a guideline for European policy towards the changing region, it meant that the EU did not present itself as the global actor that it aims to be. Especially the HR, with her power to convene meetings and her obligation to understand different viewpoints of the member states, should have responded more adequately to the situation. After decades of foreign policy coordination in Europe the member states developed a norm and an impulse to work towards unity and common policies. Yet, Ashton awaited the situation and retreated to eventually present a new strategy while European governments formulated national positions. This development of continental divergence came to the fore during the first extraordinary meeting that was issued as a response to the worsening of the conflict in Libya. Here, France unilaterally declared its offensive approach and since this position was far too radical for other members the consensus broke.

In hindsight, the HR and her diplomatic service maybe should have focused more on the task of member state harmonization by starting to bring state representatives to the negotiation table in an early stage. Since the meeting was called for in such a late stage state policies had drifted apart. To be fair, the suggestion of opening the discussion immediately does not guarantee that the members would have come to a common policy. Still, it would have given the EEAS and the HR more time to flex their diplomatic muscles in order to broker a consensus so that the EU would step forward as a unified block.

Following this analysis one could claim that the new foreign policy mechanism did not sufficiently exploit its mandate at the outset of the Arab revolts. Although the position of the HR was not given the explicit task of forming the

frontrunner in issues like this, the legal documents concerning the new foreign policy structure left room for interpretation. As mentioned in the chapter analyzing the institutional framework, the success and prominence of the EU as a global actor heavily depends on the personal ability and willingness of the HR and how she deploys her supportive agency.

5.5 – The New Strategy

With the fall of the autocratic regimes arose the opportunity for Europe to re-establish a trans-Mediterranean strategy that is based on democratic values and humanitarian norms. Due to solidified ties between the EU and the undemocratic regimes the priority of EU policy towards its southern neighbors shifted toward stability, thereby dwarfing democratic values in the process. This supportive relationship towards the old regimes, especially to that of Mubarak, stood in direct contrast with its external objectives as emphasized by the Treaty of Lisbon. Article 21 clearly states that the EU aims to spread democratic values, promote good governance and increase social equality. Moreover, the document stipulating the goals of the ENP, the European program that actually executes the EU policies in the direct neighborhood, addressed the issue by aiming for a shared prosperity and shared rights and values. However, the aim of countering terrorism and the need for stability persisted in outweighing the more normative objectives.

As a result, the EU responded to the revolutions by withdrawing its support for the undemocratic leaders and expressing its support for the protestors. The opportunity to return to the normative agenda was welcomed by the officials in Brussels and work centered around formulating a new strategy that would assist the countries in transition while also securing European interest in the long run. This

approach is reflected by the publication of two documents that now form the basis of the new relationship. Central to this new approach is the more-for-more principle, which entails that the EU allocates more assistance in either money, mobility or market access to a country that demonstrates a dedication to democratic reform. This implies that the EU now pursues a differentiated approach to these countries instead of the one-size-fits-all approach that was maintained the previous decades. This can be seen as a direct result of the increased capabilities of the EU as a foreign policy actor since it now has the manpower to implement such an approach.

Consequently, the EEAS opened relations with the transitional governments in both Libya and Egypt. Although the EU stipulated its more-for-more strategy as a clear policy with clear objectives it remained unclear what was expected from the partner countries since standards of exchange were not defined. As a result, the Arab countries do not know what is expected for them in order to get additional support. However, from the European rhetoric one can derive that the EU's principle aims are the creation of a civil society that fosters the emergence of deep democracy. This includes a multitude of issues relating to security, economy, human rights and governance.

When analyzing its implementation in both Egypt and Libya one can claim that this policy has yielded the EU mixed results. In both cases the EU extended both financial and institutional aid seemingly unconditionally, but it did not always receive the preferred outcome. In the case of Egypt, the EU primarily focused on the human rights situation in the country and the treatment of civil society organizations. Ashton repeatedly stressed Europe's concern over the desperate situation both these issues still find themselves in. However, both the transitional government and the civil government under the control of President Morsi did not answer these calls. The

treatment of civil society organizations, and NGO's in particular, angers European officials. Also the European offer to provide an independent election observation mission was repeatedly rejected by the governing officials.

In dealing with Egypt, the EU relies mainly on the ENP Action Plan of 2007 and the Association Agreement of 2004. Together these documents form the basis of EU-Egypt relations and stipulate the envisioned Egyptian path towards improvement and prosperity. However, this might be the fundamental problem of the apparent unwilling position of Egypt to move towards the EU. The EU was a staunch supporter of Mubarak's regime that had angered so many Egyptian civilians. The documents currently referred to by the EU are remnants of an unpopular era. It might well be possible that the Egyptian government is hesitant to start a process of close relationship with an actor that has been vital to the persistence of the autocratic regime. In this respect the EEAS and the HR might have failed to identify this feeling of resentment to the EU. Instead of continuing to refer to documents stemming from a time of which the Egyptian people try to break off from, the EU should have abandoned the former agreements and have voiced its intention to start a relationship based on new documents.

