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From Policies to Politics: The European Union as an International Mediator in the Mediterranean

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PapersIEMed.
Published by the European Institute of the Mediterranean
Proof-reading: Neil Charlton
Layout: Núria Esparza
ISSN: 1888-5357
Legal deposit: B-27445-2011
February 2015

This publication has been produced with the assistance of the Spanish Agency for International Development Cooperation (AECID). The contents of this publication are the sole responsibility of the author and can in no way be taken to reflect the views of the AECID or the European Institute of the Mediterranean.

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From Policies to Politics: The European Union as an International Mediator in the Mediterranean

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The views presented in this paper are those of the author and do not represent the institutions to which he is affiliated. The author would like to thank Francesca Fabbri and Carlos Rincón for their valuable research assistance for this paper.

The preliminary findings of this paper were presented at a "Workshop on the Euro-Mediterranean: Challenges and opportunities for the future of the European order", organised by the Sabanci University in Istanbul on 7 September 2014.

Introduction

The European Union (EU) has taken the countries of the Arab Spring as a testing ground for its mediation capacities. Arab societies today are suffering from increased levels of polarisation and confrontation among pro-democracy and old guard regime forces, secular and Islamist parties and ethnic and religious communities, to name a few of the existing cleavages in the region. Nowhere but in Egypt has such a climate of political confrontation been more acute. For a few months, the EU attempted to play a more decisive role as an international mediator and as a promoter of inclusive politics among rival political forces, particularly the Muslim Brotherhood and the Egyptian military. In so doing, the EU also pursued a higher profile as an external actor in the country and in its southern neighbourhood, taming initial criticism of a low foreign policy profile and a lack of a strategic response to the Arab Spring.

The stronger role of the EU as a political actor in the Mediterranean ran in parallel to a series of institutional developments increasing the capacity of the Union to act as an international mediator. The Lisbon Treaty had empowered the foreign policy profile of the Brussels-based institutions, enabling political figures such as the Union's High Representative and Vice-President of the European Commission and the EU Special Representatives (EUSRs) to play a more prominent role in international negotiations. In addition, the EU equipped itself with a set of institutions empowering its mediation capacities, including the European Institute of Peace and a Division for Conflict Prevention, Peacebuilding and Mediation Instruments within the European External Action Service (EEAS).

> The current high political stakes in the region have often prevented the EU from playing a more political role, precisely at a time when it decided to transform its policy-oriented approach into a more robust political contribution to the Southern Mediterranean transitions

This paper will analyse the performance of the EU as an effective mediator in its southern neighbourhood, with a particular emphasis on Egypt and the period of transition from the presidency of Mohammed Morsi to Abdul-Fattah Al-Sisi. This period also coincided with the last months in office of the former EU High Representative and the EUSR for the Southern Mediterranean. The paper will firstly assess the recent institutional reforms that have empowered the EU's role in international peace mediation, departing from a distinction between political and policy action (mediation being an integral part of the EU's political role). It will then review the response of the EU to the transformations in its

Southern Mediterranean neighbourhood through a mediation perspective, analysing the main tools and institutional developments at its disposal. Particular attention will be paid to the development of the political tools under the leadership of the former High Representative Catherine Ashton and the former EUSR for the Southern Mediterranean region, Bernardino León. The cases of Tunisia and Libya will be explored to understand the role of EU structures in ensuring coordination of the Union's policies and to undertake mediation practices.

The last part of the paper will review developments in Egypt, one of the most pressing scenarios regarding political polarisation and confrontation in the Southern Mediterranean region. The analysis will focus on the mediation efforts of the former High Representative and the EUSR León to bring the military and the former President Mohammed Morsi of the Muslim Brotherhood closer to an agreement in benefit of an inclusive democratic transition and how these efforts were challenged by developments on the ground. The paper will conclude with a reference to the conditions that have contributed to the success and failure of the EU's mediation efforts, taking into account that the current high political stakes in the region have often prevented the EU from playing a more political role, precisely at a time when it decided to transform its policy-oriented approach into a more robust political contribution to the Southern Mediterranean transitions.

A Power for International Mediation.
Enhancing the EU's Mediation Tools and Practices

The role of the EU as an international mediator can be considered a transfer of its own political genesis to the international field. The 2012 Nobel Peace Prize was awarded to the EU precisely to emphasize its contribution to transforming Europe from a continent of war to a continent of peace. European integration has traditionally been an inward-looking peacebuilding process whereby, through regionalism and cooperation, the EU has achieved peace, reconciliation and democracy in the continent. Yet European integration has always kept an eye on the expansion of the European model of achieving peace in the rest of the world too.

The EU's Common Foreign and Security Policy (CFSP) was set up by the Maastricht Treaty in 1993 with the aim of strengthening the security of the Union, preserving international peace and fostering democracy, rule of law and respect for human rights in the international scenario. The foreign policy role of the EU has also been driven by its power of attraction towards neighbouring countries, which have reinforced their economic and political cooperation with the Union, either to become new members of the Union through enlargement or to build a "ring of friends" around the continent.[1] A set of policies, chiefly the Common Security and Defence Policy (CSDP), have also reinforced the defence capacities of the EU in order to prevent conflict in neighbouring countries, in particular after the wars in the Balkans.

The question remains as to whether the EU has achieved a remarkable impact as a transformational actor outside its borders.

