

Towards a New Euro-Mediterranean Neighbourhood Space

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I Introduction

In November 2005 the ‘Barcelona Process’ will celebrate its tenth anniversary. To honour this event, the Euro-Mediterranean Foreign Ministers decided recently in The Hague that 2005 will be the ‘Year of the Mediterranean’. The Barcelona Process or the ‘Euro-Mediterranean Partnership’ (BP/EMP respectively) was launched on 27 November 1995 by the (then) 15 EU Member States and 12 Mediterranean countries¹ formally endorsed the Barcelona Declaration. The Barcelona Declaration was designed to promote peace, stability and prosperity in the Mediterranean. It was ‘the launching pad of a regional process’² for the establishment of a common area of peace, stability, and shared prosperity, based on the establishment of a free trade area, the development of human resources, the promotion of understanding between cultures and partnership between civil societies. In the nine years since its inception, most view the success of the Barcelona Process as limited. During this time a series of individual (and non-standardized) bilateral Association Agreements were concluded with all the original Mediterranean partner states as a precursor to an eventual inter-regional free trade area. In addition, an EU-directed programme for development assistance was initiated according to which potential recipients throughout the region competed for funds on a project basis, adding a new dimension to traditional bilateral aid between states. Finally, a number of fora on social, cultural, and to a lesser extent, political issues were established, which brought representatives from the various European and Mediterranean states to a common table. Overall,

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¹ Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, the Palestinian Authority, Syria, Tunisia and Turkey.

² E. Barbé, ‘The Barcelona Conference: Launching Pad of a Process’ (1996) 1(1) *Mediterranean Politics*, p. 25.

however, Eurocentric and excessively fluid, the Barcelona Process was a far cry from the inter-regional socio-economic-political ‘partnership’ envisioned by its originators in 1995.

To enhance the Barcelona Process, address its shortcomings and to give expression to the impending enlargement of the EU (which included the accession of some of the original Mediterranean Partners), the New European Neighbourhood Policy (ENP)³ was launched in 2002. This was supplemented by the adoption in June 2004 of the EU Strategic Partnership with the Mediterranean and the Middle East (the ‘Strategic Partnership’). In the context of the new European Neighbourhood Policy, Romano Prodi, the former President of the European Commission, called for urgent action in the Mediterranean that would develop the existing institutional structure of the Euro-Mediterranean Neighbourhood Space (EMNS).⁴ Prodi stated that

there is nothing to stop us setting up new permanent institutional structures of Euro-Mediterranean dialogue and cooperation if they can help to strengthen the whole process. . . . We need a new project to act as a catalyst and spur us on to map out together the course for a common future. For this reason we need to develop a type of political and institutional integration that goes far beyond association agreements.⁵

In line with Jean Monnet’s statement that ‘great ideas and principles either take firm shape in the form of institutions, or disappear into rhetoric and finally die’, nine years after the Barcelona Conference and almost two years after the launch of the European Neighbourhood Policy, in this paper, we argue that for the establishment of a genuine Euro-Mediterranean Neighbourhood Space, there is an urgent need to further strengthen the institutional foundation and structure of the Euro-Mediterranean relationship. In order to be effective, the EMNS should not be left for the politicians and diplomats alone, a tattered flag to be waved during Euro-Mediterranean Ministerial gatherings. There is a real risk that, without solid institutional expression, current EU

³ European Commission, *Communication from the Commission to the Council and the European Parliament. Wider Europe-Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours. COM(2003) 104 final*, EU Brussels, 11 March 2003; European Commission, *Communication from the Commission European Neighbourhood Policy: Strategy Paper COM(2004) 373 final*, EU Brussels, 12 May 2004; for the Policy’s homepage see <europa.eu.int/comm/world/enp/index_en.htm>.

⁴ The geographical area of the ‘Euro-Mediterranean Neighbourhood Space’ covers the countries on both sides of the Mediterranean Sea neighbouring the enlarged EU, that is: the 25 EU Member States; EU Acceding Countries – Bulgaria, Croatia, Romania, Turkey; and the current 10 EMP Mediterranean Partners – Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, the Palestinian Authority, Syria and Tunisia.

⁵ R. Prodi, ‘Europe and the Mediterranean: Time for Action’, speech by Romano Prodi at UCL Université de Louvain-la-Neuve, 26 November 2002, in 52 *EuroMed Report* 6–7, 28 November 2002.

policies towards the Mediterranean countries will disintegrate into relatively meaningless political exercises rather than a true partnership. Eventually, like their predecessors, they would die.

We also argue that the character of the EMNS must be altered, if it is to attain its objectives. The EU-centric character of Euro-Mediterranean relationship and the current institutional structure of the EMNS do not reflect a partnership based on proactive participation in what should be joint venture of strategic cooperation and economic development. The Euro-Mediterranean relationships should be urgently reshaped and institutionally restructured to more effectively identify and cultivate common interests and potential synergies. Our research suggests that institutions have an important impact on the behaviour of states and can shape the future direction of the Euro-Mediterranean Neighbourhood Space. Lessons can be drawn from the experience during the cold war and the Helsinki Process, which established a dialogue between Eastern and Western Europe prior to the demise of the Soviet Union.

Section II of this paper focuses on the similarities between the Helsinki Process and the Euro-Mediterranean relationship. Based on these insights and on the original institutional framework as articulated in the Barcelona Declaration and subsequent Euro-Mediterranean policy initiatives;⁶ and agreements reached between the Euro-Mediterranean Ministers for Foreign Affairs in ministerial conferences. Section III of the paper suggests a new and 'redesigned' institutional mechanism for the Euro-Mediterranean Neighbourhood Space. In section IV we also examine the possibility of creating a Euro-Mediterranean 'capital' and conclude that Malta, located in the heart of the Euro-Mediterranean Neighbourhood Space, is the optimal candidate. Institutional and administrative systems of the EMNS should be relocated from Brussels, Alexandria and Cairo to Valletta.

II The Helsinki Model

1. Introduction

The Helsinki Final Act (HFA) refers to a politically binding agreement that initiated the Helsinki Process (HP), also known as the Helsinki model, an international initiative adopted in August 1975 to facilitate conciliation

⁶ As discussed in this paper the term 'Euro-Mediterranean relations' refers to the wide array of security-political, economic and cultural relationships between the EU and the non-EU Mediterranean countries in the context of several EU policies: the Euro-Mediterranean Partnership (EMP) or Barcelona Process (BP), the Common Strategy on the Mediterranean Region adopted in 2000 (CSM), the European Neighbourhood Policy (ENP) and the EU Strategic Partnership with the Mediterranean and the Middle East (Strategic Partnership).

between East and West regarding issues of security, economic cooperation and humanitarian issues. Through the employment of collective diplomacy, the Helsinki model developed effective methods to monitor the cold war balance of power and mitigate the risk of confrontation with institutionalized cooperation. The Conference on Security and Cooperation in Europe (CSCE) and the Organization of Security and Cooperation in Europe (OSCE) engendered by the Helsinki Process demonstrated a remarkable ability to both reflect and change with the times,⁷ capitalizing on all possibilities for expanding a genuine community of interest and general mutual understanding. These institutions rendered continuity to the Helsinki Process, making it an integral part of détente, an evolutionary process to be preserved, perpetuated and enhanced.

The CSCE constituted the framework for negotiation and linkage of interests, the aim of which was to reach consensual decisions and embark on implementation. In keeping with the Helsinki tradition of ‘connecting the seemingly disconnected’,⁸ the CSCE endeavored to establish equality among unequal partners, transcend bipolar complexity, and extend the pan-European dialogue from the sphere of hard security to humanitarian, ecological and economic matters. The CSCE successfully transformed this syncopated dialogue into a continuous, though loosely, institutionalized process based on political pragmatism that took the form of a series of conferences organized at indeterminate intervals without support of a permanent secretariat. The CSCE never adopted a grand strategy for institutionalization and ‘was as much a result of changing (systemic) realities, as it was an agent of change in its own right’.⁹

The fall of the Berlin Wall in 1989 marked the end of the old Helsinki model and the CSCE, which was mainly an instrument of conference diplomacy. In contrast, the new Helsinki model, engendered in the OSCE, created a plethora of political organs and administrative bodies with operational capabilities. In the words of Haas, the Helsinki model underwent a process of conversion ‘from conference to regime and then to organisation’.¹⁰

Today, the OSCE concentrates on the economic and civil dimensions of security. For this reason Höynck argues that the OSCE is ‘the one and the only organisation with the possibility of building a common political ethos of European values: values that are necessary as a common foundation for

⁷ J. Baker, ‘CSCE: Building Together for the Future’ (1990) 1304 *Current Policy-Washington*.

⁸ V. Mastny, ‘The Helsinki Process and a New Framework of European Security’ in J. Story (ed.), *The New Europe: Politics, Government and Economy Since 1945* (Blackwells, Oxford, 1993) pp. 422, 429.

⁹ V.Y. Ghebali, ‘The CSCE in the Post Cold War Europe’ (1991) 39(2) *NATO Review*, p. 8.

¹⁰ E.B. Haas, *When Knowledge is Power: Three Models of Change in International Organisations* (University of California Press, Berkeley, 1990), pp. 63–96.

permanent peace and security'.¹¹ Over the years the Helsinki Process broke away from its past image as a loose sequence of interstate negotiations and political consultations and took on the contours of a well-defined organization committed to the promotion of human rights, democracy, economic freedom, the rule of law and social justice.

By and large, OSCE thinking is all about 'cooperation on behalf of democracy and welfare in order to enhance the security of the people within the states and among states'.¹² In the name of European security, the OSCE developed its role over the years from one of setting legal and behavioural norms to facilitating change at an operational level. Accordingly, it developed into a major instrument in the integration of the Eastern European states to a regional European security community.

2. *From Helsinki to the Heart of the Mediterranean*

Like the OSCE, the Euro-Mediterranean relationship, be it in the guise of the Barcelona Process or the ENP, shares the objective of establishing forms of cooperation in the Euro-Mediterranean Neighbourhood Space that would defuse tensions between adversaries and deter further conflicts. The Helsinki model underwent a long process in its journey from conference to regime to proactive organization. The current development of the EMNS can benefit from the Helsinki experience.

a) Intermediary periods. The Helsinki Process, Barcelona Process and the European Neighbourhood Policy were initiated during intermediate period of major changes – the post-World War II era, post-cold war period and post-EU fifth enlargement juncture respectively.

b) Diffusing tensions between two homogeneous blocs and institutionalizing interaction in a divided environment. The CSCE emerged as a bargaining process designed to manage competing normative orders of détente in a clearly divided environment. It operated under a distinct East–West division, in which the two blocs were homogeneous. The USA and the USSR did not face serious problems in enforcing agreements or compliance and all hard security issues were initially related to the security systems of the blocs.

¹¹ W. Höynck, 'The OSCE's Contribution to the New Stability' speech delivered at the Helsinki Seminar on Post Cold War Europe-Organisations in search of New Roles, 10 May 1995, published in W. Höynck *From CSCE to OSCE: Statements and Speeches of Dr Wilhelm Höynck Secretary General of the OSCE 1993-1996* (OSCE, Vienna, 1996) pp. 46, 57.

¹² I. Peters, 'The "Old" and the "New" CSCE Institutional Quality and Political Meaning' in I. Peters (ed.), *New Security Challenges: The Adaptation of International Institutions* (St Martin's Press, New York, 1996) pp. 86, 121.

In the Mediterranean space the situation is different. The Mediterranean is not united, nor are divisions unidimensional or clear-cut. The EMNS is evolving within a fragmented environment, and represents the culmination of previous European efforts to establish a reliable and coordinated response to the various challenges confronting the Mediterranean. Although a hotbed of local hostility, a major military threat on the scale of the cold war's 'balance of terror' does not exist in the Mediterranean space. Rather, there is a heightened security alertness associated with complex socio-economic, demographic and political challenges. Despite issues linked to global terrorism, the top priority of the Mediterranean Partners appears to be socio-economic rather than political or military in nature.

