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## **The Arab Spring as a Test of post-Lisbon Capabilities and Strategies of the European Union in North Africa**

The Arab Spring has been the subject of numerous political academic analyses. One important element of the research studies was the first reaction of the European Union to the developments in individual North African countries affected by the transformations. In fact, the Arab Spring has become a test for the EU's capability for action given the new response mechanisms within the framework of the new institutional governance resulting from the Lisbon reform; a reform which was intended to significantly strengthen the EU foreign and security policy dimensions. The provisions of the Lisbon Treaty expressed the EU's ambitions to change its role in world politics. The new development in its immediate geographical vicinity revised the real response capabilities, as it did the current strategic approach in the region. Undoubtedly, the creation of the new scope of powers for the position of High Representative and the reporting diplomatic service was to contribute to the efficiency and coherence of the Commission's and the Council's activities in the international arena. The new role of High Representative was primarily meant to tackle the dichotomy of implementing an external aspect of the EU policies. The Lisbon Treaty, however, provided for a number of pitfalls in the new institutional system. Practical application of the new solutions during the Arab Spring has brought to light real capabilities and weaknesses of the EU, which can be overcome not by amendments to the treaties, but rather by Member States' inclination to operate in unison, while having divergent political visions resulting from the States' particularistic interests in the crisis region.

This study aims to present the conditions related to the European Union's involvement in the Arab Spring, as well as examine the extent of this capability-based involvement in the first months of 2011 against the background of competence disputes between institutions and inter-governmental contentions. These considerations will be the basis for conclusions on the theoretical and practical viability of the European Union's action in the region of North Africa, in terms of both interests defined in Brussels and representation of a jointly agreed position and undertaking practical actions in the international arena. These assumptions can facilitate a new perspective for the EU's strategic approach framework in the region of North Africa.

### **Post-Lisbon Opportunities and Expectations**

In the Lisbon Treaty, a major institutional change, whose aim was to satisfy the EU's ambition of being an important actor in the international arena, was the decision to strengthen the position of the High Representative of the Union for Foreign Affairs and

Security Policy (HR) by introducing him/her to the Commission as its Vice-President and the Commissioner for external relations. At the same time the HR took over the role of chairing the Foreign Affairs Council. A dispute concerning the new, consolidated role of the HR accompanied the work of the Convention, and later of the intergovernmental conference held to accept the Treaty establishing a Constitution for Europe. Even if the ratification ended in a fiasco, the dispute continued at a conference preceding the adoption of another treaty. For observers of the European stage, a departure from the “minister of foreign affairs” title was a sign that the “European phone” would still ring in the capitals of key European countries, rather than in Brussels. The appointment of Catherine Ashton to the position of HR on 19 November 2009 came as a surprise to many<sup>1</sup>. Such a choice of person determined the nature of the function and was proof of Member States’ political will to reinforce the external dimension of the EU activities. As it was before with the election of the most important people in the Union, some pre-determined criteria existed, such as the country of origin size and location, political affiliation of the candidate, and even their gender. The finally selected candidate was a figure hardly known not only on the European political scene, but also in the country of her origin, with no previous experience in foreign affairs. Political leadership in foreign policy was actually entrusted to a person taking her first steps in the field. Indeed, numerous factors affected the choice<sup>2</sup>. In the first period of Catherine Ashton’s holding the function, a process began to create the practice of applying the new institutional framework, where the inter-institutional connections became the key. In theory, any successor to Javier Solana should benefit from the changes. In the new post-Lisbon institutional arrangement, HR disposes of the capabilities derived from the function of the Commissioner for external relations and the incumbent Vice-President of the Commission. As part of this function, the HR is responsible for the coordination of external actions, which include enlargement policy, trade, development aid and humanitarian aid. Granting of coordination powers means that the Commission Vice-President function, so far merely a symbolic one, has gained much greater significance. However, in practice, the HR activities are still subject to Member States’ approval. The HR position, by having been introduced to the European Commission and due to the separation of the permanent Foreign Affairs Council from the General Affairs Council with the HR presiding over the former, has significantly improved compared to the capabilities of the High Representative for the Common Foreign and Security Policy, previously occupied by Javier Solana. The idea behind the change was

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<sup>1</sup> See: D. Rennie, *Why Europe Ended Up with High Rep Ashton*, “The Economist”, 26 November 2009; M. Van Renterghem, *La discrète Lady Europe*, “Le Monde”, 10 Décembre 2009; J. Solana, *La crise met en avant le besoin d’une coopération approfondie*, “Le Monde”, 3 Décembre 2009; W. Lorenz, *Unia wystraszyła się własnych decyzji*, “Rzeczpospolita”, 20 November 2009; A. Słojewska, *Nieznani politycy na czele UE*, “Rzeczpospolita”, 19 November 2009; G. Parker, A. Barker, *Brown rebuffed as Barosso favours France*, “Financial Times”, 27 November 2009; Charlemagne, *We are all Belgian now. How the European Union’s horse-trading over top jobs reflects murky coalition-building*, “The Economist”, 26 November 2009.

<sup>2</sup> One of the important and in fact decisive factors for the choice of the British candidate for the position was T. Blair’s defeat in the race to become the European Council President. In spite of efforts, the British also failed to win the function of the Commissioner for Internal Market.

to eliminate the problem of power overlap between the European Commission and the Council of the European Union where Solana was the Secretary General. What also increased were the expectations towards the High Representative. J. Howorth mentions here: at the institutional level (ability to combine the duties in the Council and Commission); creation of the EEAS; securing the EU role in the international arena as announced upon the Lisbon Treaty's entry into force; creating a strategic framework for EU action in the world<sup>3</sup>.

