42 PAPERS IEMed.

EuroMeSCo series

On the Insufficiencies and Dark Side of the Principle of Differentiated Bilateralism

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EuroMeSCo

IEMed.
European Institute of the Mediterranean

PapersIEMed.
Publication: European Institute of the Mediterranean
Editorial Team: Aleksandra Chmielewska
Proof-reading: Neil Charlton
Layout: Núria Esparza
Print ISSN: 2565-2419
Digital ISSN: 2565-2427
Legal deposit: B 14464-2019
November 2019

EUROMED

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On the Insufficiencies and Dark Side of the Principle of Differentiated Bilateralism[1]

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1The author would like to express her sincere thanks to EuroMeSCo for the opportunity, to Irene Fernández-Molina for being a source of inspiration, as well as to Bosco Govantes and the anonymous editors and reviewers for helpfully and constructively reading and commenting on drafts of this article.

Executive Summary

One of the pivotal objectives of the 2016 EU Global Strategy (EUGS) is to build societal and state resilience in the European Union (EU) neighbourhood. Besides this focus on resilience, both the reviewed European Neighbourhood Policy (ENP) of 2015 and the EUGS emphasise catchwords such as flexibility, local ownership, comprehensiveness and principled pragmatism. Against that backdrop, the paper will take issue with yet another principle of both the EUGS and the ENP, "differentiated bilateralism", and in this regard examine and discuss the extent to which it does underpin and affect the practical implementation of the ENP and its overarching goal of creating an area of peace, prosperity and stability.

The essay is a critical assessment of the current state of the ENP through the prism of the principle of differentiated bilateralism, beyond – not necessarily departing from – the debate between normative and realist approaches of EU foreign policy (Cavatorta & Rivetti, 2014) and in the belief that realism and idealism could be complementary rather than mutually exclusive. Drawing on a thorough revision of the literature and the effects of the ENP on the ground, the paper contends that the implementation of the differentiation principle results in much of the inefficiencies of the EU's vision towards the Southern Mediterranean.

After an introduction on the evolution and debates hinging on the concept at issue, the text will first focus on a macro level, in reference to the phases before negotiation and implementation, in which the principle of differentiation is insufficiently and imperfectly applied, in a way that mirrors a Eurocentric approach that epitomises the structural asymmetries between the EU and its southern partners. Secondly, it will divert attention to the areas in which various types of differentiation have been implemented, casting light anew on several of the deficiencies of the Eurocentric approach. The problem, thenceforth, is not differentiation but what differentiation meant when it was uttered on different occasions across policy reviews. The paper will hence attempt to point how an altered interpretation of differentiated bilateralism could help revive less ambitious but more horizontal Euro-Mediterranean policies.

Introduction

Almost 25 years after the creation of the Euro-Mediterranean Partnership (EMP) and many strategy and policy shifts afterwards, bilateral relations – and the corresponding EU instruments of bilateral cooperation – between the EU and countries of the southern dimension of the ENP have become one of the critical channels of international cooperation in the Mediterranean region. The concept of "differentiated bilateralism", which will be briefly discussed hereunder, connotes that bilateral relations between the EU and Southern Mediterranean countries are to an extent marked by differentiation reflecting the specific features and evolving context of each bilateral relationship despite relying on a set of similar instruments under the same ENP umbrella.

Flexibility and differentiation have permanently been part of both the European integration agenda and the EU's external relations. Differentiated bilateralism has always been perceived as a cornerstone of the EU's relation with its southern and eastern neighbours (Bouris & Schumacher, 2016, pp. 16-17): both a reflection of the reality shaped by history and developments and a strategic device to advance the EU's goals. In an era of liberal region-building and a positive vision of the Mediterranean as a bridge and not a perilous border, the Barcelona Process was devised as a multidimensional cooperation framework with both a multilateral and a bilateral soul: the region-building approach aimed to deepen cooperation with the partner countries and went hand in hand with the bilateral relations that were to be upgraded by the Association Agreements (AAs) and their respective institutions.

Hand in hand with a conviction that idealistic multilateralism was failing and that "effective multilateralism" was the order of the day, differentiation gained greater salience with the European Commission (EC)'s Wider Europe 2003 Communication that announced a proposal to unify the EU's wide range of policies towards its neighbouring countries in what would become the ENP. The Communication drew attention to both shaping common goals for southern as well as eastern neighbours and paying attention to these neighbours' particular features when drawing up bilateral Action Plans. The 2004 ENP put a non-negligible emphasis on differentiated bilateralism (European Commission, 2004a). The particularities of the participating countries and the complex nature of the issues addressed led the Commission to propose a flexible framework for this policy, following the model used for enlargement in the 1990s. The setting of the priorities and the timing of their implementation would depend on a variety of criteria, including geographical location, political and economic context (in what will later develop in geographical and sectoral differentiation), and the status of relations with the EU and even its member states.

