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C4 2012 theme : Consequences of Arab spring

Consequences of the so-called “Arab spring” on EU’s security, and notably on southern Europe, constitutes an important matter of concern. One year after the events, the looking back should be enough to draw lessons and debate about courses of action in the fields of illegal migrations, defence cooperation, assistance to state building and aid to economical and social development.

- Illegal migrations (leader : ITALY-CASD)
- Defence cooperation (leader : SPAIN-CESEDEN)
- Assistance to state building (leader : PORTUGAL-IDN)
- Aid to economical and social development (leader : FRANCE-CHEM)

Illegal migrations (ITALY-CASD)

“Highlighted by the indirect consequences of the 2011 Arab spring, an increasing flow of migrants in the Mediterranean area could be a major concern if not controlled”.

Taking into account the causes of a growing immigration from Maghreb, how could the EU

- assist South Mediterranean countries in containing flows,
- improve the control of the maritime flow of migrants,
- if necessary, master a smooth regulation of flows within European countries ?”

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1. Introduction

Irregular immigration¹ has many faces: rejected asylum seeker, people who have overstayed their visa and those who have entered a country without authorization. Their motivation for leaving their homeland ranges from seeking economic opportunity to avoid persecution. Irregular immigration also creates a large population living outside the law and produces an underground economy where malpractices and exploitation can flourish. A person with no legal status cannot be integrated into society or be granted citizenship and can receive health care and education services only with great difficulty.

For the reasons mentioned above, irregular immigration to Europe became, among the general public, an emotive issue and it is often associated with a large number of fears: that countries are losing control over their borders; that social systems are overstretched by unauthorized use; that indigenous workers are being pushed out of the labour market and that criminality is growing.

As a result, controlling irregular migration is one of the priorities of European Union and Member States' migration policies and it has been the subject of increasing and ongoing public debate in Europe in recent years, especially during the summer of 2008 and the spring of 2011, when thousands of unauthorized migrants reached the shores of the Mediterranean.

The aim of this paper is to describe the phenomenon of irregular immigration in the EU, to discuss the effectiveness of migration policies put in place by EU and some of its Member State (France, Italy, Portugal and Spain) and to evaluate if a wider, comprehensive and holistic approach to the problem could reduce, or at least take under control, the flows of irregular immigration to Europe.

2. Irregular immigration in EU

A. Overview of the problem: what is known about the phenomenon

The term 'irregular immigration' is used to describe a variety of phenomena. This includes third-country nationals (TCN) who enter the territory of a Member State illegally by land, sea or air. This is often done by using false documents, or with the help of organised criminal networks of smugglers and traffickers. In addition, there are a considerable number of people who enter legally with a valid visa, but "overstay" or change the purpose of their stay without the approval of the authorities. Lastly there are unsuccessful asylum seekers who do not leave after a final negative decision².

Illegal employment is concentrated in certain sectors, particularly construction, agriculture, domestic work (such as cleaning or catering), where they help meet the needs of some employers willing to take advantage of workers who will accept what are mostly unskilled, often unsafe, and generally low-paying jobs.

¹ As reported by the Clandestino consortium (created by EU commission to support policy makers in developing and implementing appropriate policies regarding undocumented immigration), the terms irregular (with no regular/legal status), undocumented (without the appropriate papers) and unauthorized (without legal permission for entry, stay or work) migration denote different facets of the wider phenomenon of irregular migration and therefore they can be accepted and used as synonyms. The term illegal will be used when referring to a condition (e.g. illegal work or illegal entry) but not in relation to a person (illegal migrant).

² Numerous transitions between legality and illegality are possible. For example, a person could enter a country illegally, achieve legal residence status by applying for asylum, take up an occupation illegally while waiting legally in the country for asylum to be granted, and then stay in the country without a valid residence permit after the application has been denied.

Due to the nature of the phenomenon, precise figures are not available and estimation can only be derived from relevant indicators, such as the numbers of refused entries, of illegal immigrants stopped at the border or of applications for national regularisation procedures and removals. It is estimated that in EU there are at least 4.5 million illegal immigrants spread across the Schengen area (42,672 kilometers of external sea borders and 8,826 kilometers of external land borders) and that about 500,000 new entries occur every year. Among them, about 40 % are sent back to their home country. In 2008, the Clandestino Project estimated illegal residents in Europe by country, providing figures with a minimum and a maximum value (see Figure 1).

To date, seven main migratory routes, used to cross into the European Union without authorization, have been identified (see Figure 2): a Central Mediterranean route (from Tunisia and Libya to Italy and Malta), a Western Mediterranean route (from Morocco and Algeria to Spain), a Western African route (from the West African coast to the Canary Islands), an Eastern borders route (from the countries across the European Union's eastern external land borders), a Western Balkans route (from the non-EU countries in the Balkans into Member States), an Albania-Greece circular route (circular migration from Albania to Greece) and an Eastern Mediterranean route - sometimes called South Eastern European route - (largely from Turkey to Greece by land or sea). Detections of illegal border-crossing by main migration routes are reported in Figure 3. Consistent with recent years, the majority of illegal border-crossings used the Eastern and Central Mediterranean routes, accounting, respectively, for 50% and 33% of the EU total. However, in first quarter 2011, there was also a rise in the importance of the Western Mediterranean route, now representing nearly 10% of the EU total.

There has been a significant decline in the number of detected illegal border crossings since 2007³, when 163,093 people were discovered trying to enter EU illegally (see Figure 4). In 2009 (104,000 person) there was a 34% drop, with a significant decrease at both sea (44%) and land (23%) borders. In 2010, figures remain similar, although the composition of illegal border crossing changed significantly with an increase of 56% in land and a decrease of 70% in sea crossing (see Figure 5). As a consequence, in 2010, 86% of illegal border crossing took place at the EU external land border (mainly Eastern Mediterranean route⁴), compared to 14% at its sea border. The noticeable impact in flows away from the Western and Central Mediterranean and Western African routes have been attributed to an increased control and to bilateral agreements with third party countries.

As illustrated in Figure 5, during the first half of 2011 detections of illegal border crossing on the Central Mediterranean route dramatically increased and exceeded those reported from the Eastern Mediterranean route. This was due to a surge of Tunisians, in first quarter, and sub-Saharan African migrants, in second quarter, arriving in the Italian island of Lampedusa in the wake of major civil unrest in North Africa (the so called Arab Spring), which has now, to some extent, significantly reduced. Hence, in third quarter, detections in Italy, halved compared to the previous two quarters, yet remained some six times higher than during the same period of the previous year, while the Eastern Mediterranean route, by following a remarkably seasonal pattern similar to that of 2010, once more exceeded detections on the Central Mediterranean route.

³ Taking into account that EU's borders shifted several times especially during the enlargement to 12 new Member States, occurred in 2004 and 2007, and that, as a result, any citizen of the new MS who had been residing in the EU area without authorization received de facto legal status, it is useful to consider statistics starting from 1 January 2007.

⁴ Despite immigrant flows shifted during years, Greece has remained a targeted entry point. In October 2010, Frontex's Rapid Border Intervention Team was deployed, for the first time, along borders between Greece and Turkey, marking the first operation of the team at the request of a Member State.

The most likely high pressure points for illegal border crossing in 2012 will be along the Mediterranean coast and the land border with Turkey. Migrants with relatively easy access to Turkey and North Africa will continue to typify the flow.

B. Why people migrate?

Increased migration pressure during the next decade seems very likely in view of the economic and political situation in many countries of origin and with regard to demographic forecasts. Migratory movements are likely to continue at a significant rate as long as ‘push’ factors in third countries and ‘pull’ factors in the EU remain important (Brady theory 2008⁵).

There are a plethora of reasons for individual attempts to enter the EU. Immigrants are seeking a better life and, as long as the EU can offer better conditions than their home countries such as higher wages and standards of living, better educational chances and medical care, better political or religious conditions and higher degree of freedom and security, the immigrants will continue to enter the EU legally or illegally. Poverty, the lack of access to education as well as health-care push migrants to move to the EU. In addition environmental degradation can push irregular migration.

Bad governance, armed conflicts, ethnic cleansing, human rights abuses, discrimination, and persecution are also pushing factors. People escaping from the mentioned living conditions often apply for refugee status. But abuse of the asylum system is well known to occur and many individuals stay in the EU under illegal status after their asylum application has been refused.

The lack of legal migration possibilities is also considered as a push factor. Marriages of convenience are another way to enter the EU.

Human trafficking is considered a form of illegal migration. People are trafficked into the EU without their permission and women and children are considered to be particularly sensitive to the human trafficking. These victims, despite the fact that they are in the EU against their will, are still illegal immigrants.

Economic forces are other pushing and pulling factors. Unemployment in a country of origin can push an immigrant to take a step towards migration. When this migration is prohibited, it becomes illegal. The EU Commission mentions illegal employment as a key pull-factor and states that by tolerating illegal employment of third-country nationals the Member States create a supply of illegal jobs. The high cost of labour can encourage employers to hire illegal immigrants and, at the same time, the demand by EU countries for more manpower also creates possibilities for illegal migrants to seek employment. But work on the black market distorts competition and exposes immigrants to exploitation, rendering them nameless, deprived of social welfare benefits, and leaving them effectively homeless and outside the law. If a person is illegally in a country, the chances of obtaining a legal job are minimized or not nonexistent. Many jobs have been undertaken by illegal migrants because there have not been workers available from the EU labor market.

⁵ The theory defines a set of factors that simultaneously exists in both host and home nation and influence the decision of the potential immigrant. Pull factors are defined as those that make the option of immigrating to the host country very appealing. They usually include, but not restricted to, the better living and working conditions that exist in the potential host nation translating into higher salaries, better educational opportunities, a booming economy, a promise of political and religious freedom and family reunification. Push factors are defined as the set of factors characteristic of the economic and possibly political conditions of the home nation that push an individual to consider and most likely immigrate to another nation. Such factors are, but again not restricted to, high unemployment, political instability, war and poverty.

It may be that information about the risks and consequences of illegal migration is not available to everyone seeking a better life in the EU. Such inadequate information often leads to situations where a person decides to migrate following illegal paths rather than legal ones. Legal migration could, if correctly used, decrease illegal migration.

3. The Arab Spring and its influence on migration from Southern Mediterranean countries (SMC) to EU

During 2011, several Arab autocratic governments, such as those of Tunisia, Egypt, Libya and Syria, have fallen or come under pressure from popular uprisings. The responses varied from violent repression of their protesting citizens up to civil wars. In most cases such unexpected turmoil pushed many people to look for a better future in the neighboring EU. One of the outcomes of those events, frequently called the “Arab Spring”, was the generation, in Europe, of a great fear represented by the fact the violence and political unrest would spark a large-scale movement of irregular migrants and asylum seekers towards the European Union's southern border.

Those fears proved overblown and most European countries did not experience significant inflows of people fleeing the Arab Spring. The two EU countries that took the biggest shares were Malta and Italy. This latter has been most vulnerable to the incoming migrants and, by the end of July 2011, 24.769 Tunisians and 23.267 persons coming from Libya had reached the small island of Lampedusa. The flow of migrants fluctuated in size and composition, depending on the political and civil unrest across North Africa. Initially, the flow of irregular migrants was largely composed of Tunisians, but a repatriation agreement, signed between Italy and Tunisia at the beginning of April, reduced it by 75%. However, the region was then inundated by large numbers of sub-Saharan migrants, many claiming to have been forcibly expelled from Libya by the Gaddafi regime.

If we look at the motives driving irregular crossings Mediterranean the following questions emerge: were these irregular migrants taking advantage of the current chaos to enter Europe for work? Were most of them “merely” economic migrants rather than genuinely oppressed asylum seekers? At a first glance, a large proportion of these people could enter the category of economic migrants like, for example, sub-Saharan migrant workers escaping Libya or Egypt or jobless Tunisians. Some people who arrived irregularly on EU shores might have decided to come to Europe anyway, irrespective of North African turmoil. In this case, facilitating regular mobility for economic migrants, or using tourist visas could have helped to curb irregular migration. But if we are honest, the migrants trying to reach Europe during the first six months of 2011 were, in large part, escaping violence and instability throughout the region and therefore, may have to be considered as genuine asylum seeker.

Despite the relatively small inflows, the immigration arising from the Arab Spring revealed significant gap in European policies. When Italy first began receiving migrants on Lampedusa, the Italian government appealed for broader financial and technical support from the European Union to manage the flow. Italy felt the burden ought to be shared by all and therefore wanted asylum seekers relocated to other EU Member States. But these latter objected a variety of reasons: some were unsympathetic because they felt that the relatively modest numbers did not warrant a collective response while others objected to the relocation of asylum seekers within the European Union on principle.

The lack of an EU reception strategy⁶ led to a unilateral management of arrivals, mainly through the reestablishment of controls at the EU's internal borders, as a reaction to the decision taken by Italy to issue six month residence permits (papers allowing them to move freely throughout much of Europe) to approximately 22.000 Tunisian migrants. Temporary humanitarian protection was advocated by Italy to support such initiative.

This disagreement between Member States began a new debate on the parameters of Schengen cooperation, not least when Member States might reintroduce internal border controls. The absence of an EU-wide response to these arrivals resulted in a "Ping-Pong" policy between Malta, France and Italy, the main countries involved, with irregular migrants paying the price. The political vacuum literally "created" stranded migrants, on EU territory and at sea.

The Arab Spring thus exposed critical weaknesses and exacerbated long-held disagreements within the European Union related to asylum, immigration and external border control policy matters, that spilled over the Schengen area where borderless travel within the 25 signatory countries is allowed for those one holding a Schengen visa. If they cannot come to a satisfactory, long-term solution, what will it mean for the future of Schengen, a system dependent on high levels of mutual trust?

4. Policies on illegal migration

A. National policy on illegal immigration

a. France

The constant development of migration flows to developed countries requires them to be better controlled. Without this, the chances of development of origin countries are reduced, social cohesion in destination countries is weakened and the integration of legal immigrants is complicated.

The control of migration flows should be a shared objective both for countries of departure and arrival of migrant's route. It must also be based on a necessary balance between firmness, towards immigrants who do not comply with the laws of the Republic, and the welcome given to those who, instead, follow the legal route proposed by France to enter its territory and, where appropriate, settle and integrate. It is this principle of balance that dictates the entire French political control of migration flows. In this area, several basic principles apply:

France is, like every state, a legitimate choice for people wanting to live on its territory. Whenever possible, this choice must be made within the framework of a dialogue with each of the source countries of immigration to allow effective management of migration flows between the two sovereign states. In the same spirit, the route of voluntary return will always be favored by France.

An alien may be in violation of regulations based on two assumptions:

Upon arrival in France, the individual is placed in a waiting area, without being allowed to enter French territory. It's non-admission. This procedure is not unique to France or to European countries: all countries of the world determine the entry into their territory in respect of a

⁶ Under Directive 2001/55/CE the European Commission propose that EU Council set up temporary protection by declaring a state of "humanitarian emergency", while at the same time regulating the distribution of refugees among Member States. But EU (Cecila Malmstrom - EU Commissioner for Home Affairs - at a plenary session of the European Parliament) rejected the "humanitarian emergency", inviting Italy to strengthen border control and repatriate the irregular immigrants from North Africa.

procedure (visa, accommodation certificate, letter of invitation, hotel reservations, production insurance, etc..).

Assignment to the waiting area is notified by the administration. Retention is under the supervision of a judge. Individuals may challenge, before their departure, the decision not to leave and make a claim, contact an attorney or their consul. They can benefit from the presence of an approved association. Under an international convention, companies that move people by sea or air are required to verify, before departure, the right of the transported person to enter France.

When they do not meet these requirements, the costs of diversion of those not accepted fall under the responsibility of the carrier, which is, moreover, liable to a fine.

France became, for many years, a country of destination but also a transit country for many potential migrants. Analysis of migratory pressure observed in the national territory, metropolitan as well as ultramarine, highlights the existence of perennial irregular migration streams. We can define two different categories of illegal immigrants: those who succeed in the Schengen area on their own and those who use the services of a structured organization, but it is not possible to determine the precise share of each.

The fight against the development of structured networks has to be intensified. Six main areas can be identified today as sources of organized illegal migration: Africa (Maghreb, sub-Saharan region and Horn of Africa), the Middle East, Indian subcontinent, the Far East, the countries of South America and Eastern Europe.

The fight against these networks is conducted by border police, including a central office and 52 mobile research brigades established throughout the territory, whose aim focuses on the dismantling of organized criminal, immigration and employment structures.

The smuggling organizations are transnational in nature and the Central Directorate of Border Police has encouraged the development of major operational cooperation at international level. In this context, the central office, which has been designated as the point of contact for international partnership in this area, manages relationships with specialist international professional bodies (Interpol, Europol, Schengen). Six foreign polices (United Kingdom, Germany, Spain, Italy, Belgium, Netherlands) correspond daily with their counterparts in the central office. The fight against illegal immigration is now a national priority incorporating increasingly European and international dimension.

b. Italy

In the context of the ever-growing migration phenomenon, so-called “irregular migration” has increased significantly in Italy since the mid-eighties, provoking greater attention by political debate, raising public opinion and carrying important legal consequences as well.

The Italian approach to irregular migration has always been characterized by the constant search for an appropriate balance between national security needs and an integration process that seeks to avoid overly restrictive migration policies becoming themselves the cause of irregularities. This search is therefore expressed both in helping regular migration flows and in discouraging and contrasting irregularity. In recent years, the Italian government, with the aim of providing strong responses to the growing phenomenon of irregular migration, has undertaken several actions (i.e. intensification of coastal patrol, rejections, expulsions and bilateral agreements for the returns of migrants) and approved a complex system of legal measures. In terms of numbers, this has led to significant results, although often also harsh criticism has come from the public and organizations dealing with human rights protection. These criticisms concern the difficulties in applying for international protection of those who, despite being potentially eligible, have

failed to reach the Italian territory and the fact that security against illegal immigration has been strengthened without sufficient consideration of the true reasons that drive people to leave their countries of origin (push factors).