In order to meet the above-mentioned expectations, given the collegial nature of the Commission, it was important to make the function of High Representative superior to other commissioners. Locating the position within the Commission's structures was significant for the future directions of the institution's internal reform, which could lead to strengthening the role of vice-presidents, or give greater weight to groups of Commissioners within the EC. Furthermore, it was very important to establish a framework for the relationships between the High Representative and the Commission President. A possible source of conflict between the two is that the treaty confirms the following: "with the exception of the common foreign and security policy [...], [the Commission] shall ensure the Union's external representation", while before it had been the Commission President who played that significant role in external activities, especially in the area of trade and development aid. The relationship between Ashton and Barroso cannot be considered friendly, as one can easily see the two offices' rivalry and personal dislike. Ashton, being the Vice-President and so Barroso's subordinate, is often involved in competence disputes with him while acting as the FAC head. Some say that there is actually hostility between the two people who represent the EU outside<sup>4</sup>. Barroso has repeatedly ignored Ashton, thus circumventing the Lisbon procedure. The greatest dissent between the High Representative and the European Commission President could be seen as regards the establishment of the European External Action Service. It is noticeable here that the political authority of Solana, Ashton's predecessor, which he has built over the years, is beyond her reach. Her stern and uncompromising attitude makes it difficult to handle diplomatic affairs in the European arena and is the antithesis of Solana's jovial style. Catherine Ashton's major weakness can be seen in her contacts with the media. After 100 days of her incumbency, dominated by critical comments of Ashton's efforts, in March 2010, ministers of foreign affairs concerned about her public reception, actually began to speak in her defence. Indirectly, this accelerated the EEAS-related decision-making. The Council, while under the pressure of public opinion demanding post-Lisbon successes, was determined to reach a compromise on the creation of the EEAS framework. A strong office and position of the European Commission Vice-President, as provided for in the Treaty of Lisbon, coincided with the crisis of leadership in the Union, which was evidenced, among other things, by electing reliable officials, rather than charismatic politicians to the positions of High Representative and the President of the European Council.

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<sup>3</sup> J. Howorth, *Chess or Ping-Pong? Catherine Ashton's Choice*, "Global Europe", 30 November 2009, <http://www.globeurope.com/standpoint/chess-or-ping-pong>.

<sup>4</sup> N. Gros-Verheyde, *Le pire ennemi de Cathy Ashton: Barosso*, Bruxelles2, 30 April 2010.

The emerging new institutional arrangements in the European Union's external activities have weakened the previous prerogatives of the country holding the EU presidency. The rotating presidency of the European Council has been replaced by the office of a permanent President, elected for a term of 2.5 years, and obliged to cooperate with the Presidency. The introduction of the European Council President permanent function results in a change in the political decision-making process. Now a Member State holding the Presidency of the EU Council is no longer a principal broker but just one of the participants in a coordinated process. The dynamics of relationships in the arrangement: HR/European Commission President/European Council President – a Member State holding the Presidency is based on the practical application of the treaty solutions. What is important here is the political charisma of the presidents of the European institutions and offices, and ambitions to act among leaders of the negotiating Member States. The European leadership is evolving. Still, this does not lead to a situation where political decisions transfer from the inter-governmental to the institutional (Community) plane. In practice, Member States – the external action mechanism reformers from Lisbon – only allow for a limited acceptance of Community solutions that may curb their impact on the decisions. The problem remains the maturity and will of Member States to build a common foreign policy, which requires transfer of some powers to the High Representative as required by the Treaty.

The institutional changes introduced by the Lisbon Treaty were to contribute to greater dynamics and efficiency of the EU foreign and security policy, and coordinate the process of managing the external dimension of the EU policies. The European Union, eager to be a significant actor in the international arena, needed a new impetus that would ensure the institutional capacity able to take on new challenges. However, the strengthened mechanism in itself has not sufficed as an incentive to achieve the reform objectives. Member States, creators of treaty developments, still guard their particularistic interests, thus significantly slowing down the pace of the Lisbon-created mechanism. Against the background of institutional disputes within the European Union related to the formation of a new practice for external activities after the Treaty of Lisbon, we have witnessed the Arab Spring, which came as a surprise for those responsible for external action in Member States of the Union but also for representatives of European institutions. These events, however, became the first major test of the applicability of the new mechanism in practice.

### **Assessment of the EU Policy towards North Africa to Date**

The history of relations between European countries within the EEC, later the EU, and the North African countries abounds in ambitious initiatives, which have usually ended with feeble results. The Euro-Mediterranean Partnership (being part of the Barcelona Process), which was launched in the mid-1990s was aimed at strengthening the EU and its Member States' relations with southern neighbours. It was also an attempt to solve social and economic problems in the region. The aid focused on such problem areas that in future could affect the safety and harm the interests of individual European states. The meeting held in Barcelona in November 1995 was a turning point in rela-

tions between the European Union and its neighbours at the southern and eastern Mediterranean coast. The Barcelona Process has developed a partnership based on the dialogue at various levels of cooperation. However, the political and institutional links between the EU and Mediterranean countries were much weaker than the economic ties. The EU is the main trading partner of the Mediterranean countries. Over 50% of trade in the region is with the EU, and for some countries, the EU is the destination of more than 70% of their exports. The Union is the largest foreign investor and the largest donor of financial assistance in the region. For EU countries, the newly established partnership was to consolidate what was historically making strong ties and lasting relations with Mediterranean countries. European states saw the stabilisation and development of this area of the neighbourhood as a chance to improve their own security and boost economic profits. African countries were also supposed to protect Europe against the influx of illegal immigrants. The emphasis on mainstreaming the migration policy into the Union's relations with third countries can be observed since the European Council in Seville in 2002, which insisted on the use of all possible instruments within the EU's external relations to combat illegal migration<sup>5</sup>. In 2004, the Union launched a strategic partnership with the Mediterranean and the Middle East region based on the European Security Strategy of 2003. The next step in the EU relations with Mediterranean countries was the adoption of the European Neighbourhood Policy (ENP), which was the European Union's response to new challenges arising from enlargement to the east, and the need to redefine their relationships with old and new neighbours. Introduced in 2004, the European Neighbourhood Policy has brought significant changes to the strategy and the new EU approach to the Mediterranean countries. Importantly, the approach was characterised by conditionality – support was granted to the states which had successfully implemented a comprehensive package of economic and political reforms. In this way, the achievement of both parties' objectives was secured. The first decade of implementation of the Barcelona Declaration objectives proved a disappointment to the project's enthusiasts. Critical comments were also expressed by the European Commission<sup>6</sup>. However, it provided impetus to new initiatives. In July 2008, on the initiative of France, the launch of a new initiative was announced, namely "Barcelona Process: Union for the Mediterranean"<sup>7</sup>. Its implementation was supposed to be based on the existing achievements of the Barcelona Process and significantly contrib-

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<sup>5</sup> Por. Communication from the Commission to the Council and the European Parliament, Integrating Migration Issues in the European Union's Relations with Third Countries, Brussels, 3 December 2002, COM (2002) 703.