Post-2001 was a period of functionalist depoliticisation, and by the beginning of the millennium the EU was fully aware of the insufficiencies of the EMP. Following the tracks

of flexibility and differentiation, the Union for the Mediterranean (UfM) was created in 2008 as an organisation founded on project-based multilateralism with an open door to a sui generis differentiated bilateralism (Abdel Razek & Domínguez de Olazábal, 2019).

2011 and the so-called "Arab Spring" were to be – at least rhetorically – a turning point for the EU's approach to the Southern Mediterranean. Bilateralism and differentiation were embossed with a deep normative intent and a considerable emphasis on political conditionality in the 2011 ENP Review (European Commission, 2011a), what Pace (2007) had called "normative bilateralism". Those normative aspirations were short-lived, in any case. Just as the EUGS would a year later, the 2015 ENP Review took an even more differentiated but also much more pragmatic and interest-based approach.

The self-declared objective of differentiated bilateralism was greater flexibility to move forward when the multilateral track stalled, something that did occur within the framework of the EMP. The potential of differentiated bilateralism as an avant-garde principle consisted of being able to theoretically offer not only more, but also something new – or at least relabelled – to the "good pupils" of the ENP (Kostanyan, 2016, pp. 17-20), avoiding past abuses and reluctances on the part of unwilling partners concerning the normative agenda of the Union.

The literature on the subject is extensive and has shown conflicted feelings toward differentiated bilateralism. The main adherents of effective multilateralism (although not always defining what that term meant), in debates that somehow recall the disagreements about variable geometry and different speeds (Lannon, 2014) within the EU, were afraid it could permanently substitute strategic regionalism (Adler & Crawford, 2006), regardless of the explicit specification whereby the ENP was to be "complemented by regional and multilateral co-operation initiatives" (European Commission, 2013) and the prevalence of Article 8 in the Treaty on European Union (TEU). Differentiated bilateralism would thus not only preclude region-building and erode the weight and usefulness of the EMP, but it would furthermore sow the seeds of fragmentation by creating new dividing lines.

More pragmatic scholars believe in the potentialities of overlapping policy frames (Cardwell, 2010). Differentiated bilateralism could strengthen the partnership by rectifying some deficits of both the ENP and the EMP (Pace, 2007). The regional path would be allowed to truly exercise "effective multilateralism" praised by the European Security Strategy (European Council, 2003) by focusing on more operative dimensions and enabling the partners to still engage in discussion on common areas of interest.

Differentiated bilateralism could thus help both the EU and its member states in focusing on a number of selected and selective priorities and incremental measures – given the ever-shrinking policy space and in line with a less ambitious EUGS –, even if that is in a more limited number of Southern Mediterranean countries. Experts on Euro-Mediterranean policies (notably, Barbé & Herranz, 2012) have shown that the combination of various levels of sectoral and geographical (not really normative) differentiation opens some room for more intense cooperation in one or several areas, which in time could trigger a positive spill-over effect and consolidate region-wide shared practices.

The aim of this paper is, however, not to elaborate on the debate for or against differentiated bilateralism: it is a concept that is already embedded in ENP policy-making and practice. The goal is to discuss the dynamics in the implementation of differentiation. On the macro and fundamental (even epistemic) level, when it comes to the devising of the strategy and the formulation of each partnership's foundation, the principle is not sufficiently applied and illuminates the devising of a "hub and spoke" model under which the concept of "normative Europe" loses all its meaning. At what will be called a micro level, in reference to the negotiation of shared priorities and the implementation of the corresponding agreements, the principle is ultimately developed, casting light on severe deficiencies and insufficiencies of the ENP and ultimately of the EU's approach to the Southern Mediterranean as a whole. The paper ends by showing how differentiated bilateralism, if founded on a more just and horizontal approach, also focusing on societal needs, could help revive a genuine, even if less ambitious, Euro-Mediterranean partnership.

No Proper Differentiation at the Macro Level: A Eurocentric Methodology

The term "differentiation" has progressively been re-defined by and for the EU. Fluctuating and incoherent conceptualisations cast light on the undermining, dilution and unclear implementation of the principle. Even more worryingly, they question the very existence of a principle as such. Whereas the EC's Communication on the first ENP Action Plans stated that differentiation would depend on "the intensity and level of ambition of relations with each ENP partner" and "the degree to which common values are effectively shared, the existing state of relations with each country, its needs and capacities, as well as common interests" (European Commission, 2004b, p. 3), the 2011 Review stated that differentiation would articulate a relation "as far as its own [the partners'] aspirations, needs and capacities allow" (European Commission, 2011a, p. 2), and the European Neighbourhood and Partnership Instrument (ENPI) Regulation spoke of differentiation in form and amounts "according to the partner country's commitment to reforms and its progress in building deep and sustainable democracy, […] in implementing agreed reform objectives" (European Commission, 2011b). In the same vein, the 2015 Review skips any well-defined reference to what differentiation will mean (Schumacher, 2016b). It is thus unclear to the inexperienced eye what parameters and criteria the EU should follow when implementing this cornerstone principle, shedding light on the alignment between different understandings of the term and different EU approaches to the Southern Mediterranean. Additionally, a blurry conceptualisation goes hand in hand with ineffectiveness, and thus sheds light on the lack of a comprehensive strategy on how to apply differentiation and with it an opportunistic instrumentalisation of the notion.