Hence, if the Helsinki Process aimed at diffusing East–West tensions and consolidating détente, the Euro-Mediterranean relationship aims at institutionalizing political and societal interaction in the EMNS.

c) 'Stable International Political Environment' and contentious terrain. While the CSCE and OSCE had to deal with essentially ideological problems and was originally designed to overcome artificial divisions within a largely culturally homogenous continent, the EMNS confronts formidable economic and cultural disparities. The C/OSCE came into being in an already improved and stabilized international political environment. In contrast, the EMNS has to be constructed on a relatively contentious and less stable terrain due to the persistence of the Israeli-Palestinian/Arab conflicts and conflicts concerning Cyprus, Lebanon, Western Sahara, Iraq and Iran.¹³

d) Commitment to basic principles for international cooperation and peaceful relations. The major challenges facing the EMNS include the creation of a partnership of interests and consolidation of a dialogue on economic, political and socio-cultural issues. Like the Helsinki Final Act, the Barcelona Declaration and the ENP's Action Plans aim at enlisting the commitment of the Mediterranean Partners to a set of basic principles for international cooperation and peaceful relations, including democratization, liberalization, pluralism, the rule of law, respect for human and minority rights, and neighbourly relations. While the CSCE aimed at mitigating East–West tensions, the EMP and the ENP aim at building a stable pluralistic Euro-Mediterranean Neighbourhood Space that accommodates diverse backgrounds and interests.

e) Similar economic context of change with different dynamics. Although the CSCE started mainly as a security framework, in recent years, the OSCE pays

¹³ V.Y. Ghebbali, 'Towards a CSCE in the Mediterranean: The CSCM' in M.B. Lucas (ed.), *The CSCE in the 1990s: Constructing EU Security Cooperation* (Nomos, Baden-Baden, 1993) pp. 335, 337–338.

closer attention to the economic dimension of security. Similarly, the Euro-Mediterranean frameworks for partnership aim at reforming Mediterranean economies. Both the OSCE and the Euro-Mediterranean relationship seem to seek to precipitate revolutionary political and social change through small incremental steps.¹⁴ The dynamics involved in this, however, are different. In contrast to the Helsinki model, the Euro-Mediterranean frameworks rely heavily on relatively rapid economic change.¹⁵

f) From security orientation to socio-cultural cooperation. In the case of the CSCE both security-oriented and socio-cultural cooperation stood at the heart of European détente. In the case of the Euro-Mediterranean Partnership, in the post-cold war atmosphere of the 1990s, the socio-cultural basket received the least attention, but proved to be the most difficult to implement. Priorities shifted in the new millennium. To minimize negative fallout from renewed tensions in the Middle East, since 2001 the Political and Security Basket has been put on the back burner and the Socio-Cultural Basket became the dominant theme of the EMP. This has carried over to the ENP, as Action Plans also cover vast areas of socio-cultural cooperation.

g) The basket-based design. Both the Helsinki model and the Barcelona Process share a similar architectural design: three baskets of cooperation, in the fields of security and politics, economics and a humanitarian/civil society basket. Similarly, the ENP's Action Plans are based on three levels of dialogue and cooperation: Political Dialogue and Cooperation, Economic and Social Cooperation, and Development and Civil Society Cooperation.

More importantly, the process-driven nature of the Helsinki model and the Euro-Mediterranean frameworks are highly conditional on developments on the ground. In both cases, institutionalization during early stages was light. In the Euro-Mediterranean frameworks linkages between the Economic, Political and Socio-Cultural baskets are built in. Rigid distinctions between them can only be made at the cost of ignoring current Mediterranean reality. In both the Helsinki and Euro-Mediterranean models, progress in any of the three baskets depends to a significant degree upon progress in the others.

h) The humanitarian dimension. The human rights basket of both frameworks of relationships acts as an agent of change by linking democratic principles with issues of sovereignty and security. Both models are based on the acknowledgement that fundamental human rights and freedoms are legitimate and even central security concerns.

¹⁴ G. Edwards and E. Philippart, 'The EU Mediterranean Policy: Virtue Unrewarded or...?' (1997) XI (1) *Cambridge Review of International Affairs*, pp. 185, 186.

¹⁵ *Ibid.*, p. 186.

The Helsinki Process upgraded the status of human rights from a domestic issue to a legitimate security concern. Similarly, the Euro-Mediterranean relationship, in both its current and prior forms, entails a trade-off between EU recognition of the primacy of economic development and Mediterranean country acceptance of principles and rules which seek to contain religious fundamentalism and migration flows.

i) Non-legally binding international instruments. Both the Helsinki and Euro-Mediterranean models face difficulties in transforming abstract commitments into actual processes, policy structures and patterns of behaviour. 'Declarations', 'Final Acts' and 'Action Plans' provide the flexibility and informality that treaties often lack. By intentionally describing themselves as 'processes' or a 'policy', these frameworks provide informality, flexibility and maneuverability. Precisely this flexibility and informality augment the potential for change in an environment that is bitterly inhospitable to more formal agreements. These frameworks are politically enforceable instruments but are not binding in law.

III Absorbing the Lessons

1. *Inspiring Institutionalization of the EMNS*

a) Introduction. As a collective security organization experienced in building bridges rather than fortresses, the C/OSCE can teach us important institutional lessons for the Euro-Mediterranean Neighbourhood Space. We hold that the safest way for the Euro-Mediterranean relationship to evolve is to focus on a process of institutionalization along the lines of the OSCE that may provide the EMNS an operationally meaningful structure.

However, the institutionalization of the Helsinki Process is intimately tied to specific historic developments, and therefore, the model cannot simply be reassigned to fit Euro-Mediterranean geo-political reality. Ambassador Kubiš, the Secretary General of the OSCE, takes the view that the OSCE should only inspire the Euro-Mediterranean space. He explains that

it is impossible to take one model and implement it somewhere else. But it is possible to get inspiration from approaches. The OSCE model is definitely a possibility and example for the Euro-Mediterranean space. However, the Euro-Mediterranean regional priorities will probably build the Euro-Mediterranean model slightly different from the OSCE model.¹⁶

¹⁶ S. Pardo, 'The OSCE as a Model for the Euro-Mediterranean Space: Personal Interview with Ambassador Ján Kubiš, the Secretary General of the OSCE', Madrid, 3 October 2002.

Unlike the OSCE, the Euro-Mediterranean relationship does not fully reflect the notion of equal cooperation and should achieve new levels of integration by strengthening the sense of ownership of the relationship by all Euro-Mediterranean Partners. Moreover, in the absence of express aspirations to shake off a communist past (as was the case with OSCE countries), the EMNS finds itself having to focus on reinforcing democratic institutions in partner countries in which strong central state control is both valued and engrained.

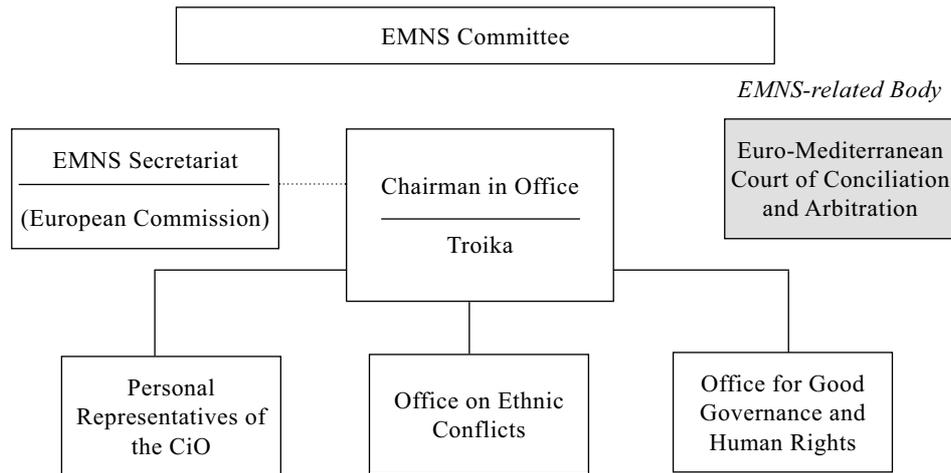
We are of the opinion that incorporation of ‘democratic institutions’ modeled on those of the OSCE provides the building blocks for both the reinforcement of democracy and the establishment of a more proactive partnership, which engages the European and Mediterranean Partners in a more equitable manner.

As summarized by Figure 1 (overleaf) and explained hereinafter, we believe that the Chairman-in-Office assisted by the Troika and personal representatives, the High Commissioner on National Minorities, the Office for Democratic Institutions and Human Rights, the Permanent Council mixed with the Senior Council, the Secretariat and the Court of Conciliation and Arbitration, are some of the OSCE institutions that can inspire the establishment of analogous institutions for the Euro-Mediterranean relationship. These institutions can reinforce the Euro-Mediterranean relationship and limiting its EU-centric character. They would reflect the EMNS principle of cooperation, and would turn it into a mechanism for consultation and negotiation among its members.

b) The Chairman in Office (CiO) assisted by the Troika. In almost every Euro-Mediterranean forum, the Mediterranean Partners raise the question of co-ownership of the Barcelona Process enhanced by the European Neighbourhood Policy. The EU holds that since it has internal mechanisms for coordinating positions in place, it is better poised to lead the partnership. Differences between the Mediterranean Partners have to date prevented them from developing similar coordination mechanisms, and hence, in the EU’s eyes, co-chairmanship could not work effectively.

In line with the ENP’s spirit of equality, co-ownership and partnership, our research challenges the above EU perception and suggests that the EMNS can and should go beyond co-chairmanship and establish the post of a Chairman in Office (CiO). The CiO would be vested with the overall responsibility for executive action and the coordination of EMNS activities. This would include: coordination of the work of EMNS institutions, representing the EMNS and supervising its activities. The chairmanship would rotate annually and a Foreign Minister of one of the partner countries would hold the post of the CiO.

Figure 1. The C/OSCE inspiring institutional structure for the Euro-Mediterranean Neighbourhood Space



Legend

- line of command
 provides support

In light of the politically fragmented nature of Euro-Mediterranean relationship, particularly in light of the current geopolitical situation which consists of several separate crises, it is suggested that during the first five years, a Foreign Minister from a Mediterranean EU Member State holds the post of CiO.¹⁷ It is recommended that this provision be implemented during the first five-year transitional period, after which a Minister for Foreign Affairs of one of the non-EU Mediterranean Member States would hold the post of the CiO.

The previous and the succeeding Chairman would assist the CiO and together the three of them would comprise 'the Troika'. The CiO would regularly convene Troika meetings in which other EMNS officials would also participate. In this way, the Troika would become a core executive group within the EMNS, which would be used to prepare important issues for debate and discuss general policy issues. The Troika would also serve the CiO as a sounding board for new initiatives. In this manner, Troika meetings would become a regular element of the EMNS structure and would go beyond a simple advisory role.

¹⁷ For the reasons analysed in section IV of this study we recommend that Malta's Foreign Minister would act as the first CiO of the EMNS.

We also suggest that the CiO be able to establish ad hoc steering groups and appoint Personal Representatives to deal with specific issues. Personal Representatives can play a very useful role in addressing specific problems and to point out how the EMNS can become effectively involved problem solving. The flexibility can make this mechanism a very attractive instrument for quick response to urgent issues.

c) The Euro-Mediterranean Neighbourhood Space Committee. The EMNS countries should examine ways and means to establish a Committee for the Euro-Mediterranean Neighbourhood Space, with a view to ensure involvement of the EMNS Partners in the elaboration, monitoring and evaluation of programmes, actions and projects ratified by the EMNS Ministers for Foreign Affairs. The Euro-Mediterranean Neighbourhood Space Committee could be set up in line with the OSCE Permanent Council.