The first notable law concerning immigration, balancing the need for integration and protection of human rights of migrants with public order and national security needs, was the so-called “Turco-Napolitano”, issued in 1998, and containing the “Consolidated Act of measures governing immigration and norms on the condition of foreign citizens”. It was followed by the so-called “Bossi-Fini” Law (No. 189 of July 30, 2002) that led to important modifications through the introduction of stronger measures against irregular migration, together with the implementation of measures aimed to protect regularly residing foreigners and asylum-seekers. The law facilitates the implementation of removing (by establishing the practice of immediate accompaniment to the border) and control procedures (by extending the period of detention in the Temporary Detention Centres - CPT⁷), and increased the penalty for irregular migrants who fail to comply with the removal order. The immediacy of removal is suspended only under certain circumstances, namely when it is necessary either to provide them with assistance or inquire into their identity and nationality, or prepare their travel documents. The direct consequence of a removal order is the so-called “forced return” (such provision cannot be applied if contrary to national and international standards regarding human rights). Law No. 189/2002 also introduced restrictions in the flows of foreign workers coming from “countries not adequately cooperating in the fight against irregular migration, or in the readmission of their nationals who are subject to orders of removal”.

Not only “forced return” but also “rejection” represents a measure (Law No. 40/1998) that can be implemented at the Italian’ borders to stop “foreigners who present themselves at border crossings without having the requirements demanded by this Consolidated Act for entry into Italian territory”.

In 2009 the “security package” (Law No. 94/2009) was introduced that gave stricter regulations regarding rejections at the border and, for the first time in Italy, the crime of “illegal immigration”. This “package” emphasizes the strengthening of measures to fight irregular migration, both within the country, with the introduction of the crime of illegal immigration and the implementation of stronger measures, such as the prolongation of detention at the Identification and Expulsion Centers up to a maximum of 180 days, and outside the country, with the intensification of coastal patrolling (particularly in Southern Italy) and rejections at sea, thanks to the collaboration of some third countries.

The Ministry of Interior, in collaboration with other departments and public bodies, is the main institution dealing with the matter of migration, in particular through the “Department for Civil Liberties and Immigration” and the “Department of Public Security”.

The Department for Civil Liberties and Immigration operates in the field of tasks typical for the Ministry of Interior: protection of civic rights, included the rights concerning asylum and immigration, by paying special attention to the integration in Italy of foreign citizens. Within the

⁷ According to the Italian law there are three different kind of structures entitled in dealing with irregular immigration. (a) The “reception centers” (Centri Di Accoglienza, or CDAs) or the “first-aid and reception centres” aimed to deliver first aid to irregular immigrants found in distress on Italian territory. Reception should be as short as possible, generally lasting for the time needed to provide first aid and to identify and define the legal status of intercepted migrants. Then, there are (b) “reception centers for asylum seekers” (Centri di Accoglienza per Richiedenti Asilo, or CARAs), where asylum seekers irregularly entered are held in an “open-door regime” (generally for no more than thirty-five days) while waiting their asylum request to be processed. And, lastly, there are (c) “identification and deportation centers” (Centri di Identificazione ed Espulsione, or CIEs), where irregular immigrants are detained for up to 180 days, pending a police order confirmed by a judge, for the purpose of identification and repatriation.

Department of Public Security operates the “Central Directorate of Immigration and Border Police”, with the task of promoting and coordinating border police activities (surveillance, prevention and counter activities) with the Italian Navy and Port Authority Police, and fighting irregular migration.

c. Portugal

The National Immigration and Asylum Policy is envisaged to answer to ethical, humanistic and national interest standards. Structured in an integrated and balanced global approach, it revolves around four main axes:

- Regulation of migratory fluxes;
- Promotion of legal immigration;
- Combating illegal immigration;
- Integration of immigrants.

The implementation and monitoring of immigration and asylum policies are the responsibility of the Internal Affairs Ministry (MAI), which regulates the entrance, staying, exiting and compulsory removal of foreign citizens from national territory. MAI’s role focuses on all vectors of the immigration and asylum policy, with particular incidence on the first three mentioned above. Contributions from other sectors also concur to these policies, in particular the integration policy, which is the responsibility of the Ministers Council Presidency (PCM), the foreign representation and visa concession, regulated by the Foreign Affairs Ministry (MNE) and the employment, qualification and social security policies, jointly regulated by the Economy and Employment and Solidarity and Social Security Ministries.

The new Immigration Law⁸ has introduced important changes in the combat to illegal immigration. It did enforce sanctions entailing the exploitation of illegal immigrants; it has aggravated the penalty framework of crime encompassing the aid to illegal immigration; it has criminalized convenience marriage and conceded more protection to victims of the human trafficking filed for aiding to illegal immigration. The impact of the reform conducted in the various fields that affect the immigration policy has been producing very positive effects, with results being recognized at international level. In accordance with MIPEX⁹ “Portugal made some of the greatest progress overall ... It worked more than most to secure long-term residence (2007 Immigration Law) and target immigrants’ specific employment situations (Immigrant Integration Plans, Recognition of Qualifications). Requirements for residence kept up with the crisis and changes in society to avoid long-term exclusion. Portugal’s nationality law, based on 2006’s coherent reform, best promotes common citizenship of all 31 MIPEX countries”. Within this framework, it is important to highlight the importance given to the administrative reform conducted with the setting up of new agencies which centralize and simplify the bureaucracy an immigrant has to deal with in order to obtain legal status and be allowed to work in the country.

Returning of Illegal Immigrants (to home countries)

The national immigration policy favors the voluntary abandonment mechanisms as opposed to the coercive forms of returning (to the home countries). An effective voluntary return policy, which is dignifying and humane, is thus promoted to the benefit of the foreign citizens who wish to return to their home countries or to third countries willing to host them. Within this

⁸ Law N° 23 of July 23, 2007.

⁹ Migrant Integration Policy Index - <http://www.mipex.eu/portugal>.

framework, The Voluntary Return National Program is conducted in cooperation with the IOM¹⁰ – Mission in Portugal. Cooperation protocols were established with the home countries with the largest migration fluxes to Portugal (Brazil, Ukraine, Cape Verde, Romania, Angola Guinea-Bissau, China, Moldova and St. Tome and Prince). In 2011, circa 6.901 immigrants were legalized, whereas 659¹¹ were expelled. As regards coordination and articulation with the European immigration policy, Portugal integrates the countries which have subscribed to the European Return Fund¹².

Control and surveillance of foreign borders

Within the framework of its immigration policy, Portugal has adopted a strategy based on the border control enforcement, in particular as regards the use of new technologies, an effort that has deserved recognition both at national, and European Union and international levels.

Portugal has been subject to various assessments carried out within the Schengen agreements with much positive global results. As regards the concerned issue of immigration, apart from the identification of some best practices in this field, the reports acknowledge that the border control, including risk analysis, is conducted within the strict observance of the major recommendations of the Schengen Catalogue and that the control procedures at the borders are also in accordance with the Schengen regulations in force.

d. Spain

As the rest of the European Countries, Spain has approached to irregular migration searching an appropriate balance between national security needs and integration process, avoiding that overly restrictive migration policies become themselves the cause of irregularities. As you probably know, there have been several regularization processes just in order to give a regular status to a very important amount of people who have become illegal immigrants. This policy has not been supported by all the political forces and parties as some of them consider that the weaker the laws are, the more they act like a pull factor to immigration.

Spain has been historically a destination country, particularly for people coming from Latin America, due to the historical ties and the use of the same language, and for people from the North of Africa, as a consequence of the geographical proximity. Furthermore, Spain has become a transit country for people from these places who want to enter Europe.

This proximity between Spain and the North of Africa and the Sahel has also created a worrying situation concerning Islamic terrorist, whose attacks to Europe have increased a lot in the last years causing a general alarm in all European countries. This proves that irregular immigration is connected with organised crime and lack of rules, laws and justice, feeding on corruption and inadequate regulation.

Otherwise, there have been several recent changes in our laws concerning the rights and the duties of foreign people, especially regarding to social rights and social security assistance (health care) just in order to reduce them (as a part of social security reform¹³). Besides, the fact that the in force immigration law considers that if an immigrant loses his job, he also loses the right of residence in Spain, introduces a new element of discrimination because these people don't have the right to free health care in the public system, except in case of urgency or

¹⁰ International Organization for Migration.

¹¹ <http://www.portugal.gov.pt>.

¹² Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme Solidarity and Management of Migration Flows.

¹³ Adopted by Royal Decree Law: 3/2012 of february, 10th and completed by Royal Decree Law: 16/2012 of april, 20th.

childbirth. For instance, due to this new regulation, about a 20% of immigrants who live in Canary Island¹⁴ will lose this right.

In addition to this, it is important to point out that illegal immigration has been considered a threat to National Defense in the recent document about The National Security Strategy, adopted in July 2011. There have been established several points focused on the action concerning the next topics: the closer collaboration between all levels of public administration (central, autonomic and local one) and the nonprofit organizations and the private sector; the cooperation with the transit and the countries of origin; the defense of legal rules; the preservation of citizen's security, the effective control of the borders; the social integration and the defense of human rights just in order to get the legal migration.

All these measures have been established because illegal immigration is one of the main causes of social conflicts, urban ghettos and economic exploitation. Otherwise, it can disestablish some productive sectors of the economy, especially those that depends on the low cost of the salaries.

The prevention against illegal immigration needs, not only to control the bordering, but also fight to avoid the trafficking of human beings. Nowadays, this control is based on the SIVE¹⁵ (Integrated System of Exterior Vigilance). But, far from being reduced, illegal immigration has increased trough the maritime frontiers during the last year as it is shown in graphic in Figure 6 (Illegal immigrants arrived to Spain by boat).

So, the authorities are worry about the lack of effectiveness of the control and the new opportunities that economic crisis represents for illegal workers.

However, as statistical dates reveal, during the last months, the arrival of immigrants has been reduced. Spain has changed her role in the population movements: now we send abroad more people than we receive. This means that we need to introduce modifications in the political of migration just in order to avoid the brain drain.

B. Measures adopted in the field of irregular immigration

The primary objective in the EU's strategy towards irregular migrants is that of "fighting illegal immigration" and therefore, its migration policy is dominated by a restrictive agenda of repelling, limiting and controlling irregular immigration. There is a strong belief that dealing firmly and effectively with this latter is a precondition for a credible immigration policy.

In the last decade, the key measures that have been adopted by EU and its Member States in the field of irregular migration have been primarily aimed at increasing the control and surveillance of the EU external borders, at enforcing repatriation (through the conclusion of readmission agreements with countries of origin and transit), in establishing administrative and penal sanctions for third parties (including facilitators, migrant smugglers, traffickers and employers who hire unauthorized foreigners) and in implementing regularization programs for unauthorized immigrants.

In particular, these latter, where EU as a whole has no competence, were too often used by Member States as a means of dealing with the problem. **Regularizations** are special programs which offer migrants, in an irregular administrative situation, the possibility to obtain a legal residence and work status upon fulfilling a certain set of conditions, such as having a job offer, a clean criminal record and a history of residence in that member state. Regularization programs are crucial, as they have been the most important means for achieving legal status in Southern

¹⁴ About 500.000 illegal inmigrants live in Spain and 200.000 of them live in the Canary Islands.

¹⁵ This system is installed in Canary Islands, Ceuta and Andalucía.

Europe, although they have not been so central in Northern and Central Europe. There are some member states which have expressed reservations about regularization programs (such as Austria, France, Germany and Belgium), as they consider them to constitute a pull-factor for future irregular immigration while others, like Italy and Spain, closely compete for the highest number of general regularization processes and the largest number (relative to the resident migrant population) of immigrants obtaining a legal status through one of these programs.

Between 1996 and 2008 there were 43 regularization programs implemented in 17 of the 27 EU member states and, at least 3.2 million irregular migrants obtained legal status. During negotiations for the adoption of the *European Pact on Immigration and Asylum* undertaken when France held the EU presidency, a proposal to ban regularizations at the European level was raised but not adopted. The recent 2009 EU multiannual program in the area of Justice and Home Affairs for the years 2010-2014, known as the Stockholm program, only refers to the need to improve the exchange of information on regularizations at the national level.

Securing the EU's **external borders** has become increasingly important with the advent of Europe's 25-country Schengen area. To deter unlawful entry, the EU developed an integrated border management strategy to enhance security through methods including the Schengen Information System (SIS), the largest information system for public security in Europe, and Visa Information System (VIS), which enables Schengen states to easily exchange visa data and can perform biometric matching for identification purposes. Border officials can access the data in order to verify a person's identity, the authenticity of his or her visa, and whether the person meets the requirements for entering or residing in the Schengen area. The EU's new Smart Borders initiatives are designed to simplify border formalities for participating travelers and help identify immigrants unlawfully extending their stays through the Entry/Exit System, which electronically records the time and place of entry and the length of authorized short stays (it will help immigration authorities to identify those who enter the EU legally, but overstay). Moreover, to ensure that each Member State effectively controls its own portion of the EU's external borders and to build trust in the effectiveness of the EU system of migration management, the Commission recently proposed strengthening of the mandate of FRONTEX (so that it can act more effectively at the external border), intensifying coordination between border surveillance authorities (which is the purpose of the European Border Surveillance System – EUROSUR) and considering the feasibility of creating a European system of border guards.

With a view to **tackling human trafficking networks and smugglers**, the EU has established, in march 2011, tougher rules for action against criminals involved in trafficking human beings, combined with better assistance for victims¹⁶. The EU is also reinforcing its policy on human trafficking. In 2010, the Commission appointed an EU-Anti-trafficking Coordinator¹⁷ to improve coordination and consistency between actions by EU institutions, EU agencies, Member States, non-EU countries and international players in the fight against trafficking.

In order to **reduce employers who hire unauthorized foreigners** EU States have agreed rules to counter the effect that the availability of black market work plays in attracting irregular migrants.

¹⁶ The new directive takes a victim centered approach, including a gender perspective, to cover actions in different areas such as criminal law provisions, prosecution of offenders, victims' support and victims' rights in criminal proceedings, prevention and monitoring of the implementation.

¹⁷ Ms Myria Vassiliadou has been appointed to the position of European Anti-Trafficking Coordinator. She will help elaborate existing and new EU policies relevant to the fight against trafficking and provide overall strategic policy orientation for the EU's external policy in this field.

In addition to preventive measures and stricter inspections, the Employer Sanctions Directive¹⁸ targets employers who employ such migrants. The Directive not only seeks to make employing irregular migrants more difficult, but also includes protection measures in favor of workers, especially those exploited by unscrupulous employers.

With a view to **Return**, the EU conforms to a humane and effective return policy, based on the EU's Charter of Fundamental Rights, and gives preference to voluntary return. The Returns Directive (2008/115/EC), aimed to harmonize and support national efforts to better manage returns and facilitate reintegration, foresees a number of safeguards for irregular persons pending removal and provides minimum standards and procedures, at EU level, for the return of immigrants staying irregularly on the territory of a Member State. The measures address voluntary departure periods, the use of coercive measures, the temporary custody, re-entry procedures, and the fundamental rights of the person affected. There are also provisions for legal aid for those immigrants without resources.

A return policy would not be credible without cooperation with the non-EU countries concerned, and in particular without readmission agreements. These latter set out clear obligations and procedures for the authorities of the non-EU country and of the EU Member States on how and when people who are irregularly residing in the EU must be sent back. Spain has worked with Senegal and Mauritania, for example, and Italy with Libya and Tunisia. So far, also the Commission has been formally authorized to negotiate EU readmission agreements with Russia, Morocco, Pakistan, Sri Lanka, Ukraine, the Chinese Special Administrative Regions of Hong Kong and Macao, Algeria, Turkey, Albania, China, Former Yugoslav Republic of Macedonia, Serbia, Montenegro, Bosnia-Herzegovina, the Republic of Moldova, Georgia, Cape Verde and Belarus. Agreements with Sri Lanka, Russia, Ukraine, the Western Balkan countries, the Republic of Moldova, Georgia and Pakistan have entered into force.

As already stated the European Commission recommends extensive measures and the European Council has issued many Directives to control irregular immigration, although there are justifiable doubts about the efficiency and effectiveness of these measures. Immigration restrictions to some extent succeed in limiting regular immigration and prevented an unknown proportion of would-be migrants are from coming. But a continuous inflow of irregular immigrants as well as overstaying of those who are already in the country suggest that such policies to some extent fail in preventing or reducing irregular migration. Instead, the unintended effects of limiting immigration and restricting employment drove migrants into informal, shadow and niche activities. Moreover, the legislative effort aimed at countering the phenomenon of irregular migration has increased the vulnerability and marginalization of irregular migrants, because it has not been accompanied by complementing measures addressing the protection of human rights. Several academics have highlighted that the development of a comprehensive EU immigration policy is still missing both the fundamental rights component and a strategy towards its practical delivery.

¹⁸ DIRECTIVE 2009/52/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. One of the core objectives of the Directive is to deter irregular immigration by tackling undeclared work. According to the directive, employers who cannot show that they have undertaken certain checks before recruiting a third-country national will be liable to fines and other administrative measures. The use of criminal penalties is foreseen in the following cases: repeated infringements, simultaneously employing a significant number of persons, particularly exploitative working conditions, knowingly using work or services exacted by a person who is a victim of human trafficking, and illegally employing a minor.

C. European immigration policy

a. The Schengen “Spirit”

As a result of the Schengen Agreement¹⁹, there is free travel within Europe. Citizens of European Union Member States and their families have the right to live and work anywhere within the EU because of EU citizenship, but citizens of non-EU states do not have those rights unless they possess the EU Long Term Residence Permit or are family members of EU citizens. Nevertheless, all holders of valid residence permits have the unrestricted right to travel within the Schengen area for tourist purposes only, and for up to three months.

The Schengen area is based on a body of rules (the Schengen *acquis*) which encompasses not only the abolition of border control at internal borders and common rules on the control of external borders, but also a common visa policy, police and judicial cooperation, common rules on the return of irregular migrants and the establishment of common data-bases such as the Schengen Information System (SIS). The European commission has, in this respect, the authority to initiate any new bill, while the council (to a qualified majority) and the Parliament have the power to amend or pass any new law. It is possible to suspend Schengen provisions and re-establish border controls with other Schengen states but only for a limited time (up to 30 days) and on security grounds. In theory this right can be exerted only for serious threats to law and order and should be in accordance with the European convention on Human rights. It should therefore target individuals and not groups of individuals, specific nationals, migrants, etc. This right has been used several times as, for example, by Germany in 2006 during the World cup, by France in 2009 during the NATO summit.

The fundamentals of Schengen cooperation are clear and solid as, well are the principles of “*responsibility and solidarity*” upon which the agreement is founded, but recent developments have highlighted the need to ensure that the Schengen area can cope effectively with strains which may be placed on it by weaknesses at its external borders or by external factors beyond its control. Indeed, on April 2011, free movement in the EU was limited by France, by reintroducing internal border checks, to prevent free mobility by North African immigrants holding temporary residence permits issued by Italy and who had entered the EU from Tunisia as a result of revolutions and war in the southern Mediterranean region. This has caused a diplomatic row between the two countries, as well as reactions by other EU member states such as Germany, Belgium, Austria and Netherlands, who expressed concerns about the Italian measures.