On the macro level, differentiation has not been, and is not, implemented as it was intended according to the 2004 and 2011 versions of the ENP, one of the manifold shreds of evidence of the uber-criticised abyss between rhetoric and practice. Schumacher (2016a) speaks of a "de facto absence of differentiation in EU-neighbourhood relations." This insufficiency is due to two structural limitations of the overall conceptualisation of both the ENP and, more generally, the EU's external relations. One fundamental weakness is the EU's neoliberal institutionalist vision, what could be called a "checklist approach" or "copy-paste model" (Bouris & Schumacher, 2016, p. 16; see also Henökl & Stemberger, 2016). Eurocentrism and consistent patterns of paternalism toward the "South" have conditioned regional cooperation since its very beginnings (Joffé, 1997). The EU embraces in this regard the neoliberal-inspired "liberal peace paradigm": democracy will be the endgame of an unquestioned linear process when and if its partners follow the "right" path, devising and putting into place selected institutions and adopting a number of not just rules but also norms and principles (Teti et al., 2013).

The ENP has not genuinely allowed for what Barbé and Herranz (2010, p. 133) call normative differentiation: "differences in the norms and rules that sustain and guide cooperation between partners on a specific issue," for the aim of the cooperation is policy convergence towards the norms and principles imposed by the EU. Convergence is supposed to take place not just in the realm of democracy and human rights but notably in the realms of free trade and economic liberalisation (Dimitrovova & Novakova, 2015). Oftentimes lessons learned (or believed to be successful) in Central Eastern Europe, some of them chiselled by international financial institutions, are uncritically applied to the Southern Mediterranean as "one-size-fits-all" templates those countries should follow in fields such as political institutions, rule of law and, notably, market access in order to achieve prosperity and, theoretically and ultimately, democracy. The latter in spite of the knowledge that neoliberal reforms partly laid the foundations for the context that led some Southern Mediterranean societies to denounce the inadequacy of the model in 2011 and before (amongst others, Hanieh [2013]).

A "Checklist Approach"

Regardless of the EU's vocal rejection of the "one-size-fits-all" policy, the "checklist approach" is evidenced by the templates the EU, through its EU Delegations, uses as negotiation starting points in view of Partnership Priorities (replacing the Action Plans; European Commission, 2015) updated Association Agendas or existing Action Plans, and agreements or memorandums of understanding in diverse fields, particularly trade and mobility (Cremona & Hillion, 2006, pp. 21-22), a testimony to the template-based negotiations of PCAs and AAs. For starters, the Partnership Priorities (it was also the case with the Action Plans) mainly reflect the view of the EU, as exposed by negotiating directives and templates. Moreover, country-specific reports are drafted unilaterally by the European External Action Service (EEAS) and the Commission ahead of the Association Council meetings or other similar high-level events, replacing the previous ENP annual progress reports (also unilaterally released). The 2015 ENP Review foresaw the adoption of a multiannual programming document in the form of a Single Support Framework, a programming exercise conducted in close coordination with the national authorities of partner countries. The starting point of the consultation processes are, however, the objectives and priorities of EU support, set in coordination with member states and other donors, the programming also subject of a Strategic Dialogue with the European Parliament.

Deep and Comprehensive Free Trade Areas (DCFTAs) – negotiations are ongoing with Tunisia and Morocco – go beyond traditional free trade areas and are seen as a first

step in the long-term vision to establish a Neighbourhood Economic Community as the ENP's ultimate "finalité économique". DCFTAs follow for the most part the same structure (Van der Loo, 2016) and symbolise a take-it-or-leave-it approach: negotiations also start with the Council's negotiating directives, and follow a comprehensive model in which the partner aims at gradually integrating in the EU Internal Market on the basis of legislative approximation. Their foundation is the necessity for partners to adopt a particular number of norms and rules, additionally to embrace a certain zeitgeist drenched in neoliberal principles, regardless of the numerous risks to their respective economies. Further evidence of the "checklist approach" can be found in the Mobility Partnerships, in regard to which unilateralism on the part of the EU is embodied in the instrumentalisation of visa facilitation as both a bargaining chip to better negotiate readmission and a mechanism to hinder non-qualified labour mobility.

The unuttered aim hence seems to be to create a "hub-and-spoke" pattern in which the EU is a central hegemon surrounded by a periphery of unequal clients (Cardwell, 2010; Behr, 2010; Joffé, 2007) that are merely "managed". This strategy embodies a Eurocentric approach that is founded on a structural power asymmetry (Bicchi et al., 2017) and thus undermines regional cooperation if it does not work to the advantage of the nucleus. In this vision, it is the EU that defines and imagines the Euro-Mediterranean space, the general aim of the ENP referring to the setting up of an area of security, stability and prosperity on the southern (as well as eastern) periphery of the EU. Even though the EU acknowledges the differences and specificities of all its Southern Mediterranean neighbours, it still handles the whole area as a single entity of European concern (Cebeci & Schumacher, 2016) in which it is the challenges that fluctuate, in both quantitative and qualitative terms, hand in hand with the partners' willingness to help them fighting against them, or straightforwardly forestalling them.