The Committee would fully reflect the negotiating and decision-making character that was originally envisaged for the Euro-Mediterranean Committee for the Barcelona Process and for the ENP Association/Neighbourhood Committee. Comprised of permanent representatives drawn from senior diplomats, it would meet on a monthly basis in order to prepare the work and implement the decisions of the Euro-Mediterranean Foreign Ministers Conferences and to follow up, oversee, manage and coordinate all issues pertinent to the EMNS. The Committee would manage the day-to-day business of the EMNS and would continue with taking stock of and evaluating the follow-up to the Euro-Mediterranean Association/Neighbourhood Agreements, ENP Action Plans and all their components, updating the Work Programmes and monitoring their implementation, and evaluating the activities carried out within the sectorial meetings.

In addition, the Committee would be responsible for monitoring and establishing accountability for issues of good governance and minority rights. It would approve election monitoring missions as well as all preventive diplomacy actions. The Committee would also be able to convene informal meetings to respond to emergency situations. The Committee would also act, at least initially, as the Board of Governors of the Anna Lindh Foundation¹⁸ established by the EMP.

d) The EMNS Secretariat. Neither the Barcelona Process nor the European Neighbourhood Policy have been endowed with their own Secretariat. The European Commission acts as the de facto 'Barcelona/Neighbourhood Secretariat'. This is the most eminent example of the EU-centric character of the Euro-Mediterranean relationship. The fact that the European Commission acts as the Secretariat for the Euro-Mediterranean frameworks is one of the

¹⁸ See discussion below.

major obstacles to the development of the relations on a genuine and an equal cooperation. This arrangement exacerbates the southern Partners' sense of disenfranchisement from Euro-Mediterranean frameworks by confirming their belief that the EU is less attuned to their needs than to those of the EU.¹⁹

The EU argues, in contrast, especially since the collapse of the Middle East Peace Process, that the Euro-Mediterranean frameworks are too fragile at this point of time to play with. The European Commission is the main, and to some extent the only, driving force behind the Euro-Mediterranean frameworks and caution is warranted. Former Commission President Prodi advised that the Partners 'be cautious about setting up new structures if our aims can be achieved with existing ones', yet this does not exclude the possibility of developing a new structure . . . at a later stage, if necessary'.²⁰

We argue that, while caution is indeed warranted, the unilateral and EU-centric institutional framework must undergo massive administrative reorganization. In order to build capacity and credibility, the EMNS should have its own independent Secretariat. This new independent institution can even borrow key personnel from the European Commission. However, for the future management of Euro-Mediterranean structures and operations in the long run, the EMNS should implement the model of the OSCE Secretariat.

The new Secretariat would act as the long arm of the CiO and would provide it with the support required in all CiO initiatives and activities. The Secretariat would provide the CiO support in managing the EMNS; and in preparation and guidance of all the Euro-Mediterranean meetings/conferences. It would advise on the financial implications of proposals, support EMNS operations and services. It would also ensure the implementation of CiO decisions, publicize the EMNS policy and practices and maintain contacts with international organizations and NGOs. In addition, the Secretariat would ensure that all EMNS institutions act in conformity with EMNS guidelines and would report regularly to the CiO and the EMNS Committee on its activities. It would also be responsible for preparing the annual report on the activities of the Euro-Mediterranean Neighbourhood Space.

e) The Office for Good Governance and Human Rights. Several Conferences of Euro-Mediterranean Ministers for Foreign Affairs mandated the EMP's Senior Officials to study the setting of a more structured dialogue on human rights in order to improve and deepen the Euro-Mediterranean relationship in this area. Ministers recognized the necessity of allowing for an open discussion of issues related to human rights and democracy and welcomed

¹⁹ R. Aliboni, 'Re-Setting the Euro-Mediterranean Security Agenda' (1998) 33(4) *The International Spectator*, pp. 11, 12.

²⁰ R. Prodi, 'A Wider Europe – A Proximity Policy as the Key to Stability', speech by the Right Honourable Romano Prodi at the Sixth ECSA–World Conference: Peace, Security and Stability, International Dialogue and the Role of the EU, Brussels, 6 December 2002, p. 7.

the effort to identify areas of common ground for cooperation in the drafting and implementation of legislative and regulatory reform.²¹ Respect for democracy, good governance and the rule of law constitutes an integral and inseparable part of every ENP Action Plan. This is further emphasized by the 2004 EU Strategic Partnership with the Mediterranean and the Middle East.²² We believe that the EMNS should establish the Office for Good Governance and Human Rights (OGGHR) based on the OSCE Office for Democratic Institutions and Human Rights (ODIHR).

Historically the OSCE ODIHR was established in Europe in a situation of general disarray and weakness. In contrast, 'in the Mediterranean, situations of weak political legitimacy do not necessarily mean disruption, weakness or instability of regional states and governments'.²³ In recent years, the EU has monitored elections in 1996 and 2005 in the Palestinian Authority.²⁴ The OGGHR could function, as an auxiliary 'regional building measure' though its operations should differ in some respects from the way the OSCE ODIHR works.

The OGGHR would concentrate on promoting good governance and democratic values in the EMNS area. It would facilitate contacts and exchange of information on elections taking place within the EMNS, mainly in the non-EU Mediterranean Partners. With the aim of helping these countries to improve their election processes the OGGHR could provide technical assistance and training in the management of democratic elections as well as support to networking and education. This could include providing legal assistance in drafting election legislation and electoral codes, conducting training programmes for election officials and organizing seminars on the electoral process.

Upon request of the concerned EMNS Partner, the OGGHR would observe election processes and assist the country in implementing election-monitoring recommendations.

The OGGHR would promote practical projects and programmes, mainly in the non-EU Mediterranean Partners, in the fields of democracy, human rights, the rule of law and civil society. It would also assist EMNS Partners to fulfill human rights commitments and where possible and monitor implementation of these commitments. The OGGHR would report to the CiO and other EMNS bodies on its activities.

²¹ The Euro Mediterranean Mid-Term Meeting of Foreign Ministers, *Presidency Conclusions*, EMP Crete, 26–27 May 2003, Paragraph 23.

²² Approved by the European Council in June 2004; *EuroMed Report* No. 78, 23 June 2004.

²³ R. Aliboni, 'Building Blocks for the Euro-Mediterranean Charter on Peace and Stability' (1997) 7 EuroMeSCo Papers, p. 23.

²⁴ The 2005 EU election observation mission to the Palestinian Authority was led by MEP Michel Rocard.

The OGGHR serves as liaison with human rights NGOs operating in the EMNS and with the relevant international agencies. The OGGHR can also serve as the 'Euro-Mediterranean Neighbourhood Secretariat' for the EMNS human dimension.

f) The Office on Ethnic Conflicts. Stability and security are best served by ensuring that persons belonging to ethnic minorities can effectively enjoy their rights. Ethnic conflicts have been a destabilizing influence in the Euro-Mediterranean Space. Because of this, and as the Mediterranean requires bilateral and multilateral cooperation on conflict prevention, recent Conferences of Euro-Mediterranean Ministers for Foreign Affairs confirmed the mandate of the Senior Officials to identify and to develop 'preventive diplomacy mechanisms'. The 2004 EU Strategic Partnership with the Mediterranean and the Middle East and the ENP's Action Plans stress the importance they attach to the preservation of human rights, fundamental freedoms and international humanitarian law. The ENP's Action Plans clearly state that these are common values shared by the EU and the Neighbouring countries. The Partners should work together to promote these values and to explore the possibility of joining protocols related to international conventions on human rights.

We suggest that the EMNS would also develop a preventive diplomacy mechanism in the shape of the Office on Ethnic Conflicts (OEC). This can be based on the OSCE High Commissioner on National Minorities (HCNM) model. The OEC would serve as a diplomatic instrument for conflict aversion at the earliest possible stage. It would identify and seek early resolution of ethnic tensions that might endanger peace, stability, or relations between the EMNS Partners. The Office could provide early warning and early action with regards to tensions involving national minority issues which, in the judgment of the OEC, have the potential to develop into a conflict within the Euro-Mediterranean Neighbourhood Space.

The OEC would try to de-escalate tensions and would be responsible for alerting the EMNS institutions whenever tensions threaten to rise to a level that the OEC cannot contain. Due to volatile conflicts plaguing the Mediterranean space, it is suggested that during the first five to ten years, a European high-ranking diplomat or even ex-minister of one of the 'objective/neutral' Mediterranean EU Member States would hold the position.²⁵ When dealing with ethnic tensions and minorities, the OEC would follow the criteria and guidelines established by international law and the OSCE HCNM experience.²⁶

²⁵ For the reasons analysed in section IV of this study, we recommend that during the first years a Maltese official would serve in this capacity.

²⁶ The definitions of minorities and ethnic tensions go far beyond the scope of our research.

The OEC would act at all times in strict impartiality, confidentiality, and in close collaboration with the parties involved and in this way would help to calm strained situations. As is the case with the OSCE HCNM, it is suggested that the OEC would not become an ombudsman for national minorities or a human rights investigator. Rather, it would act as a facilitator of early resolution of potentially destabilizing ethnic tensions within the Euro-Mediterranean Neighbourhood Space.

The OEC would regularly brief the EMNS Committee and would operate, independently of all parties involved. It would be empowered to engage in preventive diplomacy at the earliest stages. The OEC would seek to promote dialogue, confidence and cooperation between the relevant parties. In its activities, the OEC would need the approval of the EMNS Committee and of the state concerned. Once approval is granted the OEC would be able to conduct on-site missions and would engage in preventive diplomacy at the earliest stages of the tension. The OEC would report and offer recommendations to the relevant government and to the EMNS Committee.

The comprehensive approach that the OEC would adopt would contribute to stability and peace within the Euro-Mediterranean Neighbourhood Space. On the whole, the OEC would promote improved and more harmonious relations between the majority and the ethnic minorities in the EMNS.

g) The Euro-Mediterranean Neighbourhood Court of Conciliation and Arbitration. Institutional solutions to political integration must be conceived within a framework of law. To a large degree, political integration really means legal integration. Not only is political integration brought to life by means of legal integration, but legal integration, or an integration of laws, is an expression of political integration. More importantly, however, the extent of political integration can be determined by asking how extensive is the integration of laws in a particular case.

Once the function of law in political integration is understood, the role the judiciary can play in political integration hardly needs be argued. Undoubtedly, political integration could exist without courts, just as law could exist without courts. However, for the same reason that courts are important in the administration of justice, courts are also important in the process of political integration. Just as courts control and assure the administration of law, they also control and assure the observance of those political decisions that lie at the base of political integration.

The deepening of regional integration is a major objective of the EMNS, and the ENP's Action Plans provide opportunities for increased legislative cooperation and the exchange of views. Economic integration usually entails an increase in the instances arbitration is required to settle commercial disputes. Institutionalization of judicial facilitation could take the form of an

inter-regional court for arbitration and the settlement of political disputes.

While we feel that the establishment of a Euro-Mediterranean Neighbourhood Court is a worthy long-term objective that could promote integration as well as democratic principles, such as accountability and the rule of law, we do not support the establishment of such an institution in the immediate future. In the short term, a Euro-Mediterranean Neighbourhood Court could only have a symbolic value and role. It would clearly touch a raw nerve of the EMNS and, therefore, we are of the opinion that none of the Mediterranean Partners would support such an institution.