Contrary to the case of Egypt, Libya has a historically different relationship with the EU. Due to the often controversial and obstinate attitude of Colonel Gaddafi, the EU enjoyed a far less friendly relationship with Libya's autocrat than with Egypt's. This is reflected by the isolated position of Libya with regard to EU-Mediterranean initiatives. Subsequently, when the Libyan people started demonstrating against the regime, the EU profited from a rather spotless history and found a positive response from the Libyan opposition. However, here the EU could not rely on former channels of information and partnership agreements, meaning that

in post-revolutionary Libya the EU had to begin from scratch. Yet, the diplomatic efforts have resulted in a modest European influence in building a new Libya. Currently, the population is welcoming civil society programs and the European initiatives of enhancing Libya's process of integrating in the international political arena have met little opposition.

Now, it is of great importance that the EU continues its support to Libya since the country is far from stable and far from being a full European partner. Unfortunately, reports indicate that this dedication and attention is slipping away from Libya and that aid is reduced. Considering this development in Libya and the persistent sending of support packages towards an underachieving Egyptian government, this indicates that the hailed more-for-more strategy is not implemented correctly by the EEAS. Conversely, the country that is overachieving is experiencing a fall of support. It is therefore of great importance that the EU shows its loyalty to the Libyan people in order to prove that the new strategy is more than the current hollow statement.

However, also in the case of Libya the EEAS and the HR have failed significantly. In two separate issues considering military involvement in Libya, the EU has shown its weakness. Most prominent is the already mentioned European crisis on how to respond to the outbreak of a civil war in the country. Here, the EEAS and the HR could have reacted better and subsequently steered the European leaders towards a consensus. Also the other security operation considering Libya, the border control mission, has seen significant complications. The fact that the whole process from voicing the intention to actual action now already lasts for more than a year illustrates that the EEAS, who is also closely related to this element of European foreign policy, has failed to deliver. Here, the service could have done

more to speed up the process and to demonstrate an improvement in the EU's daily operating considering foreign policy.

5.6 – Linking the Findings Back to Theory

Both the case of Libya and Egypt bring to mind the classification of Smith on the preferable preconditions of a situation for the effectiveness of MLG. He pointed out in his article of 2004 that Europe's foreign policy making regime could be characterized as a MLG model, but that there are several obstacles that can hinder its effective functioning. According to him these obstacles were:

- The crisis demanding a response is very violent.
- The crisis demanding a response calls for direct action.
- In cases where consensus is the formal rule of decision-making
- In cases where the European Council has no mandate.
- In cases where the EU is dependent on states for the implementation of the policy.
- In cases where the EU needs extra funding from the member states.

When evaluating these points in reverse order one can claim that due to the creation of the EEAS the last two obstacles have been overcome since the EU now possesses ample resources to pursue foreign policy independently. As for the third and the fourth, the EEAS was created to diminish these obstacles. Yet in practice the agency has not been able to tackle these problems yet. As for the case of European military interference in Libya, the EEAS and the HR did not accommodate the

members enough to work towards consensus. Hopefully this can be a lesson for the future so that also these obstacles can be overcome. Considering the first two obstacles, the new foreign policy structure seems not to have improved since 2004. EU response to crisis situations has remained rather slow and ineffective in cases of violent clashes. In order to overcome these obstacles the EU member states should allocate more resources to Brussels, particularly in the form of military capabilities. Since that constitutes a traditionally controversial transfer of power to the European bodies, this is not to be expected to happen in the near future.

CHAPTER SIX

CONCLUSION

This research aimed to evaluate the new European foreign policy structure that came into being after the signing of the Treaty of Lisbon. Central to this new constellation is the position of the HR and the creation of her supportive agency, the EEAS. Right after this new structure was put into place a revolutionary spirit swept across the Arab world, leading three longstanding North-African regimes to fall. This crisis brought great instability right to the backyard of the European Union. Consequently, the transitional process of these countries became the primary focus of this newly enhanced continental foreign policy agency. This thesis demonstrates that, after having analyzed its legal and material capabilities and having examined its policies and initiatives towards the changed Arab world, the EEAS and the HR have only partially succeeded in attaining their objectives.

In assessing the effectiveness of the EEAS this research first turned to analyzing the character of this new agency and concluded that it must be seen as a mechanism *sui generis*. Its specific position in between the larger European decision-making bodies allows it to influence all aspects of foreign policy through its network. This assumption is supported by the MLG concept of Gary Marks. Although the concept is not completely compatible with the functioning of the EEAS, it has some significant explanatory value and has therefore allowed this research to grasp the impact it has on EU foreign policy.