Nowadays, the geographical differentiation in terms of which countries conform the ENP[2] appears deeply arbitrary[3] and Eurocentric, particularly if we take into account how regional and global dynamics have shifted eastward and the multidimensional influence of Arab Gulf countries in the Mashreq and most of the Maghreb, as well as the interconnection of the latter with the Sahel subregion. This "artificial disconnect" (Gstöhl & Lannon, 2014) embodies a culturalist – linked to its colonising/"civilising" past – approach, whereby the Mediterranean space was originally, and theoretically, conceived as a way of overcoming North-South boundaries, and thus was and still is a European construction that rejects the idea of the Arab world, the North of Africa or the Middle East, except when it comes to alienating those countries or that region because of their otherness. In spite of both the EMP's and the ENP's set number of partners, there is a

2 The ENP covers (in alphabetical order) Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria and Tunisia.

3 Even though it stems from logical criteria such as geography itself, colonial history and political economy.

cumulative blurring of borders between insiders and outsiders, partly acknowledged but not acted upon by the EU (European Commission, 2015).

What Normative Europe?

If there is a dimension in which no real differentiation has ultimately taken place, it is the respect for democratic principles and human rights. Even though there was a considerable increase in financial assistance targeting democratic advances in Southern Mediterranean countries post-2011 revolts (Balfour et al., 2016), there has not been differentiation of levels of assistance depending on progress made in building and consolidating human rights. Even though Tunisia might be perceived as a case study of the "more for more" principle, comparable levels of assistance were granted to countries, such as Morocco, in which no genuine democratic transformation had taken place, thus blurring the lines of positive conditionality. Indeed, Tunisia was but one of the four frontrunner countries selected as such after the so-called "Arab Spring" in terms of both DCFTA negotiations and Mobility Partnerships.

What is more, under the ENP and not just before the so-called "Arab Spring" and regardless of issues related to good governance, democracy, rule of law and human rights theoretically featuring prominently in discussions on Partnership Priorities and revised Association Agendas, there has been a strengthening of authoritarianism and repression in the Southern Mediterranean, as evidenced by a broad range of literature (Dandashly, 2015; Bicchi et al., 2017) particularly focusing on the cases of Egypt and Morocco. The EU has oftentimes directly or indirectly contributed to that dynamic (Börzel et al., 2014; Dandashly, 2018). Haukkala (2016) has in that regard developed the definition of what he calls "regional normative hegemony": a rhetorical emphasis on the need for EU liberal values to prevail, but a complete disregard for those values when EU interests have been at stake.

Conditionality, as one of the traditional tools of the EU's external relations (Lannon et al., 2001) and a theoretical pillar of differentiated bilateralism, might be understood as a litmus test for the effectiveness of – or genuine interest in – principled differentiation. Even if there might still be a debate concerning the usefulness of conditionality in sector-specific applications, the consensus is that conditionality has not been useful in terms of democracy promotion. For starters, because application, if it happened at all, was never consistent (Kostanyan, 2017) and thus raises doubts about whether conditionality was genuinely implemented. Moreover, differentiation has permanently been linked to ex-post rather than ex-ante conditionality.

On the one hand, negative conditionality as a sanctioning tool has only been implemented in the most extreme cases, such as the war in Syria (Boogaerts et al., 2016). On the other, when it comes to positive conditionality as a rewarding tool – the famous "more for more" principle as a clear (but failed) attempt to rehabilitate the EU's normative image – one of the problems were fuzzy and easy to circumvent benchmarks, oftentimes mistaken with policy goals (Del Sarto & Schumacher, 2011). Add to that the debates around insufficient incentives or the lack of "finalités stratégiques", notably the impossibility of EU accession (Zorob, 2008). Conclusive evidence of the ineffectiveness of conditionality was the elimination of the term in the 2015 Review. Replaced by "incentive-based approach", it speaks of "more effective ways to make its case for fundamental reforms" (European Commission, 2015, p. 5) in favour of flexibility but as a de facto relinquishment of conditionality as a crucial instrument for democracy promotion. It was substituted by a soft conditionality of sorts (Balfour et al., 2016), as well as a pompous rhetorical support for civil societies, which also went hand in hand with inefficiencies and deeper issues (Domínguez de Olazábal, forthcoming).