However, at a later stage, when the political situation in the Mediterranean would allow, we propose that the EMNS Countries would also consider the establishment of the Euro-Mediterranean Neighbourhood Court of Conciliation and Arbitration (EMCCA or 'the Court') modeled after the OSCE Court of Conciliation and Arbitration. Consequently, the EMNS Partners would also have to adopt a Euro-Mediterranean Convention, which would be based on the 1992 Convention on Conciliation and Arbitration within the OSCE.²⁷

We suggest that the Court be established to settle, by means of conciliation and where appropriate arbitration, disputes which are submitted to it in accordance with the provisions of the founding convention. We are of the opinion that the Court should not be an EMNS institution but rather an EMNS related body. Court rulings should bind only those EMNS Partners that legally agree to become parties to it. As with other international courts, we suggest that the Court be based on a legally binding statute in the form of a treaty. To cut the Court's expenses we further propose that the EMCCA would not be a permanent court but rather a roster of conciliators and arbitrators. Accordingly, the EMCCA would act as an ad hoc Conciliation Commission or an ad hoc Arbitral Tribunal, convening only when a dispute is submitted to it.

The Euro-Mediterranean Convention on Conciliation and Arbitration should establish an obligatory conciliation procedure leading to a non-binding concluding report. If, within thirty days, the parties decide not to accept the report's conclusions the report would be forwarded to the Arbitral Tribunal whose ruling would be binding.

2. The Common Strategy on the Mediterranean Region (CSM) and its Institutional Implications for the EMNS

In November 2004 the European Council extended the Common Strategy on the Mediterranean Region of 19 June 2000 (CSM or 'the Common Strategy')²⁸

²⁷ (1993) 32 *International Legal Materials*, p. 557.

²⁸ Common Strategy of the European Council of 19 June 2000 on the Mediterranean Region (2000/458/CFSP) Paragraph 25, [2000] OJ L183/5.

until 2006. The Common Strategy addresses the opportunities and challenges of the Euro-Mediterranean relationship. At the European internal level, the Common Strategy aims at streamlining the European foreign policy decision-making while on the external level it defines the EU's vision, objectives, areas of action and the instruments and means made available by the European Council – the highest EU decision-making level. However, the Common Strategy remains an instrument of the EU's Common Foreign and Security Policy (CFSP), and hence is part of the internal decision making structure of the EU. We believe that the Common Strategy has overriding implications for the EMNS as a whole (see Figure 2 overleaf). The Common Strategy is not a substitute for the Euro-Mediterranean frameworks, but rather it provides the Euro-Mediterranean relationship a longer and broader horizon. The Common Strategy constitutes a broader framework for the EMNS and it offers an associated institutional structure for the Euro-Mediterranean relationship.²⁹

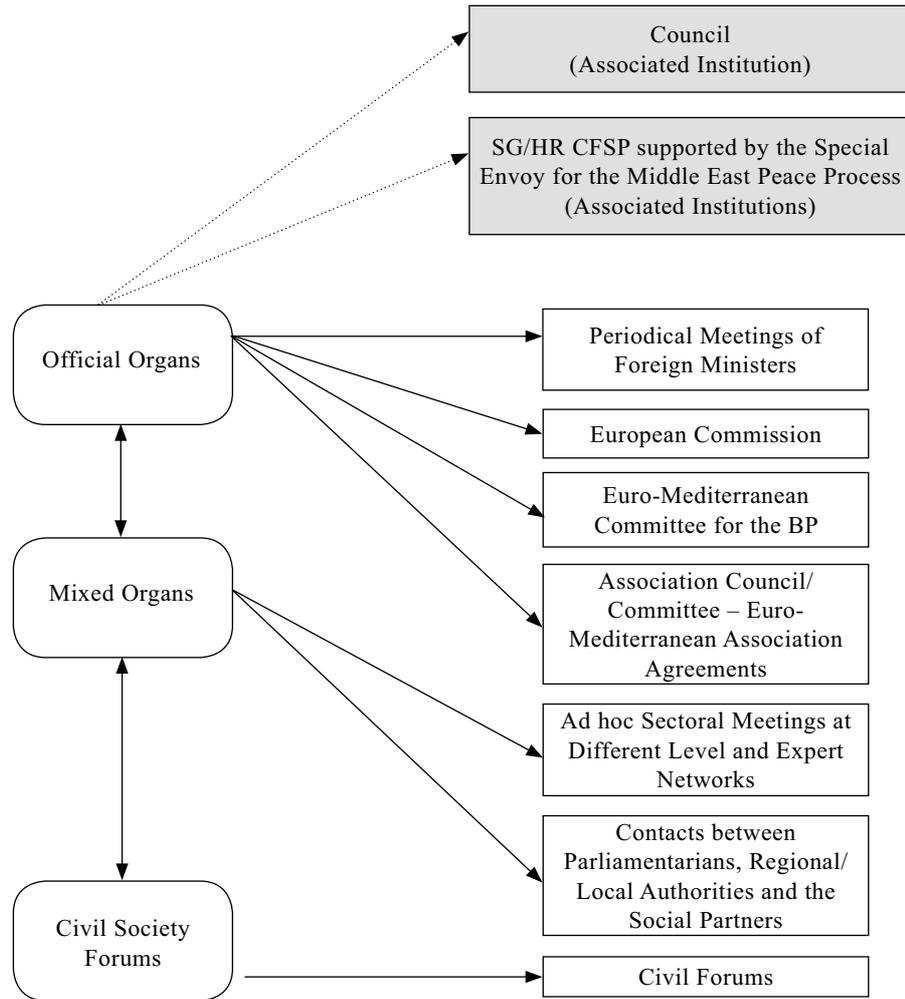
a) Simplifying and expediting common decisions. Paragraph 11 of the Common Strategy provides that the EU, together with the Mediterranean Partners, 'undertake a comprehensive review of the Barcelona Process with the aim of reinvigorating the Process and making it more action-oriented and result-driven'. Paragraph 24 of the Common Strategy further provides that the CSM 'will be implemented by EU institutions and bodies, each acting within the powers attributed to them by the Treaties, and in accordance with the applicable procedures under those Treaties'. Implicitly, then, it follows that the EU institutions and bodies will also undertake the 'comprehensive review of the Barcelona Process'.

On the basis of these provisions, Attinà argues that the institutional structure of the Euro-Mediterranean relationship 'is considerably affected by the Strategy since the Common Strategy introduces the Common Foreign and Security Policy organs and the EU institutions involved in the making of the Common Foreign and Security Policy on top of the EMP official organs'.³⁰ This institutional supplement is simplifying and accelerating decision-making with respect to EU positions within the EMNS. It also facilitates the management of cooperation and reinforcement of the Euro-Mediterranean relationship as a whole.

²⁹ We should emphasize that although the Mediterranean Partners never had any influence on the Common Strategy, during the 2000 Lisbon Think Tank Informal Meeting of Euro-Mediterranean Foreign Ministers, the EU Portuguese Presidency presented them with the final draft of the Common Strategy. Despite the reservations of the Mediterranean Partners it was agreed that the Partners would try to achieve 'real progress' with the Common Strategy.

³⁰ F. Attinà, 'Conclusions: Partnership Building' in F. Attinà and S. Stavridis (eds), *The Barcelona Process and Euro-Mediterranean Issues from Stuttgart to Marseille* (Dott. A Giuffrè Editore, Milan, 2001), p. 281.

Figure 2. EU institutions that the CSM associated with the original institutional structure of the Euro-Mediterranean Partnership as of 2000³¹



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Part IV of the Common Strategy aims at improving the performance of the EU and the Member States in the Mediterranean space. This section is dedicated to ‘instruments and means’ to ensure full coordination and

consistency between the Member States and the EU institutions in the implementation of the CSM. Since the High Representative for the CFSP carries out all Common Foreign and Security Policy actions, Paragraph 25 of the Common Strategy also assigns the Secretary General of the Council/High Representative for the CFSP (SG/HR CFSP), supported by the EU Special Representative for the Middle East Peace Process (EUSR for the MEPP), the task of implementing the Common Strategy and acts adopted on its basis. 'In accordance with Articles 18 and 27 of the EU Treaty' and 'without prejudice to its powers under the EC Treaty, the Commission shall be fully associated' with the implementation of the Common Strategy.³²

Altogether Part IV and particularly Paragraphs 28 and 33 indicate more extensive involvement of the Council in the Euro-Mediterranean relationship. It gives the impression that the Council will carefully examine Commission activities in the Barcelona Process. As is the case with the Common Foreign and Security Policy, the EU Member States are recognized as legitimate actors in the Mediterranean. Nevertheless, Paragraph 28 of the Common Strategy points out that the Council, the Commission and the Member States shall:

- i) review, according to their competencies and capacities, existing actions, programmes, instruments, and policies outside the Barcelona Declaration and acts implementing it, to ensure their consistency with this Common Strategy, and where there are inconsistencies, make the necessary adjustments at the earliest review date,
- ii) make full and appropriate use of the existing instruments and means as well as all relevant EU and Member States' programmes, and to develop and maintain to this end an indicative inventory of the resources of the Union, the Community and Member States through which this Common Strategy will be implemented.

Paragraph 33 goes further and assigns the Council the task of ensuring that any incoming EU Presidency presents its priorities for the implementation of the Common Strategy.³³ This paragraph also calls for the review and evaluation of the EU's actions in the Mediterranean 'not less than annually'.³⁴ Point 3 of Paragraph 33 stipulates that the situation in the Mediterranean and the state of the Mediterranean Partners' cooperation in the implementation of the Common Strategy will be periodically reviewed and that a written report will be submitted to the European Council.

The Common Strategy emphasises that the decision-making process will be used in accordance to the nature of the act to be adopted.³⁵

³² *Supra* note 28.

³³ *Supra* note 28, Paragraph 33 (Point 1).

³⁴ *Supra* note 28, Paragraph 33 (Point 2).

³⁵ Subject to a qualified majority voting or unanimous decision; relevant changes will be introduced once the EU Constitution enters into force.

In sum then, Attinà argues that ‘contrary to the institutional structure designed in the Barcelona and other official documents of the Euro Mediterranean Partnership in which . . . the Commission played a strategic role, the [Common] Strategy puts also the Council/High Representative for the Common Foreign and Security Policy in the position of the strategic player of the EU’s policy towards the Mediterranean region’.³⁶

For all these and as discussed here in-after we support Attinà’s conclusion that the institutional structure of the Euro-Mediterranean relationship has been changed.³⁷

3. *A ‘Ring of Friends’: The European Neighbourhood Policy (ENP) and the EU Strategic Partnership with the Mediterranean*

a) *The ENP: More than a partnership and less than EU membership.* The European Neighbourhood Policy sets out a new framework for relations over the coming decade with the EU’s neighbouring countries, including the Southern Mediterranean countries.³⁸ These countries do not currently have prospects for membership, but subsequent to the recent European enlargement, share a border or two with the EU.³⁹

Europe is convinced that deeper integration between the EU and the ring of friendly countries will accelerate mutual political, economic and cultural dynamics towards partnership and development. Therefore, the ENP proposes that the EU should endeavor to develop a zone of prosperity and cooperation – a ‘ring of friends’ from Russia to Morocco. The Policy suggests that, in exchange for concrete progress in implementing political, economic and institutional reforms, the neighbouring countries should be offered a stake in the EU’s internal market.

The Policy is an ambitious vision towards which EU’s relations with its eastern and southern neighbours should be directed over the coming

³⁶ *Supra* note 30 at 282.

³⁷ See also our discussion regarding the European Neighbourhood Policy and the Strategic Partnership below.

³⁸ For the European Neighbourhood Policy Mediterranean Partners see *supra* note 4.