<sup>6</sup> Communication from the Commission to the Council and the European Parliament. Tenth Anniversary of the Euro-Mediterranean Partnership: A work programme to meet the challenges of the next five years, Brussels, 12 April 2005, COM (2005) 139 final.

<sup>7</sup> Por. R. Aliboni, F. M. Ammor, *Under the Shadow of 'Barcelona': From the EMP to the Union for the Mediterranean*, EuroMeSCo Paper, January 2009, No. 77; *Union for the Mediterranean: Building on the Barcelona acquis*, "ISS Report", EU Institute for Security Studies, No. 1, 13 May 2008; D. Bauchard, *L'Union pour la Méditerranée: un défi européen*, "Politique étrangère" 2008, No. 1, p. 51–64; D. Bechev, K. Nicolaidis, *The Union for the Mediterranean: A Genuine Breakthrough or more of the Same?*, "The International Spectator", September 2008, Vol. 43, No. 3, p. 13–20.

ute to increasing the efficiency of the EU relations with Mediterranean countries. This constituted a shift towards fostering a more active Mediterranean policy, and gave hope for a revival of cooperation within the Partnership. Earlier, French President Nicolas Sarkozy had promoted the establishment of the Mediterranean Union. As a result of internal negotiations within the EU, both the project and its name have been modified. Under pressure from Germany, the idea expressed in the Declaration of 13 July 2008 turned out to be decidedly different from what was originally planned. The Union for the Mediterranean is a Union initiative involving all Member States, and not only those on the coastline of the Mediterranean Sea. This initiative has also failed to produce the expected impetus for the development of Euro-Mediterranean relations. This resulted mainly from the intensifying economic crisis and the ensuing low interest of business in investing in the region<sup>8</sup>.

An important reason why the current EU policy towards the countries of North Africa is perceived as a failure is the divergent expectations of both parties. Numerous EU promises made under the banner of protecting basic rights and ensuring democratic freedoms were not what the Partnership citizens expected, as for them a crucial aspect was financial assistance<sup>9</sup>. In a study conducted in the North African countries between 2009 and 2010, the majority of respondents asked “In which areas should the EU play a greater role?” answered: “economic development” and “trade” (Table 1). The area of democracy was ranked on one of the last places identified as the expected areas of EU involvement.

Table 1

### In which areas should the EU play a greater role?

	Morocco		Algeria		Tunisia		Egypt	
	Dec. 09/Nov. 10	In %						
1	2	3	4	5	6	7	8	9
Economic development	<b>87</b>	<b>75</b>	<b>79</b>	<b>79</b>	<b>82</b>	<b>82</b>	<b>42</b>	<b>38</b>
Trade	<b>83</b>	<b>74</b>	<b>74</b>	<b>72</b>	<b>72</b>	<b>78</b>	<b>39</b>	<b>30</b>
Energy security	65	47	47	57	43	60	24	16
Transport	75	70	56	65	<b>45</b>	<b>80</b>	26	18
Education	<b>79</b>	<b>72</b>	59	58	36	70	35	23
Culture	63	49	52	59	39	56	33	17
Democracy	68	59	47	53	43	33	32	23
Regional cooperation	46	44	40	54	20	21	27	26
Security and defence	59	51	45	55	42	28	17	12
Freedom of expression of the media	60	37	53	59	40	42	32	18
Migration	70	66	<b>70</b>	<b>72</b>	63	61	28	23

<sup>8</sup> See: B. Wojna, *Trudne początki Unii dla Morza Śródziemnego*, “Sprawy Międzynarodowe” 2009, No. 1, pp. 87–104.

<sup>9</sup> Series: *Perceptions of the EU in Neighborhood Partner countries [Morocco, Algeria, Tunisia, Egypt]*, Opinion Polling and Research (OPPOL) project, funded under the 2007–2010 ENPI regional information and communication programme.

1	2	3	4	5	6	7	8	9
External policy and foreign affairs	66	61	50	63	52	30	31	28
Environment and climate change	52	33	64	61	36	62	19	14
Equality between men and women	70	46	55	60	36	38	26	14
The Middle East Peace Process	–	–	–	–	–	–	<b>40</b>	<b>32</b>

**Source:** Analysis based on: Series: *Perceptions of the EU in Neighborhood Partner countries, Evolving attitudes 2009–2010 [Morocco, Algeria, Tunisia, Egypt]*, Opinion Polling and Research (OPPOLL) project, funded under the 2007–2010 ENPI regional information and communication programme.

After years of implementation of the EU activities targeted at the African countries of the Mediterranean basin, a thesis is still valid that “one major difficulty of implementing policies rests with the articulation of what can be expected and what kind of reform needs to be encouraged in the countries concerned [...]: first of all, the EU needs to be more sincere in its aims<sup>10</sup>”. It should be noted that the southern dimension of the neighbourhood policy is in a sphere of interest of some Member States only. The EU enlargement to the east shifts the focus of the neighbourhood policy. Since the onset of the eastern dimension idea, it has clashed conceptually with the southern dimension, as well as other regional initiatives. In cooperation with non-EU countries, the EU Member States are divided along the lines of their political and economic interests. This is particularly noticeable during the presidencies of individual states, where we either see the EU policy shifting from the south to the east or backwards<sup>11</sup>. During the Arab Spring, the Hungarians and the Poles were surprised by the developments in southern Europe. Preparation for crisis management operations in the North African region actually interfered with the implementation of the presidency programme priority, namely strengthening the Eastern Partnership.