Geographical and Sectoral Differentiation. Whose Interests? The Dark Side of Differentiation

A subsequent step in an assessment of the principle of differentiation would need to focus on the micro level. Barbé and Herranz's (2012) is a seminal volume to appreciate how differentiation dynamics can be identified when we look closer at partners' priorities reflected in Action Plans (now in Partnership Priorities) or at cooperation in particular issue areas. More so if we take into account that the principle of differentiation affects not only the ENP but the ensemble of foreign action (Lannon, 2014). If, when assessing these dynamics, one discerns both between partners and frame of intervention, it would be possible to determine that differentiation is geographical, inherent to the existence of different country-specific agreements under the umbrella of the ENP, but also sectoral. Geographical and sectoral differentiation are oftentimes overlapping dynamics.

Geographical Differentiation

When it comes to geographical differentiation, both in the Maghreb (Fernandez-Molina, 2017) and in the Mashreq (Seeberg, 2017), this analysis goes beyond the East/South divide (Van Elsuwege, 2012) and does not focus on the growing relevance of sub-regional phenomena (Comelli, 2010). Differentiation has stuck to pre-2011 patterns, albeit with a few shifts.[4] There has been a clear hierarchisation between "best" and "worst" students – the EU being the schoolmaster that incentivises competition. The frontrunners are three of the four signatories of the 2004 Agadir Agreement, an EU project already identifying southern frontrunners: Morocco (advanced status since 2008), Tunisia (privileged relationship since 2014) and, lagging a bit behind, Jordan (advanced status partnership since 2010). The focus is on economic development, mobility and migration, with a critical role for stabilisation and respect for the transition process in Tunisia. In this and other cases, it is evident that geographical proximity to the EU also plays a significant role in defining the depth of the relation and cooperation. The case of Jordan might be initially seen as an outlier in terms of geography but is best understood when apprehending the country's role as a moderate trustworthy ally for the West and, in that regard, a "resilient anchor" in the Eastern Mediterranean (Kausch, 2016).

The previous paragraph calls for an important caveat, and maybe a hopeful precedent. In the case of post-2011 Tunisia, an ENP "ideal path" has been followed (with minor glitches and shortages): the country has not only shown willingness but also made efforts to advance reforms in both the political and the socioeconomic realms. It has been rewarded as such, notably through the joint adoption of Partnership Priorities (the official name was Strategic Priorities[5]), but also with advances in other areas such as research and innovation and trade (Fernández-Molina, 2019b). It remains to be seen whether this

4This document has not comprehensively assessed differentiation in terms of response to crises, partly linked to the rhetoric/practice gap. See Fernández-Molina (2017b).

5 Different titles might be portrayed as an additional sign of formal differentiation.

quantitative leap is truly rewarding the respect for democratic principles, and consequently if no other partners – namely Morocco, but also Jordan – are granted similar returns in spite of their non-convincing records in regard to democracy promotion. Furthermore, in the case of Morocco it would be noteworthy to assess whether this temporary non-upgrade (nowadays in the process of being rectified) is a consequence of its non-willingness to advance in genuine political reforms, or increasingly so as a consequence of a certain level of figurative de-Europeanisation in the Kingdom's foreign policy (Fernández-Molina, 2019a).

Egypt and, to a lesser extent, Lebanon represent a second and posterior concentric circle of pragmatic cooperation, the main goal being stabilisation of the EU's largest neighbour on the one hand, and a critical buffer country and weak democracy on the other. The case of Israel is both sui generis and representative, for the upgrade of the partnership has been suspended, but cooperation has de facto deepened. The relationship with the Palestinian Authority can also be labelled sui generis, financial assistance mainly focusing on state-building. Lastly, a reluctant partner, i.e. Algeria, accepted limited advances in the past (Govantes, 2019) but adopted Partnership Priorities in March 2017, and two countries are excluded from full participation because of political circumstances, namely Syria and Libya.

An assessment of differentiated bilateralism forces us to inquire deeper into one of the well-known mantras of the short-lived 2011 "more for more" approach, the so-called "3 Ms": markets, mobility, and money. When it comes to the "money" chapter, financial assistance stands in most of the cases as a privileged tool in order to implement differentiated bilateralism and helps to understand the criteria of choice. First and foremost a caution is needed: variance in financial assistance is not enough to determine the scope of political or economic changes in Southern Mediterranean countries. A more in-depth look at an accurate breakdown of assistance (Balfour et al., 2016) allows the reader to see that, first of all, aid towards Tunisia and Morocco has not only significantly increased since 2011 but, what is more, both Morocco and Tunisia benefited from funds rewarding good governance reform. The latter, regardless of the divergent path these countries have followed. In the same vein and regarding the case of post-Sisi Egypt, bilateral assistance resumed on a similar level to the pre-2011 period leaving behind a short period after 2013 in which conditionality was implicitly applied. In the case of Lebanon and Jordan, the boost in money was addressed at Syrian refugees, by way of the Madad Fund, exemplifying the stark overarching comparison between the sums (and policies!) targeting the "refugee crisis" and the funds targeting political reform (Balfour et al., 2016).