³⁹ The ENP’s founding Commissions’ Communications see *supra* note 3; for the ENP’s Mediterranean Partners’ Reports visit the Policy’s homepage, *supra* note 3; for in-depth discussion and analysis regarding the ENP and the Mediterranean Partners see: S. Pardo, ‘Europe of Many Circles: European Neighbourhood Policy’ (2004) 9 (3) *Geopolitics*, p. 731; E. Johanson-Noguès, ‘A “Ring of Friends?” The Implications of the European Neighbourhood Policy for the Mediterranean’ (2004) 9 (2) *Mediterranean Politics*, p. 240; M. Emerson, *The Wider Europe Matrix* (Centre for European Policy Studies, Brussels, 2004); F. Attinà and R. Rossi (eds), *European Neighbourhood Policy: Political, Economic and Social Issues* (The Jean Monnet Centre, Catania, 2004); P. Hermann and A. Tausch (eds), *Dar Al Islam, the World System and ‘Wider Europe’*, Vol I & II (The Jean Monnet Centre, Catania, 2004); P.G. Xuereb (ed.), *Euro-Med and the ‘Ring of Friends’* (University of Malta, Malta, 2003).

decade. Thus, the ENP aims at moving towards an arrangement whereby the EU–Mediterranean relationship ultimately resemble the close political and economic links currently enjoyed with the European Economic Area.

Unlike the Barcelona Process, which stressed inter-regional fora and assistance programmes, differentiation between the Partners lies at the foundation for the ENP. The principle of differentiation applies to the means, conditions and time needed to achieve the final objectives of the Policy. The EU works with each Mediterranean Partner individually to deepen political and economic integration and achieve objectives of a privileged relationship based on shared values, endorsed by the Barcelona Declaration.⁴⁰

The ENP is propelled forward via country-specific strategic Action Plans developed by the European Commission in partnership with the neighbouring Partners. The Action Plan is a programme of political and economic reforms designed to enfranchise the neighbour concerned by giving it ownership over the Plan's contours, substance and implementation. The Action Plans will reinforce the existing forms of cooperation within the Euro-Mediterranean frameworks: 'Thus the achievements of bilateral and sub-regional cooperation should feed into the multilateral process and vice versa.'⁴¹

The Policy would not override the Barcelona Process. Instead, it would enhance the Process, supplement and build on it. In other words, the European Neighbourhood Policy is an attempt to instill new dynamics into the existing framework of relations with neighbouring third-party countries.

b) New policy, 'old' institutional structure. To advance and monitor implementation of the Action Plans, the ENP does not establish new bodies, but rather makes use of the 'old' institutional structure of the Euro-Mediterranean Association Agreements. These include: (a) the 'Association Council' – composed of the 25 EU foreign ministers, the President of the European Commission, European Commissioner for External Relations-ENP, the SG/HR CFSP and the foreign minister of the Mediterranean Partner, and (b) the 'Association Committee' – composed of diplomats and officials from both sides.

As in the case of the Euro-Mediterranean Partnership, the European Commission acts as the ENP's Secretariat.⁴² A preliminary review of

⁴⁰ Euro-Mediterranean Meeting of Ministers of Foreign Affairs, *Presidency Conclusions*, EMP The Hague, 29–30 November 2004, Paragraph 3.

⁴¹ *Ibid.*, Paragraph 4.

⁴² In order to maintain the necessary momentum of the ENP, the European Commission decided in July 2003 to create a Wider Europe Task Force. This Task Force: develops further the political concept of the ENP; draws up Action Plans for countries concerned in consultation with these partner countries and in close cooperation with the High Representative/Secretary General of the Council; pilots the Action Plans through the European Commission; and prepares proposals for the 'European Neighbourhood Instrument' which will finance projects

implementation of the Action Plans is scheduled to be undertaken within two years of their adoption, based on assessments prepared by the Commission in close cooperation with the High Representative for the Common Foreign and Security Policy. The Commission, with the contribution of the High Representative on issues related to political cooperation and the CFSP, will prepare a comprehensive report to the European Council in order to assess progress in the implementation of the ENP. Decisions may also be taken, on this basis, on the next step in the development of bilateral relations, including the possibility of new contractual links. These could take the form of 'European Neighbourhood Agreements' whose scope would be defined in the light of progress in meeting the priorities set out in the Action Plans.⁴³

The Commission further proposed the establishment of a 'European Neighbourhood Instrument' (ENI) for the financial perspective 2007–2013. The ENI complements assistance provided under the 'MEDA/MEDA Neighbourhood Programme', the principle financial instrument of the Euro-Mediterranean relationship, and is designed to provide financing for measures on both sides of the EU's external border. Until 2006, the Commission aims to substantially enhance the coordination of existing instruments for cross-border cooperation in 'Neighbourhood Programmes'.⁴⁴

Although the Council welcomed the Commission's proposal to use existing bodies established under the Euro-Mediterranean Association Agreements to advance and monitor the ENP, the Council further deemed that this institutional structure be periodically reviewed.⁴⁵

As discussed earlier, the Common Strategy has changed the institutional structure of the Euro-Mediterranean relationship. We hold that following the CSM precedent, the European Neighbourhood Policy further reinforces the EU's internal institutions on the relationship. Like the CSM, the ENP makes the Council and the High Representative for the Common Foreign and Security Policy strategic players in the EU's policy towards the Euro-Mediterranean Neighbourhood Space (see Figure 3 over).

c) The 2004 EU Strategic Partnership with the Mediterranean and the Middle East. The task of the 2004 EU Strategic Partnership with the Mediterranean

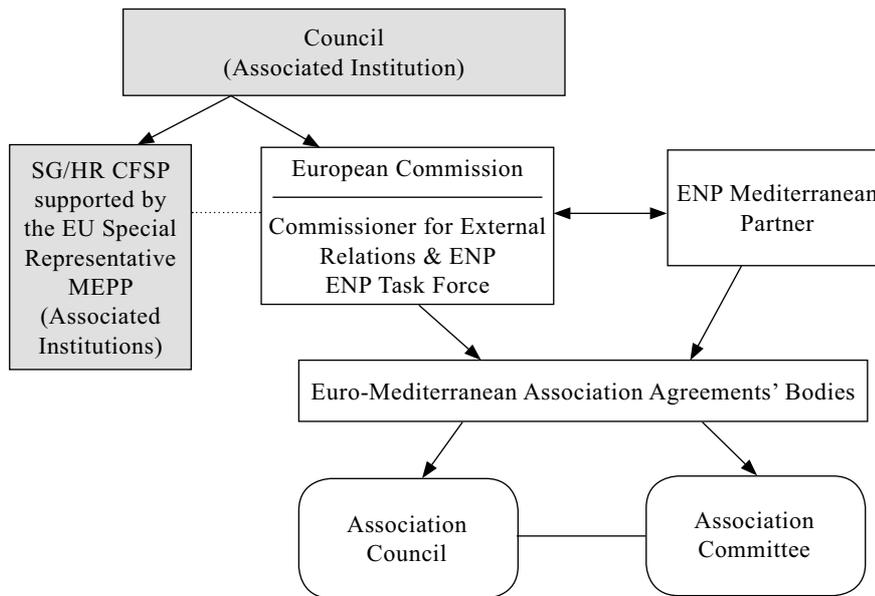
involving the enlarged EU and neighbouring countries. Under Prodi's Commission, the Task Force reported to the Commissioner for Enlargement and under the Barroso Commission it reports to the Commissioner for External Relations and ENP.

⁴³ Council of the European Union, 2590th Council Meeting. *General Affairs and External Relations-General Affairs. 10189/04 (Presse 195)* (Council of the European Union Luxembourg 14 June 2004), point 7, p. 11.

⁴⁴ European Commission, *Communication from the Commission European Neighbourhood Policy: Strategy Paper COM(2004) 373 final* (EU Brussels 12 May 2004), pp. 25–28; for the ENP's homepage see *supra* note 3.

⁴⁵ *Supra* note 43, point 6, p. 11.

Figure 3. EU institutions reinforced by the ENP on the EMNS, 2004



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and the Middle East⁴⁶ (The Strategic Partnership) is to promote ‘a ring of well-governed countries on the borders of the Mediterranean with whom we [the EU] can enjoy close and co-operative relations’.⁴⁷

The 2004 EU Strategic Partnership identifies a number of challenges common to the majority of the Mediterranean and Middle Eastern countries, i.e. the EMNS Mediterranean Partners. These challenges cannot be confronted effectively by maintaining the status quo. Political, social, economic and institutional reform is required. As specified by the Strategic Partnership, the EU will seek to play its part in addressing these challenges through partnership and dialogue. The responses to these challenges comprise a wide range of measures, ranging from the promotion of ‘weapons of mass destruction-free zone’ in the EMNS and the prevention of arms proliferation to the consolidation of economic growth and stability, the security of energy

⁴⁶ *Supra* note 22.

⁴⁷ *Ibid.*, at p. 2.

supply and the management of migration, promotion of democratic principles, civil society and good governance.⁴⁸

The Strategic Partnership sets out the EU's existing commitment to its relationship with the Mediterranean Partners and its long-standing engagement with the challenges confronting them. As for the frameworks and the institutions of the Euro-Mediterranean relationship, the document certifies that this engagement has been spearheaded by the Euro-Mediterranean Partnership and its enhancement through the European Neighbourhood Policy.⁴⁹ Accordingly, 'the Strategic Partnership should build on these existing structures',⁵⁰ which provide a strong framework of relations with the EMNS Partners and allow for both a multilateral and a country-specific approach, tailoring the EU's relations to specific concerns regarding individual countries, to the countries' needs and progress made.⁵¹ The document goes even further and declares that the review of the Strategic Partnership is 'to be carried out within the framework of existing instruments' that is the EMP and the ENP.⁵²

We claim that in tandem with the Common Strategy and the European Neighbourhood Policy, the Strategic Partnership also imposed all the EMP's original institutions and the CSM's/ENP's EU internal institutions on the Euro-Mediterranean relationship. Even if EU membership is not possible for the Mediterranean Partners in the foreseeable future they are engaged and integrated via the EMNS into EU policies.

4. Communication and Understanding among the EU's Internal Bodies Imposed on the EMNS

The success of the 'Common Strategy/European Neighbourhood Policy/Strategic Partnership institutionalization' depends, among other things, on the communication and understanding among the EU's internal institutions imposed/associated with the EMNS. The division of labour between the Council, the High Representative for the Common Foreign and Security Policy and the Commission must be clear. EMNS political and security decisions, actions, programmes and initiatives should be associated with the EU's Council and the High Representative for the Common Foreign and Security Policy, while the Commission should be associated with economic and socio-cultural decisions and initiatives. Overlapping issues require close coordination between all the EU institutions involved in the EMNS frameworks.

⁴⁸ Ibid., at p. 3.

⁴⁹ Ibid., at pp. 2, 7.

⁵⁰ Ibid., at p. 5.

⁵¹ Ibid., at p. 7.

⁵² Ibid., at p. 16.

The EU and the Member States must work closely together with the EMNS Partners when implementing existing mechanisms, such as the Euro-Mediterranean Association Agreements and the EMNS Committee. They should seriously consider recommendations and concerns expressed by the Mediterranean Partners. Even though the EMNS Committee is not an EU arm, it must be associated with the Council, the High Representative for the Common Foreign and Security Policy and the Commission, to effectively implement programs initiated under existing Euro-Mediterranean frameworks. The EMNS Committee is the voice of the Mediterranean Partners in the implementation process of the various Euro-Mediterranean policies.⁵³

Although the Common Strategy, the Strategic Partnership and the ENP are instruments of the EU's Common Foreign and Security Policy, we are of the opinion that they have overriding consequences for the EMNS as a whole. They are not a substitute for the Euro-Mediterranean relationship, but rather imbue the EMNS with a vision that can shape the contours of the inter-regional partnership for the long term. We hold that they constitute a broader framework in which Euro-Mediterranean relationship can operate and offer a rudimentary institutional structure for the Euro-Mediterranean Neighbourhood Space.