The legality of the French reintroduction of internal border controls and the Italian residence permits were the subject of heated discussions, a majority of which questioned their compatibility with EU law. Surprisingly, a press release was issued by Commissioner Malmstrom on 25 July 2011 “*on the compliance of Italian and French measures with EU law*” concluding: “*From a formal point of view steps taken by Italian and French authorities have been in compliance with EU law. However, I regret that the spirit of the Schengen rules has not been fully respected while the steps taken by Italy regarding the issuing of residence permits and travel documents to North-African migrants irregularly present on its territory has not been in breach of EU law,*

¹⁹ The Agreement was signed in Schengen on 14 June 1985 between Belgium, France, Germany, Luxembourg and Netherlands. It has been extended over time to the other Member States: Italy has signed agreements in 1990, Spain and Portugal in 1991, Greece in 1992, Austria in 1995 and Finland, Sweden and Denmark (via an adaption of the special status) in 1996. Ireland and United Kingdom participate, on the other hand, only partially in the Schengen *acquis*, as controls were maintained at their borders. Iceland and Norway are part of the Schengen area since 1996. Their participation in decision making is limited. Switzerland joined the land borders on 12 December 2008. The original agreement was supplemented by a convention in 1990 and was implemented from 1995 on. It was incorporated in the Amsterdam treaty in 1999, thus becoming part of the European law.

level...our analysis confirms that police checks carried out by the French authorities remained within the limits compatible with the Schengen Borders Code...". Therefore the Commission decided not to pursue infringement proceedings against France and Italy but followed the wishes expressed by the two national government leaders to launch an amendment revisiting the current Schengen legal regime. In April 2011 French President Nicolas Sarkozy stated: "We want Schengen to survive, but to survive Schengen must be reformed" while his Italian counterpart, Silvio Berlusconi, added "we both believe that in exceptional circumstances there should be variations to the Schengen treaty." Moreover, President Sarkozy, on 11 March 2012, (albeit in a context of electoral campaign) prompted to hint at a possible French suspension of the Schengen agreement if it was not amended within 12 months.

The Directorate General for Home Affairs (DG Home) of the European Commission revisited the Schengen legal regime by putting forward new proposals under the so-called Schengen Governance Package in September 2011²⁰. The Package comprises two inter-linked initiatives dealing respectively with the establishment of a new evaluation and a monitoring mechanism to verify member states' application of the Schengen *acquis*²¹, and revised rules on the temporary reintroduction of internal border controls²² by establishing a new EU coordinated mechanism, ensuring a 'Union-level response' for the reintroduction of internal border controls, which, according to the act, "*should be based on a decision proposed and adopted by the Commission*". Both have received a cold welcome, negotiations on the proposals continue inside the Council, but little progress has been achieved so far on their text. The last Justice and Home Affairs (JHA) meeting, held under the auspices of the Danish Presidency of the EU, adopted Conclusions on "*guidelines for the strengthening of political governance in Schengen cooperation*", which were primarily aimed at conferring the decisional power or 'political guidance' on Schengen, not to the Commission, but rather to the Council Mixed (Schengen) Committee.

It seems clear that something has to be done on the "responsibility" side of the problem but also on the "solidarity". In fact, it is equally true that not all the Schengen countries have to take care of an external border. This should require more solidarity in terms of common surveillance, patrols and financial burden. Recently the commission refused to help financing a fence constructed by Greece though this impoverished country which faces sensitive land border with a major transit country.

As the area without internal border control represents one of the most valued freedoms of the European Union for the people living or travelling in the area, the EU institutions should safeguard this freedom without compromising the ability of Member States and the EU to deal effectively with serious threats to security or public policy. It may be that a reinforced Schengen evaluation mechanism, combined with an EU-based mechanism for responding to exceptional threats, could provide the legislative tools to improve the effectiveness of the Schengen area and the transparency of its operation.

²⁰ Commission Communication, "Schengen Governance – Strengthening the area without internal border controls", COM(2011)561 dated 16.9.2011.

²¹ Commission Proposal for a Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, COM(2011)559 dated 16.9.2011.

²² Commission Proposal for a Regulation amending Regulation (EC) No. 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances, COM(2011)560 dated 16.9.2011.

b. EU migration policy in the Mediterranean and Partnership with Southern Mediterranean Countries (SMC).

Europe and the south/eastern Mediterranean Countries are historically and geographically connected; they have a long interconnected history and have undergone a number of reconfigurations before arriving at their existing state. Within this frame, migration issues have been increasingly placed at the centre of various areas of cooperation between the EU and SMC.

In the last decade, given the general increase in migration movements from southern Mediterranean to Europe, there has been a perception in European countries that a reduction of the vast economic development gap between the two shores of the Mediterranean could lower migration pressure. Throughout the world, it is recognized, particularly in the destination countries, that there is a need to use some economic instruments such as trade liberalization, direct investment and development aid to reduce emigration incentives in the countries of origin. Among these instruments, trade liberalization through regional economic integration has been considered, by EU, to be the most promising.

The elaboration of a common immigration policy has always been a complex and controversial issue. The EU set out the elements for a common EU immigration policy at the 1999 **European Council in Tampere** and its adoption was confirmed by **The Hague programme** in 2004. The Tampere agenda sought a balance between humanitarian and economic admission including fair treatment for third country nationals, partnership with countries of origin and co-development policies. However, countering the entry of illegal immigrants through the southern and eastern borders of the EU remained a focusing point.

The **Euro-Mediterranean Partnership (EMP)** was launched in 1995 with the Barcelona Declaration and represents the first multilateral framework for cooperation between the EU and the southern and eastern Mediterranean region; its aim is to establish a common area of peace and stability and a free market zone, and to promote understanding and exchange between cultures and civil society through bilateral and multilateral agreements. This process involves three issue areas: dialogue on security, stability and the promotion of democracy and human rights; financial and economic cooperation; dialogue on social and cultural issues. Even if migration cuts across all three areas, with the EU particularly interested in establishing more effective control mechanisms and building capacity in third countries to deal with migratory flows, it is mainly handled within chapter three. In fact, the establishment of the Euro-Mediterranean Free Trade Area, to be achieved mainly through Euro-Mediterranean Association Agreements (EMAA) between the EU and the Mediterranean countries, had the aim of targeting the root causes of immigration, in particular by establishing a free trade area between the partners, by 2010, capable of reducing the existing development gap between the two sides of Mediterranean and, as a consequence, migration incentives. Migration control was the declared aim of the EMP²³. Since 1995 the Commission has negotiated and concluded Association Agreements with third countries which differ in their content. It is interesting to note the growing importance of security issues, although cooperation and preventive measures to control illegal migration (border control, visas, asylum, illegal migration and repatriation) are not mentioned in the agreements signed in 1995 with Morocco and 1996 with Tunisia, they are included in the agreements signed after 2000 with Lebanon, Egypt and Algeria.

²³ Dr. Jean-Pierre Derisbourg, adviser to the European Commission Directorate General responsible for North-South Relations, indicated the “desire to put a brake on immigration to Europe” as one of the basic reasons for the establishment of the Partnership.

The motto of the Euro-Mediterranean Partnership of “trade but not migration” has been found to be a too narrow vision and does not fit with the reality since migration is, and will be continuing. It can be, therefore, said that the economic initiatives in the Partnership to decrease migration seems to be unsuccessful in the short term, but on the long run, may be of some help in bringing immigration into Europe.

The EMP was not the only venue in which relations between the EU and the Mediterranean took place. Alongside this endeavor, the **European Neighborhood Policy**, or ENP²⁴, was developed as a response to the challenges posed by the 2004 EU enlargement to East, by offering the EU’s neighbors a privileged political relationship and economic integration on the basis of democratic values and market economy principles. This initiative, in the EU’s migration policy, gave the signals of countering the argument of “fortress Europe”, creating new “dividing lines” and an “inclusion/exclusion” debate with regard to enlargement. Compared to the Barcelona Process, the ENP was new because it introduced the possibility to differentiate relations with partner countries — and offering them incentives — depending on their progress in reaching commonly established benchmarks on policies of common interest. In the area of migration, however, the aim of the ENP is border control, cooperation against illegal immigration, agreement on readmission, management of legal migration and the implementation of migration plans. Bilateral Action Plans contain an agenda for political and economic reform and recommendations and actions concerning issues of primary interest to the EU, such as border control, visa and readmission agreements. They reflect European understanding of the most important changes to be undertaken in terms of asylum and migration, but do not reflect the general policies and concerns of third countries.

Moreover, when the neighborhood policy was established, it encompasses a genuine spirit of inclusion of the neighbours in the internal market by offering free movement to people as well as to goods. However, the offer concerning the free movement of people seems to have changed significantly due to limited short stay visa and restricted legal migration policies. The impression is that *“a bundle of rights and possibilities which have already been accorded in other venues and by other means are being repackaged in the ENP and presented as ‘carrots’ to encourage the neighbours to buy into the repressive measures”*

In July 2008, France re-launched the EMP as the **Union for the Mediterranean (UfM)** in an attempt to inject “renewed political momentum into Euro-Mediterranean relations”. The UfM is meant to institutionalize relations further by strengthening and upgrading political cooperation, putting emphasis on the co-ownership of initiatives. The regional, multilateral dimension of projects in particular has been highlighted. The pursuit of migration concerns — in terms of labour migration, links between migration and development, and control of irregular migration— has been presented as necessarily involving all relevant stakeholders in an integrated manner. There has been, however, limited progress on multilateral migration initiatives with the Mediterranean partners as a group, despite the intended impetus for re-launching the framework for relations with them. Even though the Spanish EU Presidency in 2010 had aimed at integrating migration more actively into discussions, no concrete initiatives were undertaken.

Further the **Stockholm program** was adopted by the Council in December 2009. This is a key political document that lays down the priorities and guidelines for a five-year period for the construction of an area of freedom security and justice. However, it has failed to recognize that

²⁴ ENP was established with the policy documents in March 2003 (Wider Europe-Neighborhood: A New Framework for Relations with our Eastern and Southern Neighbors) and in May 2004 (European Neighborhood Policy-Strategy Paper) aiming to promote “a ring of friends” throughout the EU’s neighborhood.

undocumented migrants are among the most vulnerable groups and that protection of their fundamental rights and their social inclusion have to be a priority in EU policies. As reflected in its title, “An Open and Secure Europe Serving and Protecting the Citizens”, the Stockholm program remained focused firstly on the rights of the “citizens” and secondly on the rights of “legally residing” Third Country Nationals. However, “illegality” is still used with reference to the lack of documentation of people who are on the move and are perceived as a threat, is widely used throughout the program.

5. A new, comprehensive and balanced approach to the problem of immigration

Migration issues have always been high on the EU's agenda and it is considered a transnational phenomenon which calls for a global answer. The EU considers migration to be one of the most visible challenges of globalization and our Heads of State and Governments have repeatedly emphasized the need to maximize the EU's ability to respond more swiftly and efficiently to those challenges.

In the past, one of the key points of the European Commission and of European Council migration policies has been to counter the entry of illegal migrants through the borders of the European Union (EU). Therefore, EU was perceived not as attempting to help third countries to resolve their problems, but instead as helping them to manage these problems within their own borders, thereby avoiding exporting them to the EU. During recent years, EU approach to migration, mainly focused on “security” matters, shifted towards the so-called global approach, also recommended by the United Nations, which warns against sustained restrictive policies that do not protect the human and social rights of migrants or tackle the root causes of migration. In this direction also lie the Communications²⁵ adopted by the European Commission in response to the need for a coherent and comprehensive strengthening of EU policies on migration.

But despite the late progress, however, there are still four main challenges hampering this new policy: the limited ability of the EU to define its migration policy with its 27 sovereign States; tensions between the national and supranational level in the EU as regards international cooperation on migration; the diverging interests and priorities of sending regions and/or partner countries; the limited implementation capacities of the EU and its Member States, as well as of partner countries. The future of the Global Approach also depends on the ability of the EU to overcome these challenges.

Indeed, the "Global Approach" means seeking a comprehensive response to the growing and evolving challenges posed by the management of migratory flows in a globalized world. The approach must show tangible and active solidarity and must be hinged on responsibility-sharing between Member States.

Up to now, some visible progresses has been made with the implementation of the Global Approach to Migration and Mobility, even if much more is needed to tackle illegal flows more effectively and to address migration on a truly comprehensive scale. Different policy areas with

²⁵ Following some COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT were issued:

- Priority actions for responding to the challenges of migration: First follow-up to Hampton Court COM (2005) 621
- The Global Approach to Migration one year on: Towards a comprehensive European migration policy COM (2006) 735
- Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union COM (2007) 247
- Strengthening the Global Approach to Migration: increasing coordination, coherence and synergies COM (2008) 611
- Global Approach to Migration and Mobility” COM(2011) 743

an impact on migration, still need to be integrated into one overall policy. This concerns Development, External relations, Employment, Regional affairs, Education, Economic issues and Health. Furthermore, the EU must consider ways of further developing the Global Approach by increasing dialogue with countries of origin and transit, and regional organizations, stepping up cooperation among Member States and EU Agencies, and taking full account of the interests of migrants provide the main guidelines for such a development.

There is no doubt that the problem of the arrival of illegal migrants on the shores of the Member States can't be solved in just one day. It means taking longer-term actions in the context of addressing the root causes of migration and harnessing the positive links that exist between migration and development. Moreover, the scale and the transnational nature of migration are such that no single Member State can successfully resolve it. This is why coordinated measures are needed at EU level, to ensure both increased solidarity and a strong teamwork between Member States, in order to deliver a comprehensive response to a phenomenon which cannot be dealt with without long-term political vision and strategic planning.

Following the renewed key points of the 2011 Commission Communication on Global Approach to Migration and Mobility (GAMM), the EU external migration policy will :

- be more integrated with EU foreign policy and development cooperation. It has to be jointly implemented by the European Commission, the European External Action Service, including the EU delegations, and the EU Member States.
- be better aligned with EU's internal policy objectives, notably the Europe 2020 Strategy but also employment and education policies. To ensure prosperity, Europe must become a more attractive destination in the global competition for talent.
- place a stronger focus on mobility and visa policy.
- complement the traditional three pillars of the Global Approach - legal migration, irregular migration and human trafficking, and development impact of migration and mobility, with a fourth pillar on international protection and the external dimension of asylum policy .
- make EU action more migrant-centered, with the aim of empowering migrants and strengthening their human rights in countries of origin, transit and destination. Inter-regional migration outside the EU will also be addressed.
- continue to prioritize EU Neighborhood, EU-Africa Partnership and countries in the east; identify the concerns and interests the EU shares with its partners and intensify cooperation.

6. Conclusion and proposal

Among EU's external policies, immigration is one of the most important and challenging and, in this field, actions, at all levels, are discussed in terms of what the EU can do better, what competences should be ascribed to the supranational level and what is better left to national authorities. This is quite understandable, as perhaps no other policy area is so intimately linked to the exercise of national sovereignty, the right of the state to decide to whom its benefits should be extended, who should be accepted within and who should be left out.

For EU it's not realistic to adopt solutions built on an "inaccessible fortress" concept towards those who legally seek to reside in another country, in search of better life conditions; However it is neither reasonable nor responsible to believe that migratory issues will solve themselves through a generalized "opening" of all borders. Controlled migration would allowed a triple-win scenario: it benefits countries of origin, countries of destination and immigrants themselves. It

also enhances the respect for immigrants' rights and origin, simultaneously reinforcing the fight against illegal immigration, terrorism and trafficking in human beings, maintaining internal security and properly managing social perceptions on the phenomenon of migration in receiving countries. Therefore, to put in place an appropriate European immigration management system, a new approach is required. The conflict between "open door" and "zero immigration" led to poor results and a new balance is needed.

Concerning irregular migration, as reported in previous paragraphs, the primary objective in the EU's strategy has always been the one of fighting it and therefore migration policy is dominated by a restrictive agenda of repelling, limiting and controlling irregular immigration. It would be reasonable to say that irregular migration will be more efficiently tackled using a balanced and wide ranging array of instruments which, besides border controls, detection of illegal staying, refusal of entry and expulsions also include a properly managed legal immigration channels. But this latter has been so far absent from EU immigration policy, as the Union, for example, does not have the competence to establish numbers and admission criteria for legal migrants, which remains the authority of the Member States. Therefore, the EU concentrates on 'hard' policy measures, aimed at 'combating' irregular migrants as border management, cooperation and coordination, visa policy, infrastructure for information exchange, police cooperation, aliens and criminal law and return and readmission policy.

But EU actions on irregular migration consist of more than just measures aimed specifically at irregular immigrants. For example, Migrants who do not satisfy the conditions for legality, or fall between provisions, are considered irregular. Therefore, when the EU takes any type of action that regulates legal migration stocks and flows, or gives a set of rights to a particular group of people, it indirectly affects irregular migration as well. Visa policy, for instance, while facilitating the free movement of legal migrants, can also significantly contribute to the prevention of illegal immigration. Effective action at the European level to counter irregular migration is hard to achieve without a common EU policy on legal immigration and therefore both of them must be addressed together in strong coordination within a common immigration policy. At the basis of this latter should be the principles of solidarity, mutual trust, transparency, responsibility and shared effort between the EU and its Member States.

There is a range of measure that could be employed in the long term, to deter future immigration and, in the short term, to deal with the current stocks and flows of irregular immigrants.

Long term measure

- The first step for the EU should be the adoption of a common immigration policy. Given the transnational nature of immigration, entry, residence and geographical mobility of third country nationals in EU Member States cannot be regulated by national policies alone. The effectiveness of a national immigration policy depends largely on the policies pursued in other Member States. This interdependence is particularly evident in the case of illegal immigrants and asylum seekers, where the rigidity or flexibility of the institutional arrangements can create significant variations between Member States on temporary - permanent and legal - illegal immigration.
- An integrated approach to migration should be adopted taking into account its multi-dimensional nature and its economic and social causes as a whole. This requires that it goes beyond the challenges posed by an approach that focuses strictly on security. The reality of migration should be addressed from a wide-ranging, structural and holistic perspective, balancing foreign and immigration policies and those on cooperation.