In terms of "market", and taking into account the homogeneity of the templates submitted to negotiation, there are various scopes and depths of trade liberalisation. Market access policies are an instrument of choice when it comes to differentiated bilateralism. The deeper the bilateral relation, the bigger the chance of advancing in the offer or negotiation of a DCFTA: negotiations are now underway with Morocco and Tunisia. But those agreements are perceived as "sub-optimal agreements" casting light on asymmetric trade liberalisation and EU agricultural protectionism (Attinà, 2003) in a formula that puts at risk the very foundations of Southern Mediterranean economies. This is evidenced by the resistance to those agreements in both Tunisian society and businesses. The 2015 ENP Review frames those in terms of "economic development for stabilisation", embracing the unsubstantiated belief whereby economic development in a neoliberal framework leads to stability.

Bilateralism also tends to prevail in the area of mobility. The 2015 ENP Review put further emphasis on migration-related issues. Mobility is a privileged sector as a base for strengthening bilateral relations, as evidenced by the Mobility Partnerships with Morocco, Tunisia and Jordan concluded in 2013 and 2014. Those Partnerships will be differentiated according to partner countries' willingness, as well as theoretically conditional on progress made by them. Differentiation, however, hinges much more on the threat perception the EU has of migration flows at a given time than on sustainable management of flows. In that regard, the Eurocentric fixation with readmission agreements and the stinginess regarding visa liberalisation add a counter-normative coda to both the bilateral relation and the entire strategy, especially from 2015 onwards (and in spite of the EU's short-lived normative turn), with the particular case of Egypt (or Turkey, a non-ENP country) in mind (Fernández-Molina, 2017b).

Sectoral Differentiation

Beyond geographical differentiation, the study of differentiated bilateralism calls for a closer look at selective cooperation throughout various sectors (Barbé & Herranz, 2012). There are some sectors – notably, two of the aforementioned Ms: market and mobility – that the EU prioritises. Within those areas, but also in others, there is a level of differentiation, particularly regarding fields such as security and defence (Rieker, 2016; Soler i Lecha, 2010) and energy (Moisseron et al., 2018; Colombo & Abdelkhaliq, 2012). These manifold levels of differentiation point again to the prevalence of the EU and its member states' interests over those of its Southern Mediterranean partners, as evidenced by the continuance of non-tariff barriers (Van der Loo, 2016; Misrahi, 2010), the idea of

a "remote control" of migratory movements (Bonnici Bennett, 2018; Collyer, 2016; Wunderlich, 2010), the non-discrimination clauses for legal workers (Van Elsuwege, 2012), the securitisation of climate change (Escribano, 2017), and the significance of energy security (Blockmans, 2017; Escribano, 2010). Most of these areas represent critical leverage for Southern Mediterranean countries – see, for instance, Morocco's staunch refusal to accept a readmission agreement – and help understand the concept of "asymmetrical interdependence" (Aghrout, 2000): the EU takes advantage of its hegemon's leverage, and Southern Mediterranean partners make use of their clout in terms of stability and security in both material and non-material terms.

In regard to an analysis of both geographical and sectoral differentiation, it is essential not to neglect the fact that neighbours have agency (Schumacher, 2016b). That means, in order to understand Southern Mediterranean countries' behaviour, also drawing on constructivist approaches (Fernández-Molina, 2017), the focus, in that case, being on identity-based ideational factors and on the socialisation processes that took place before and after decolonisation. Morocco, for instance, has always advocated for a qualitative – not necessarily quantitative – gap in terms of more profound differentiation among the EU's southern partners (Fernández-Molina, 2019a). In this regard, it should be highlighted that two principles are at play: path dependency, for cooperation builds on existent contractual ties and previous engagements, and flexibility in view of ever-changing contexts (the very idea behind the Partnership Priorities and the demoted Action Plans).

The Relevance of Local Dynamics

Has the EU been able to "bring order" to its southern neighbourhood? This decade's events and trends in the Southern Mediterranean, and the reactive stance adopted by the EU as a consequence, imply that it is crucial to take into consideration how domestic political conditions affect the bilateral relationship (Dandashly, 2015). Local markers of change have an effect on the partner's decision-makers' interests and behaviour, but also determine the level of the EU's threat perception. Differentiated bilateralism depends on contextual dynamics, but not only. Structural political economy is vital when understanding the local elites' behaviour, aspirations, needs and capacities and the EU's concerns (Fernández-Molina, 2017).

Differentiation, more often than not, fails at furthering either political reform or socioeconomic development. Regardless of the multiple references to concepts such

as "local ownership" and "people-to-people" contacts, bilateral cooperation accommodates the partners elites' interests, not social preferences. The shape and pace of the relation depends on the willingness and behaviour of the elites, and their factoring in both tangible and intangible benefits (Kostanyan, 2017), not on the actual needs of societies. Although several local actors might end up shaping the bilateral relationship (Colombo & Soler i Lecha, 2019), the truth is that in non-democratic regimes such as the majority amongst the Southern Mediterranean partners, requirements of societies and elites rarely coincide. The latter is one of the reasons why it is important to stress that the willingness to advance in the partnership is not tantamount to a willingness to advance in the implementation of meaningful political reforms.