5. The Institutional Challenge of the Euro-Med Ministerial Conferences

The Eurocentrism of the existing Euro-Med mechanisms has increasingly become an open issue at Euro-Med conferences. The nature and scope of Mediterranean involvement in the relationship has been discussed at the recent ministerial conferences. The 2002 Valencia Conference agreed that 'it is necessary to further examine the different proposals made, that are intended to give the partner countries more responsibility, involving them more directly in the elaboration and preparation of actions, programmes and initiatives, through a permanent and better structured dialogue'.⁵⁴ The Valencia Conference concluded that 'after six years of partnership, the Barcelona Process should achieve new levels of Euro-Mediterranean integration'.⁵⁵ Therefore Part V of the Valencia Action Plan is dedicated to 'institutional provisions' while other parts of the Action Plan also contains institutional reforms. The 2003 Crete/Naples and the 2004 Dublin/The Hague Mid-Term Conferences reiterated the call for enhanced institutionalization and introduced some additional institutional reforms. These include the following:

⁵³ With regards to the EMP this is done by Paragraph 35 of the Common Strategy.

⁵⁴ Valencia Action Plan, EMP Valencia, 23 April 2002, Part V, Final Paragraph.

⁵⁵ Ibid., Part I, Introduction.

a) *The Euro-Mediterranean Parliamentary Assembly.* The Euro-Med Parliamentary Forum, the European Parliament and several Euro-Mediterranean Ministerial Conferences were advocating for years the establishment of a Euro-Mediterranean Parliamentary Assembly (EMPA). Thus based on the Euro-Med Parliamentary Forum's recommendations,⁵⁶ the Euro-Med Foreign Ministers declared the creation of a Euro-Mediterranean Parliamentary Assembly in Naples 2003. The Ministers agreed to include this new institution, in a consultative capacity, within the framework of the Barcelona Process. They expressed their conviction that this step will add visibility and transparency to the Barcelona Process, thereby bringing it closer to the interests and expectations of public opinion in the EMNS. In this context, the Ministers stressed that the EMPA will add depth to the Barcelona Process, ensuring complementarily with the existing Euro-Mediterranean institutions.⁵⁷

i) *The EMPA: Making it possible.*⁵⁸ The EMPA was launched in March 2004 in Athens and it replaced the Euro-Med Parliamentary Forum.⁵⁹ The conversion of this Forum into an Assembly constitutes a step forward, institutionalizing and strengthening the parliamentary dimension of the Euro-Mediterranean relationship. The new EMPA is a means to improve cooperation on democratization and to provide an input into all areas of the EMNS.

The EMPA has a total of 240 parliamentarians: 120 members from parliaments of the Mediterranean Partners – 12 members for each Partner; and 120 members from the EU – 75 members from EU national parliaments (3 members for each EU Member State) and 45 members from the European Parliament. The Assembly has three parliamentary committees with a mandate for dealing with the three baskets of the Euro-Mediterranean Partnership: Political, Security and Human Rights Committee; Economic and Financial Issues, Social Affairs and Education Committee; and Promotion of Quality of Life, Human Exchanges and Culture Committee. If necessary, the Assembly is entitled to set up ad hoc committees. Furthermore, the EMPA's Bureau has four members: two members from Mediterranean Partners and two from the EU (one member of the European Parliament and one member of an EU

⁵⁶ The Euro-Mediterranean Parliamentary Forum, *Recommendations from the Euro-Mediterranean Parliamentary Forum to the Naples Sixth Euro-Mediterranean Ministerial Conference on setting up a Euro-Mediterranean Parliamentary Assembly*. FGM/pds (The Euro-Mediterranean Parliamentary Forum, Naples, 2 December 2003).

⁵⁷ Euro-Mediterranean Conference of Ministers of Foreign Affairs, *Presidency Conclusions*, EMP Naples, 2–3 December 2003, Paragraph 32.

⁵⁸ For the EMPA's full operational framework see Paragraph O, *supra* note 57 above.

⁵⁹ In its Athens inaugural session, the EMPA adopted its rules of procedure, elected its officers, and issued a formal declaration. The Assembly was attended by representatives of the European Parliament, the Parliaments of most EU Member States, and all Mediterranean Partners, with observers from some acceding countries, as well as Libya, Mauritania and some Western Balkans countries. The Assembly will hold its next meeting in Cairo in 2005.

national parliament). One of them, by rotation and on an annual basis, holds the Presidency, guaranteeing north–south parity.⁶⁰

The EMPA may express its views on all matters relating to the Euro-Mediterranean relationship and in particular monitors the application of the Euro-Mediterranean Association Agreements. The EMPA can adopt resolutions and may address recommendations to the Euro-Mediterranean Ministerial Conferences with a view to achieving the objectives of the Euro-Mediterranean Partnership. However, the Assembly can only adopt its proposals by consensus and its deliberations are not legally binding.⁶¹

We believe that the EMPA is an authentic Mediterranean Assembly with a consultative capacity and its creation constitutes a fundamental confidence- and capacity-building measure, which enables Euro-Mediterranean parliamentarians to contain a number of political and economic challenges that threaten stability across the EMNS. In our view, the Assembly constitutes the first EMNS institution that fully draws on the OSCE experience. Consequently, we anticipate that the EMPA will act as a vehicle to foster pluralistic democracy as well as making an additional contribution to the overall implementation of the Euro-Mediterranean relationship.⁶² The EMPA will further, explore subjects addressed during Ministerial Conferences, promote partnership building measures, help consolidate democratic institutions in the EMNS Partners and contribute to the development of the EMNS institutions, old and new.

The creation of the EMPA has in effect transformed the Euro-Mediterranean relationship from inter-governmental to inter-parliamentary in nature and has given form to the desires of many countries involved in the Mediterranean Space.

b) The Anna Lindh Euro-Mediterranean Foundation for the Dialogue of Cultures. In April 2002, international relations were still coloured in large part by the terrorist attacks of 11 September 2001. The Ministers for Foreign Affairs realized in Valencia that there was a need to promote an active dialogue between civilizations and cultures throughout the Euro-Mediterranean Space. The history of the Euro-Mediterranean relationship had shown that centrally managed programmes were neither flexible nor efficient enough to facilitate a dynamic and timely exchange. Based on the successful model of the ‘Asia-Europe Foundation’, the Ministers agreed in principle to the creation of a

⁶⁰ The first EMPA’s Bureau of Presidents is composed of: The President of the European Parliament, Speaker of the Egyptian Parliament, the President of the Tunisian Chamber of Deputies, and the Speaker of the Greek Parliament. They preside the Assembly for a period of one year each in the following order: Egypt, European Parliament, Tunisia, and Greece, reported by *Euromed Synopsis* No. 265, 25 March 2004, 1.

⁶¹ *Supra* note 57, *Annex to Presidency Conclusions*, Paragraph O 1.1.4-1.1.8.

⁶² *Supra* note 40, Paragraph 40.

Euro-Mediterranean Foundation to promote a dialogue between cultures and civilizations and to increase the visibility of the Euro-Mediterranean relations through intellectual, cultural and civil society exchange. The Ministers decided that the Foundation be based on the principle of co-ownership and work in close coordination with other similar institutions including private sector entities.⁶³

However, it is one thing to establish new institutions and programmes and another to make them function in the manner and spirit intended. EU Member States have expressed second thoughts about the proposal to set up the Foundation and it took another two Euro-Mediterranean Conferences until the Foundation was officially established.

i) *Crete, Naples, Dublin and The Hague 2003–2004: Making the Foundation work.* The 2003 Crete Mid-Term Conference decided to be more decisive in its efforts to bring closer the peoples in the EMNS and to promote understanding and improve mutual perceptions. The Ministers insisted that the establishment of the Foundation was a priority and they adopted a specific Statement on the future Foundation – Statement on the Euro-Mediterranean Foundation on a Dialogue of Cultures (the Statement). In November 2003 the EMP Senior Officials approved the Foundation’s Terms of Reference (ToR)⁶⁴ that explores issues related to the Foundation’s structure, functioning as well as financing.

Based on Crete’s Statement and the Foundation’s ToR, the Euro-Med Ministerial Meeting in Naples December 2003 decided that the Foundation will be organized, ‘at least in the initial stage, as a network of networks with a light administrative structure [that] will allow a regular dialogue, notably between cultural circles outside official diplomatic and cultural forums’.⁶⁵ In May 2004, the Dublin Mid-Term Meeting of the Euro-Mediterranean Ministers of Foreign Affairs named the Foundation after the late Swedish foreign minister Anna Lindh and chose Alexandria, Egypt, as its headquarters.⁶⁶ In November 2004, the The Hague Euro-Mediterranean Meeting of Foreign Ministers reached an agreement on the Foundation’s Workplan.

ii) *The Foundation’s Terms of Reference.*⁶⁷ The ToR outlines the Foundation’s main goals and objectives, activities, and steps for its establishment,

⁶³ *Supra* note 54, Paragraph 20.

⁶⁴ Partenariat Euromed *Euro-Mediterranean Foundation for a Dialogue of Cultures. Doc. De Séance No’ 57/03 REV2 [EN]*, Secretariat Brussels, 12 November 2003.

⁶⁵ *Supra* note 57, Paragraph 57.

⁶⁶ Euro Mediterranean Mid-Term Meeting of Foreign Ministers *Presidency Conclusions*, EMP Dublin, 5–6 May 2004, Paragraph 61.

⁶⁷ The Foundation’s ToR is based on ‘Crete’s Statement on the Euro-Mediterranean Foundation on a Dialogue of Cultures’: Euro-Mediterranean Mid-Term Meeting of Foreign Ministers *Euro-Mediterranean Foundation on a Dialogue of Cultures*, EMP Crete, 26–27 May 2003.

structure and staffing, legal status and financial resources. The Foundation is designed to contribute decisively to the development of a genuine sense of joint ownership of the Barcelona Process by all its members. It is meant to be an instrument to disseminate the goals of the Barcelona Process and its development among Euro-Mediterranean societies and a cultural institution to promote dialogue and cultural cooperation. By providing an inventory of cooperation initiatives between the existing networks of foundations, NGOs and other institutions of civil society operating in the Euro-Mediterranean area,⁶⁸ the Foundation is designed to work as a catalyst for Euro-Mediterranean Partnership programmes.

The Foundations primary objectives as articulated in the ToR include: (a) to identify, develop and promote areas of cultural convergence between the countries and peoples of the Mediterranean, with the aim in particular of avoiding stereotypes; (b) to hold close and regular dialogue between cultural circles often kept outside the main diplomatic and cultural exchanges; and (c) to serve as a catalyst for promoting exchanges, cooperation and mobility between people at all levels, targeting in particular the young and activities relevant to young people.⁶⁹

iii) Establishing the Anna Lindh Euro-Mediterranean Foundation. On the institutional level, the most noteworthy achievement of the ToR is provided by Paragraph 3 that presents in detail the institutional structure of the Foundation. Although the Foundation is slated to play an important role in the Euro-Mediterranean Partnership, it will be independent of the EMP Partners, of cultural associations and civil society, and of private donors. Initial financing will come from two sources: (a) the European Commission will provide a start-up grant of EUR5 million (b) contributions from the EMP Partners which is another indication of their political commitment and common ownership of the Foundation.⁷⁰

Both the EMPA and the Anna Lindh Foundation are the two most noteworthy achievements of the recent Euro-Mediterranean Foreign Ministers Conferences. Their future impact is yet to be determined.

We view the establishment of the Anna Lindh Foundation as vital to the process of EMNS institutionalization. As a catalyst of the executive, the Foundation represents the first step towards creating independent Euro-Mediterranean executive institutions. Although at the initial stage the Euro-Mediterranean Committee for the Barcelona Process would act as the Foundation's Board of Governors, we propose that the Foundation operates under the responsibility of the Chairman in Office (CiO). Furthermore, for the reasons laid down in section IV of our research (see below), we do not

⁶⁸ *Supra* note 64, Point (b) to the Preamble.

⁶⁹ *Ibid.*, Paragraph 1.