In a sense, the so-called EU's "soft power" approach to international relations has been used as a way to portray the Union as a "neutral, ethical and credible" foreign policy actor.[2] But the question remains as to whether the EU has achieved a remarkable impact as a transformational actor outside its borders. For many, this self-perceived image has clashed with a poor track record of the Union as a peace broker. The wars in the Balkans of the 1990s, the division of the EU over major foreign policy issues such as the Iraq War of 2003 and more recent rifts among EU Member States in Libya or Syria are all cases in point. In addition, when the EU has acted collectively, it has prioritised traditional foreign policy instruments (such as sanctions and incentives, humanitarian assistance, aid or development cooperation) to act in the international field. Crisis response through international mediation has often been left to the national capacities of the Union's most committed Member States.[3]

1. See the speech by Romano Prodi, then President of the European Commission, "Wider Europe - A proximity policy as the key to stability", Brussels, 5-6 December 2002. Available here: http://europa.eu/rapid/press-release_SPEECH-02-619_en.htm

2. Steven Blockmans (2014), "The EU as a global peacemaker". Inaugural Lecture delivered at the University of Amsterdam, 13 November 2013, p. 21. Available here: http://www.oratiereeks.nl/upload/pdf/PDF-2024weboratie_Blockmans_-_DEF.pdf

3. Antje Herrberg (2012), "International Peace Mediation: a new crossroads for the European Union", *EU Crisis Management Papers Series,* DCAF Europe and International Security Information Service, ISIS Europe, June 2012. Available here: http://www.dcaf.ch/content/download/102173/1574684/file/International_Peace_Mediation.pdf

The EU as an International Mediator

It is only recently that the EU has acknowledged the transformational nature of peace mediation and incorporated this practice into its foreign policy strategy. Mediation can be defined as "a third party-assisted or third-party-initiated and -led communication between representatives of conflict parties in order for them to directly talk to each other, discuss issues, reach an agreement and make decisions together."[4] It includes facilitation efforts aimed at enticing parties to arrive at a political solution, but also wider tools where the EU has stronger experience, including crisis management, conflict resolution and peacebuilding operations (mostly through its CSDP missions and the so-called Petersberg tasks[5]).

The EU only started to speak specifically about its role in international mediation with the endorsement in 2009 of a Council "Concept on Strengthening EU Mediation and Dialogue Capacities".[6] The Concept encourages the EU to develop arrangements to respond rapidly to conflict situations in which opportunities for mediation exist. In particular, it states "the EU will strive to establish and promote the use of mediation as a tool of first response to emerging or on-going crisis situations." The Concept also distinguishes between the EU's direct involvement in mediation processes and its indirect involvement (i.e. supporting mediation and facilitation efforts led by other international actors or providing diplomatic leverage processes), activities that the Union has undertaken more often than direct mediation.

The Concept also states that an informal Mediation Support Group (MSG) should be established to monitor the recommendations of the Concept and coordinate across the EU structures. The tasks of the MSG have somehow been overtaken by the "Division for Conflict Prevention, Peacebuilding and Mediation Instruments" and the "Peacebuilding, Conflict Prevention and Mediation Unit" of the EEAS. Replicating similar bodies of the United Nations, both departments are in charge of deploying mediation experts, providing training and individual coaching sessions for EU staff and providing advice, guidance material and position papers to the other EU decision-making bodies.

These institutional developments go hand in hand with the recently launched European Institute of Peace (EIP), a permanent independent organisation set up in 2014 with the

4. Antje Herrberg, Canan Günduz and Laura Davis (2009), "Engaging the EU in Mediation and Dialogue", *Initiative for Peacebuilding Mediation Cluster,* May 2009, p. 14. Available here: http://www.initiativeforpeacebuilding.eu/pdf/Synthesis_Engaging_the_EU_in_mediation_and_dialogue.pdf. This paper will use the term mediation to refer to the efforts of EU authorities to bring the parties in conflict closer to a political agreement. Some have argued that mediation is too formal a term, since it implies steering parties towards a particular end-goal, and that the EU should pursue facilitation instead. The distinction between both terms and the EU's approach still needs to be further discussed and eventually agreed (author interview with Richard Youngs, Senior Associate in the Democracy and Rule of Law Program at Carnegie Europe, February 2015).

5. Petersberg tasks are part of the Common Security and Defence Policy (CSDP) and include humanitarian and rescue tasks, peace-making tasks and tasks of combat forces in crisis management, for which military units can be deployed.

6. Council of the European Union (2009), "Concept on Strengthening EU Mediation and Dialogue Capacities", 15779/09, 10 November 2009. Available here: http://eeas.europa.eu/cfsp/conflict_prevention/docs/concept_strengthening_eu_med_en.pdf

aim to "contribute to the global peace agenda of the EU through a close partnership with the EU institutions in order to prevent, mitigate and resolve conflict."[7] The initiative comes after active advocacy from several like-minded Member States – particularly Finland and Sweden – and influential civil society actors in peace mediation, such as the Crisis Management Initiative, the European Peacebuilding Liaison Office and MediatEUr to provide the EU with an institution equivalent to the United States Institute of Peace.[8]

> The EIP should act as a platform for mediation in conflicts where first-track diplomacy is not possible, given the high sensitivity and diplomatic stakes for EU Member States

Once fully operational, the EIP should act as a platform for mediation in conflicts where first-track diplomacy is not possible, given the high sensitivity and diplomatic stakes for EU Member States (for example, dialogue with key actors, such as Hamas or other radical Islamist organisations). It is interesting to note the parallelism between the EIP and the European Endowment for Democracy (EED), set up in 2013, with the aim of providing funds to pro-democratic civil society organisations, movements and individual activists who are often unable to secure EU aid through official channels. Despite its capacity to quickly respond to the needs of nascent civil society organisations, the EED has often been criticised by some Member States and Partner Countries as an organisation "incapable of following the diplomatic guidelines of EU countries and providing funds to unreliable civil society organisations"[9] – a problem that the EIP might also end up facing.

Such a plurality of European actors involved in mediation activities have appeared at the same time that the institutional reforms of the Lisbon Treaty have been fully operational. This Treaty, which came into force in December 2009, has introduced substantial reforms in the field of EU foreign policy that have certainly contributed to streamlining the mediation capacities of the EU.[10] In addition to the new mediation units created within the EEAS, the Lisbon Treaty has enhanced the role of the EU High Representative and Vice-President of the European Commission as a leading political figure for the EU's foreign policy.

The Lisbon Treaty has not substantially modified the scheme that guides the EU's CFSP. Foreign policy remains the realm of EU Member States and is ruled by intergovernmentalism. The cleavage between the Member States and EU bodies representing the integrationist method (including the EU High Representative and the

7. See the website of the European Institute of Peace: http://www.eip.org/

8. On the added value of the EIP see, for instance, MediatEUr (2012), "A European Institute of Peace? Value-added, Risks and Options. Discussion Paper", *MediatEUr,* September 2012. Available here: http://themediateur.eu/resources/publications/item/235-discussion-paper-european-institute-of-peace

9. Author interview with officials from the Egyptian Ministry of Foreign Affairs (April 2013).

10. On the institutional novelties of the Lisbon Treaty see, for instance, Paul James Cardwell (ed.) (2012), *EU External Relations Law and Policy in the Post-Lisbon Era,* T.M.C. Asser Press, The Hague.