The proximity of Mediterranean countries makes the situation a particularly complex challenge for the EU. The economic and political situation in these countries has a significant impact on the economies, labour markets and societies of European countries. Ailing economies, high unemployment among young people, low income *per capita*, as well as significant population growth and urbanisation in African countries all sorely tested the Europeans. In a difficult economic environment, the political system has been characterised so far by insufficient democracy and the will to change and reform. The year 2011 initiated political changes in the region. For the EU this was both a surprise and a potential security threat. The Union faced the problem of undertaking joint actions in favour of military, political and economic support to the African countries, as well as the problem of securing their own borders against the influx of illegal immigrants. The current EU policy in the region had to be reoriented: while taking care of its internal security, it had to react outside.

<sup>10</sup> S. Faath, H. Mattes, S. Senyücel, S. Güner, *Factors and Perceptions Influencing the Implementation of the European Neighbourhood Policy in Selected Southern Mediterranean Partner Countries*, EuroMeSCo Paper, October 2006, No. 49, p. 28.

<sup>11</sup> J. Jańczak, B. Przybylska-Maszner, *Partnerstwo wschodnie w ramach polityki wschodniej kluczowym priorytetem polskiej prezydencji*, in: *Priorytety prezydencji Polski w Radzie Unii Europejskiej. Analiza politologiczna*, eds. Z. Czachór, T. R. Szymczyński, Poznań 2011, p. 142.

### First Reaction – Surprise and Uncertainty

Despite strong intercontinental ties, initially the European Union did not notice the strength of social protests which had started in Tunisia and were quickly spreading to the remaining countries in the region. Uncertain scenarios of the course of events, in particular anxiety about the consequences of the outburst of a revolt in the Arab world, which could increase the risk of terrorism and destabilise energy supplies, made the statements of the politicians and representatives of the EU institutions conservative. In the first period, disharmony in information was visible (statements by the President of the European Council, H. Van Rompuy, President of the European Parliament, J. Buzek, a joint statement by Cameron, Merkel and Sarkozy). The stance of the Member States also evolved. Italy did not manage to avoid mistakes (the Foreign Minister, F. Frattini, made a statement supporting Mubarak), just like France (the Foreign Minister, M. Elliot-Marie offered help to Ben-Ali in suppressing the riots). The Member States blamed the High Representative for the initial chaos.

The chaos resulting from the riots alarmed the Europeans in the first place, for whom it was a threat to security related to a wave of illegal mass migration. In this respect, quick decisions were made by the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex). Upon the request of the Italian government, operation Hermes 2011 was initiated on 20 February<sup>12</sup>. Initially, 8 countries were involved. The purpose of the operation was to provide support in handling the influx of migrants from North Africa. Events related to mass migrations, especially to a small Italian island of Lampedusa, were the result of a long-term policy of the EU to externalise the borders. The policy consisted of a transfer of border control-related procedures by delegating responsibility, and also by burdening third countries with the consequences of obligations resulting from international agreements signed by the same, or decisions taken in the field of controlling migration flows. The events which took place in Lampedusa in 2011 showed the importance of the second border range running along African countries. Its breaking was disturbed by the political situation in North Africa, the consequences of which were massive migrations. It is worth stressing that establishing the second border range by the European Union contributed to creating double standards of the migration and asylum policy<sup>13</sup>. Problems managing the EU external borders led the European Union to a debate on changing the mechanisms which regulate the functioning of the Schengen zone, and also exposed a lack of solidarity. It was initiated by France, which decided to temporarily implement control on the Italian border, when the Italian government, left stranded in handling the problem of mass migrations, granted temporary residence permits and travel documents to immigrants, mostly from Tunisia. Denmark

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<sup>12</sup> *Hermes 2011 Starts Tomorrow in Lampedusa*, 19.02.2011, Frontex News Release, [http://www.frontex.europa.eu/newsroom/news\\_releases/art95.html](http://www.frontex.europa.eu/newsroom/news_releases/art95.html); *Hermes 2011 running*, 22.02.2011, Frontex News Release, [http://www.frontex.europa.eu/newsroom/news\\_releases/art96.html](http://www.frontex.europa.eu/newsroom/news_releases/art96.html).

<sup>13</sup> B. Przybylska-Maszner, *Border Crisis in Lampedusa – the Symbol of a failed Policy of the EU Borders Externalization*, in: *De-Bordering, Re-Bordering and Symbols on the European Boundaries*, ed. J. Jańczak, Berlin 2011, pp. 67–82.

was the next country which took this opportunity to reintroduce border control. These events made it necessary to take quick measures within the Community<sup>14</sup>.

Ben-Ali's escape allowed the European Union to increase engagement of available instruments. In practice, however, it was limited to political declarations of assistance for the benefit of reforms<sup>15</sup>, EEAS senior officials' mission to Tunisia<sup>16</sup> and debates in the European Parliament, where the HR was criticised for insufficient measures<sup>17</sup>. On 31 January, the Foreign Affairs Council discussed the events in Tunisia and made conclusions in which it expressed readiness to support democratic transformations, and adopted measures which froze the assets of those who embezzled public funds in Tunisia, in particular the assets of Ben-Ali and his family. It also confirmed that "European Union is also ready to mobilize every instrument at its disposal to help ease the passage of political, economic and social reform in Tunisia, to strengthen its democratic institutions and to give greater support to civil society in the country"<sup>18</sup>. Catherine Ashton visited Tunisia on 14 February<sup>19</sup>. She brought the offer approved by the Council to organise an international support conference, € 17 million to support the civil society and information on granting an additional € 1 billion from the European Investment Bank.

Protests in Tunisia led to the establishment of a transitional government open to cooperation with the EU. Riots in Egypt had completely different effects. The Provisional Military Council was categorically against any external interference. The EU's measures were reduced to political statements<sup>20</sup>. In its conclusions of 31 January, the Council stated that "the EU stands ready to assist the Egyptian people in this transformation

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<sup>14</sup> See: Council Conclusions on the management of migration from the Southern Neighbourhood, 11 April 2011, 8909/1/11.