Returning to the goals of the EEAS, their main objective is to bring the EU forward as an effective global power, meaning that the institution grows towards being a powerful actor with international leverage. Although the legal foundations,

in the form of the Lisbon Treaty, refrain from allocating these institutions with explicit and revolutionary powers, this research demonstrates that within their capabilities the EEAS and the HR have failed to deliver on their main objective. Both actors have been allocated control over a wide range of foreign policy tools, but have been unable to implement them effectively. As a result, the EU did not rise up as a power to be reckoned with and it most certainly did not resemble the expected significant increase as compared to Europe's external profile before the Treaty of Lisbon. As mentioned before, the EEAS turned inward and went back to the drawing table to set up a new strategy. Not only did it thereby miss the opportunity to stand up as a visible actor both towards the member states and the outside world, the eventual strategy also failed to deliver since the more-for-more policy is currently being neglected in Europe's dealing with these states in transition.

Additionally, the EEAS has failed to act as a coherent and vigorous actor on different aspects in the separate cases of Egypt and Libya. Considering Libya, the EEAS failed to bring about internal coherence on the issue, leading the EU to remain sidelined for most of the transitional process. Only in a later stage the EU has succeeded in stepping forward as a unitary actor, albeit on matters of little controversy such as civil society assistance. Furthermore, the lengthy process of deploying border security missions again underline the European struggle to act rapidly and forcefully.

In Egypt problems with executing a foreign policy emerged in dealing with the new government that replaced the former regime. Here, the EEAS managed to formulate a strategy that is supported internally. Yet, it did not manage to acquire any form of leverage vis-à-vis the Egyptian government in order to convince them to comply with the European perceived path towards democratic values and stability.

Although it is hard to point out exactly where these differences come from, one could point towards the formerly supportive stance of the EU towards the unpopular regime of Mubarak. Although the EU openly sided with the protesters during the revolution, the EEAS have not thoroughly followed up on this change of support since it still refers to documents stemming from the Mubarak era in its relationship with Egypt today.

In the case of Egypt, a reinvigoration of the Union for the Mediterranean could also help the EU in transferring its policies. Although unpopular EU-Mubarak relations heavily mark this organization, this structure is characterized by multilateralism instead of the bilateral relations that govern the current relationship. The difference is that in the latter structure the EU might come forward as a patronizing factor, whereas in the former the Arab states might feel a more shared ownership over the organization, thereby making them more involved.

Nonetheless, the creation of the EEAS and the newly formulated position of the HR have also yielded the EU some minor advancement, most notably in the setting up of offices and facilities that help the EU in constructing a coherent policy. Unfortunately, with regard to the Arab uprisings this has only been used in the distribution of financial aid. However, such a process takes time to work effectively. In that respect one could defend the current shortcoming of the EEAS in its response to the Arab Spring by pointing out that the EEAS faced these crises hardly a month after its official launch. In effect, when the revolutions broke out the EEAS was hardly operating and the internal arrangements were not really developed. Consequently, the events have tested the new foreign policy structure right at the beginning, thereby immediately demonstrating its shortcomings.

It will be of great interest to see if the organization is able to take lessons from this and transfer them into new policies that generate a more effective operation. In this respect, much will come down to the character and skills of the HR to exploit her mandate and to generate an effective European foreign policy that reflects more than just the lowest common denominator. This suggests to other researchers to continue studies on EU foreign policy to see whether the EEAS is able to convince member states to give up their national policy for a common and more forceful European position. The moment this happens will signify a revolutionary step in the development of the EU as an effective global actor. In the end, it is only on the internal aspect that the EU has full control.

Overall, this research supports a renewal of the mandate for the EEAS considering that it has the potential to generate a coherent and strong foreign policy. This research has demonstrated, with the use of the MLG theory, that the EEAS is sufficiently equipped to realize the EU's goals, thereby refuting the hypothesis of this research that the EEAS does not possess real capabilities. Yet regrettably, the other hypothesis has been confirmed since the Arab uprisings have not generated such an effective European policy. Still, this experience might have offered the EEAS insight in how to improve the current structure and on how to respond to crises such as these. This study however would advise the EU to terminate the mandate of the current HR Catherine Ashton, since she has failed to demonstrate her determination to bring the EU to the level of an international actor that is to be reckoned with. Especially her reactive attitude to the situations and her inability to bring together both European and Arab partners in order to find common grounds and mutual objectives has led this research to believe that she has impeded the efficient operating of the new foreign policy structure.

When putting the developments of the last two years in historical perspective, one can conclude that the Treaty of Lisbon signifies yet another step in the incremental development of the EU as a foreign policy actor. Still it is thus far the most revolutionary one, since the EU now officially possesses an independent foreign policy institution. Over the course of the coming years the world will find out whether this agency is allowed to step forward and whether it is able to use its mandate in order to turn the EU into the global actor it aspires to be.

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Appendix A