EEAS) remains, insomuch as the former provides the EU with strategic guidance and mandates on foreign policy and the latter implements, leads and coordinates it. However, the enhanced functions and visibility of the EU High Representative and its position as Vice-President of the European Commission (where most funds for EU foreign policy reside) have given to this position reinforced powers of interlocution with third parties.[11]

The EU High Representative today enjoys enough room for manoeuvre to enhance the mediation profile of the EU, following the mandates of the Council. Catherine Ashton, who held the post until October 2014, used her good offices in mediation in a remarkable number of crisis situations. Thanks to the support of the United States, she played a decisive role in the re-launch of the talks with Iran and its nuclear dossier in the framework of the P5+1. The Iran file shows how the EU can act as an icebreaker and go further than other world powers in international mediation – at least as long as the EU has their tacit support.

The leadership and dedication of the EU High Representative form a crucial component to enhance the mediation capacities of the EU and its senior diplomats.

Another success story in mediation was the Kosovo-Serbian dialogue, which eventually led to the "First Agreement on Principles Governing the Normalisation of Relations" between both countries in April 2013. The talks, mediated by Ashton and her team at the EEAS (mostly Robert Cooper, a senior counsellor), show how the leadership and dedication of the EU High Representative form a crucial component to enhance the mediation capacities of the EU and its senior diplomats. In this case, EU mediation proved effective because the parties concerned were offered the possibility to deepen their relations with the EU and they were interested in doing so.[12] As has been noted, the EU's soft power and its mediation tools and practices "work best for states that could theoretically meet its membership criteria" so that as its "ripple effect expands, its impact weakens."[13]

International mediation can somehow be portrayed as a field of EU foreign policy where cooperation between the Union and its Member States could work best. In cases where a shared vision exists, the Council provides the EU and its institutions with strategic and political guidance (often backed up with a set of policies offering closer political relations, deeper trade agreements, economic cooperation or aid, to name a few). The EU

11. On the role of the EU High Representative in EU Foreign Policy and its influence over policy-making, see Pol Morillas (2011), "Institutionalization or intergovernmental decision taking in foreign policy: the implementation of the Lisbon Treaty", *European Foreign Affairs Review,* 16, pp. 243-257.

12. As a consequence of the agreement, Kosovo started negotiations to sign a Stabilisation and Association Agreement with the EU and Serbia was offered the prospect of membership talks.

13. Steven Blockmans, *op. cit.*, p. 17.

institutions, including the High Representative and the EEAS, can then implement these mandates and policies by getting closer to the parties in conflict and acting as an effective mediator. At the end of the mediation process, the EU can offer a set of "carrots" in return for the parties' cooperation.

In cases where geopolitical rivalries prevail, mediation efforts can be no substitute for a common and strategic foreign policy.

The problem, however, comes when division among EU Member States in crisis scenarios runs deep, either due to the existence of foreign policy red lines, national interests at stake, or both. The crisis in Ukraine has witnessed a weak European response, a lack of sustained impetus to bring the country to the EU's sphere of influence and a reluctance to establish an equal relationship with another superpower, Russia. In cases where geopolitical rivalries prevail, mediation efforts can be no substitute for a common and strategic foreign policy.

EU Mediation in the Mediterranean after the Arab Spring

If geographic proximity is a key aspect for successful mediation, the Southern Mediterranean should be a central sphere of the EU's efforts. Despite an initial focus on policy reform, the EU has increasingly put more emphasis in strengthening its political action in the region via diplomatic efforts to secure national dialogues, building consensus among rival forces and mediation. This stronger focus on political action comes partly as a consequence of the initial criticism regarding the EU's response to the Arab Spring, which was considered as being too technocratic, and lacking political guidance and strategic outreach.[14]

The EU has increasingly made more efforts to strengthen its political action in the region via diplomatic efforts to secure national dialogues, building consensus among rival forces and mediation.

Indeed, soon after the outbreak of the Arab Spring, the EU issued a series of Communications whose aim was to uphold progress towards rule of law and democratic reform via a series of technical programmes and measures, channelled via a reformed European Neighbourhood Policy (ENP). The first Communication, issued only two months after the start of the revolutions by the EU High Representative and the European Commission, set forth the principles of EU assistance to a transformed Southern Mediterranean. Chief among them was the "more for more" principle, which promised a higher degree of projects and assistance to Mediterranean Partner Countries in exchange for deeper democratic reforms.

The so-called "Partnership for Democracy and Shared Prosperity" offered a series of policies aimed at supporting civil society actors via the Civil Society Facility, establishing a series of mobility partnerships and visa facilitation regimes and promoting the socio-economic wellbeing of Arab populations through support for Small and Medium Enterprises, Deep and Comprehensive Free Trade Agreements and sectoral economic cooperation.[15] These policies, later to be labelled as the 3Ms (money – i.e. additional financial allocations for the Arab Spring countries; market – or the facilitation of trade agreements; and mobility – through visa facilitation and population exchanges), constituted the backbone of the EU's response to the Arab Spring.

The second Communication reformed the toolbox of the EU in order to streamline the implementation of these policies. Moreover, a joint Communication between Catherine Ashton and the European Commission, the document "A New Response to a Changing

14. These arguments are explored in further detail in Pol Morillas and Eduard Soler i Lecha (2012), "The EU and the Arab Spring, One Year After", *EuroMeSCo Brief,* No. 39, 19 April 2012. Available here: http://www.euromesco.net/images/briefs/euromescobrief39.pdf

15. "A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean", 8 March 2011. Available here: http://ec.europa.eu/europeaid/where/neighbourhood/documents/communication_conjointe_mars_2011_en.pdf

Neighbourhood" reformed the ENP in order to support "deep democracy", establish partnerships with societies and strengthen political and security cooperation.[16] These objectives were also to be achieved through the implementation of a rich set of policies. In addition to the ones put forward in the first Communication, the EU offered additional programmes under the auspices of the ENP, the setup of the European Endowment for Democracy and additional funding provided in cooperation with other European institutions, such as the European Investment Bank. Overall, this second Communication was aimed at simplifying a panoply of EU measures and programmes in order to increase the visibility and impact of the EU's policies.