<sup>15</sup> See: Joint statement by EU High Representative Catherine Ashton and Commissioner Štefan Füle on the situation in Tunisia, 17.01.2011, Statement by Catherine Ashton, EU High Representative on Tunisia, Brussels, 28 January 2011, A 034/11 Joint Statement; Statement by Catherine Ashton, EU High Representative for Foreign Affairs and Security Policy, on the resignation of the Tunisian Prime Minister, Brussels, 27 February 2011, A 077/11.

<sup>16</sup> EEAS senior officials' mission to Tunisia, 26/1/2011, A 29/11.

<sup>17</sup> C. Ashton, *European Parliament statements on Egypt, Tunisia*, 3 Feb. 2011. Adrian Severin (S&D, RO): "We didn't show enough vision and enough strength in addressing these challenges; this should include also our capacity to talk to all valid actors including the Islamic forces in such a way as to be able to integrate all of them into a positive process". Guy Verhofstadt (ALDE, BE): "We are scared of putting out the wrong kind of statement, we are scared of an Islamic government after the elections. Well I am not scared because I have trust and faith in the Tunisian and Egyptian peoples [applause]. They want democracy and that's why we see Copts and Muslims are marching in the streets shoulder to shoulder, because they want a real open democracy. When we see demonstrations in Yemen, Jordan, Syria and Algeria, Ms Ashton I call on you now to change the EU's position.

<sup>18</sup> Council conclusions on Tunisia, 3065<sup>th</sup> FOREIGN AFFAIRS Council meeting, Brussels, 31 January 2011.

<sup>19</sup> *High Representative Ashton visits Tunisia and wider Middle East*, Brussels, 14 February 2011, A 052/11.

<sup>20</sup> A 018/11; Statement by EU High Representative Catherine Ashton on Egypt following the speech by President Mubarak, 10.02.2011, A 051/11; Statement by the EU High Representative Catherine Ashton on the situation in Egypt, 10.02.2011, A50/11; Statement by EU High Representative Catherine Ashton on the situation in Egypt, 3.02.2011, A 42/11; Statement by the EU High Representative Catherine Ashton on the situation in Egypt, 3.02.2011, A 40/11.

process, taking into account future developments”<sup>21</sup>. The press noticed that on the day of Mubarak’s collapse, Ashton was spending the weekend with her family in London and did not come back to a press conference in Brussels until the evening<sup>22</sup>. It was interpreted as a sign of lack of efforts to take quick and explicit measures. On 22 February C. Ashton visited Egypt. Her visit followed the visit of the British Prime Minister, D. Cameron. The main purpose of her visit was to meet the representatives of the new authorities and the opposition, and to discuss the new situation in the country after the recent ousting of President Hosni Mubarak, and also to press the current leaders to make quick progress by changing the constitution and make way for free parliamentary and presidential elections. The HR confirmed her will to support Egypt on its way to political and social transformations<sup>23</sup>.

### Libya – a Political Offensive

Events in Tunisia and Egypt were obscured by a revolt in Libya. Mass protests on Benghazi streets, spreading to other cities, started in mid-February. Diplomatic posts of the Member States, occupied with organising escape for their citizens from the territory of Libya, quickly coordinated joint measures. On 23 February, the Civil Protection Mechanism was initiated and the EU Monitoring Information Centre<sup>24</sup> located in the Commission’s DG for Humanitarian aid and crisis response<sup>25</sup>. Its purpose was to quickly evacuate the citizens of the Member States<sup>26</sup>. It is worth stressing that the whole operational system of the EU was involved and tested in practice. The planning and deployment unit operating under the European Union Military Staff served for the Member States and the monitoring and information centre as a contact point, in order to facilitate coordination of the military resources for the purposes of evacuation and humanitarian assistance. The European Union Situation Centre monitored the course of events. The EU on-line consular system facilitated exchange of information among Member States. The European Union Satellite Centre provided satellite images, which facilitated evacuation.

Events in Libya transferred the efforts of the Member States to the European Union dimension. Political involvement included: statements<sup>27</sup>, speeches or official visits.

<sup>21</sup> Council conclusions on Egypt, 3065<sup>th</sup> FOREIGN AFFAIRS Council meeting, Brussels, 31 January 2011.

<sup>22</sup> B. Waterfield, *Egypt Crisis: David Cameron reprimands Baroness Ashton at EU Summit*, “The Telegraph”, 4 February 2011.

<sup>23</sup> Catherine Ashton EU High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission Remarks at the Senior officials’ meeting on Egypt and Tunisia Brussels, 23 February 2011.

<sup>24</sup> MIC has supported Member States’ consular authorities by facilitating the pooling of available transport capacity and identifying additional transport assets. The MIC has liaised closely with the EU Military Staff.

<sup>25</sup> *The European Commission’s humanitarian response to the crisis in Libya*, Press Releases, Brussels, 4 March 2011, <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/11/143>.

<sup>26</sup> 8000 EU citizens wanting to leave the country were evacuated within 10 days.

<sup>27</sup> *Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on events in Libya*, Brussels, 20 February 2011, 6795/1/11, PRESSE 33; *Remarks by High Representa-*

The support measures included: applying sanctions; providing humanitarian assistance, ensuring the possibility of providing aid. We can distinguish two types of issues underlying the reactions. In the first stage, with coordinated action within the European Union, the Member States secured the fate of their own citizens present in this region. Later on, while ensuring influence on the course of events, they tried to protect their own interest and the position of a strategic neighbour in the region.

Two fronts of action were visible: the EU and inter-governmental. Coordinated activities of the representatives of the EU institutions led to working out a joint position. The High Representative being at the forefront was supported by her subordinate services, with the majority of them testing their operational power for the first time. She was controlled by J. M. Barroso, strongly engaged in solving the situation. Her main limitation is the necessity to negotiate each step she takes with the Member States corps. In addition, the base of the Hungarian presidency, being in this role for the first time and trying to find its place in the new situation of a crisis response, tried to support the process of coordinating the activities of the Member States. Encroaching on the territory of the High Representative, it imitated, and sometimes duplicated measures taken by him/her. The face of political leadership in the European Union, the President of the European Council Herman Van Rompuy, as a guardian of his position and function, limited himself to official speeches<sup>28</sup>. The EU machine was not convincing enough, and first of all quick, for the key European actors to withdraw from taking measures in the region. The other front was then the Member States operating independently or in groups, in the opinion of which the activities taken by the European Union were not effective.