⁷⁰ *Ibid.*, Paragraphs 4,6 and; *Supra* note 66, Paragraph 65.

support the establishment of the Foundation's headquarters in Alexandria: rather, we hold that it should operate from Valletta (Malta), the new capital of the EMNS.

c) The Galileo Euro-Mediterranean Cooperation Office. Following long discussions and past European commitments to the Mediterranean Partners regarding their participation in the Galileo Global Navigation Satellite System (GNSS) Programmes,⁷¹ in September 2004 the European Commission inaugurated the Galileo Euro-Mediterranean Cooperation Office (GEMCO) in Cairo and launched the MEDA GNSS1 Project. The MEDA GNSS1 Project includes training and demonstration activities on satellite radio navigation services in the EMNS, along with the development of relevant infrastructure.

The GEMCO is a focal point for the promotion of Galileo services and applications in the EMNS. The Office aims at implementing awareness activities and facilitates interaction between GNSS actors in the Euro-Mediterranean Neighbourhood Space and ensures exchange of information with other regions. Both the project and the Cairo Office were launched by the European Commission and will be managed by the Galileo Joint Undertaking.

While we expect GEMCO to build scientific bridges between EMNS Partners, mainly the highly developed R&D Partners, as with the Anna Lindh Foundation for the reasons laid down in section IV, we do not support the establishment of the Office in Cairo: rather, we also hold that it should operate from Valletta.

d) The Euro-Mediterranean Development Bank. With a view to expanding the range of financial instruments available in the Mediterranean, the EMNS Partners have discussed the possibility of setting up a Euro-Mediterranean Development Bank (EMDB or 'the Bank') or similar institution. Alternative proposals include: a development fund that operates under the aegis of a European or international development bank, or a reorganization of existing institutions such as the EIB to incorporate the entire EMNS.

The main role of the Bank would be to foster the development of the private sector and help finance infrastructure, especially in sectors undergoing liberalization or privatization. The Bank could improve the effectiveness of the programmatic elements of the Euro-Mediterranean relationship. It is clear that the Bank could actively strengthen the institutional structure of the EMNS.

⁷¹ Galileo is the EU's satellite radio navigation programme. It will prepare Europe for the development of a new generation of universal services in areas such as transport, telecommunications, agriculture and fisheries. Galileo Cooperation Agreements were already signed with China and Israel.

At the 2002 Valencia Conference, the Euro-Mediterranean Ministers for Foreign Affairs paid lip service to the EMDB initiative proposed by the Mediterranean Partners. While the Conference recognized the need to adhere to the objective of establishing an independent Bank, it tabled the initiative, adopting instead a dedicated European Investment Bank (EIB) financial instrument to help finance economic projects in the Mediterranean. Former Commission President Prodi supported the Euro-Mediterranean Development Bank initiative because the new bank would strengthen the sense of equal partnership. The advantages of working through an independent EMDB include:

- (i) ensuring wide membership and ownership for the Mediterranean Partners through participation in the capital and the management of the Bank;
- (ii) ensuring massive leverage of financial resources; and
- (iii) enabling the use of a large and diverse range of financial instruments and products needed for the development of the private sector in the Mediterranean.

In contrast to the aspirations of the Mediterranean Partners for a completely independent development bank, the European Commission proposed the creation of the EMDB as a subsidiary of the European Investment Bank.⁷² The Commission argues that its proposal is consistent with the principles of co-ownership and partnership with the Mediterranean Partners. At the same time, however, association with the EIB can generate greater investment and growth more expediently.

On pure political and institutional grounds and for the full reflection of the notion of equal partnership and the strengthening of the independent institutional structure of the EMNS, our research tends to support the first option: that is, the establishment of an independent Euro-Mediterranean Development Bank.

e) Additional institutions. In recent Euro-Mediterranean Ministerial Conferences and mainly in Part V of the Valencia Action Plan, the Ministers agreed on a number of practical steps to enhance the effectiveness of the working arrangements of Euro-Mediterranean relations:

i) Midway meetings of Ministers for Foreign Affairs. The Conference agreed that apart from the Euro-Mediterranean Partnership annual meetings of ministers for Foreign Affairs, the Ministers would also hold interim informal meetings and extraordinary sessions when the circumstances so require.⁷³

⁷² See decisions of the Valencia, Crete, Naples, Dublin and The Hague Ministerial Conferences.

⁷³ *Supra* note 54, Part V(b).

ii) Ad hoc meetings of senior officials. The Ministers agreed that the Directors of the Ministries of Foreign Affairs of all the EMP Partners and the Commission or responsible officials would participate in ad hoc meetings of senior officials.⁷⁴

iii) Register of Treaties. The Valencia Conference mandated the senior officials to consolidate Partnership measures already in force – such as the reactivation of the Bilateral and Multilateral Register of Treaties concluded by the EMP Partners.⁷⁵ At Crete 2003, the Ministers also welcomed the ongoing efforts for the activation of the Register of Treaties among Partners and encouraged them to be further pursued.⁷⁶

iv) Union of the Mediterranean Confederations of Enterprises (UMCE). The Valencia Conference welcomed the creation of the Union of the Mediterranean Confederations of Enterprises.⁷⁷ The UMCE is the Mediterranean counterpart of the Union of Industrial Employers' Confederations of Europe (UNICE).

f) Interim Summary. The decisions taken at recent Euro-Mediterranean Ministerial Conferences can bring the kind of decentralized cooperation to the EMNS that is required to avoid a monopolization by governments and elites and add substance to a process that thus far has been monopolized by government ministers. In this respect, they constitute avenues to invigorate the Euro-Med relationship and push it forward. Yet one cannot be too optimistic in this regard, since the above-mentioned institutional innovations were paid little more than lip-service and then left for future consideration. The Euro-Mediterranean Partnership runs the risk of remaining more declarative than real. The steps taken at the recent Euro-Mediterranean Ministerial Conferences remain tentative, lacking overall strategic coherence⁷⁸ or direction. The exceptions of course appear to be the Anna Lindh Foundation and the Euro-Mediterranean Parliamentary Assembly, yet it is still early to determine if even these important institutions will be more than ceremonially successful.

At present, the EMNS institutional structure provides ample opportunities for the Partners to veto or dilute any proposals they find unpalatable, leaving progress towards the vision of the future embodied in the Barcelona Declaration exceedingly slow at best. Our research holds that the institutional changes introduced by the recent Euro-Mediterranean Ministerial Conferences could bring greater dynamism to the Euro-Mediterranean relationship. The institutional provisions stipulated in the Valencia Action Plan and at the other

⁷⁴ *Supra* note 54, Part V(2).

⁷⁵ *Supra* note 54, Paragraph 4(c).

⁷⁶ *Supra* note 21, Paragraph 19.

⁷⁷ *Supra* note 54, Paragraph 14(1).

⁷⁸ R. Gillespie, 'Reshaping the Agenda? The Internal Politics of the Barcelona Process in the Aftermath of September 11' (2003) 2–3 *Mediterranean Politics*, pp. 21, 34.

recent Ministerial Conferences should, therefore, be pursued urgently and vigorously.

6. The Proposed Institutional Structure for the Euro-Mediterranean Neighbourhood Space

Figure 1 (overleaf) summarizes the proposed institutional structure for the Euro-Mediterranean Neighbourhood Space. The result is a threefold structure: in the white background are the official institutions; in the grey background, the mixed bodies; and in the light-grey background are the civil society venues. At the bottom of the chart are the EMNS-related bodies. The EU internal institutions, introduced by the Common Strategy on the Mediterranean Region, the European Neighbourhood Space and the 2004 EU Strategic Partnership, are only associated with the EMNS and therefore they are in a dark grey background. As discussed in section IV of our research all institutions, except for the EU Council/Commission in Brussels, should be located in Valletta, Malta.

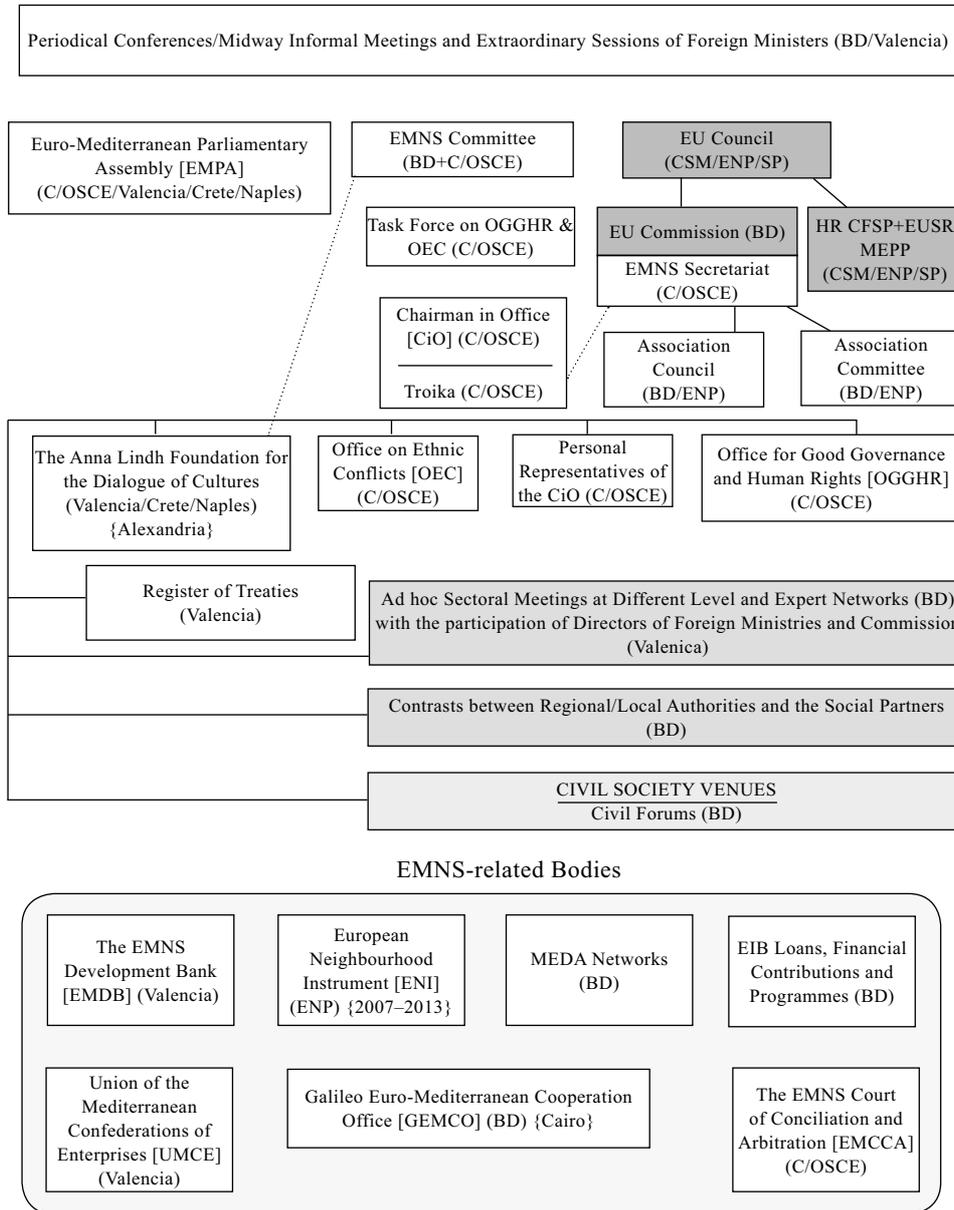
7. Implementing the Decision-Making Process of the EMNS

Since consensus indicates equal status, it is proposed that the institutions of the EMNS continue to make their decisions by consensus. Paradoxically, however, the requirement for consensus would be both the strength and a weakness of the EMNS.

The EMNS is a conspicuously intergovernmental space that does not aspire, at least for the time being, to make decisions that are legally binding on its Partners. As discussed earlier, the Barcelona Declaration is a declaration of political commitments undertaken by the Euro-Mediterranean Partners rather than a legally binding international treaty. Hence Euro-Mediterranean Partnership decisions and ENP Action Plans are only politically binding.