The shift from a policy-oriented response to a more political one came both as a consequence of the developments on the ground and a renewed interest in mediation initiatives by EU authorities. On the one hand, polarisation in Southern Mediterranean countries unveiled the need for political action rather than policy assistance only. The initial optimism regarding a "wave of democratisation" sweeping the entire region vanished and, with it, the general acknowledgement of external powers that policy support was the best way to uphold progress towards democratic reform. Since then, the new Arab leaderships – both internal and external – are facing the challenge of building inclusive and plural political systems and coping with high levels of political polarisation within societies.[17]

The offices of the EUSR for the Southern Mediterranean were critical to kick-start the mediation activities of the EU and to ensure the link between political action and policy assistance.

On the other hand, since "the focus has shifted toward building consensus in fragmented societies, the EU has developed a more prominent focus on high-level diplomatic mediation,"[18] portraying itself as a facilitator and mediator between political rivals. The EU authorities have made use of a series of institutional assets to promote its mediation activities in the Mediterranean. This political action runs in parallel to the implementation of the ENP policies specified above and has been grounded on the efforts of the former EU High Representative and the former EUSR for the Southern Mediterranean, Bernardino León (today the United Nations Special Representative in Libya). While the EU High Representative Catherine Ashton was heavily involved in mediation tasks in Egypt (more on this below), the offices of the EUSR for the Southern Mediterranean were critical to kick-start the mediation activities of the EU and to ensure the link between political action and policy assistance.

16. "A New Response to a Changing Neighbourhood", 25 May 2011. Available here: http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf

17. Anthony Dworkin (2013), "The Struggle for Pluralism after the North African Revolutions", *European Council on Foreign Relations,* March 2013. Available here: http://www.ecfr.eu/publications/summary/the_struggle_for_pluralism_after_the_north_african_revolutions_201

18. Richard Youngs (2014), "From Transformation to Mediation: The Arab Spring Reframed", *Carnegie Europe,* March 2014, p. 3. Available here: http://carnegieendowment.org/files/arab_spring_reframed.pdf

Working under the authority of the EU High Representative, EUSRs have traditionally played six key roles according to the mandate they are given by the Council of the EU. These are: information-providers, policy-makers, crisis managers, lynchpins of coordination, networkers and agents of effective multilateralism.[19]

Of particular relevance to the Mediterranean context was the role of the EUSR as a lynchpin of coordination and networker. Since the publication of the first Communications, the EU highlighted the need for coordination of its instruments and policies in order to increase the visibility, impact and efficiency of its foreign policy action in the Mediterranean. The mandate of the EUSR made particular reference to ensuring "coherence, consistency and coordination of the Union and Member States' policies and actions towards the region."[20] Several "Task Forces" led by the EUSR for the Southern Mediterranean have been used to secure the coordination of the EU's action and to bring together the various political bodies and economic institutions to streamline the EU's support for the Arab transitions. Since 2011, the EU has set up three Task Forces to coordinate its action on the ground and to bring together international players and the private sector in supporting the transitions in Egypt, Tunisia and Jordan. Both the High Representative Ashton and the EUSR Bernardino León had a crucial role in ensuring the coordination of the EU's policies and priorities.

The general climate of consensus driving the Tunisian transition, together with the high degree of influence of the EU in the Tunisian economy, has facilitated the mediation activities of EU leaders.

In Tunisia, the meetings of the Task Force focused on the coordination of various public and private bodies with a specific emphasis on economic cooperation, trade, market access and the reform of rule of law and the judiciary, among other aspects. The depth of relations between the EU and Tunisia (both in terms of trade relations and economic and financial assistance after the revolution) favoured the recognition of the EU as a powerful external actor and its leverage in providing support to the transition. In Libya, most activity also pivoted around the search for coherence of its crisis management activities, the interaction between the different actors involved in crisis response, the coordination with the EU Member States' bilateral policies and with other international organisations.[21] However, the lack of a central authority and a governance system in the country have impeded streamlining the coordination of EU activities through a Task Force, similar to the one in Tunisia.

19. Giovanni Grevi (2007), "Pioneering Foreign Policy. The EU Special Representatives", *Chaillot Paper,* No. 106, October 2007, p. 141. Available here: http://www.iss.europa.eu/uploads/media/chai106.pdf

20. Council Decision 2011/424/CFSP of 18 July 2011. The mandate of the EUSR for the Southern Mediterranean came to an end with the appointment of Bernardino León as Special Representative of the United Nations in Libya on 14 August 2014.

21. Nicole Koenig (2011), "The EU and the Libyan Crisis – In Quest of Coherence", *The International Spectator,* Vol. 46, No. 4, December 2011, pp. 11-30.

Regarding the role of the EUSRs as networkers, the function also had special relevance in the Mediterranean context. The mandate of the EUSR included several references to mediation tasks, conciliation and the establishment of confidence building measures. In particular, its mandate asked for the enhancement of political dialogue in order to "strengthen the overall political role of the Union (…), enhancing dialogue with governments and international organisations, as well as with civil society and other relevant interlocutors."[22] In all countries, the EUSR for the Mediterranean aimed to create and strengthen close ties with local actors, and to make sure that EU policies did not appear "coldly technocratic"[23] and involved high-politics discussions. By particularly emphasising the political role of the EUSR for the Mediterranean, the EU aimed to enhance its mediation capacities, the overall visibility of Europe's political action and its influence on developments on the ground.

Yet the success of the EUSR for the Southern Mediterranean – and the EU in general – as a networker and mediator receives a distinct assessment when analysing the Tunisian and Libyan contexts. On the one hand, the EUSR León, but also the High Representative and the EUSR for Human Rights, Stavros Lambrindis, performed remarkably well in bringing together the various political actors in the different phases of the Tunisian transition. In preparation for the parliamentary and presidential elections that took place at the end of 2014, the EU leaders reinforced their contacts with the different political forces and contributed to the generation of a climate of political consensus.[24] The mediation activities of the EU took place in the midst of the general climate of consensus driving the Tunisian transition, represented for instance by the formation of national unity governments. This factor, together with the high degree of influence of the EU in the Tunisian economy, has facilitated the mediation activities of EU leaders.