The slump from a long-term status quo, which consisted of turning a blind eye and creating double standards for the benefit of reaching stabilisation in the region, ruined the EU's strategic approach existing so far, as well as the approach of the EU Member States. The EU's first reaction was to suspend working relationships with Libyan authorities and a bilateral framework agreement on 22 February. In connection with the support of the European countries for the rebels, Gaddafi suspended the immigration agreement signed with Europe in 2010<sup>29</sup>. Upon adoption on 26 February of a resolution of the United Nations Security Council [1970 (2011)] imposing sanctions on Gaddafi's

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*tive, Catherine Ashton on Libya in the margins of the Informal Defence Ministerial Meeting Brussels, 25 February 2011, A 071/11; Catherine Ashton, EU High Representative for Foreign Affairs and Security Policy to address UN Human Rights Council, discuss Libya with international partners, Brussels, 27 February 2011, A 078/11; Statement by Catherine Ashton, EU High Representative for Foreign Affairs and Security Policy, on UNSC resolution and latest developments regarding the situation in Libya, Brussels, 27 February 2011, A 076/11.*

<sup>28</sup> *Address by Herman VAN ROMPUY President of the European Council to the Paris Summit on support for the Libyan people, Paris, 19 March 2011, PCE 075/11; Joint statement by President of the European Council Herman Van Rompuy, and EU High Representative Catherine Ashton on UN Security Council resolution on Libya, Brussels, 17 March 2011, PCE 072/11, A 110/11; Remarks by President Herman VAN ROMPUY at the press conference following the extraordinary European Council on EU Southern Neighbourhood and Libya, Brussels, 11 March 2011, PCE 065/11.*

<sup>29</sup> The bargaining card for Gaddafi in negotiations with the EU was always the issue of migrations. He would name himself "the guardian of the EU borders". During his visit to Italy in 2010, he demanded € 5 billion a year for the protection of the European borders.

regime, the European Union joined international measures<sup>30</sup>. Sanctions were imposed on Libyan leaders and they were extended several times<sup>31</sup>. An arms embargo was imposed as early as 28 February – in line with the resolution of the United Nations Security Council. In addition, trade in all types of equipment which could be used for internal repressions was prohibited. The EU prohibited visa issuance for Muammar Gaddafi and other people responsible for brutal action taken against the civilians. In addition, assets of those connected with the regime were frozen. On 21 March, the Foreign Affairs Council adopted conclusions on Libya and a decision to extend the restrictive measures (the travel ban and the assets freeze) to 11 more people and nine more entities<sup>32</sup>. The new decision prevents all flights in the air-space of Libya and strengthens the enforcement of the arms embargo<sup>33</sup>. The EU also froze the assets of some Libyan enterprises<sup>34</sup>. The first decision of the Council and subsequent ones which extended the sanctions, were taken very quickly<sup>35</sup>.

The key involvement of the European Union regarding the support for the civilians was connected with the border crisis on the border between Libya and Egypt and Libya and Tunisia<sup>36</sup>. The situation on the Tunisian border was considered a humanitarian emergency due to the massive influx of migrants. The Commission reacted by mobilising humanitarian funding through ECHO. DG ECHO sent a team of 16 field experts in humanitarian aid and civil protection, who were deployed in Libya, Tunisia and Egypt to monitor the situation, and work with the UN. On 2–3 March, the Hungarian secretary of state, Enikő Győri, and the European Commissioner, K. Georgieva, in charge of the humanitarian aid and crisis response, appeared on the border between Tunisia and Libya. Later on, two groups of experts from the Directorate-General for Humanitarian Aid and Civil Protection (ECHO) started work on the border between Libya and Tunisia and between Libya and Egypt. Their task was to analyse the humanitarian crisis situation.

A first emergency decision was to allocate € 3 million as financial aid. This original amount had been revised to € 10 and then to € 30 million. This was allocated to respond to the current needs including the equipment of transit camps in Tunisia and Egypt, the documentation and protection of people fleeing Libya, the financing of transport-

<sup>30</sup> *Joint statement by President of the European Council Herman Van Rompuy, and EU High Representative Catherine Ashton on UN Security Council resolution on Libya*, Brussels, 17 March 2011.

<sup>31</sup> Council Regulation 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya, OJEU, L 58/1.

<sup>32</sup> Council conclusions on Libya, 3076<sup>th</sup> FOREIGN AFFAIRS Council meeting, Brussels, 21 March 2011, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/120065.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/120065.pdf).

<sup>33</sup> It also bans Libyan aircraft from EU member states' airspace it has reason to believe is carrying prohibited items.

<sup>34</sup> The decision to unblock the assets of 28 enterprises, including ports and power companies, came into force on 2 September.

<sup>35</sup> *Libya: EU extends restrictive measures to key financial entities* Brussels, 11 March 2011, 7584/11, PRESSE 56, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/119728.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/119728.pdf).

<sup>36</sup> Between February 21<sup>st</sup> and March 3<sup>rd</sup> a total of 83,252 people crossed the Libyan border into Egypt (The majority 61,221 people are Egyptians) and 96,963 people have crossed from Libya into Tunisia (Egyptian nationals – 47,175 people).

tation repatriation through the IOM (tab. 2)<sup>37</sup>. Member States would also react independently<sup>38</sup>.