Southern Mediterranean elites' aspirations might thus help explain the accusation that partner countries embrace the idea of an ENP à la carte (Delcour, 2015). Both "willing" and "unwilling" partners could – and do – misuse differentiation concerning the democratic agenda of the Union (Kostanyan, 2015). In that regard, they "cherry-pick" those non-politicised policies that might align with the European narrative without really shattering their non-democratic foundations – take, for example, social projects, cultural dialogues and women's rights –, as well as those that align with their needs, particularly market access, away from their respective societies' actual needs. This "more for less" approach (Schumacher, 2016b) is however and in principle not consistent with the European Neighbourhood Instrument (ENI)'s still applicable "deep democracy" criteria. It is also critical to bear in mind the dangers of focusing on state-building and thus prioritising effective over democratic governance, for polity- and governance-related reforms do not necessarily mean respect for democratic principles and might strengthen the foundations of authoritarian regimes.

Even though some authors have warned about the possibility of an "ENP à la carte" in which the partners shape the ENP merely to their interests (Schumacher, 2016b), it is ultimately the EU's interests – and, of course, its capacities – that shape not just the basis but also the output of negotiations with Southern Mediterranean countries. Greater differentiation should lead to a greater sense of joint ownership (Delcoul, 2015) – always coupled with the need to avert manipulation and cherry-picking by authoritarian regimes by prioritising the populations' demands -– but that was never the case, and still is not. Differentiated bilateralism can thus be assessed as a way for the EU and, to a lesser extent, Southern Mediterranean elites to exploit their leverage and influence (Haukkala, 2016), away from genuine equality (Bicchi et al., 2017).

EU and Member States' Interests

EU member states' interests increasingly get in the way of the EU's relations with the Southern Mediterranean. In fact, the 2015 Review proposed to enhance ownership of both EU and member states in what some saw as a risk of a re-nationalisation of the ENP (Witney & Dennison, 2015). As postcolonial history shows, countries like France or Spain have upped their antes when it came to the EU's strategy towards certain former colonies, and other member states – for instance, Germany, Italy and Denmark – have articulated new privileged relations with southern countries, both a way of formulating "patron-client like relationships" with them (Behr & Tiilikainen, 2015, p. 27). All in all, the EU is a divided actor in the Mediterranean (Panebianco, 2012b), as clearly evidenced today by the case of Libya (where France and Italy have confronted each other pursuing self-serving agendas), or with Morocco (where the regime pursued different strategies with Spain and France) in the past.

It is not only that both the EU's and its member states' interests prevail but they do so for the wrong reasons; that is, the prioritisation of stability and security (Panebianco, 2012). The 2015 ENP Review opened up a range of new areas of cooperation that included conflict prevention, crisis management and security sector reform. This has been evidenced by the Partnership Priorities with Lebanon and Jordan adopted at the end of 2016, focusing on resilience and stabilisation, or by the Partnership Priorities with Algeria adopted in March 2017 focusing on energy and migration. According to the 2015 Review, one of the four priorities of the new ENP is "focus", referring to "human rights" and "good governance" amongst other priorities, such as security, economic development and trade, and migration. The 2015 Review aimed at broadening the agenda of cooperation to areas such as crisis management, conflict prevention and security sector reform. This prioritising leads to normative fragmentation and a certain double standard when more limited criteria in terms of deep and sustainable democracy benchmarks are applied, if at all, to those countries in which European interests are perceived to be under threat (Lannon, 2016). There is a great danger of discrimination if the reports on the implementation of the ENP are country reports and not annual reports including all ENP countries in which public shaming might have an effect. The uncomfortable erosion of the differences in terms of advance in democratic governance and respect for human rights between two members of the first concentric circle of "more willing" partners, Tunisia and Morocco, speaks uncompromisingly to that risk.

Conclusion

This paper has tried to gauge how differentiation can be analysed on two levels – devising of the bilateral strategy, on the one hand, and its negotiation and implementation on the other – in order to understand some of the inefficiencies of the ENP. On the macro level, differentiation has not been sufficiently implemented, if at all, mainly as a consequence of the EU's Eurocentric institutionalist vision translated into the "checklist approach" and a unilateral construction of the Mediterranean space in which normative differentiation has not even been attempted. On a micro level, differentiation is a reality, in the form of both geographical and sectoral differentiation, again replicating an Eurocentric approach that favours EU interests, to date quite far away from democracy and human rights, and allows Southern Mediterranean countries to cherry-pick those shared priorities that would not spur undesired political or economic reform, most of the time contravening the EU's normative agenda.