Libya has proven the difficulties to mediate in a context predominated by hard-security issues and disagreement among EU Member States.

On the other hand, Libya has proven the difficulties to mediate in a context predominated by hard-security issues and disagreement among EU Member States. As a result of the Anglo-French intervention that contributed to the demise of the Gaddafi regime, EU Member States have often held divergent views on the EU foreign policy strategy towards Libya. France, Italy, Germany and the UK have been deeply engaged in bilateral programmes to support the reform and training of the Libyan security forces, counter-

22. Council Decision 2011/424/CFSP of 18 July 2011.

23. "The problem-solver", *European Voice,* 4 January 2012.

24. It must be noted that other external actors such as Algeria also played a prominent role in mediating in Tunisia. See for instance: "Algerian President Playing Matchmaker in Tunisia", *Al Monitor,* 19 September 2013. Available here: http://www.al-monitor.com/pulse/politics/2013/09/algerian-president-plays-matchmaker.html#

terrorism and DDR projects. These programmes have tackled issues of particular concern to EU Member States such as security and migrations, placing the efforts of European institutions at a secondary level.[25] In addition, the difficulty to operate in certain areas outside state control and the lack of local and reliable interlocutors has also made any kind of mediation by the EU difficult.

25. In this regard, see Mattia Toaldo (2014), "A European Agenda to Support Libya's Transition", *European Council on Foreign Relations,* May 2014. Available here: http://www.ecfr.eu/publications/summary/a_european_agenda_to_support_libyas_transition308

The Effects of Polarisation: EU Mediation in Egypt

Egypt is a case in point of a zero-sum process of political transition after the Arab Spring. A sense of a "winner takes all" approach has predominated in all phases, from the period after the ousting of Mubarak to the current presidency of Abdel Fattah Al-Sisi and during the months under the Muslim Brotherhood ruling. All along the journey, high levels of polarisation have prevented the implementation of inclusive policy-making processes and the failure of internal dialogue has "held back democratisation and justified a return to authoritarian dynamics."[26]

After Mubarak was ousted following the 25 January 2011 revolution, the Supreme Council of the Armed Forces (SCAF) approved a provisional Constitution not long after assuming provisional power. This Constitution paved the way for the *Shura* Council elections of January 2012 and the following presidential elections in June 2012. The Muslim Brotherhood's political arm, the Freedom and Justice Party, came out as the largest party in the first parliamentary elections, while Mohammed Morsi won the June Presidential elections with a narrow majority. At that time, the political landscape was highly fragmented, with the military promoting the old regime figure of Ahmed Shafiq as a presidential candidate. Some opposition forces attempted to put in place an agreement to foster political change and to promote a common agenda in support of Morsi. This agreement envisaged specific conditions, such as the implementation of a national unity project, the composition of a government representing all forces and a largely inclusive presidential team.

In the months following his election, Morsi progressively deceived the revolutionary supporters by increasing the Muslim Brotherhood's control of the main Egyptian institutions as well as boosting the role of Islam.[27] The process of adoption of a mostly divisive Constitution – voted through popular referendum in December 2012 – confirmed this tendency. In Egypt's new Constitution, Islam played a vital role, while freedom of speech and assembly were restricted, signalling a process dragged towards less inclusiveness and giving ground to further polarisation at the political and social levels. At the same time, Morsi failed to introduce the expected socio-economic reforms and went to great lengths to monopolise power and to embed his political movement in state institutions.[28]

Discontent among the Egyptian revolutionaries gave birth to the *Tamarod* ("Rebellion") movement, which called for the withdrawal of confidence in Mohammed Morsi and for early presidential elections. Widespread protests on 30 June 2013 were followed by the ousting of Morsi by the military, exactly one year after taking office as the first elected President of Egypt. General Abdul-Fattah Al-Sisi, Head of the Egyptian Armed Forces,

26 Richard Youngs, *op. cit.,* p. 10.

27. See for example Mohamed El Agati (2014), "Demands of the Egyptian Revolution and the Newly-Emerging Actors", *EuroMeSCo Paper,* No. 20, February 2014. Available here: http://www.euromesco.net/images/papers/papersiemed20.pdf

28. These ideas are explored in further detail in Anthony Dworkin and Hélène Michou (2014), "Egypt's Unsustainable Crackdown", *European Council on Foreign Relations,* 8 January 2014. Available here: http://www.ecfr.eu/publications/summary/egypts_unsustainable_crackdown303

took power a few days after and a new Constitution was approved in a national referendum in January 2014. After his election as Egypt's new President, Al-Sisi was sworn into office on 8 June 2014. Claiming strong popular support as a result of the June 2013 demonstrations, the military started a violent crackdown on the Muslim Brotherhood and a process to restrict some dissident voices advocating civil rights and democratic legitimacy.[29] Ever since, the country has witnessed the consolidation of deep fracture lines, mostly between religious and secular groups, on the one hand, and pro-democracy and "deep state" forces, on the other.

Against this background, the EU's response to the developments in Egypt went along the lines of its overall response to the Arab Spring. On the one hand, the EU devised a new set of policies and assistance for Egypt, enclosed in the revised ENP. On the other, the Brussels authorities stepped up their mediation efforts in the midst of a deeply polarised society.

Egypt has witnessed the consolidation of deep fracture lines, mostly between religious and secular groups, on the one hand, and pro-democracy and "deep state" forces, on the other.

Regarding the EU's new set of policies, new commitments were added to the pre-existing assistance under the umbrella of the ENP Instrument and the related Country Strategy Paper for 2007-2013.[30] This translated into the allocation of 449.29 million Euros for 2011-2013 to a set of priority areas: support for political reform, human rights, the judiciary, economic reform and sustainable development.[31] Additional funding of about 23 million Euros was channelled through instruments such as the European Instrument for Democracy and Human Rights (EIDHR) and the Civil Society Facility, providing assistance mainly in the fields of education and gender equality.