- The EU should avoid formulating unilateral migration policies and instead promote partnership with countries of origin and transit. In defining the level of beneficial migration, the EU should take account the need and the consequences of migration in both the country of origin and destination, most notably with regard to the decline in the number of people of working age in the EU and the need for developing countries to retain their highly skilled professionals.
- the EU should establish an effective partnership with Eastern and Southern Mediterranean countries. It may be that in the new political context arising after the “Arab Spring”, it is necessary to review the bilateral agreements against illegal immigration between SMC and EU Member States. Ordered management of migratory flows should be linked to the adoption of far-reaching, active employment policies that are coordinated with appropriate economic and industrial policies. This would perhaps be the best guarantee and, despite the political changes that may occur, it would be the best indicator for future migratory needs in the region. This means going further than the promises of jobs made in Morocco, Algeria, Tunisia and Syria, which are mainly related to the inclusion of qualified staff in the public sector.
- Improving in the third countries the recognition of foreign qualifications and pre-departure vocational and language training to facilitate the integration in the destination countries. Review the European Neighbourhood Policy and the package of proposals concerning the EU approach in the area of migration, mobility and security with the Southern Mediterranean countries, especially about the Islamic countries and the Sahel, just to control the threaten of terrorism.
- The provision of information to potential irregular migrants should be improved. Most irregular migrants do not know what economic opportunities are available to them in EU countries of destination. Expectations of outcomes are the basis upon which people make their decisions to move, meaning that the information that people use to form their expectations is of vital importance. So it is important to try to shape people’s expectations: irregular migration won’t be prevented if people continue to believe that in EU there are opportunities for all. Providing people with more and better information about the rules and procedures for gaining legal access to the EU, on what life as an irregular migrant can be like, with risks associated to illegal immigration as well as what dangers may lie in the way of reaching EU is something that may bring to some positive result.
- Taking into account that political refugees and asylum-seekers are more vulnerable than other migrants and that Member States approach them in a very different way, it may be helpful to develop a single approach to the problem. This single regulation should take into account the rules governing the admission of refugees and asylum seekers in EU Member States and through their harmonization and implementation minimize the differences between countries.
- EU must better target the problem that there is a lack of legal means of entry but there is nevertheless work available. Policies in this regard should include recalibrating legal migration channels to divert some illegal flow into legal one. Migration policies need to take into account not only the commonalities but also the differences among European labour markets. Distinct migration regimes in northern and southern Europe require different policy approaches.

- Liberalizing the provision of services, enhanced exchanges of students and researchers, intensifying contacts bringing civil society, businessmen, journalists and human rights organisations as an instrument to achieving the goals of the European Neighbourhood Policy that can only take place if proper channels for regular migration and visa facilitation are in place.
- Closer cooperation between Member States on social security coordination with non-EU countries to promote progress in the portability of social and pension rights in order to facilitate mobility and circular migration, as well as disincentive irregular work.

Short term measure

- The “Schengen governance” should be improved by a political agreement to strengthen the Schengen evaluation and monitoring mechanism: establish a safeguard clause for truly critical situations where a Member State is no longer able to comply with its obligations under the Schengen rules; respond to exceptional circumstances, retaining the possibility for Member States to reintroduce internal border controls in line with the current system in the Schengen Borders Code.
- Effective return policies should be implemented avoiding mass regularization program. Measures to support, encourage, and (where necessary) enforce the return of irregular migrants need to be a key part of the policy framework for responding to irregular migration. Governments should encourage their return by working with irregular migrants and trusted agencies on humane return programs, by further developing voluntary return packages and by establishing circular migration projects which allow some irregular migrants to return to the EU legally in the future.
- Efforts to prevent unauthorized entry through smarter border and entry controls should be continued. This element must include extending and tightening visa requirements, establishing increasingly substantial sanctions for the transportation of improperly documented passengers, and making even greater investments in physical, electronic, and human controls at the borders. This has led, in the past, to some success in tackling illegal entry but it has to be remembered that a large part of the irregular population are illegal residents who overstay after their visas have expired. Border controls are necessary, but not sufficient.
- Strongest measures against undeclared work and illegal employment should be established. Core policy should focus on common minimum standards on sanctions against employers who infringe this prohibition. This will reduce the pull factor by targeting the employment of illegally resident third-country nationals and allow Member States to introduce similar penalties.
- A consistent policy, based on human rights, should be developed by EU for limiting trafficking of human beings. In general a strongest prosecution of traffickers, by identifying and destroying the networks of human traffickers and the way they operate, and a larger protection of the victims of trafficking should be put in place.
- Doing an effort to connect labour supply and needs, makes easier for the EU industry recruiting the right skills just in order to avoid irregular works and illegal condition in the labour market of the EU Member States.
- Establishing mobility partnerships that should cover, among others, ways to facilitate the organization of legal migration and effective and humane measures to fight irregular migration.

- Using in a fully way the capability of FRONTEX to work in partnership with non-EU authorities to get closer cooperation between the relevant EU agencies which would allow better exchanges of information on migration and organised crime.

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8. Annexes

COUNTRY	MINIMUM	MAXIMUM
Greece	172,000	209,000
Italy	279,000	461,000
France	178,000	400,000
Spain	280,000	354,000
Netherlands	62,000	131,000
United Kingdom	417,000	863,000
Germany	196,000	457,000
Austria	18,000	54,000
Poland	50,000	300,000
Hungary	10,000	50,000
Slovakia	15,000	20,000
Czech Republic	17,000	100,000

Figure 1 : Clandestino Project Estimates of Illegal Migrant Stocks in 2008

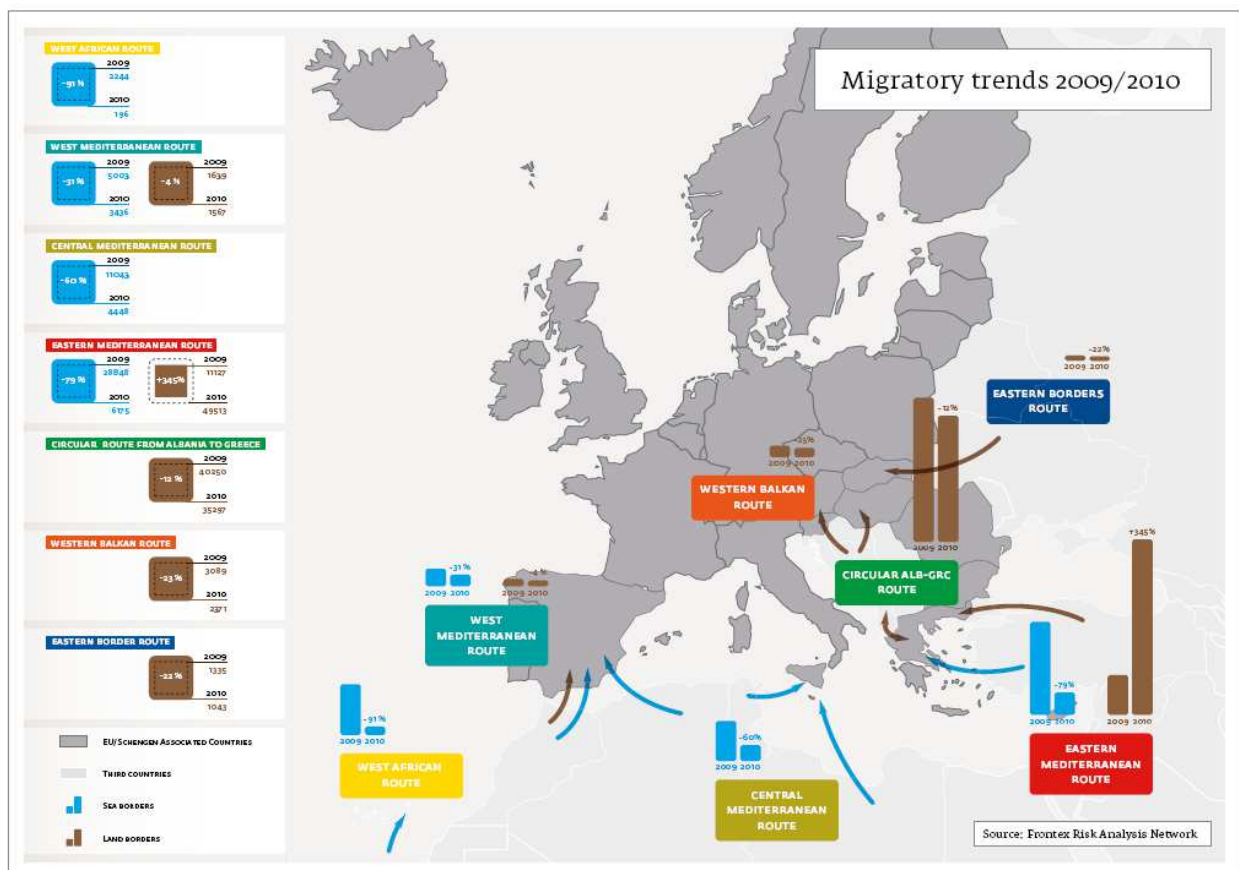


Figure 2 : Migration routes to Europe

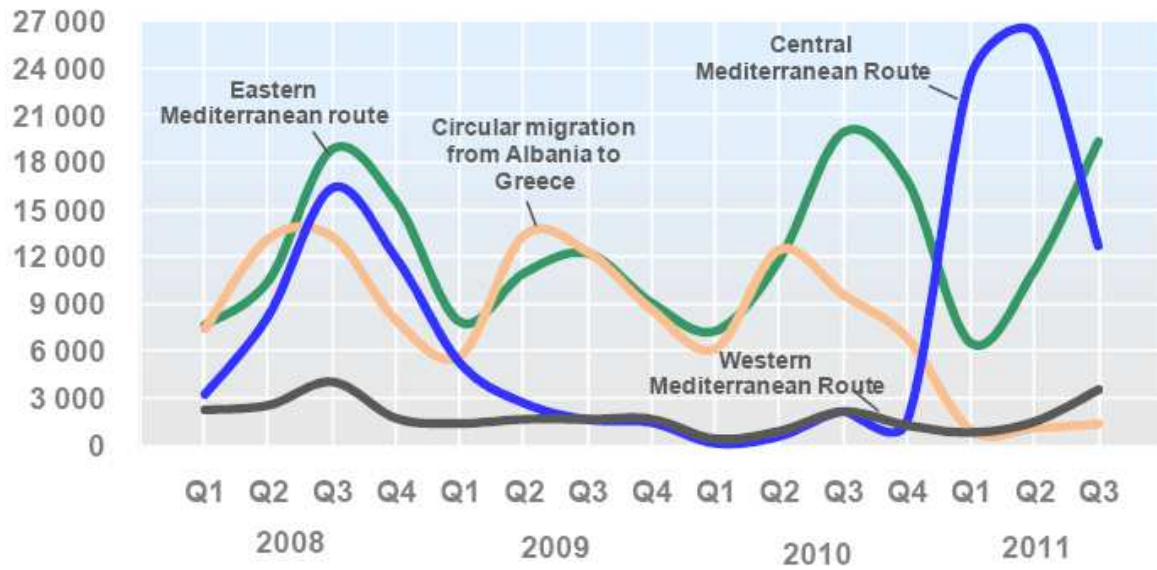


Figure 3 : Detections of illegal border-crossing by main migration routes

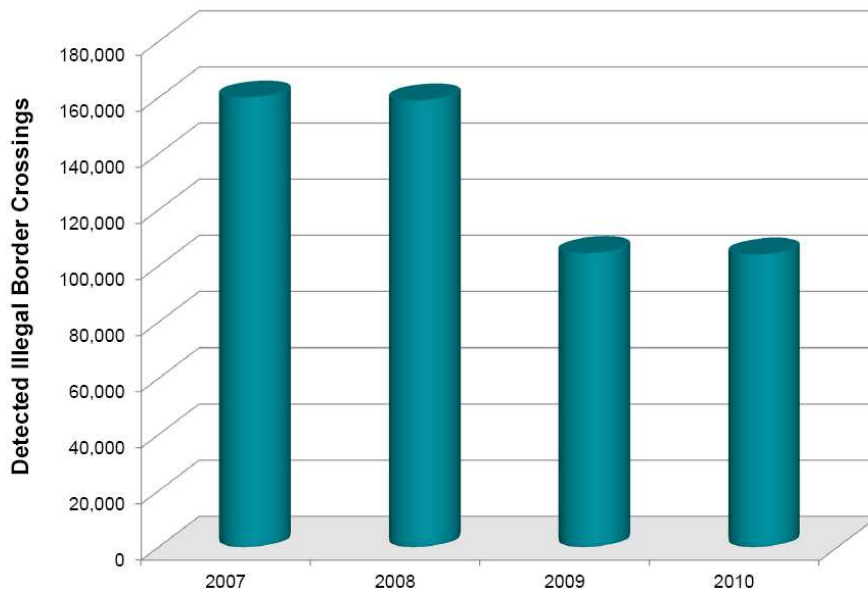


Figure 4 : Number of detected illegal border crossings at EU- and Schengen-associated Countries' external borders

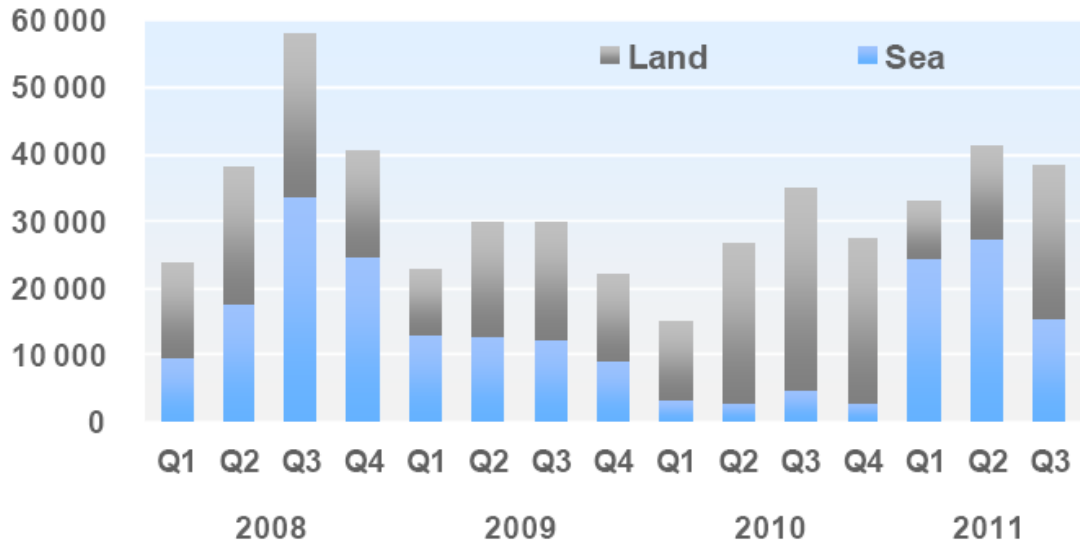


Figure 5 : Total quarterly detections of illegal border-crossing, split between detections at the land (grey) and sea (blue) borders

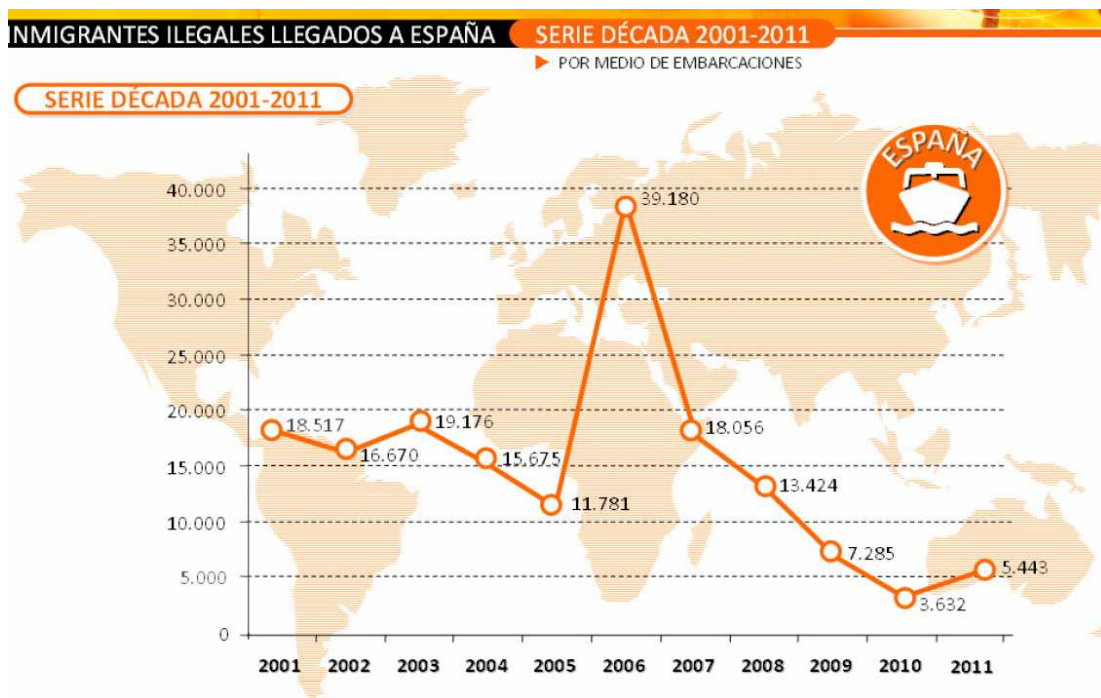


Figure 6: Illegal immigrants arrived to Spain by boat (SOURCE: Ministry of Interior Report, February 2012).

Defence cooperation (SPAIN-CESEDEN)

“Taking into account the key role of domestic armed forces during the Arab spring, how to develop cooperation between European and North African countries in the fields of security and defense?”

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1. Introduction

At the end of 2011, a debate remains about what exactly the so-called ‘Arab Spring’ has been or indeed is. A western view would be that it was a series of popular uprisings, fed by technology, led predominately by the young, to overthrow autocratic government and seize freedom and democracy. While that certainly may have been the intention of many, the real picture is somewhat complex and the differing political situation, culture and power bases in each country have led to different results in each case. For instance, in Morocco and Algeria, reforms were sufficient to satisfy immediate demands, effectively allowing the existing regimes to maintain power. In Tunisia and Egypt, the army defected from the regime, in the former allowing the democratic process to develop and in the latter consolidating its own hold on power. In Libya it took a NATO intervention to topple the government.

In addition, there is a danger in looking at the uprisings in the Arab Spring and viewing them through a Western lens. The overthrow of an existing regime may be a movement towards freedom and democracy in that the population is unhappy with the existing autocratic regime, but concepts of democracy, established in Western culture, are relatively under-developed in the Arab world, and there is not yet a single fully democratic country among the principal seventeen Arab states.