Table 2

**EU Member States and ECHO contribution  
to the humanitarian effort in Libya**

DONORS	Commitments
	Total (cash and in-kind)
Austria	1,150,000 €
Belgium	2,000,000 €
Bulgaria	139,650 €
Czech Republic	100,000 €
Denmark	4,978,924 €
ECHO	80,574,084 €
Estonia	100,000 €
Finland	4,450,000 €
France	2,942,584 €
Germany	9,800,911 €
Greece	1,770,752 €
Hungary	51,200 €
Ireland	1,000,000 €
Italy	6,836,370 €
Lithuania	14,481 €
Luxembourg	1,827,700 €
Malta	730,117 €
Netherlands	2,500,000 €
Poland	910,017 €
Romania	90,000 €
Slovenia	75,000 €
Spain	7,659,244 €
Sweden	15,380,555 €
United Kingdom	13,651,934 €
<b>TOTAL EUROPEAN UNION</b>	<b>158,733,523 €</b>

**Source:** *European Commission Humanitarian Aid and Civil Protection, Libyan Crisis, Facts&figures*, 11.01.2012, [http://ec.europa.eu/echo/files/aid/countries/libya\\_factsheet.pdf](http://ec.europa.eu/echo/files/aid/countries/libya_factsheet.pdf).

Political statements of the EU representatives absolutely condemned acts of violence and the use of force against civilians. On 11 March in Brussels, the President of the European Council convened an extraordinary meeting of the EU leaders to present

<sup>37</sup> *The European Commission's...*, op. cit.

<sup>38</sup> Both in terms of funding for humanitarian assistance and in providing transport for repatriation.

strategic assumptions which the EU should follow in responding to the course of events in Libya and in North Africa. The basis for taking coordinated action by the EU in Libya, but also a reply to the changes in other North African countries and to a new strategic approach was a communication on a partnership for democracy and shared prosperity with the southern Mediterranean, presented jointly on 8 March 2011 by the European Commission and the High Representative<sup>39</sup>. The communication, whose main recommendations were supported by the European Council during a meeting on 11 and 25 March 2011, proposes to offer to the southern Mediterranean a perspective of developing a dialogue for migration, mobility and security<sup>40</sup> aimed at extending and facilitating regular migration channels and mobility of the citizens between these countries and the EU. Developing this document in such a short time can be considered as a success. A new concept of the policy towards the southern neighbour coincided with a review of the European neighbourhood policy<sup>41</sup>. The Partnership for Democracy and Shared Prosperity in the Southern Mediterranean should be based on three pillars: 1) oriented support for democratic transformations and establishing institutions, focused mainly on human rights, reforms to the constitution and the judicature and fighting corruption; 2) close cooperation with the society, with a particular emphasis on supporting the civil society and expanding relations between people, especially among the young people; 3) accelerating the rate of economic growth, developing and creating jobs, mostly by providing support for small and medium-sized enterprises. In its implementation, the following will be of key importance: “undertake Comprehensive Institution-Building programmes; launch a dialogue on migration, mobility and security with Tunisia, Morocco and Egypt; strengthen Euro-Mediterranean industrial cooperation; launch pilot programmes to support agricultural and rural development; focus the Union for the Mediterranean on concrete projects with clear benefits to populations of the Mediterranean region; advance sub-regional cooperation; enhance dialogue on employment and social policies”<sup>42</sup>. At the same time, the European Union wanted to keep the rule of conditionality in relations with the neighbouring countries, following the rule “more for more”. The condition for including the countries in the future EU programmes is the obligation to organise free and fair elections under the supervision of foreign observers. The incentive to introduce changes was to be a permanent dialogue in the form of top-level meetings and discussions. In addition, the Commission made reallocations in the main aid programmes, where for the period between 2011 and 2013 subsidies amounting to € 4 billion were provided for the southern neighbours. To

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<sup>39</sup> Joint Communication: A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean, Brussels, 8.03.2011, COM (2011) 200 final.

<sup>40</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A dialogue for migration, mobility and security with the southern Mediterranean countries, Brussels, 24.05.2011, COM (2011) 292 final.

<sup>41</sup> *A New Response to a Changing Neighborhood, A review of European Neighbourhood Policy*, Joint Communication by the High Representative of The Union For Foreign Affairs And Security Policy and the European Commission, Brussels, 25 May 2011, COM (2011) 303; *Joint Staff Working Paper – A Medium Term Programme for a renewed European Neighbourhood Policy (2011–2014)*, European Commission-EEAS, COM (2011) 303, Brussels, 25 May 2011.

<sup>42</sup> *Ibidem*, p. 16.

a large extent, the document was a duplicate of earlier initiatives. The existing ideas underlying the partnership remained unchanged. It is worth noticing that particular attention was drawn to the indicators such as free elections, and democratic control over the armed forces. The new approach included permanent elements regarding consolidation of trade relations, cooperation in the fields of education, energy, climate, transport and financial aid. The sectors covered by the partnership are as broad as under the previous framework. The new partnership was an attempt to meet the expectations of the Member States which demanded the EU's activity facing the Arab Spring events, and the activity of societies of the Arab countries.

At the beginning of March, the HR established a task group composed of experts from the External Action Service of the European Union and the Commission, whose task was to define the EU measures which can be used. A technical fact-finding mission was sent to Libya in order to evaluate the situation on site. During the Paris Summit for Support to the Libyan People on 19 March, Herman Van Rompuy confirmed the will of the EU Member States to support the fight with the regime existing so far from all the areas they have entered by force. He added that the political transition had to start with a key role for the National Transitional Council. The following statement was significant: "We have to help history. But first and foremost we have to support the Libyan people and to save the lives of so many". The military operation "Odyssey Dawn" initially conducted under French and British leadership, and then NATO leadership, won the EU's support. Ashton became a member of a contact group preparing the process of a peaceful resolution of the conflict in the political dimension. At the European summit on 24 March, Herman Van Rompuy said that the political objectives, set by the extraordinary European Council on 11 March, remained unchanged: "Gaddafi must go, and the EU wants a political transition, led by Libyans themselves, and based on a broad political dialogue". He stressed that the coalition of the European, Arab and North American countries is a guarantee for solving the situation in the region. In the conclusions of the European Council it was stressed that "work should be rapidly taken forward to develop a new partnership with the region, in line with the European Council's declaration of 11 March 2011. This partnership will be founded on deeper economic integration, broader market access and closer political cooperation, and will follow a differentiated and performance-based approach"<sup>43</sup>. The London Conference on Libya on 29 March agreed to establish an international contact group with the participation of the EU and key organisations such as the United Nations, the African Union and the Arab League. After the conference, Catherine Ashton declared: "Together with key partners I will continue to work for a solution to the crisis which responds to the legitimate demands of the Libyan people, fostering dialogue and assisting a new Libya to build a prosperous and democratic future". On 1 April 2011, the Council adopted a decision on European Union military operation in support of humanitarian assistance in Libya (EUFOR Libya). Her aim was to ensure the safe movement and evacuation of displaced persons and support humanitarian agencies in their activities in the region according to the mandate of the UN resolutions of 1970 and 1973.