In 2012, an EU-Egypt Task Force was put in place to increase political dialogue. The Task Force first met in Cairo on 13-14 November and was co-chaired by the EU High Representative and the Egyptian Foreign Minister Mohamed Kamel Amr and organised and followed-up by means of the direct involvement of the EUSR for the Southern Mediterranean. The meeting resulted in a substantial economic aid package adding to the previous one, which amounted to nearly 5 billion Euros for 2012-2013 provided by the EU, the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD). The Task Force committed to deepen

29. See, for instance, Ibrahim El Houdaiby (2014), "Winning to Lose: The State s Unsustainable Counterrevolutionary Comeback in Egypt", *EuroMeSCo Paper,* No. 22, September 2014. Available here: http://www.euromesco.net/images/papers/papersiemed22.pdf

30. See the Egypt Country Strategy Paper 2007-2013. Available here: http://eeas.europa.eu/enp/pdf/pdf/country/enpi_csp_egypt_en.pdf

31. European Neighbourhood and Partnership Instrument of the Arab Republic of Egypt National Indicative Programme, 2011-2013. Available here: http://ec.europa.eu/europeaid/sites/devco/files/nip-egypt-2011-2013_en.pdf

economic cooperation and enhanced EU-Egypt bilateral relations through agreements on Small and Medium Enterprises, transportation and trade.[32]

Mediating in Egypt: A Case of Good Offices?

The EU-Egypt Task Force also contributed to the implementation of the mediation activities and constituted the basis for the EUSR Bernardino León's efforts to facilitate internal dialogue between the secular forces and the Muslim Brotherhood. As Egypt was drifting towards deeper polarisation and internal conflict intensified, the EU High Representative and the EUSR for the Southern Mediterranean visited Egypt several times, especially after the ousting of Morsi on 3 July 2013.

A first important visit was made by the EUSR León at the beginning of February 2013. As a follow up to the previous EU-Egypt Task Force meeting, León met with the Egyptian Foreign Minister Mohamed Kamel Amr and stressed the need for reconciliation among the Egyptian society and political representatives. His recommendations went together with talks about the EU aid package and its conditionality on the implementation of reforms.[33] On 7 April 2013 Ashton held several meetings with President Morsi and leading opposition figures, including Mohamed El Baradei, Amr Moussa and Hamdeen Sabahy, among other political leaders, and insisted on the importance of inclusiveness in Egypt's transition.[34]

The accounts of the April meetings and the mediation efforts by the EUSR León are particularly relevant. According to some sources, the EU brokered a political deal between Mohammed Morsi and the opposition parties, according to which Morsi would remain in office in return for the replacement of the then Prime Minister, Hisham Kandil, and the formation of a technocratic national unity cabinet. The deal was reported to be rejected by the Muslim Brotherhood, claiming that the legitimacy provided by the ballot boxes did not require the sharing of power and the formation of a national unity government.[35] Similar calls for dialogue and inclusiveness were reiterated in the following visits of the EUSR León and the EU High Representative Ashton in June,[36] when they met again with government and opposition representatives in an attempt to guarantee the political transition and to prevent violence as the political climate was heating up.

After the military took power and Morsi was arrested on 3 July 2013, the EU High Representative tried to build on her previous diplomatic efforts to break a new deal between the military and the Muslim Brotherhood. Ashton visited the country on several

32. See the Fact Sheet of the EU-Egypt Task Force. Available here: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/133513.pdf

33. "Bernardino León concludes visit to Egypt", *Daily News Egypt,* 7 February 2013. Available here: http://www.dailynewsegypt.com/2013/02/07/bernardino-leon-concludes-visit-to-egypt/

34. "High Representative Catherine Ashton visits Egypt", 6 April 2013. Available here: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/136665.pdf

35. "Egypt's 'road not taken' could have saved Mursi", *Reuters,* 17 July 2013. Available here: http://in.reuters.com/article/2013/07/17/egypt-protests-mediation-idINDEE96F0E620130717

36. "EU special envoy meets political currents ahead of Ashton visit", *Daily News Egypt,* 12 June 2013. Available here: http://www.dailynewsegypt.com/2013/06/12/eu-special-envoy-meets-political-currents-ahead-of-ashton-visit/

occasions and met the interim President Adly Mansour, other representatives of the newly formed government, leaders from the *Tamarod* movement and representatives of the Freedom and Justice Party. On her second visit in July 2013 (the 13th since her appointment as EU High Representative[37]), Asthon also managed to meet Morsi in the secret location where he was held prisoner and reiterated the commitment of the EU to play a mediation role for a political solution to the crisis.[38]

The EU High Representative and the EUSR León resumed their "shuttle diplomacy" and visited the country again in August, September and October 2013, asking for dialogue and inclusiveness. However, the mediation efforts of the EU came to an end with the return of a military-led regime and the constitutional referendum of January 2014, which paved the way for the presidential election and the victory of Abdul-Fattah Al-Sisi. The EU representatives then stressed the need to move forward in its relations with the new Egyptian authorities, despite keeping close links with representatives of civil society and the political opposition.

The EU had some factors in its favour to act as an external mediator in Egypt, particularly when compared to other external actors. Despite having a long history of relations with the country, the EU was perceived as being less involved in Egyptian politics than other external actors and thus more able to act as an "honest broker". For instance, the relations of the EU with the Egyptian political actors cannot be compared to the deep involvement of the United States in the country's political and economic system in the form of support to the military (which is estimated at an annual disbursement of 1.3 billion USD[39]).

Actors with high stakes in the country such as the US took advantage of the position of the EU to strike a non-stated partnership and support the EU's contacts and mediation with the Muslim Brotherhood.