Within the Region there are well established concepts of fair and legitimate government, limited not only by religious law, but also tradition, established institutions and authority figures. Islam has a belief in basic human equality, which is a sound platform for democratic ideas. However, concepts of personal freedom, the tradition of unprejudiced discussion and individual responsibility are not well developed. Arab societies are more grounded in faith in authority than Western societies, views of elders and superiors must be respected and diversity of opinion is often perceived as a problem. Therefore the uprisings may not result in democracy.

As far as domestic armed forces are concerned, their role has also been very different in each country, although it has always been a key institution. The aim of this essay is thus, first of all, to identify this specific role in several countries of the region in order to, secondly, have a reflection on cooperation tools in the fields of defense and security, in particular between European Union and North African countries.

The study of the following countries has been considered essential in order to understand this key role of armed forces and its consequences for future cooperation mechanisms: Morocco, Tunisia, Algeria, Libya and Egypt. Based on the assumption that “one model doesn’t fit all”, the approach of this paper takes in consideration the national and local idiosyncrasies in the selected countries and avoids to make general conclusions that hardly can fit to all these countries.

2. Current situation of Armed Forces in the targeted North African countries: a critical approach

A. EGYPT

The Armed Forces under the rule of President Mubarak had remained involved into the daily running of the country, acting as the ultimate guarantor of stability. Its forbearance during the uprising won it the popular support and the Supreme Council of the Armed Forces (SCAF) stated at the outset that its rule would be transitional, promising elections in 6 months. We know now well that the process will take longer than that. Following a referendum in May that adjusted the electoral rules, a series of elections began in November 2011 that foresee three stages and will take several months to complete. The Parliament will then draft a new constitution, submit it to the process of a referendum, and only once this is agreed upon there will be presidential elections. Since the Armed Forces answer to the President and not to the Parliament, and since SCAF is acting as in loco President, it may well be into 2013 before the military relinquishes its grip to the power.

SCAF has committed itself to guide the country towards democracy, maintain continuity and ensure stability until a new President is elected. However, there is no way of knowing if SCAF speaks for the whole military, and a campaign which started in late October for its leader, Field Marshal Tantawi (who many perceive as having been an active participant in the Mubarak regime), to run for President suggests that at least some wish to retain a decisive leverage on power. Indeed, even if it does want to be replaced by a civil government, it does not wish to be subordinated to one. It wants to remain free from civilian oversight, particularly in terms of its budget and extensive economic interests. It is also unclear the extent to which the military will be willing to relinquish its background role. SCAF has shown a propensity to make unilateral decisions, for example to maintain the Emergency Law in place based on dubious grounds, to increase military trials and to limit the freedom of speech. On 1st of November, it released a draft of 'supra-constitutional principles', including a secrecy clause protecting the military budget from parliamentary oversight and giving the military the right to refer the new constitution to the Supreme Constitutional Court, if it violated any of the constitutional declarations made by the military. On 3rd of November, it announced that it would directly appoint 80% of the members of the Constitutional Commission. None of this indicates that the Armed Forces intend to retain their hold on power, but these events certainly further consolidate their influence.

B. LIBYA

In Libya, the situation was quite different from the Egyptian one. The Libyan Armed Forces were in a bad state before the war began and numbered about 20,000. They were organized primarily to protect the regime, had tribal divisions and the levels of leadership, morale, cohesion and effectiveness were all low. The Peoples' Security Force was responsible for internal security and, because it was not used to protect the regime, enjoys now a better reputation. It was 45,000 strong before the war, but its current status is difficult to determine. The rebel forces, who fought the recent civil war, number about 17000 and are made up mostly of volunteers and lack training, equipment and leadership. Nowadays, Libya thus lacks the security instrument that it would need during its highly volatile period of transition in order to have a stable framework.

C. TUNISIA

Here too, the role of the armed forces during the Arab spring was quite different. In fact, the armed forces refused to fire on the demonstrators during the uprising, and afterwards limited their role to the preservation of stability, despite the opportunity and the indeed popular support that existed for them to take control. Actually, the armed forces in Tunisia, differently from their counterparts in Egypt and Libya, have traditionally kept a background role in the society. Subordinated to civilian control since an aborted coup in the early 1960s, the armed forces had been marginalized by President Ben Ali, who kept their numbers deliberately small and restricted their role to the defense of the country, and to secondary tasks as contributing to the economic development of the nation, dealing with eventual natural disasters, and taking part in United Nations-led global peacekeeping efforts. Unwittingly, this placed them in a perfect position to facilitate the overthrow of Ben Ali and assist in the movement to a democratic future. Following the elections, the representative of the defense ministry, Major-Colonel Mokhtar Ben Nasr remarked: “As a military institution, we are proud of the Tunisian people. We have fulfilled our promise and participated in securing the elections ... the Tunisian Army will return to its military bases after the elections, and it will carry out its normal business, while rethinking its mission, and working to employ many of the youth”.

D. ALGERIA

Since December 1991, Algeria is experiencing a wave of violence that escalated between 1992 and 1998, in a near civil war. The conflict pits the military-backed regime in a complex network of underground opposition, under the aegis of the Islamic movement, the Front Islamique du Hi (FIS) has been triggered by the coup orchestrated by the army was intended to block the FIS victory in parliamentary elections of 1991. According to official figures, 100,000 people were killed during this period, 1,200 deaths a month. In April 1999, a page was turned in the long political crisis with the election of Algerian President Abdelaziz Bouteflika, the candidate of the military. This election created high expectations and there was even a decrease in violence for a time. The President has indeed quickly issued a limited amnesty for those responsible for violence and promised to implement fundamental reforms to end the violent crisis in the country since 1992 .

At this time, those hopes are dashed. The number of civilians killed is rising again; the amnesty after one year has had only limited effects, the law on civil concord has been perceived by Islamists as a police action rather than an attempt reconciliation policy. Eighteen months after Bouteflika's election, a feeling of dissatisfaction with the President's action is growing among the elite and the Algerian military.

In short, the Algier's authorities have sought to resolve any of the main causes of violence manifested in 1992 and 1993. They have not accepted the fundamental need to restructure and give new legitimacy to the Algerian state, to accept the failure of the eradication strategy of the Islamists and to begin a process of political dialogue with them. Today it is necessary that the Islamists find expression in the formal political arena. Legal political parties must participate meaningfully in political life and ensure that elected politicians meet government and state institutions. This would allow the Algerian political life to start again on new bases.

In this context it is important to clearly define the role of the Algerian armed forces in politics. The armed forces, which continue to see themselves as the guarantor of stability in Algeria, are still very involved in the political affairs of the country. A review of the role of the military in politics and the subordination to civilian control should be the priority of any reform program. To make the armed forces join the cause of change remains the most urgent and greatest challenge. The chances of success of such an enterprise will largely depend on change management and on the capacity of the Algerian political leadership to persuade the military that their fundamental interests are not prejudiced.

The final resolution of the Algerian crisis is an intellectual challenge that requires a new approach from the international community and, in particular, by the European states, for which the outcome of the crisis is a major issue. Until now, European attitudes towards Algeria have favored the maintenance of the stability of the regime and the repression of violence by military means, without the due attention to the underlying causes of the conflict. The Algerian armed forces have been seen as the best way to control the violence, to avoid a mass migration and possible outbursts of terrorist violence in Europe and even to guarantee supplies in crude oil and natural gas to the continent. European states have implicitly accepted not to have any role in Algerian politics. This approach has only partially succeeded. With only few exceptions, the violence has not had any impact on Europe and was limited to the Algerian territory. There has been no influx of Algerian refugees, and oil and gas have continued to flow without interruption.

These last months, Algeria has been affected by a wave of popular demonstrations, with reference to socio-economic conditions, but also requesting the resignation of President Bouteflika. There has been many deaths since January 8th 2012 during the protests. Some demonstrators even put themselves on fire in protest against their living conditions, modeling their behavior on the Tunisian Mohamed Bouazizi.

E. MOROCCO

In Morocco, the military remains a force well known for being never mentioned in the press except to exalt his role in the "defense of the throne". Commissioned by the king, who combines the titles of supreme leader and chief of general staff, its budget, when presented to MPs, is not the subject of any discussion. It is voted as such.

Since the two coups fomented by the armed forces in the early 1970s, Hassan II was suspicious of the military and had them monitored by the police. No movement of the armed forces is allowed if it is not controlled by the police and when fire exercises are conducted, the police is keeping the records of the ammunition used. To remove any temptation of a coup by his generals, Hassan II had imagined another solution: the granting of agricultural farms, residential building or the possibility to engage in all sorts of business. The recipe has been effective. Thanks to the generosity of the late king, an important amount of senior officers have built huge fortunes in real estate, agriculture, fisheries and industry.

In conclusion, armed forces have had controversial roles in all the targeted countries, although it is difficult to outline general conclusions as their position has been very different in each country. In some cases, there have been in the heart of the power and of the control of the country (Egypt, Algeria), in other cases, there have been in a secondary position, usually absolutely controlled by

the Executive and its police forces (Morocco, Tunisia, Libya). Thus, in some cases, while it was a key actor of totalitarian regimes, it was a factor for stability. In other cases, its secondary or even weak position has been or moved into a support for the uprisings.

Once we have identified how armed forces have been involved in their respective countries during the so-called Arab spring, and their key role in some countries, the next step is to identify which place remains for multilateral cooperation in the fields of security and defense and what must be the role of International Organizations (IO) and in particular of the European Union (EU).

3. Multilateral cooperation tools in the field of security and defense

The first aim of multilateral cooperation has been to consolidate a stable framework from an economical perspective, which is essential prior to develop cooperation tools on security and defense issues. In the region, the following IOs have played or have a role to play: the Arab League, the European Union, NATO and the United Nations.

A. UNITED NATIONS

Concerning the United Nations, its different specialized agencies are the key to security and defense through development (development agencies or world food program, for instance), as well as the alliance of civilization's initiative, headed by the Portuguese former President of Republic Jorge Sampaio. The latter is a unique opportunity to launch the debate on cultures, religions and civilizations, redefining the sense of pluralism in a society inclusive and democratic. Although perceived as a soft power initiative, the global scope of the alliance (on education, media, youth and migration) aims to promote good governance as part of a broader concern on sustainable development, while strengthening the relations between the west and the Islam. Therefore, the Arab world becomes the epicenter of the alliance's concern, justifying that its role is much more needed in the aftermath of the Arab revolts than after the September 11. In fact, in November 2010, the alliance launched a regional action plan for Mediterranean countries, with the assumption that cooperation and dialogue must address the real needs of those countries in a copartnership model without perfect recipes to be exported to the Arab world. In sum, the alliance envisages that democracy has its own time of maturation, rehearses, attempts and mistakes and multilateral partners cannot impose one model on the issue.

B. EUROPEAN UNION

As far as the European Union is concerned, its approach is mostly based in the Mediterranean dialogue, through its political and economic instruments. The EU remains committed to work with countries in the region, international financial institutions, the private sector and civil society organizations to ensure that a coordinated and effective reply can be made swiftly and efficiently.

When the first demonstrations in Tunisia occurred, in December 2010, the EU soon recognized the challenges of the popular discontent that, in the name of dignity, democracy and social justice, had shaken the Arab world in the beginning of the so called "Arab spring". Therefore, the EU alerted to the impact on the region as a whole and reminded the way the EU had been

engaging with the southern neighborhood, speaking with several governmental and nongovernmental interlocutors in the region. The first official EU statement on the issue was released the 8th of March 2011. In the joint communication of the High Representative/Vice President (HR/VP) Catherine Ashton and the Commission towards "A partnership for democracy and shared prosperity with the Southern Mediterranean", the EU stressed the need for a new approach. This new approach was based both in supporting demands for political participation, dignity, freedom and employment opportunities and in consolidating reforms in terms of financial assistance, enhanced mobility and access to the EU Single Market. In the joint communication of 25th of May this approach was reinforced launching "a new response to a changing Neighborhood", both in the short and long term. In the document mentioned, we can identify two main areas of concern. First, the concern of building a "deep democracy", based not only on having a democratic constitution and free and fair elections, but by supporting an independent judiciary system, free press flourishing and a dynamic civil society committed with a healthy democratic environment. The second concern is more economical and is based on the guarantee of an inclusive and sustainable economic growth and development, ensuring a strong job creation policy. These two dynamics have direct consequences on the security and defense issues.

Moreover, the EU also stressed the importance of the appointment of a EU Special Representative for the Southern Mediterranean, Bernardino León, aiming to enhance political dialogue with the Southern neighbors' and ensure optimal coordination of efforts among the EU institutions, EU member states, relevant financial institutions such as the European Investment Bank and the European Bank for Reconstruction and Development, and the private sector.

In addition, the treaty of Lisbon set the European External Action Service (EEAS) which gives the EU the appropriate structure to be the global actor it wanted to be since many years, by gathering in a single department the main part of DG Relex (external relation) and of the Secretariat of the Council. Civilian and military tools of the EU are now in the same hands and can plan actions of large-scale cooperation.

The budget of the EU in this respect is important:

Programs	Budget 2014-20 Billion €
<i>European Neighborhood Instrument</i>	18,2
<i>Development Cooperation Instrument</i>	23,3
<i>Partnership Instrument</i>	1,1
<i>Instrument for Stability</i>	2,8
<i>European Instrument for Democracy & Human Rights</i>	1,6

The EEAS is, therefore, an opportunity for European countries cooperation policies in particular in the field of education/training regarding security and defense.

C. NATO

NATO's Mediterranean dialogue and the Istanbul Cooperation Initiative are particularly important to define the partnership engagement in the Middle East and North Africa in the last 16 years. In fact, NATO recently announced an extension of its cooperation based in those two programmes from around 700 to more than 1600 activities ranged from ordinary military contact to exchanges of information on maritime security and counter-terrorism, access to educational programmes provided by Alliance institutions, and joint crisis management exercises.

NATO's Mediterranean Dialogue was initiated in 1994 and it currently involves seven non-NATO countries of the Mediterranean region: Algeria, Egypt, Israel, Jordan, Mauritania, Morocco and Tunisia. The Mediterranean political dialogue links to the Mediterranean European partnership the approach that security in Europe depends on the security and stability in the Mediterranean region (also one of the key points of Solana's European Security Strategy, first discussed in 2003). Therefore, bearing in mind the principles of non discrimination, self-differentiation, inclusiveness, diversity and complementarity, the alliance's cooperation with the Mediterranean aims to contribute to regional security and stability and achieve better mutual understanding. In fact, NATO's approach is concerned with the specific needs of each of Mediterranean Dialogue partner countries, tailoring individual cooperation non imposed programmes focused in long term objectives and taking in account the specific regional, cultural and political contexts of the respective partners. With this individual Partnership Cooperation Programmes, the Alliance can provide assistance in the areas of security institutions building, defense transformation, modernization and capacity development, civil-military relations, and defense-related aspects of the transformation and reform of the security sector.

The measures of practical cooperation between NATO and Mediterranean Dialogue countries are laid down in an annual Work Programme which aims at enhancing the alliance partnership through cooperation in several security-related issues - fields of modernization of the armed forces, civil emergency planning, crisis management, border security, small arms & light weapons, public diplomacy, scientific and environmental cooperation, as well as consultations on terrorism and the proliferation of weapons of mass destruction.

There is also a military dimension to the annual Work Programme which includes invitations to Dialogue countries to observe - and in some cases participate - in NATO/Partnership for Peace military exercises, attend courses and other academic activities at the NATO School (SHAPE) in Oberammergau (Germany) and the NATO Defense College in Rome, and visit NATO military bodies. The military programme also includes port visits by NATO's Standing Naval Forces, on-site train-the-trainers sessions by Mobile Training Teams, and visits by NATO experts to assess the possibilities for further cooperation in the military field. Furthermore, the military programme also includes port visits by NATO's Standing Naval Forces, on-site train-the-trainers. While the working programme is essentially military (85% of the activities), it comprises activities in a wide range of areas of cooperation including Military Education, Training and Doctrine, Defense Policy and Strategy, Defense Investment, Civil Emergency Planning, Public Diplomacy, Crisis Management, Armaments and Intelligence related activities.

At the Berlin meeting in April 2011, NATO Foreign Ministers endorsed the establishment of a single Partnership Cooperation Menu for all partners and a number of cooperation tools have also

been progressively opened to MD countries, such as the full package of Operational Capabilities Concept to improve partners' capacity to contribute effectively to NATO-led Crisis Response Operations through achieving interoperability; The Euro-Atlantic Disaster Response Coordination Center aims at improving partners' capacity in supporting NATO's response to crises; and The Partnership Action Plan Against Terrorism aims at strengthening NATO's ability to work effectively with MD partners in the fight against terrorism. Also the NATO Training Cooperation Initiative, launched at the 2007 Riga Summit, aims at complementing existing cooperation activities developed in the MD framework through: the establishment of a "NATO Regional Cooperation Course" at the NATO Defense College in Rome, which consists in a ten-week strategic level course also focusing on current security challenges in the Middle East.

In addition, the new Strategic Concept, which was adopted at the Lisbon Summit in November 2010, identifies cooperative security as one of three key priorities for the Alliance, and constitutes an opportunity to move partnerships to the next generation. The Strategic Concept refers specifically to the Mediterranean Dialogue, stating that: "We are firmly committed to the development of friendly and cooperative relations with all countries of the Mediterranean, and we intend to further develop the Mediterranean Dialogue in the coming years. We will aim to deepen the cooperation with current members of the Mediterranean Dialogue and be open to the inclusion in the Mediterranean Dialogue of other countries of the region". The new Strategic Concept acknowledges, indeed, the importance of partnerships focused on the interests and security agendas both of the Alliance and partner states.

As far as the Istanbul Cooperation Initiative is concerned, it was created in 2004 on the same scheme as MD and includes Bahrain, Qatar, Kuwait and United Arab Emirates. It allowed the countries of the Middle East to join an organization of which Israel is not a part. The aim of ICI is to enhance security and stability through a renewed engagement and assistance in a number of areas including defense reforms, civil-military relations, military-to-military cooperation; and fight against terrorism and illegal trafficking (through information sharing and maritime cooperation). Besides, even if it is not the only reason, the holding of common exercises and the research of interoperability with NATO armed forces within the framework of this partnership facilitated the participation of Qatar and UAE in the operations in Libya.