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<sup>43</sup> European Council, Conclusions, 24–25 March 2011, EUCO 10/1/11, pp. 7–10.

Evaluation of the EU activities in Libya is not explicit. What should be stressed is the lack of cohesion of the positions taken by the Member States. The French-British duet for intervention and the German diplomacy reluctant to take any action took the opposite sides. In addition, Italian lack of stability in decision-making disturbed taking the first steps. Lack or delayed reaction of the remaining countries resulted from their intention to avoid the costs of a possible intervention, taking account of the financial situation in Europe and scarce strategic interests in this region. The majority of the Member States became aware of the fact that the direct consequences of the turmoil in Africa affected only a few. Having that in mind, the EU apparatus had a limited impact on solving the Libyan crisis. Political declarations, humanitarian assistance, a safety mission, and joining the sanctions by the international community are the mechanisms used. Taking into account the political ambitions resulting from the treaty-based foundations, the EU's activity seems to be insufficient. However, its development and application was quite a challenge and a test for the post-Lisbon institutional order. The main problem was not to take action, but the pace at which such action would be taken. The EU's position as an actor in international relations depended on quick establishment of its new role in the close neighbourhood, where it has the strongest influence and acts most effectively. The regional position is established in a stable environment. Action for ensuring stabilisation and contributing to solving conflicts has become a test for the EU's intentions and possibilities. It is a guarantee for protecting the interests of the Member States.

### **Conclusions**

With the Arab Spring events in the background, a new Lisbon order of inter-institutional ties was shaping. The new solutions, which were the fruit of the Lisbon reform, in practice increased the EU's effectiveness in the international arena only to a slight extent. During the Arab Spring, the treaty mechanism of reaction as part of the civil and military crisis management was tested, as well as the functioning of a border management mechanism being created. The EU had the tools which it used with difficulty and with a significant delay due to the lack of solidarity resulting from different interests and concepts for implementing the policy. However, the course of events and involvement of some Member States strengthened the EU mechanism and covered over the impression of a noticeable sluggishness of the High Representative.

What is much more important is not the turning point but the period which will come afterwards. A decision on the direction of changes will be made in the North African countries. This decision will be important for Africa's European neighbourhood. Taking account of the existing achievements of the policies and programmes, and also from the angle of the events which affect Europe, the EU is determined to support Africa. The transformation process does not have to mean the direction desired for Europe for ensuring the values promoted by the Member States, peace, prosperity and respect for fundamental rights. However, Europe is determined to influence the direction of the transformations, since it is dependent on the effect of transformation of North Africa.

The EU stricken by a financial crisis is not able to build a coherent concept of the foreign policy in the close neighbourhood region. Divisions in the economic dimension transpose to the political dimension. The European Union is losing trust in the eyes of its partners in the international arena. Institutional inefficiency is also the result of a puppet representation. The European Union is struggling with a crisis in foreign policy leadership.

A lot was expected of the Lisbon reforms. However, the theoretical solutions introduced faced difficulties during implementation. Their source is to a smaller extent a turmoil regarding competences, and to a greater extent reluctance of the Member States to strengthen the EU's external dimension. The HR was closed in an institutional triangle of the Council-the Commission-the Parliament, and surrounded by the diverging interests of the Member States. A lot of expectations attributed to the impulse which was to be a new authorisation of the High Representative, fell short. Ashton was entrusted a mission impossible and was criticised for not doing miracles in the international arena. In the context of these chaotic activities, the HR's statement made in the European Parliament and regarding the necessity to take action related to the Arab Spring is worth noting. In her speech, Ashton said: "I can make hundreds of statements – and I do. I deplore, condemn, urge, demand – but we also need to act. And that action has to come in different forms"<sup>44</sup>. The long-term nature of the process of establishing standards for the functioning of a new system makes Ashton left alone in the European arena and undergo increasingly heavier criticism. Perception of her person transposed to the perception of her function, and this is an alarming signal. Events in North Africa showed again the importance of personal skills to conduct negotiations with countries, and the political charisma of the High Representative which is indispensable for further development of the Common Foreign and Security Policy. Ashton proves to perform well under stress, keeping an emergency supply, and her persistence helps her in negotiations. With the events on the other side of the Mediterranean Sea in the background, the answer to a question whether Ashton should wait for the consensus of 27 countries, or take the initiative, has become more important. The HR chose the first solution and she assumed responsibility for the coordination and implementation of leadership, that is, performing the tasks resulting from the leadership of others.

The attempt to work out a new strategic approach in the region, under the Partnership for democracy and shared prosperity, will not trigger immediate effects. It is possible that, as in the case of previous initiatives, this one will prove equally difficult to implement. The dynamics of changes in the region is very high. There is a real threat of a return to non-democratic systems. What is equally certain is a potential consent to the EU cooperation in the field of migrations or energy supplies with such systems. The EU has limited possibilities and legitimisation to influence the internal situation of the countries in the neighbourhood region. Implementing a neighbourhood policy is the coordination of activities in numerous sectors, which by definition is extremely difficult.

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<sup>44</sup> *Speech of High Representative Catherine Ashton on main aspects and basic choices of the Common Foreign and Security Policy and Common Security and Defence Policy*, European Parliament – Strasbourg, Brussels, 11 May 2011, A 179/11.

A real challenge will be the long-term prospect of implementing a new stage of the policy existing so far in the economic and political sphere. However, this policy is the product of the interests and the power of individual Member States. A lot depends on whether the declarations and strategic frameworks represent effective mechanisms and actions.