The absence of such deep engagement of the EU acted as a positive factor to potentiate its role as an external mediator in two different ways. On the one hand, the EU authorities in the country, particularly the EU Delegation, have traditionally been considered as a "lesser evil" when compared to the US. Civil society organisations and political actors have been more prone to meet with EU authorities without risking being delegitimised as "puppets" for favouring external interference.[40] On the other hand, actors with high stakes in the country such as the US took advantage of the position of the EU to strike a non-stated

37. "How Baroness Ashton's gift for consensus opened the door to Mohamed Morsi", *The Guardian,* 4 August 2013. Available here: http://www.theguardian.com/politics/2013/aug/04/baroness-ashton-morsi-secret-meeting

38. "Remarks by EU High Representative Catherine Ashton during her visit in Egypt Cairo", 30 July 2013. Available here: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/138449.pdf

39. Jeremy M. Sharp (2014), "Egypt: Background and U.S. Relations", *Congressional Research Service,* 5 June 2014. Available here: https://www.fas.org/sgp/crs/mideast/RL33003.pdf

40. Ideas drawn from the author's interviews with representatives of civil society and political movements in Egypt (May 2012). The statement applies also to the leaders of the revolutionary movements that contributed to the demise of the Mubarak regime, including the 6th of April movement, and who held numerous talks with EU authorities during and after the main demonstrations and throughout the transition.

partnership and support the EU's contacts and mediation with Islamist movements, such as the Muslim Brotherhood.[41]

The Egyptian political actors, particularly when in power, believed that there was no special need to strike a deal in favour of inclusiveness – and even less for external mediation.

Notwithstanding these positive elements, the efforts of the EU also encountered a series of negative factors hindering its role as a mediator. Firstly, it goes without saying that the main reason for the failure of the EU's mediation responded to the internal developments in Egypt and the dynamics of polarisation and confrontation since the 2011 revolution. The re-instauration of a regime led by the military came hand in hand with the exclusion of the Muslim Brotherhood from the Egyptian political scene and its marginalisation and prosecution as a political movement. Some have argued that Mohammed Morsi could still be president had he accepted the political deal brokered by the EU in April 2013, summarised above. But regardless of this possible outcome, Egyptian politics took an alternative route that no external broker had the influence to alter.

Secondly, the ties that bind the EU with Egypt are probably not strong enough for it to be a decisive external actor. Despite their deep relations, Egypt is neither politically nor economically dependent on the Union – hence an "untouchable" country for the EU.[42] Its leverage, both in terms of trade relations, official development assistance or energy dependence, is limited when compared to the Union's influence towards other regional countries such as Morocco or Tunisia. In political terms, Egypt is also less inclined to reform following the conditions of external actors, as its reluctance to accept the conditionality driving the programmes of the ENP[43] and the loans of the International Monetary Fund have shown.

Thirdly, the fact that Egypt considers itself as a central regional power and is always suspicious of external interference also diminished the chances for success of the EU's mediation. The sense that the Egyptian transition was driven by a series of high politics variables was a constant feature of the political confrontation between the military and the Muslim Brotherhood. The different actors, particularly when in power, believed that there was no special need to strike a deal in favour of inclusiveness – and even less for external mediation. The fact that the EU has little leverage in the Egyptian political and economic structures certainly diminished its chances for success.

41. "Egypt's 'road not taken' could have saved Mursi", *Reuters,* 17 July 2013. Available here: http://in.reuters.com/article/2013/07/17/egypt-protests-mediation-idINDEE96F0E620130717

42. These ideas, together with the characterisation of Egypt as an "untouchable" country, are taken from Kristina Kausch (2013), "The End of the (Southern) Neighbourhood", *EuroMeSCo Paper,* No. 18. Available here: http://www.euromesco.net/images/papers/papersiemed18.pdf

43. On the effects of the conditionality see Rosa Balfour (2012), "EU Conditionality after the Arab Spring", *EuroMeSCo Paper,* No. 16, June 2012. Available here: http://www.euromesco.net/images/papers/paperseuromesco16.pdf

Finally, some experts have argued that, in its mediation efforts, the EU placed too much emphasis on the centrality of the Muslim Brotherhood in the Egyptian political scene and not enough on the influence of the "deep state".[44] This might have been a natural development for two main reasons. First, the wish of EU authorities to overhaul their relations with political Islam after decades of marginalisation, not only in Egypt but in the whole region. Second, because of the initial impression that the future of Arab politics necessarily translated into the consolidation of political Islam as a ruling force after long periods of dictatorship. Yet, in Egypt, a strong focus on the Muslim Brotherhood's role also involved the disappearance of the EU as a relevant interlocutor as soon as a military-led regime came back into power. In the eyes of the current government, the EU has lost its centrality due to an allegedly overly-biased policy in favour of the Muslim Brotherhood. In contrast, the Brotherhood argues that Europe has betrayed the principles of an inclusive path to democratic transition by tacitly accepting the return of a military-led regime.

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For all these reasons, the EU's efforts as a mediator in Egypt had limited success in terms of bringing the military and the Muslim Brotherhood closer to a political deal and in favour of a more inclusive transition. However, the frequent meetings of the EU High Representative and the EUSR Bernardino León with the main actors did contribute to strengthening the perception of the EU as an international mediator and to upgrading its political role in the region.

44. Author interview with Georges Fahmi, El-Erian fellow at the Carnegie Middle East Center (December 2014).

Conclusion: A Force for Mediation After All?

In recent years, the EU has equipped itself with a series of institutional capabilities to upgrade its role as an international mediator. The higher political profile of the EU High Representative and the responsibilities of the former EUSR for the Southern Mediterranean have facilitated mediation, good offices, "shuttle diplomacy" and informal talks with a wide range of local actors. In the Egyptian scenario, the EU saw an opportunity to strengthen its political profile after the Arab revolutions and to portray itself as the only international actor capable of talking to all parties. The polarisation of the Egyptian political scene clearly called for such an effort, especially since other external actors such as the US were not capable or willing to act.

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Yet the performance of the EU as an honest broker also depends on the perception by the parties that the Union can be a positive force for change. A recent study has shown that despite its recent efforts to strengthen its political profile, the EU is still best recognised for its policies in support of the Arab transitions. The Euromed Survey of Experts and Actors on Euro-Mediterranean Relations signals that the EU exerts influence over its southern neighbourhood mostly in the form of a major economic and trade partner (67% of the responses for the EU having high or very high influence), as a driver of rule of law and programmes for governance reform (39%) and as a promoter of a strengthened Euro-Mediterranean regional integration (38%). Only 25% of the interviewees consider that the EU has a major influence in its neighbourhood as a mediator and peace broker.[45]

As a consequence, the following elements should be taken into account when analysing the potential of the EU as a mediator in the Mediterranean and elsewhere:

- Institutionally speaking, the EU will need to streamline its mediation activities within a strategy discussed and agreed at the highest political level by European institutions (including the EEAS, the European Commission and the EU High Representative) and the EU Member States, so that mediation efforts are not dependent on the leadership of particular personalities. In a sense, if the EU is to incorporate mediation in a systematic way in its foreign policy, it should be a long-lasting priority and part of a coherent set of policies and strategies.