However, NATO has still a long way to carry on the issues of human security concerns, since its role is still not perceived as a coherent and consistent security sector reform agenda bearing in mind people in the region as a top priority. Moreover, internal divisions within NATO continue to hinder a consensual and constructive response to the Arab Spring.

D. ARAB LEAGUE

Focusing on the regional framework, it's important to recall that the Arab League has already a Joint Defense Council, established under the terms of the Joint Defense and Economic Cooperation Treaty (1950) to co-ordinate the joint defense of the Arab League. Moreover, during the 137th session of the Arab League Council, held on Cairo in last march, Tunisia submitted a project of the creation of an Institute of Defense and Security of Arab Countries and an Arab military Academy. The meeting also reviewed prospects for the development of bilateral cooperation and vitalization of ad hoc committee as well as preparations for the Tunisian-Egyptian High Joint Committee meeting.

E. DIALOGUE 5+5

It is also interesting to note that, on the field of security and defense, the partnership started in the early 80's when the dialogue 5+5 was launched between four European member states (France, Italy, Portugal, Spain and Malta) and Algeria, Libya, Mauritania, Morocco and Tunisia. In fact, one of the objectives of this cooperation perceived the development of a joint capacity of action (through joint exercises, exchange of good practices...) and in 2004, in Rome, the ministers of defense approved a memorandum of understanding and a plan of activities to the multilateral cooperation on security of the Mediterranean, compromising on the participation of army forces in the civilian protection areas. This 5-5 framework always worked "outside" the EU or NATO's partnership but is rather inspiring as a model of successful multilateralisation.

F. AFRICAN UNION

Finally, the African Union has the objective of becoming the central organization to ensure peace, security and regional integration in Africa. But the AU has a long and difficult task to accomplish, and the EU should endeavor to provide support in specific areas and, generally, in the development of its capabilities.

The dialogue should be more strongly focused on political issues and revolve around a limited number of common priorities. In this context, clear objectives should be set, leading to demonstrable progress toward desired outcomes. It is essential that the EU/Africa dialogue is fully complementary and increases the value of dialogue and cooperation being pursued in other structures (including EU-ACP, EU-MEDA, EU-SADC and EU-ECOWAS, UN, WTO, WB/IMF HIPC). In this regard, the EU/Africa dialogue could play a useful complementary role in relation to Pan-African cooperation between the EU and Africa under the Cotonou Agreement for SSA, the agreement Euro-Mediterranean Partnership (MEDA) for the countries of North Africa and the agreement on trade, development and cooperation with South Africa, who are all focused on the national and sub-regional level.

As far as defense cooperation is concerned, the EU is helping the AU through EURORECAMP, which is a tool to help the AU to validate the African Standby Force (ASF) in 2010. This falls within the framework of the EU action plan to strengthen African capabilities. This plan develops 10 proposals; the 6th reads: "Provide and facilitate Training Activities, including European training and exercises". AU has chosen the name "AMANI AFRICA" for this first ASF training cycle and its final exercise. The AMANI AFRICA - EURORECAMP cycle will develop in the framework of the Africa-EU strategic partnership as adopted during the Lisbon summit, on 9 December 2007. The first cycle ran in 2008-2010 and was concluded by an exercise (CPX) conducted in Addis Ababa from 20th to 29th October 2010. A draft roadmap covers years 2011-2015.

4. Assumptions, conclusions recommendations and open questions

Three **assumptions** can be summarized as follows:

1) First of all, it would be premature to make any broad statements about the success of the uprisings beyond that of the immediate outcome. In every case, there is a process under way to establish a new form of government, with appropriate infrastructure, and it will take considerable time before any who have overthrown a regime have a stable, mature government, clearly

capable of providing for its citizens. However, it is certainly possible to comment on the progress made and consider the likelihood of each process to achieve its goals.

2) Secondly, it's important to emphasize that each country represents a particular challenge and the domino effect must be prevented in the attempt of looking to the Arab spring as a homogeneous process. Indeed, in the same way that the uprising in each country differed, so does the way in which it is developing towards a stable government. For example, in Libya, the military intervention led to Kaddafi's capture and death. In the case of Tunisia, the process of transition has embodied a true international dimension, since the EU is willing to lead Tunisian's integration towards the international community. In the case of Egypt, the question is more sensitive, since the military were always controlled by the United States and represent a state inside the State and the transition from military power to civilian is still an open issue. In Morocco and Algeria, the existent regimes have undertaken some reforms and been able to maintain their power.

3) Thirdly, the respect of the International Legal framework and local political processes is essential in any case.

These assumptions allowed the working group to make the following conclusions:

- The existing multilateral defense cooperation framework is not effective enough to deal with the new socio-political conditions.
- National defense cooperation approaches are driven by national interests.
- Interdependent priorities for the region are security, stability and economic prosperity.
- There is a lack of a comprehensive approach (security/ defense/ economic/ social/ institutional development).

The working group raised also some **recommendations**:

- The necessity to reinforce existing multilateral tools to face this new process in each targeted country/region.
- There cannot be a defense cooperation without a human security approach (efficient tools to fight corruption, real access to justice, ...) respecting the local political processes.
- A comprehensive cooperation approach (stability, security and economic cooperation programmes) needs to be promoted, in particular in the framework of the EU EAS.
- An EU lessons learned plan has to be reinforced, with an accountability perspective.
- The "coopération d'influence" for defense and security (training, providing good practices, ...) has always to be practiced and improved if necessary

In sum, one year after the uprisings in the Arab region, there are still too many unanswered questions that challenge cooperation between EU and North African countries in the fields of defense and security. A prospective vision of the situation addresses, *inter alia*, the following **open questions**:

- Is the multilateral partnership the most efficient one? For instance, are the Mediterranean programmes envisaged by NATO and the EU suitable for this particular stage of the process or do they need to be adapted?

- What is the perfect balance between bilateral and multilateral cooperation? Are some specific countries better placed in order to lead bilateral programmes and initiatives supported by local and regional partners?
- Are the Arab League or the African Union effective interlocutors for Arab countries and the EU?
- How much should the EU tie defense cooperation to the outcome of local political processes?

5. Annexes : Bilateral cooperation tools in the field of security and defense

During the Arab spring, some EU countries have shown a special interest in the region and have become strategic partners, not only for the outcome of the uprisings, but also, in order to establish long-term cooperation tools. In particular, France and the UK have been fundamental actors. On the other side, a country like Germany is clearly having a secondary role in bilateral cooperation. For instance, except for economic relations, most of the cooperation between Germany and North African countries occur in a multilateral framework. Outside the European Union, the United States, although it did not have a direct role in military interventions, it is still an essential actor for cooperation on security and defense issues.

A. FRANCE

As far as France is concerned, it has different types of agreements that cover a wide range of modalities for cooperation.

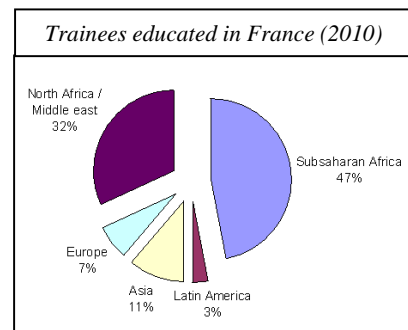
On the one hand, France holds defense and cooperation agreements with 11 countries and it is currently revising its defense agreements signed in the 1960s. These agreements stated that France should intervene militarily if the partner country was invaded—a commitment France does not wish to pursue.

On the other hand, France has different types of cooperative agreements. Cooperation agreements are all encompassing, each covering a specific area, such as security, and are permanent unless explicitly revoked. Limited cooperation agreements are limited in time or in the activities they cover. In Africa, for instance, France has cooperation agreements with Mali, Guinea, Burkina-Faso, Niger, Benin, Chad, Equatorial Guinea, Congo, Democratic Republic, of the Congo (DRC), Kenya, South Africa, and Madagascar; limited cooperation agreements, with Rwanda, Burundi, Malawi, Seychelles, and Mauritius; and technical arrangements with Ghana, Nigeria, Ethiopia, and Sao Tome.

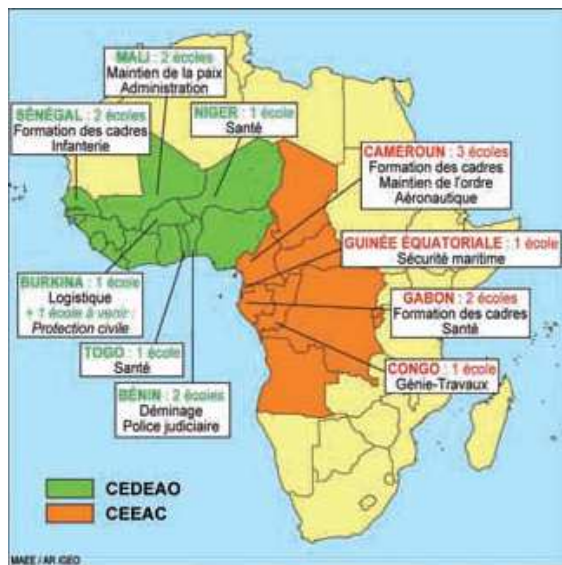
France conducts numerous training activities with its partners, under the category of either structural or operational cooperation but the following examples characterize a French touch in military cooperation.

1) Professional Military Education

Around 900 foreign students are educated in French military schools.(873 in 2010). In this context, the French Military Academy of Saint-Cyr hosts around 80 foreign students in 2009 per year among which 70% from sub-Saharan Africa. The French Naval School in Brest has a special course for nonfrancophone foreign officer students including, from the end of 2011. The French Joint War College (Collège Interarmées de Défense) included about 110 international trainees from 78 countries from every region of the world.



2) Region-Focused National Schools (Ecoles nationales à vocation régionale)



The ENVR created and supported by DCSD provide the host nation and its neighbours with military and police academies and specialty schools. 16 ENVR are disseminated in 10 African countries and deliver more than 60 different courses to 1400 trainees coming from 30 countries (2010).

3) *RECAMP and EURORECAMP Programs*

The RECAMP purpose is to build African capacity to respond to crises in the continent. The RECAMP program incorporates many of France’s security cooperation activities, such as the ENVR, the sending of advisors, logistic support, exercises... Both DCSD and the EMA are involved in leading and funding RECAMP.

Since 2008, the EU funds and manages the training at the strategic level of the AU crisis management cell in Addis Ababa (see infra African Union) under the name Amani Africa (EURORECAMP), while France remains in charge of operational and tactical training under the original RECAMP name.

B. UNITED KINGDOM

Security and defense cooperation is part of the UK’s “soft power” and encompasses activities that prevent conflict, support operations, promote international military friendships, build capacity, reform security sectors, and aid stabilization. The military contribution to soft power faces a major evolution as the recent SDR sets military diplomacy (“providing a defense contribution to UK influence”) as a military task.

In 2010, the total Ministry of Defense (MOD) spending on defense diplomacy was about US\$240 million, roughly 0.5 % of the UK defense budget. This figure includes discretionary funds, such as MOD spent in Africa, Afghanistan, and elsewhere; the capitation costs of all MOD officials (service and civilian) involved in delivering defence diplomacy; MOD support to foreign personnel sponsored at UK PME or on technical training courses; all soft power–related seminars and conferences; soft power–related exercises; and the costs associated with training and maintaining attaché, liaison, and exchange posts.

1) *Security Cooperation Activities*

MOD priorities and the soft power activities undertaken with partner nations are considered classified information. The general principle is that more-important regions or countries are given

a higher priority for all defence diplomacy activities. It is assessed that Brazil, India, and China, as well as those offering specific military support to UK forces, such as basing or overflight rights, will be given the priority.

2) Professional Military Education

MOD considers certain staff courses to be “flagship” courses: These are in high demand and seen as effective soft power tools. The Royal College of Defence Studies course is premier among these flagship courses. Each course lasts for one academic year and consists generally of 80 members, 50 from overseas (one third of them being funded by the UK). Command and staff training for the UK armed forces is conducted at a joint staff college. About 100 (a quarter of them being paid for by the UK) out of the 330 students are overseas students., with 24 of these paid for by the UK.

International defense training is also delivered, in the UK (at each service level) or abroad through the British Military Advisory Training Teams (BMATT) which deploy for long or short-term teams to deliver military training courses, training assistance, and advice to partner nations to further develop their professional armed forces and their capabilities to participate in multinational Peace Support Operations. The breakdown of Short Term Training Teams by country and by the task that they were assigned to undertake is classified at CONFIDENTIAL. During Financial Year 10/11, 64 short terms teams teams were deployed (20 of which were host nation funded) for a total of 384 personnel and a cost of 1254,5 £k

The UK also deploys “loan service personnel” overseas to serve in complement posts in a foreign nation’s armed forces. Loan service personnel wear the uniforms of the host nation and, within the boundaries of the initiating agreement, obey the commands of that nation’s senior officers. 307 personnel were under this status over the financial year 10/11.

3) Training and Exercises

In recent years, MOD has struggled to maintain its international exercise program while meeting its significant commitments to combat operations in Afghanistan and Iraq. For the UK, these exercises tend to be joint and require significant logistic support. The army has been overcommitted to combat operations, and the RAF has had difficulties generating certain specialist force elements at readiness. In addition, the UK logistics system has been focused on operations with little spare capacity. Consequently, the MOD has been able to program few, if any, joint exercises since 2000, and few exercises with foreign nations are able to take place at present.

C. UNITED STATES

The United States has a global policy for the Middle East and North Africa (MENA), including both multilateral initiatives (NATO, G8,...) and bilateral cooperation. Foreign assistance budget is one of main US policy tool.

EGYPT

The United States and Egypt enjoy a strong relationship based on shared mutual interest in Middle East peace and stability, revitalizing the Egyptian economy and strengthening trade relations, and promoting regional security. Over the years, Egypt and the United States have

worked together to expand Middle East peace negotiations, hosting talks, negotiations, and the Middle East and North Africa (MENA) Economic Conference. Multinational exercises, U.S. assistance to Egypt's military modernization program, and Egypt's role as a contributor to various UN peacekeeping operations continually reinforce the U.S.-Egyptian military relationship.

U.S. military cooperation has helped Egypt modernize its armed forces and strengthen regional security and stability. Under Foreign Military Financing (FMF) programs, the United States has provided F-4 jet aircraft, F-16 jet fighters, M-60A3 and M1A1 tanks, armored personnel carriers, Apache helicopters, antiaircraft missile batteries, aerial surveillance aircraft, and other equipment. The United States and Egypt also participate in combined military exercises, including deployments of U.S. troops to Egypt. Every other year, Egypt hosts Operation Bright Star, a multilateral military exercise with the U.S., and the largest military exercise in the region. Units of the U.S. 6th Fleet are regular visitors to Egyptian ports.

Egypt's historic transition to democracy, launched in early 2011, will have a profound impact on the political future, not only of Egypt, but also the Middle East and North Africa (MENA) region at large. The FY 2013 request is premised on the assumption that the United States will be working with a new, democratic government that allows civil society organizations to operate more freely. The United States believes it is important to preserve their flexibility to assist Egypt with its transition, given the fluidity inherent in transitions.

Throughout this transition and beyond, Egypt will remain of critical importance to the United States and to U.S. policy in the region. Supporting a successful transition to democracy and economic stability in Egypt, one that protects the basic rights of its citizens and fulfills the aspirations of the Egyptian people, will continue to be a core objective of U.S. policy toward Egypt. Egypt is a key U.S. partner in ensuring regional stability and on a wide range of common security issues, including Middle East peace and countering terrorism.

U.S. assistance to Egypt has long played a central role in Egypt's economic and military development, and in furthering our strategic partnership. Now, with Egypt embarking on a transition to democracy, the U.S. support would help Egypt develop a new political system and achieve inclusive economic growth. U.S. assistance supports Egyptian efforts to protect civil liberties and human rights, introduce transparency and accountability in government, foster economic growth and democratic institutions, and develop a robust, independent civil society.

MOROCCO

U.S.-Moroccan relations, characterized by mutual respect and friendship, have remained strong through cooperation and sustained high-level dialogue.

A key partner in promoting security and stability in the region, Morocco is a major non-NATO ally, contributes to UN-led multilateral peacekeeping operations, and participates with U.S. forces in major bilateral exercises on the African continent.

Morocco is a strategic ally of the United States in North Africa. Significant regional unrest has not deterred the Government of Morocco's (GOM) commitment to the implementation of its new constitution and the realization of ambitious plans for job creation, improved educational opportunities, and social inclusivity for women and youth. The ability of the newly-elected Moroccan government to achieve its reform goals is critical for maintaining stability and responding to sentiments of political marginalization among its large youth population. With a strong emphasis on youth as a development priority, U.S. assistance to Morocco focuses on

helping the GOM eliminate the drivers of marginalization and political unrest. Strong support for Morocco's reforms in the areas of democracy, increased civic participation among marginalized groups, and improved economic and educational opportunities remains a central component of U.S. assistance

TUNISIA

The United States has very good relations with Tunisia, which date back more than 200 years. The American Friendship Treaty with Tunisia was signed in 1799.

The United States and Tunisia also cooperate on security assistance and the U.S.-Tunisian Joint Military Commission meets annually to discuss military cooperation, Tunisia's defense modernization program, and other security matters.

Since the Tunisian revolution in 2011, U.S. Government assistance to Tunisia has increased dramatically. Assistance has been used in support of Tunisian election preparation; the development of a pluralistic, competitive political culture; the promotion of transparency and accountability; support for indigenous transitional justice processes; support for youth employment initiatives; the advancement of entrepreneurship and private-sector development; English-language training and academic capacity building; and government-to-government assistance.

Since the January 14, 2011 revolution, the United States has recalibrated its assistance to Tunisia to add focus on an array of targeted areas to include economic development, democracy, and governance, while deepening security engagement.

Assisting the Tunisians in laying a foundation for political stability and economic prosperity that strengthens civil society, empowers youth, and solidifies the foundation of democracy in Tunisia is a key priority for the United States. In the immediate aftermath of the protests that led to the ouster of former President Ben Ali, the Department of State and the United States Agency for International Development (USAID) mobilized more than \$50 million from regional and global resources to provide immediate transition assistance designed to meet Tunisia's most pressing challenges in democracy and governance as to support the political transition. Additional resources, focused on longer-term economic impact, have been allocated from the FY 2011 Economic Support Funds (ESF) within the Middle East Response Fund (MERF). This \$71 million assistance package funded by MERF makes resources available for critical economic assistance, such as a U.S.-Tunisian Enterprise Fund and a U.S. backed loan guarantee to the Government of Tunisia.