With the exception of the EMNS Court of Conciliation and Arbitration, the decision-making process of the EMNS would take place at three levels: at the highest political and decision-making level, the periodical, interim and extraordinary Conferences of the Ministers for Foreign Affairs would set the priorities of the EMNS agenda and the direction of the Euro-Mediterranean relationship. The EMNS Committee would constitute the second tier providing regular consultation and decision-making regarding the EMNS day-to-day operations. The Euro-Mediterranean Association Agreements, the ENP's Action Plans and the Neighbourhood Agreements comprise the bilateral tier of the Euro-Mediterranean relationship. This tier enfranchises the Mediterranean

Figure 4. The proposed institutional structure of the EMNS, Valletta, Malta



Legend

- line of command
- provides support
- Round brackets () origin/inspiration
- Square brackets [] institution's abbreviation
- Curly brackets {} current location {should be located to Valetta in the future}
- BD=Barcelona Declaration; SP=EU Strategic Partnership with the Mediterranean and the Middle East

Partners by giving them ownership over the shape, substance and the pace of implementation of the relevant political and economic reforms. The EMNS trilateral structure would be supplemented on the multilateral level by the work of the thematic ministerial meetings, ad hoc sectoral meetings and expert networks, and on the bilateral level, by the work of the Association Council and the Association Committee.

The decisions, actions, programmes and initiatives that would be undertaken by the EU Member States, the European Council/the High Representative for Common Foreign and Security Policy, and the European Commission for the implementation of the Common Strategy on the Mediterranean Region, the European Neighbourhood Policy and the EU Strategic Partnership with the Mediterranean and the Middle East, in the context of the Euro-Mediterranean relationship, would also be associated with the EMNS trilateral framework. In implementing these frameworks, with regards to the EMNS, the EU Member States and the above EU institutions would work closely together with the Mediterranean Partners through the periodical Conferences of the Ministers for Foreign Affairs and particularly through the EMNS Committee and the Association Council/Committee.

The chief coordinator for the decision-making of the Euro-Mediterranean relationship would be the EMNS Chairman in Office (CiO) who would set the agenda of the EMNS and would organize the work of the EMNS negotiating and decision-making institutions.

IV The Valletta Challenge: In Search of an EMNS Capital

Another way for the EU to strengthen its Mediterranean dimension and give the Mediterranean Partners ‘sense of ownership’ of the Euro-Mediterranean relationship and responsibility for the EMNS is by relocating the Euro-Mediterranean’s administrative and institutional system from Brussels to a Mediterranean country. Historically and geographically, Malta is the focal point of the Mediterranean, lying at the heart of the Euro-Mediterranean Space. Malta is a Euro-Mediterranean inspiration and, therefore, in our opinion Valletta should be crowned the new capital of the Euro-Mediterranean Neighbourhood Space.⁷⁹

The strategic position of Malta at the heart of the Mediterranean Sea need hardly be emphasized. Malta’s history revolved and evolved around that position and it is therefore not surprising that Malta has been frequently conquered. Although Malta always kept links with Europe, throughout its history Malta was highly influenced by Arabic culture. The Maltese language

⁷⁹ See also S. Pardo, ‘From Brussels to Valletta’ (2003/1–2) 118–119 VVN Berichten, p. 31.

is an offshoot of Arabic, and together with Hebrew and Arabic, belongs to the Hamito-Semitic family. As the saying goes, it is 'Semitic material in a Roman mouth'.

Malta gained its independence in 1964, but NATO and British forces still maintained military bases in the Islands after independence. In 1970 Malta and the EC signed a Special Association Agreement, which created a customs union and in 1974 it became a republic with a president as its head of state. In 1987 Malta was declared a neutral state and non-aligned, devoid of foreign forces on its soil. In May 2004, Malta joined the EU.

As an independent nation, Malta vowed to work for peace in the Euro-Mediterranean Space and consistently played a prominent role in the promotion of the Mediterranean chapter of the OSCE⁸⁰ and contributed to any security initiatives in the Euro-Mediterranean area.⁸¹

As a non-aligned nation, the heart of Malta's foreign policy agenda has centred on ensuring that its constitutional policy of neutrality is adapted to a fluid and global system of states.⁸² In 1996, the Maltese government promised to make Malta 'the Switzerland of the Mediterranean', neutral and prosperous. Malta has also insisted that its neutrality is 'site specific' – related to its geographic position in the Mediterranean.⁸³ As a meeting point between Christianity and Islam, Malta maintains good relations with all its EMNS Mediterranean Partners, particularly with Libya and Italy.

As a small state, Malta pursues its aims through multilateral fora and international organizations.⁸⁴ Therefore, it has been in Malta's natural interest

⁸⁰ See A. Bin, 'Security Implications of Malta's Membership of the European Union' (1995) 30(3) *The International Spectator*, p. 47; J.J. Maresca, *To Helsinki: The Conference on Security and Cooperation in Europe 1973–1975* (Duke University Press, London, 1987), pp. 189–192.

⁸¹ Over the years Malta hosted the Mediterranean centre to combat oil pollution and other harmful substances, which was established under the 1976 Barcelona Convention for the protection of the Mediterranean Sea Against Pollution and its Related Protocols. Malta also: participates in the Five+Five Dialogue (Malta took the Forum's 2005 Presidency and will host its 2005 Ministerial Meeting); advocated for the Conference on Security and Cooperation in the Mediterranean; initiated, based on the structure of the Council of Europe, the initiative for the creation of the Council of the Mediterranean (the idea never got off the ground); and was a member of the Mediterranean Forum. See S.C. Calleya, *Looking Ahead: Malta's Foreign Policy Agenda* (Agenda, Luqa, 2002), chapter 4; E.F. Adami, 'Mediterranean Security: A Maltese Perspective' (1995) 6(1) *Mediterranean Quarterly*, p. 1.

⁸² S.C. Calleya, 'Between Partnership, Association and Enlargement: The Case of Malta' in F. Attinà and S. Stavridis (eds), *The Barcelona Process and Euro-Mediterranean Issues from Stuttgart to Marseille* (Dott. A Giuffrè Editore, Milan, 2001), pp. 249, 261–262.

⁸³ Editorial, 'Deputy Prime Minister and Foreign Minister Dr George Vella Visiting Germany', *The Times* (of Malta), 13 March 1997.

⁸⁴ Addressing the UN General Assembly in 1967, Malta's Prime Minister Borg Olivier declared that: 'The weakness we share in size (with other small states), wealth and power give us a natural interest in the United Nations', address by Prime Minister G. Borg Olivier to the UN General Assembly, DOI Malta, 6 October 1967.

to join the Euro-Mediterranean Partnership in 1995 and the EU in 2004, frameworks that offer Malta more opportunities to further its prosperity and make its mark as a broker for peace, security, and stability across the Euro-Mediterranean Space.

As an EU Member State with a Mediterranean identity, Malta is well poised to assist in promoting the overriding objectives of the Euro-Mediterranean relationship. Malta's social, economic and cultural Euro-Mediterranean character also helps to explain its specific commonality of interests with the other Euro-Mediterranean Partners.⁸⁵ Malta took a leading role in the process of identifying the commonalties that exist in the Euro-Mediterranean Space so that cooperative relations can be developed upon these themes. For example, Malta holds that the integration of Libya into the EMNS facilitates regional cooperation, especially in the Maghreb area. Accordingly, Malta is one of the most active EU members with regards to the accession of Libya to the different Euro-Mediterranean frameworks.

By acting as 'Switzerland of the Mediterranean' and declaring itself a neutral state, Malta became an acceptable Mediterranean Partner by both the Arab EMNS Partners⁸⁶ and Israel. Thus the Second Euro-Mediterranean Ministerial Conference, which was due to be held in Tunisia, in the end was held on 'neutral' ground in Malta in April 1997, resolving the refusal of the Arab Partners to allow the Conference to be held on Arab territory because of Israel's settlement policy. Malta also actively promotes the Euro-Mediterranean Charter for Peace and Stability.

Malta's active role in the Euro-Mediterranean frameworks is an extension of its cooperative security philosophy. Malta has made a tangible contribution to the creation of a common Euro-Mediterranean Neighbourhood Space based on positive diplomacy. With this balanced foreign policy agenda, Malta endeavors to maximize its position in international relations, particularly in the Euro-Mediterranean dimension.

The EMNS still lacks the uniting Mediterranean culture and identity which Malta can create. Malta's cross-cultural Euro-Mediterranean credentials are an asset that equips it with the necessary diplomatic resources to effectively contribute to efforts to remove the misperceptions and prejudice that still exist in the region.⁸⁷ As Guido de Marco, the former President of Malta, puts it: 'We are a European country, with a language and a culture which underlines the Mediterranean character of our country'.⁸⁸

⁸⁵ *Supra* note 82 at p. 262.

⁸⁶ In 1998 the Secretary General of the Arab League defined Malta as 'our friend', quoted by G. de Marco, 'Speech by Professor Guido de Marco – Deputy Prime Minister and Minister of Foreign Affairs' at the *Fifth Information and training Seminar for Euromed Diplomats*, St Julians, 16 November 1998, p. 2.

⁸⁷ *Supra* note 82 at p. 264.

⁸⁸ G. de Marco, *Supra* note 86 above.

As an EU Member State, Malta is an addition to the Mediterranean dimension of the EU itself. EU membership provides Malta with a geostrategic boost and thus enables it to contribute more directly in the political, economic and cultural aspects of the Euro-Mediterranean relationship. Malta's main calling card in Europe is the role it can play as a champion of Mediterranean interests. To borrow the term from Calleya,⁸⁹ Malta is already a 'powerhouse' of the EMNS and it plays a leading role in voicing common Mediterranean concerns within the EU while guarding Mediterranean interests in the shaping of EU foreign and security policy.

We are of the opinion that Valletta should be declared as the new capital of the EMNS and that the institutional and administrative system of the Euro-Mediterranean frameworks should be relocated from Brussels⁹⁰ to its natural capital in Malta, the heart of the Euro-Mediterranean Neighbourhood Space.

V Conclusions: New Era, New Institutional Structure

The practical institutional structure of the EMNS that our research proposes is based on the Barcelona Declaration, the Common Strategy on the Mediterranean Region, the European Neighbourhood Policy, the 2004 EU Strategic Partnership with the Mediterranean and the Middle East, the Euro-Mediterranean Conferences of Foreign Ministers and particularly inspired by the C/OSCE model. This practical structure endows the Euro-Mediterranean relationship with an independent identity and promotes a more proactive partnership between the regional parties. Moreover, it provides the EMNS with a mechanism to propel the Barcelona Process forward from the arena of declarations to one of implementation. Through this institutional structure, the objectives of the Euro-Mediterranean relationship can be realized. It equips the EMNS with the partnership-building tools necessary to execute specific political and functional tasks. Successful implementation of this institutional mechanism is admittedly an operational challenge and one which should not be underestimated. However, the anticipated benefits outweigh the risks.

Admittedly, we may be guilty of providing an over-simplified, ivory-tower solution to an extremely complex problem. Ultimately, the success of the Euro-Mediterranean relationship and the implementation of its programs rely on the political will and human resources behind the institutions. Yet, we believe that the institutionalization of the Euro-Mediterranean relationship along the lines outlined in this research must be considered seriously. It is a prerequisite to success if the Barcelona Process is ever going to evolve

⁸⁹ SC Calleya *Supra* note 81 at pp. 169, 72.

⁹⁰ Alexandria – the Anna Lindh Foundation; and Cairo – the Galileo Euro-Mediterranean Cooperation Office.

into anything other than an expression of European noblesse oblige. In an area whose fragile stability becomes increasingly vital to the EU, the current nebulous frameworks are unlikely to suffice. This paper is a springboard from which the institutionalization of the Euro-Mediterranean Neighbourhood Space can begin to take shape.