The analysis has also allowed us to see that the EU relations with the Southern Mediterranean do not follow a single path but consist of a "mix of bilateralism, multilateralism and region-building" (Bicchi et al., 2017, p.250; see also Barbé & Herranz, 2012). A hodgepodge of sometimes "new" or relabelled tools, albeit with an old toolkit, mirroring the lack of a real strategy towards the region, which at the same time mean a not comprehensive strategy on how to apply differentiation. The 2015 ENP Review was an acknowledgement that the ENP has not been a "structural foreign policy" (Keukeleire & Delreux, 2014, p. 28), in a constant tension between the need to impose pre-conditions on neighbours and the vision whereby they should be allowed to choose their path. The latter is combined with an ostensible blind belief in the EU's "vis atractiva" that foregoes the need to deeply reflect on which incentives Southern Mediterranean countries identify in bilateral and regional relations.

Discursive and practical mechanisms cast light on a shifting imagination of the Mediterranean space: from a ring of friends to a ring of fire (Taylor, 2015), to fortress Europe in which the "European way of live" has to be protected (Tidey, 2019). The EU needs to learn how to progressively embrace reflexivity – bidirectional self-objectification, understanding how its policies have an effect on the ground and consequent adaptation – when engaging with its neighbours. For the goal of a neighbourhood should not be just the prosperity and security of the centre, even if the assumption is that these are guaranteed by the stability of the periphery.

The critical stance of this essay leads to the prerequisite of adopting a new epistemic framework, in which horizontality and true equality amongst partners prevail. The dilemma between genuine joint ownership and EU normative leverage – the possibility of

authoritarian governments manipulating co-ownership to strengthen their non-democratic structures – must always be borne in mind by identifying local needs, demands and aspirations. There should furthermore be a specific acknowledgement of normative differentiation (not to be conflated with cultural relativism) on the Mediterranean as a "plurality of voices" (Giaccaria & Minca, 2011, p. 346). Drawing on Zukrowska et al (2008, p. 25): "different countries, different needs, one goal" – the latter in the form not of more convergence but of real partnership.

Faced with ever-shrinking policy space, a less ambitious strategy is desirable, but that does not necessarily mean that a lower number of Southern Mediterranean countries should be targeted. Nowadays, the concept "lowest common denominator" that many (Lannon, 2015; Blockmans, 2013) associate with differentiation seems to hinge on the obsession with stability and security, as evidenced by the February 2019 EU-Arab League Investing in Stability Summit in Sharm el Sheik. However, this stability-bias should not necessarily be counter-normative; "the EU can be both normative and realist at the same time" (Limam & Del Sarto, 2015, p. 14). The paradox is that, ultimately, the EU sponsors unsustainable contexts in which further insecurity and instability are guaranteed (Pace, 2010) in the medium term. The EU itself was explicit in that regard in 2011: "deep democracy – the kind that lasts" (European Commission, 2011, p. 2). By the look of current and past events in the Southern Mediterranean, authoritarian regimes are not foreordained to endure eternally, and the EU faces the risk of seeing its credibility further eroded if it keeps unmistakably siding with them. Sustainability should go hand in hand with the EUGS' current cornerstone – i.e., pragmatism, and in that regard the wellbeing of citizens – and not their "resilience" – should be a priority.

It should be possible to balance security considerations with democratic norms, even if those actions require time, effort and pedagogy. Only genuine horizontal joint-ownership – intergovernmental and transnational –, not mere "consultation processes", allows for socialisation, if and only if that implies taking a deeper look at the needs of the societies in the Southern Mediterranean beyond their elite's interests. A "people-to-people contacts" principle was enshrined in the 2011 ENP but it has been marginalised – if it was ever applied – in favour of exclusive inter-governmental relations. Real socialisation between North and South, however, begs for inclusiveness and participation of all civil societies (provided a genuine understanding of the new meanings of civil society as a force for change beyond classical and Westernised NGOs). An inclusive process and deliberative space with civil societies should not be tantamount to the end of inter-governmental relations. Partners that

want – and need – closer cooperation with the EU should accede to the creation of spaces (with and without their presence) in which opposition to their stance is voiced, as well as accept not being given carte blanche when bluntly disregarding the rights and needs of their populations.

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EuroMeSCo

Founded in 1996 and comprising 104 institutes from 29 European and South Mediterranean countries, EuroMeSCo (the Euro-Mediterranean Study Commission) is the main network of research centres on politics and security in the Mediterranean, striving at building a community of research institutes and think tanks committed to strengthening Euro-Mediterranean relations.

The objectives of the network are to foster influential quality analysis and reflection on Euro-Mediterranean politics and policies; to serve as a platform for dialogue between the members of the network and key stakeholders to discuss the key trends and challenges on the region´s agenda; to increase the impact of think tanks and research institutes and to actively contribute to policy-making through dissemination of research outputs of the network to experts and national, European and international institutions linked to Euro-Mediterranean relations.

The EuroMeSCo work plan includes a research programme with five publication lines (Joint Policy Studies, Papers, Briefs, Spot-Ons and reports), as well as numerous activities, including annual conferences, seminars, workshops, presentations, formal and informal meetings with policy makers on the key political and security dynamics. It also includes communication and dissemination related activities (website, newsletter and targeted institutional dissemination) to raise awareness and promote the work of the network and to stimulate debate on Euro-Mediterranean affairs.

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