45. European Institute of the Mediterranean (2014), *5th Euromed Survey of Experts and Actors of Euro-Mediterranean Relations.* Available here: http://www.iemed.org/publicacions/historic-de-publicacions/enquesta-euromed/euromed-survey-2013/euromed-survey-2013

- In this regard, the disappearance of the figure of the EUSR for the Southern Mediterranean can have negative effects regarding the capacity of the EU to pursue its mediation activities in the Mediterranean.[46] At the time of writing, Bernardino León has taken office as the new Special Representative of the United Nations in Libya and the position of the EUSR for the Southern Mediterranean remains vacant. The Managing Director for North Africa and the Middle East of the EEAS, Hughes Mingarelli, has taken over the responsibilities of the former EUSR and there are no prospects for the appointment of a new envoy for the region, which puts on hold the coordination activities of the EU Task Forces and the networking activities of the former EUSR. The end of his mandate also seems to indicate that the recognition of the EU as a mediator in the Mediterranean will be attributed to the good offices of the former EUSR rather than to the EU as a whole.

- Sometimes it will be difficult for the EU to be perceived as an impartial external mediator for a number of reasons. Often, the EU will not be able to act as a credible and honest broker because of its history of engagement in many scenarios, including Egypt and other southern Mediterranean countries. Foreign policies of EU Member States have been part and parcel of the European engagement, which makes it difficult for local actors to differentiate between the objective of the EU to act as an impartial mediator and the interests at stake for its Member States. If the EU is not perceived as an impartial actor, its efforts will be doomed because of the reluctance of the parties in conflict to accept the EU's role as a mediator.

If mediation is to become a key component of the EU's foreign policy, it will need to be streamlined alongside the rest of its foreign policy strategy and instruments.

- In conflict scenarios such as Egypt, Member States have ended up adopting a pragmatic foreign policy vis-à-vis Al-Sisi's government, thus prioritising their national interests.[47] As a consequence, the EU's policy has also evolved from an initial focus on impartial mediation to a more pragmatic approach.[48] As has happened elsewhere, the Egyptian scenario has confronted the EU with the traditional dilemma between maintaining its interests and conserving its values, making the consolidation of its impartial mediator role difficult.

46 See, for instance, Muriel Asseburg (2014), "The EU in the Middle East and North Africa", SWP *Comments,* November 2014. Available here: http://www.swp-berlin.org/fileadmin/contents/products/comments/2014C50_ass.pdf

47. Al-Sisi's trip to France and Italy at the end of 2014 signalled a shift in the normalisation of the relations between some big EU Member States and the new Egyptian authorities. See, for instance, European Council on Foreign Relations (2015), *European Foreign Policy Scorecard 2015.* Available here: http://www.ecfr.eu/scorecard/2015/mena/36

48. The EU's decision to send an Electoral Observation Mission to monitor the presidential elections of May 2014 signalled the tacit agreement with the transition road map imposed by the new Egyptian authorities. See Hélène Michou (2014), "Egypt: Europe plays along", *ECFR Blog,* 19 May 2014. Available here: http://www.ecfr.eu/blog/entry/egypt_europe_plays_along

- Finally, EU politics and policies need to go hand in hand. Further reflection will be needed on the interplay between the EU's capacity to act as an external mediator and the conditionality of its policies. As the Egyptian case has shown, it has been problematic to pursue a strategy of political dialogue with all parties, not to remove the EU's assistance when the political dialogue fails and still remain a powerful and influential external actor, all at the same time. If mediation is to become a key component of the EU's foreign policy, it will need to be streamlined alongside the rest of its foreign policy instruments (such as trade agreements, financial assistance and aid), so that these are conditional on the partners' willingness to talk and make concessions. Otherwise, the EU may have a hard time simultaneously pursuing effective mediation and a normative foreign policy deeply rooted in rule of law and democratic reform.

IEMed.

The European Institute of the Mediterranean (IEMed), founded in 1989, is a consortium comprising the Government of Catalonia, the Spanish Ministry of Foreign Affairs and Cooperation and Barcelona City Council. It incorporates civil society through its Board of Trustees and its Advisory Council formed by Mediterranean universities, companies, organisations and personalities of renowned prestige.

In accordance with the principles of the Euro-Mediterranean Partnership's Barcelona Process, and today with the objectives of the Union for the Mediterranean the aim of the IEMed is to foster actions and projects which contribute to mutual understanding, exchange and cooperation between the different Mediterranean countries, societies and cultures as well as to promote the progressive construction of a space of peace and stability, shared prosperity and dialogue between cultures and civilisations in the Mediterranean.

Adopting a clear role as a think tank specialised in Mediterranean relations based on a multidisciplinary and networking approach, the IEMed encourages analysis, understanding and cooperation through the organisation of seminars, research projects, debates, conferences and publications, in addition to a broad cultural programme.

EuroMeSCo

Comprising 100 institutes from 32 European and South Mediterranean countries, the EuroMeSCo (Euro-Mediterranean Study Commission) network was created in 1996 for the joint and coordinated strengthening of research and debate on politics and security in the Mediterranean. These were considered essential aspects for the achievement of the objectives of the Euro-Mediterranean Partnership.

EuroMeSCo aims to be a leading forum for the study of Euro-Mediterranean affairs, functioning as a source of analytical expertise. The objectives of the network are to become an instrument for its members to facilitate exchanges, joint initiatives and research activities; to consolidate its influence in policy-making and Euro-Mediterranean policies; and to disseminate the research activities of its institutes amongst specialists on Euro-Mediterranean relations, governments and international organisations.

The EuroMeSCo work plan includes a research programme with three publication lines (EuroMeSCo Papers, EuroMeSCo Briefs and EuroMeSCo Reports), as well as a series of seminars and workshops on the changing political dynamics of the Mediterranean region. It also includes the organisation of an annual conference and the development of web-based resources to disseminate the work of its institutes and stimulate debate on Euro-Mediterranean affairs.