Tunisia is looking to the United States, as a strategic partner in addressing these challenges as Tunisia works to consolidate its position as an emerging democracy. In developing follow on bilateral assistance plans, the U.S. Government will actively assesses how assistance can help Tunisia overcome its hurdles and best support its goals to become a prosperous nation based on democratic values and practices.

The FY 2013 request seeks to support Tunisia's near-term priorities while continuing to lay the foundation for its mid-to-long term democratic and economic development. Specifically, the FY 2013 request includes funding to build upon critical programs, initiated after the Tunisian revolution, that enhance U.S.-Tunisian engagement on security cooperation, higher-education development, civil society and governance support, and critical economic development policy reforms.

ALGERIA

Since the September 11, 2001, terrorist attacks in the United States, contacts in key areas of mutual concern, including law enforcement and counterterrorism cooperation, have intensified. The United States and Algeria consult closely on key international and regional issues.

Cooperation between the Algerian and U.S. militaries continues to grow. Exchanges between both sides are frequent, and Algeria has hosted senior U.S. military officials. In May 2005, the United States and Algeria conducted their first formal joint military dialogue in Washington, DC; the second joint military dialogue took place in Algiers in November 2006, a third occurred in October 2008, and a fourth took place in November 2010. The United States and Algeria have also conducted bilateral naval and Special Forces exercises, and Algeria has hosted U.S. Navy and Coast Guard ship visits. In addition, the United States has a modest International Military Education and Training (IMET) Program (\$950,000 in FY 2010 and 2011) for training Algerian military personnel in the United States, and Algeria participates in the Trans-Sahara Counter-Terrorism Partnership (TSCTP).

United States bilateral foreign assistance to Algeria is designed to strengthen Algeria's capacity to combat terrorism and crime, and support the building of stable institutions that contribute to the security and stability of the region. Foreign assistance further supports Algeria's ongoing fight against al Qaeda in the Islamic Maghreb (AQIM) and other hostile actors in the region. Algeria has remained relatively stable over the past year, despite the turmoil that has engulfed the region. While there have been sporadic demonstrations, they have remained primarily socio-economic in nature, with very few calls for the government to step down.

LIBYA

Relations with Libya deteriorated sharply following the Qadhafi regime's brutal suppression of the uprising in 2011. The U.S. suspended Embassy operations in Tripoli on February 25, 2011 and ordered the Libyan Government to suspend its Embassy operations in Washington on March 16. A mob overran and burned the U.S. Embassy on May 1. The U.S. imposed sanctions on Libya on February 25 and, in compliance with UNSCR 1970, froze more than \$30 billion in Libyan Government assets, most of which have now been released after the UN de-listed most Libyan financial institutions. The U.S. Embassy in Tripoli resumed operations September 22, 2011. The U.S. appointed a special envoy to the Libyan Opposition in Benghazi in March 2011 and has maintained a diplomatic presence there since April 5, 2011. The U.S. Government officially recognized the TNC as the legitimate government of Libya on July 15, 2011.

At the outset of the uprising and revolution in Libya, the US determined that it would not take the lead in post-conflict stabilization, but rather would play a supporting role to the efforts of the interim Government of Libya (GOL), the UN and other international partners. In this context, the United States is committed to providing limited assistance that advances our primary goals: the creation of a democratic Libya that is secure, peaceful, prosperous, able to sell its oil and gas in the international market, and is an active member of the international community contributing to regional and global stability. The United States, in consultation with the UN, the GOL and Congress, has developed clear and simple criteria for providing assistance that takes into consideration U.S. priorities for Libya, other U.S. foreign policy priorities, and strategic allocation of limited resources. Assistance levels are based on U.S. core competencies, Libyan requests for assistance, and critical areas the Libyan government cannot fund in the near term or where funding from the GOL would be inappropriate.

The FY 2013 bilateral request is based on known, ongoing requirements. During, and immediately after the conflict, the United States provided approximately \$140 million from global or regional accounts in assistance and transition support to Libya for a few key areas: humanitarian assistance, securing/destroying weapons, advancing civil society and governance, providing election support, and counterterrorism cooperation. Additional Economic Support Funds (ESF) (designated as the Middle East Response Fund (MERF)) are being made available to support immediate transition needs. While most humanitarian assistance was provided in the immediate aftermath of the conflict, the United States will continue to provide limited humanitarian support for various at-risk populations such as migrants and the war wounded. As the situation in Libya and U.S. priorities evolve, additional assistance in key transition areas may be identified. In these cases, a priority would be to identify ways to leverage and maximize Libyan resources through targeted technical assistance.

Assistance to state building (Portugal-IDN)

“After the Arab spring, there will probably be a greater need for state building, especially regarding justice and home affairs. How could European countries improve their assistance to North African countries in this field?”

WORKING GROUP C

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Col. (Air force) João INACIO (Portugal)

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Capt. (Navy) Jean HAUSERMANN (France - CASD)

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- 1. Factors**
- 2. Actors**
- 3. Key State Functions**
- 4. Defining statebuilding challenges, priorities and feasibility**
- 5. Defining objectives and limits of engagement**
- 6. Understanding context**
 - A. Institutional level
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- 7. References**

Before everything else, three different concepts should be distinguished: peacebuilding, nationbuilding and statebuilding. These are three different processes that can both reinforce each other or interfere with each other. Peacebuilding implies: preventing the start or the resumption of a conflict, stopping an ongoing conflict and creating the conditions needed for a sustainable peace. As usually peacebuilding looks for inclusive arrangements, it may turn out weak and divisive governments detrimental for statebuilding. In general terms, peacebuilding is about ending or preventing violent conflict and supporting sustainable peace, while statebuilding is about establishing capable, accountable, responsive and legitimate states. Nationbuilding means promoting the kind of national identity characteristic of older and more consolidated states. It is a process better left to endogenous forces, that in many cases (i.e. multiethnic states) may be impossible to implement or detrimental to peacebuilding.

The OECD recently defined “Statebuilding is an endogenous process to enhance capacity, institutions and legitimacy of the state driven by state-society relations. Positive statebuilding processes involve reciprocal relations between a state that delivers services for its people and social and political groups who constructively engage with their state.”²⁶ At its core, this concept is not far removed from the traditional conception of statebuilding, in which external actors were believed capable of encouraging state formation by, for example, mediating disputes and building the capacity of formal institutions, into which nonstate structures were then expected to be subsumed. What has changed in OECD/DAC’s new Guidance, however, is the explicit recognition that state formation occurs mainly through internal processes rather than external assistance, and that state-society relations are among the core factors.

1. Factors

A core factor of statebuilding is the interface State/society. Statebuilding is not an exercise to be done in a vacuum, but it must take into account the cultural, social and historical conditions of the society upon which it will be implemented. These complex interactions and processes include legacies from the pre-conflict period, attributes of the conflict period, and new elements like emerging configurations of political power arising in the post-conflict period. In post-conflict contexts, these factors persist beyond peace agreements, and influence state-building dynamics in the transition period. Recognizing this is vital as statebuilding must be an endogenous process for it to be sustainable.

Adapting the typology created by Alina Rocha Menocal and Verena Fritz in “Understanding State-building from a political economy perspective”, we could distinguish the following types:

- Weak states created as a result of the breakup of a multiethnic empire or state (ex. Bosnia, Tadjikistan, Georgia...). Prior to independence those states had already a considerable state capacity and their human development indexes were in the middle range. Usually the international community engages with them in development action and/or peacebuilding more than in statebuilding
- Post-colonial states. They accede to independence with weakened state structures and even with an almost non-existent national identity. Of the four ways they can evolve, for the purposes of statebuilding we consider three trajectories: stagnation (Cameroon), downward slope (Nepal) or sharp decline (Liberia). Very often those countries that follow the third trajectory end up in a third type:
- Failed States. This is the most extreme case. Institutions have collapsed and the state practically has to be recreated. Examples: Somalia, Liberia.

²⁶ OECD DAC Initial Finding Paper, 2008

Another typology could take into account the degree of national identity and ethnic mix. In that respect, we could distinguish:

- States with a strong national identity and a single ethnic group that encompasses at least 90% of population. This situation is rare in statebuilding contexts.
- States where the biggest ethnic group has identified itself with the State and bars the minority ethnic groups from acceding to power, alienating them and provoking in them secessionist feelings. Ex: Myanmar, Laos.
- States where an ethnic group which is not a majority group controls power. The situation is similar to 2), but much more unstable. Normally the ethnic group in power needs a bigger level of violence to stay in power and whenever the conflict erupts the State can collapse more thoroughly and violently. Ex: Liberia, Ethiopia.
- States where several ethnic groups coexist and share power. This situation don't require statebuilding actions. Nevertheless, demographic shifts or the questioning of the constitutional and political arrangements can lead to conflict and situations where peacebuilding is needed. Ex: former Yugoslavia, Lebanon.

Key questions to be answered before engaging in statebuilding are:

- Size and number of ethnic groups.
- The history of their interrelations: was conflict the dominant feature? Has any group been disfranchised?
- The elites: their ethnic origin, how they exert power, how they appropriate or distribute the resources of the state, the composition of the Administration and its recruitment policies.
- Degree of tolerance of diversity.
- Language policy.

2. Actors

In any statebuilding process we can distinguish three kinds of actors: statebuilders, elites in power and challengers.

1) Statebuilders are the states and international agencies, whose objective is the pacification and stabilization of the country. Their efforts are usually hampered by two factors: a) Short term approaches: no country nor agency wants to be involved in a protracted statebuilding process that drags on and eventually diverts resources from later and more urgent and/or mediatic conflicts; b) Pressure of the media and their public opinions, which are eager to have quick and successful results.

2) Elites in power may see the process as a way of reinforcing their grip on power.

3) Challengers can be of two kinds: those who want to replace the present elites and those that want to secede a part of the territory. Both actors may feel the temptation to hijack the statebuilding resources for their own ends.

Any situation involving three actors is inherently unstable. The logical trend is for two of the actors to ally in order to curtail the third one. In statebuilding situations, there is an added factor: both elites and challengers know that the commitment of the external statebuilders is a temporary one. So, the most tempting approach is for both of them to try to forge an alliance with the statebuilders in order to improve their standing with the views set on the day the statebuilders will have departed.

It could be tempting for the statebuilders to ally with one of the sides,- most likely the elites-, given the difficulty of getting an inclusive agreement with both elites and challengers. It can be a very effective strategy on the short term, but it is doubtful it may work in the long term, once the statebuilders have departed the country.

4) A fourth kind of actor that may be present, but not necessarily, are external actors. It is difficult to characterize them, as they are very diverse: neighbouring states (Pakistan and Iran in the case of Afghanistan; Rwanda in the case of DRC...), terrorist groups (al-Qaeda in Iraq and Afghanistan, AQIM in Mali...), ethnic groups across several states (Kurds in Iraq, Pashtos in Afghanistan, Tuaregs in Mali...), others (shadowy arms dealers, drug traffickers...)... Those groups have their own agendas that often clash with the statebuilding process.

3. Key State Functions

If the goal of state-building is to be realized, the first step is to agree on the functions²⁷ that a state must perform in today's interdependent world.

Ten Key Functions for the Contemporary Sovereign State	
<p>1. A legitimate monopoly on the means of violence</p> <p>2. Administrative control</p> <p>3. Sound management of public finances</p> <p>4. Investment in human capital</p> <p>5. The creation of citizenship rights and duties</p>	<p>6. Provision of infrastructure</p> <p>7. Regulation of the market formation</p> <p>8. Management of the assets of the state</p> <p>9. Effective public borrowing and management of international relations</p> <p>10. Maintenance of rule of law</p>

All states should fulfill a set of core functions such as providing security, infrastructure and justice for their citizens. Key state functions include²⁸ (i) delivery of security and justice, (ii) revenue and expenditure management, (iii) basic service delivery and (iv) economic management. The failure of a state to perform core functions can create conditions for conflict or undermine post-conflict transition and recovery. Post-conflict governments should establish their legitimacy on a renewed commitment to fulfill the core functions that their context demands.

4. Defining statebuilding challenges, priorities and feasibility

In a post-conflict situation everything is a priority. The temptation to focus in very visible, easy and quick to obtain results is high, but it comes at the price of a failure in the long run. While transition priorities vary greatly according to the particular context, they can usually be thematically clustered in terms of: improving security and human welfare, fostering reconstruction and development, and reconstituting political order and authority.

Key priorities should be:

- To put an end to violent conflict and pacify the country. Demobilization, disarmament and reintegration of former combatants are vital.

²⁷ Stability, State-Building and Development Assistance: an outside perspective by Ashraf Ghani, Michael Carnahan and Clare Lockhart

²⁸ Peacebuilding and Statebuilding Priorities and Challenges – a synthesis of findings from seven multi-stakeholder consultations

- To reach an inclusive political settlement. Prior trust-building measures may be key for the success of such a settlement. Two caveats: a) An inclusive political settlement may be advisable to reach peace, but it can be detrimental in the long run to get a strong government, as can produce weak and divisive governments and parliaments; b) There is the risk of trying to implement early in the process the drafting of a constitution and the holding of fair and free elections. Examples such as Iraq, Afghanistan and Cambodia, show that this rush approach fails on the long run.

Strengthen the state's capacity to raise revenues and to provide services. The provision of services is key to ensure the legitimacy of the state. Besides, it is important for the society to see some tangible results of the pacification and statebuilding process. Furthermore, the provision of services is a way of delegitimizing the insurgent groups that have remained out of the political settlement. A key aspect that must inform this priority is the promotion of good governance and the fight against corruption.

These three priorities should be implemented in a coordinated and simultaneous way, as they are interlinked and each can promote the other two.

Justice and peaceful resolution of conflict (State's capacity to rule "through" the law, to contain and resolve conflict, to adjudicate through the independent, impartial, consistent, predictable and equal application of the law for all citizens and to hold wrong-doers to account)
<ul style="list-style-type: none"> • Strengthening legal and judicial frameworks and institutions
<ul style="list-style-type: none"> • Expanding access to justice, especially to the poor, marginalised and conflict affected groups, including by supporting the use of traditional systems
<ul style="list-style-type: none"> • Supporting mechanisms, including non-formal and traditional systems, for peaceful resolution of conflicts, at the central and local level
<ul style="list-style-type: none"> • Developing and implementing strategies and mechanisms to address issues of impunity and to fight corruption
Basic safety and security (The provision of basic safety and security for the population is a core capacity of the state. The security function of the state refers to the capacity of the state to manage the legitimate use of force in order to protect the population and territorial integrity from international or external threat)
<ul style="list-style-type: none"> • Formal reforms to enhance the governance and capacities of the security sector institutions, in particular the army and the police
<ul style="list-style-type: none"> • Support to DDR processes (a priority also reflected in national strategies)
<ul style="list-style-type: none"> • Strengthening of mechanisms and/or the role of bodies that can provide an oversight of security sector institutions (e.g. Parliament)
<ul style="list-style-type: none"> • Support the outreach of security institutions to the local level and support the positive role of local bodies and actors in promoting security
<ul style="list-style-type: none"> • Promoting community security through local level mechanisms

PEACEBUILDING AND STATEBUILDING PRIORITIES AND CHALLENGES – © OECD 2010

5. Defining objectives and limits of engagement

Out the previous definition of statebuilding the following objectives can be extracted:

- Develop the capacities of the state;
- Develop its legitimacy upon the citizens (justice and security play a key role here);
- Ensure it has the monopoly of violence on the territory. A certain level of peace is a prerequisite for those objectives to be attained.

- In the last 20 years a standardized model of which should be the arrival point of the statebuilding process has been developed. The elements of this model are:
- Politically: drafting of a constitution; democracy with free and fair elections which are held regularly; free media; respect for human rights; good governance through accountability and transparency;
- Economically: market-based and open economy; growth and development strategies; focus on poverty alleviation;
- Socially: universal and modern education; gender equality.

This agenda has much in common with the modernization processes undertaken in the past by countries such as Thailand, Turkey or even the monarchist Afghanistan of the 50's and 60's. However it raises many issues:

- It is based on foreign models, most notably those of the advanced Western societies, and may be oblivious of local traditions, local history and local capacities²⁹;
- It tries to find shortcuts, so that such an agenda that took decades for the aforementioned countries to accomplish can be implemented in a few years.

There is the growing realization that this template is ill-suited for post-conflict environments.

6. Understanding context

The United Nations geopolitical definition of Northern Africa includes eight countries or territories: Algeria, Egypt, Libya, Morocco, South Sudan, Sudan, Tunisia and Western Sahara. Only three of them have been struck by the so called “Arab Spring” (Egypt, Libya and Tunisia). In our opinion, the presence of Sudan and South-Sudan in the list is questionable. Those two countries have indeed very different issues to solve and should be excluded from the scope of this study. Western Sahara is de facto part of Morocco with regards to the current study, even if the situation may impact it. On the geographic point of view one can admit that Mauritania is part of North Africa.

In our opinion, the level of analysis should be strictly national because by definition state building, especially home affairs and justice are closely linked to each state. However, the European countries may help in State building at regional level (i.e. UMA³⁰), or sub-national level (i.e. Western Sahara and Kabyle regions).

A. Institutional level

	Régime	UMA	UfM ³¹	Former colony
Algeria	Republic	Yes	Yes	FR
Egypt	Republic	No	Yes	UK
Libya	Transitional	Yes	Observer	IT
Mauritania	Republic	Yes	Yes	FR
Morocco	Kingdom	Yes	Yes	FR
Tunisia	Republic	Yes	Yes	FR

The Arab Maghreb Union (UMA) with five countries in North Africa among its members (Algeria, Libya, Mauritania, Morocco and Tunisia). The process of integration within the UMA was however very unstable and strongly influenced by geopolitical conditions facing the region. Some countries have also joined other regional economic communities. This is, in

²⁹ Consulting for the implementation of Rule of Law must take into account regional tradition. For example, the Mauritanian judicial system combines French and Islamic (Malikite rite) legal traditions.

³⁰ “Union du Maghreb Arabe” : Algeria, Libya, Mauritania, Morocco, Tunisia <http://www.maghrebarabe.org/fr/index.cfm>

³¹ Union for the Mediterranean.

the Arab world, the Greater Arab Free Trade Area (GAFTA) formed in 1997. It includes all the countries of North Africa with the exception of Algeria and Mauritania.

Across Africa, three countries (Libya, Egypt and Sudan) are members of COMESA established in 1994 and five countries (Egypt, Libya, Morocco, Sudan and Tunisia) are part of the community of Sahel-Saharan countries (CEN-SAD) created in 1998. More recently (2004), the Agadir Agreement was signed by three countries in the region (Egypt, Morocco and Tunisia) and Jordan in order to maximize the benefits of the process of Euro-Mediterranean partnership and to strengthen the South-South integration.

Initiative 5+5 (France, Italy, Malta, Portugal, Spain – Algeria, Libya, Morocco, Mauritania, Tunisia) has a scope focused on security (illegal migrations, terrorism).

The Union for the Mediterranean (UfM) promotes economic integration and democratic reform across 16 neighbours to the EU's south in North Africa and the Middle East. Formerly known as the Barcelona Process, cooperation agreements were re-launched in 2008 as the Union for the Mediterranean (UfM), presented as a new phase Euro-Mediterranean Partnership. The four chapters of cooperation developed in the framework of the Barcelona Process during thirteen years remain valid, Justice and Interior Affairs being one of them. Along with the 27 EU member states, 16 Southern Mediterranean, African and Middle Eastern countries are members of the UfM: Albania, Algeria, Bosnia and Herzegovina, Croatia, Egypt, Israel, Jordan, Lebanon, Mauritania, Monaco, Montenegro, Morocco, the Palestinian Authority, Syria (currently self-suspended), Tunisia and Turkey.

B. Instrumental level

The MEDA regulation is the main instrument of economic and financial cooperation of the Euro-Mediterranean partnership. It was launched in 1996 (MEDA I) and amended in 2000 (MEDA II). Its objectives and main areas of intervention are derived from the Barcelona Declaration. It allows the European Union (EU) to provide financial and technical assistance to countries in the southern Mediterranean and over time it has come to focus even more on measures to accompany the reform of political, economic and social structures in the Partner countries.

MEDA program interventions aimed at achieving the Euro-Mediterranean partnership in its three components includes the strengthening of political stability and democracy.

MEDA mostly supports economic transition in Mediterranean countries and the realization of a Euro-Mediterranean free trade, but the program also supports a socio-economic development where strengthening democracy, human rights and the rule of law are included. According to the MEDA regulation, respect for democracy, rule of law, human rights and fundamental freedoms is an essential element of partnership which the violation justifies the adoption of appropriate measures. These measures may be adopted by the Council acting by qualified majority on a proposal from the Commission.

In addition, MEDA supports regional, sub-regional and transnational cooperation.

The actions financed under MEDA may take the form of technical assistance, training, institutional development, information, seminars, studies, investment projects.

Justice and home affairs - Key areas of intervention and approaches for assistance

Key areas of intervention	EU possible action	Possible target countries
Conflict prevention	Political mediation	Libya – Morocco - Algeria
DDR	Monitoring	Libya
Reconciliation process	Consulting	Libya
Constituent Assembly - Constitution	Consulting	Tunisia - Libya
Electoral code implementation	Consulting	Tunisia - Libya
Election	Monitoring	Tunisia - Algeria - Libya
Tax system	Consulting	Tunisia – Algeria - Egypt
Governance	Financing- Consulting	Mauritania - Tunisia
Judicial system	Financing - Consulting	All
Anti-terrorism law enforcement	Consulting	All
Anti-corruption law enforcement	Consulting	All
Prison System and Reintegration	Financing- Consulting	All
Formation of Police Officers	Formation at CEPOL	All
SSR	CSDP civil mission	Libya
EULEX	CSDP civil mission	Libya

Given the areas of intervention and possible actions identified above, some proposals of action from the EU are presented below, within the institutions and instruments already available. Most of the Country Strategy Papers edited by the EU targets modernization of administration and justice which requires some financing, but above all consulting.

Proposal N°1: Emphasize EU support on consulting on administration and justice modernization using MEDA structure.

- Election monitoring

On 23 October 2011, EU executed a « Mission d’Observation Electorale (MOE UE) pour l’élection de l’Assemblée Nationale Constituante (ANC) » in Tunisia. The report issued a sequence of recommendations for future elections. Such a European operation may be proposed to other North African countries.

- Improving laws and their implementation for economic development

A European Parliament study on “Small and medium sized enterprises (SMES) in the Southern Mediterranean” (26/01/2012) shows that, on average, south Mediterranean firms are subject to unfair competition of the informal sector and to corruption. Those two issues are reported to be the most significant obstacles faced by Egyptian, Jordanian, and Moroccan businesses.

- General Law implementation and enforcement

An example of Law implementation support can be found between EU and Mauritania. EU support can also be settled for the modernization of jurisdictions such as the MEDA program in Morocco.

Proposal N°2: Use UfM as a framework for regional approach as this organization is the sole to regroup the majority of North African and European countries.

- The UfM may also be the framework for a regional approach. “Justice and Interior Affairs” is a chapter of the formerly Barcelona Process, included at the 10th Anniversary Euro-Mediterranean Summit held in Barcelona in 2005. However, little has been done in this field.

Proposal N°3: Support the Maghreb Commission with EU experts.

- There is a Maghreb Commission unifying legal and judicial experts within UMA in order to finalize the development of two models for criminal and civil laws, as part of efforts to homogenize procedures. This Commission may be supported on request by EU experts.

Proposal N°4: Use the Common Security and Defence Policy (CSDP) civil mission model.

- On 28-29 September 2011, took place the first meeting of the EU-Tunisia Task Force that brought together governments, institutions and businesses to support Tunisia’s democratic transition process through renewed partnership. This method may inspire future Task Force meetings with other countries, taking into account the specificity of each partner. If necessary, a CSDP civil mission might be implemented to deliver a more robust response for Security Sector Reform (SSR) or the implementation of the Rule of Law on the model of EULEX Kosovo Mission.

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Aid to economical and social development (FRANCE-CHEM)

“Aid for economical and social developments is a necessary condition of the sustainability of nascent democracies. In this respect, how could the European Union improve its aid towards North African countries ?”

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1. Current social and economic situation

A. General observations

B. Main economic characteristics

- a. *Weak economic growth*
- b. *Stagnating production sectors*
- c. *Strong export and import concentration*
- d. *No obvious leading sectors*
- e. *Other problems*

C. Main social challenges

- a. *Attainable commitments*
- b. *Challenging commitments*

2. Diagnostic per country

A. Egypt : the biggest and the poorest...the biggest challenge!

- a. *Social*
- b. *Economy*

B. Tunisia: the most socially advanced but the most economically fragile

- a. *Social*
- b. *Economy*

C. Libya : the richest economy but the most challenging social building

- a. *Social*
- b. *Economy*

3. Priority sectors per country

4. EU aid for North African countries

A. EU action plan for North Africa

- a. *Economic development*
- b. *Social development*

B. Historic of former EU aid

- a. *EU policy assessment until 2011: failure in promoting peaceful democratic transition and economic growth*
 - o EU aid allocation to North Africa 2007-2010
 - o Political process
 - o Failure to encourage good governance and greater transparency
 - o Too much focus on governments and elites
 - o Waste and mismanagement
 - o Mixed record on boosting trade
- b. *Post Arab Spring EU policy*
 - o Connecting economic aid to political change
 - o Texts from EU commission
 - o Principles: 3 Ms (more money, more market, more mobility)
 - o ENPI (2011-13)
 - o 2011
 - o Long term future

5. EU strategic context

6. Recommendations

1. Current social and economic situation

A. General observations

- Economic liberalization did not lead automatically to political satisfaction. Mobilization of protesters demanding just bread and butter but also dignity and freedom of expression
- Major differences between North African countries:
 - oil and gas resources
 - importance of agricultural sector
 - trade partners
- Common characteristics:
 - centralized but weak Institutions
 - non democratic countries
 - economic underperformance (high unemployment, low growth)
 - muslim societies
 - high proportion of youth (under 24)
 - urbanization : Tunisia 67%, Libya 77%, Egypt 43%

B. Main economic characteristics

a. *Weak economic growth*

Growth rate remains at a level far below what is required for an effective reduction of poverty and unemployment, and indicates the need for greater rigour in the implementation and evaluation of economic, social and institutional reforms.

Annual average between 1980 and 2004 : 0,5%

b. *Stagnating production sectors*

It can be observed that the service sector is the leading sector in North African economies, as it represents an average of 44 per cent of the overall product compared to 33 per cent for industry (mainly oil and gas) and 19 per cent for agriculture.

c. *Strong export and import concentration*

	Major export partners	Major import partners
Tunisia	Fr 31,3% - It 21% - Ge 8,5% - Sp 5,5% -Libya 5,5%	Fr 23% - It 22% - Ge 10% - Sp 5% - Libya 4,4%
Libya	It 40% - Ge 12% - Sp 7,4% - Fr 6,3%	It 19% - Ge 7,7% - Tu 6,8% - Fr 5,7%
Egypt	It 9,5% - Sp 7,6% - Uk 4,2%	It 6,4% - Ge 6,3%

- Egypt, and Libya are developing their specialization in fuel, and Tunisia is increasingly focusing on manufactured goods
- The evolution observed in all countries reveals an export structure concentrated mainly in two sectors (oil or manufactured goods)

- Need to move towards new specializations and vertical diversification to develop more value-added production.

d. No obvious leading sectors

- Main sectors are : agriculture (Egypt), energy (Libya), tourism (Egypt, Tunisia)
- No correlation between each sector.
- Questions:
 - Why does the agricultural sector not always have a stimulating effect?
 - Why in the oil-producing countries is the increase in oil revenues not accompanied by an equally strong growth of activities in the rest of the economy?
 - What use is made of revenues from tourism?

e. Other problems

- No innovative approach to structure the whole of the educational and productive system around the notion of 'competence';
- No development of a system of research that can stimulate creativity and enable the dissemination of the results of innovation;
- Strengthen the regulatory framework as part of good governance in order to increase competition and transparency in public management and to minimize bureaucratic delays.
- Excessive centralization of the government administration

C. Main social challenges

a. Attainable commitments

- Eradicating extreme poverty : around 15% of the population is below national poverty line
- Achieve universal primary education : even if the net enrolment ratio in primary education is higher than 90 per cent, there are high levels of illiteracy (especially among women) which, according to UNDP data (2004), reached 18.3 per cent in Libya, 26.8 per cent in Tunisia, 44.4 per cent in Egypt
- Promote gender equality and empower women : progress is slow in women's access to the higher echelons of power and national parliaments

b. Challenging commitments

- Improve maternal health: there is little progress in the reduction in maternal mortality. The major challenge is lack of access to reproductive health infrastructure and information, particularly in rural areas
- Unemployment of 15-24 age group: there is a lack of employment especially for youth, constantly aggravated by growing active population rate. Moreover, the short supply of new jobs seems likely to become an increasingly serious problem.

2. Diagnostic per country

A. Egypt : the biggest and the poorest...the biggest challenge!

a. Social

- very unsteady social situation

- most populated country (84 millions p.)
- Middle East oriented
- important rural population (43%)
- high rate of illiteracy
- interreligious tensions
- important emigration to Gulf countries
- low women integration
- increasing young population
- media freedom
- poverty

b. Economy

- large and underdeveloped agricultural sector
- armed forces involvement in economy
- importance of gas/oil sector but not necessary reflected on society
- importance of tourism
- imports/exports : 2 first partners are out of the EU (USA and China)
- financial aid by the USA
- financial aid by the Gulf states
- corruption very high

B. Tunisia: the most socially advanced but the most economically fragile

a. Social

- closest country to Europe
- small country (10 millions)
- urbanization (70%)
- high rate of young population
- high level of emigration specially towards France, Italy
- higher literacy in comparison with other countries
- pro-european sensibility
- secular society/ gender equality

b. Economy

- limited resources: no oil and gas
- highly dependent on tourism
- desertification
- unemployment (specially young people)
- major partners : import Fr/It, export EU. Special trade conditions with EU lowering custom barriers
- manufactured industry
- migrant incoming money

C. Libya : the richest economy but the most challenging social building

a. Social

- EU/NATO military intervention and its follow up
- very poor record on human rights

- poor democratic culture (former isolated country)
- tribal social structure characterized by violent competition for economic and political domination
- very weak public institutions,
- high rate of literacy
- 77% population is urban

b. Economy

- important gas/oil resources and over-dominant sector
- no agriculture
- strong infrastructure
- trade partners : mainly EU, China and the USA

3. Priority sectors per country

	Egypt		Tunisia		Libya	
	Priorities	Sectorial policies	Priorities	Sectorial policies	Priorities	Sectorial policies
1	To increase civilian power	Education, justice, transparency (anti corruption)	To develop rural areas	Water supplies, modernize agriculture and fishing	To reduce tribal influence on civil society	Education
2	To reduce poverty and youth unemployment	Modernise agriculture Enhance manufacture d sector by technologies transfer, promote investment	To secure secular values	Education, justice, constitutional rights, development of medias	To build civil society (HR)	Justice (legal framework), freedom of medias
3	To guarantee freedom of religion	Education, justice, constitutional rights	To develop youth employment	Enhance manufactured sector by technologies transfer, promote investment	To diverse economic sectors	To promote agriculture, fishing, tourism
4	Women rights	Education, gender equality, constitutional rights	To re-invigorate and to diversify tourism	EU promotion campaign, formation	Fair redistribution of revenues	Liberalization of financial system and new public fiscality

4. **EU aid for North African countries**

A. EU action plan for North Africa

a. Economic development

- Monetary, exchange rate and fiscal policies in order to improve macroeconomy stability and promote growth and employment :
 - pursue macroeconomic stability by reducing the inflation rate
 - strengthen central bank independence
 - reduce central government deficit
 - increase public investment in education and key infrastructure
 - improve transparency and accountability of government finances
- Improve functioning of market economy :
 - improve conditions of private sector development
 - reduce economic distortion
 - facilitate procedures to create a new company
 - accelerate judicial procedures necessary to enforce contracts
- Ease trade relations :
 - identify areas with export potential to EU and enhance capability by increasing quality of products
 - reduce non tariff barriers of regulatory and bureaucratic nature to trade and investments
 - increase transparency of customs rules
- Create favorable environment for companies by improving rights of establishment :
 - co-operate to facilitate establishment of companies and foreign investment
 - improve environment for business operation (implementation of bankruptcy legislation)
 - adopt principles of international accounting standards
- Develop agriculture :
 - ease access to export markets by providing administrative support
 - develop quality production
 - strengthen the role of agricultural research centers in improving productivity, food safety and quality of agricultural products
- Change taxation to progressively move towards VAT system

b. Social development

- Social situation, employment and poverty reduction :
 - modernize the Public Employment Services
 - strengthen social dialogue
 - strengthen efficiency, targeting and coverage of social expenditures (enlargement of the base of targeted groups and improvement of social statistics)
 - ensure equal opportunities for women and men, including employment
 - support reduction of regional disparities
- Education and training :

- combat illiteracy by continuing reform of education systems and pre-school education
- continue to reform primary and secondary education to improve quality
- promote use of ICT in education
- Public health :
 - support and cooperate in the development of health sector reform
 - implement re-organization and decentralization of health sector
 - elaborate a system for Social Health Insurance covering the whole population
- ICT
 - Encourage the use of ICT. Expand penetration of new technologies as a tool for promoting equality and democracy. Modernize state services and ensure use of them from government to the population.
 - Encourage the development of freedom of press and media. Facilitate access to neutral and balanced information. Contribute, through bilateral or trilateral dialogue to government non-interference in press of freedom

B. Historic of former EU aid

a. EU policy assessment until 2011 : failure in promoting peaceful democratic transition and economic growth

- EU aid allocation to North Africa 2007-2010:

2nd largest European program for external assistance with :

- Egypt 558M €
- Tunisia 300 M€
- Libya 8 M€

- Political process

95: Barcelona declaration, parties bound by Barcelona process, democracy and human rights principles

2002 : the Valencia Communication, reiterating the principles

2003 : communication of the European commission, “reinvigorating EU actions on human rights and democracy with the Mediterranean partners”

- Failure to encourage good governance and greater transparency

Lack of EU’s promotion for good governance, improvement of transparency and combat of corruption

○ Too much focus on governments and elites rather than grassroots organisations, the private sector, institutions and NGOs

- Waste and mismanagement

- Objectives are too broad and projects lack focus
- Too much money is directed at little value projects
- Lack of transparent and reliable data on progress achieved
- Insufficient monitoring
- Failure to adapt projects to challenging circumstances on the ground

- Mixed record on boosting trade

North African countries face significant barriers to trade with EU, not least in agriculture. Only Tunisia fully benefits from trade agreements with the EU because of so-called ‘rules of origin’.

b. Post Arab Spring EU policy

- Connecting economic aid to political change

Economic liberalization did not lead automatically to political satisfaction. Mobilization of protesters demanding just bread and butter but also dignity and freedom of expression

- Texts from EU commission

- A partnership for democracy and shared prosperity with the southern Mediterranean – 8 march 2011
- A new response to change in neighbourhood policy – 25 may 2011

- Pillars

- Democratic transformation
- Involvement with civil society
- Development solidarity (mobility of the people, focus on the young)

- Principles: 3 Ms (more money, more market, more mobility)

- Refined conditionality/ disincentives (freezing of financial assets to trade and oil embargoes)
- greater differentiation among countries
- new tools to support democracy building
- stronger focus on sustainable socio-eco development : especially support to small and medium enterprises

- ENPI (2011-13)

4 Bn€

- Egypt 445 M € within 2 years
- Tunisia 240 M€ within 2 years

- 2011

- Immediate humanitarian aid : 30M€
- Short term support for democratic transition in Tunisia : 17M€

- Long term future

DCFTA : deep comprehensive free trade area ?

5. EU strategic context

- EU/NATO military intervention in Libya
- special relation with Israel
- The USA and the Gulf States are influential in the region
- Special relations between some EU countries and NA ones

Main concerns for the EU:

- diminishing financial capabilities
- limitation of NA immigration
- protection of agricultural and manufactured products
- energy supply
- sensitivity to Human Rights and democratic values
- terrorism

6. Recommendations

Due to the EU strategic context and regarding the situation of each country, we propose:

	Priority by country
1	Libya
2	Tunisia
3	Egypt

As it is not possible to intervene in each sector, we advised to focus on few items, that could catalyse many progresses.

	Priority by sector	Examples of projects
1	Agriculture and manufactured sectors development	Aid for water supplies, transfer of technologies
2	Education	Promote teachers and students exchange Aid for infrastructure, promotion of ICT at school
3	Human rights	Enhance transparency, justice, constitution rights, development of medias

And, finally, in order to establish this region in a favourable environment, it is essential to work on the following key project : a **North Africa free trade market with special EU relationship**.