CFSP Forum

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There is no overarching theme to this issue of *CFSP Forum*. Instead, contributors discuss a variety of topical issues: the impact of the terrorist attacks in Madrid on Spanish foreign policy; the status of 'pillars' ic4isorhs rranean

light of the recent US proposal

dle East initiative).

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On March 11, Madrid awoke with a feeling of insecurity caused by the terrorist bombings on the commuter railway system, which killed almost 200 people. After several hours of total uncertainty about the real identity of the perpetrators of the massacre, Spain, together with the rest of the EU member states, easily understood that the terrorist attacks would be Europe's '9/11'.[1]

We present here the effects of the 3/11 terrorist attacks on Spain's foreign policy and on the European Union. Firstly, we describe the policies against terrorism adopted by Spain. Secondly, we briefly refer to the electoral debate between the two main parties on the future of Spanish foreign policy. Thirdly, we examine the EU's reaction to the Madrid attacks and present, at the same time, the first steps of the new socialist government regarding foreign policy.

The fight against terrorism: Spain's leitmotiv in domestic, European and international politics

Terrorism has always been present on the Spanish domestic agenda, ever since the last

issue on the Spanish political agenda. Indeed, the government's management of the 3/11 events seriously damaged its credibility due to the widespread feeling that it was not being transparent about which organisation was responsible for the attacks and was instead attributing them to the Basque terrorist movement ETA. This lack of transparency may have caused the conservative government to lose the elections.

The conservative government during its two terms of office (1996-2004)[2] had prioritised the fight against terrorism in domestic politics as well as in the European and international arenas. First, in domestic politics, the conservative Popular Party (PP) made a simplistic division between those who were with the ruling party and against terrorism, and those who were against it and in favour of terrorism. Throughout the electoral campaign, the fight against terrorism and nationalist terms osm. Thr0 T5ivision 7(t9(nc-1.209PPhe)0.0Tdr1.2(.1(to pu(d nati)4.7(9nal)a)-0li)a5 Tc0.9144 Tw[con]

implementation of the measures introduced after 9/11.

Regarding the EU's response, we can affirm that the EU reacted to the Madrid bombings with something more than just the usual *communiqué*. Indeed, the EU rushed to take new measures or to step up others. First, in the extraordinary meeting of the Justice and Home Affairs Council held on 19 March and later, in the European Council of 25-26 March, EU member states focused on the fight against terrorism, continuing the task begun two years before. In the Declaration on Combating Terrorism,

http://www.uab.es/iuee.

[3] Josep Lluís Carod-Rovira is secretary-general of the nationalist party, ERC, one of the three ruling parties in the Catalan Government since November 2003.

[4] 'Europe and America Must Stand United', Joint Letter signed by José María Aznar (Spain), José Manuel Durao Barroso (Portugal), Silvio Berlusconi (Italy), Tony Blair (United Kingdom), Václav Havel (Czech Republic), Peter Medgyessy (Hungary), Leszik Miller (Poland) and Anders Fogh Rasmussen (Denmark), 30 January 2003.

[5] 'El PP obtendrá una clara victoria el 14-M pero no tiene asegurada la mayoría absoluta', *El País*, 7 March 2004.

[6] Esther Barbé, 'Thinking Locally, Acting in Europe' *Special Issue: Spain in Europe 1996-2004*, EE 01/2004, Observatory of European Foreign Policy. Available from: http://www.uab.es/iuee

[7] European Council, Brussels, 'Declaration on Combating Terrorism', 25 March 2004.

[8] 'L'Éurope protégera ses citoyens', *Le Monde*, 18 March 2004.

[9] 'Declaración del Presidente del Gobierno, Don José Luis Rodríguez Zapatero, en relación con las tropas españolas en Irak', Palacio de la Moncloa, 18 April 2004. Available from: http://www.la-moncloa.es.

[10] Statement quoted in Xavier Batalla, 'Algo más que una promesa', *l*

Notes:

1. 'P' and 'U' mean that the arrangements in the following column indicate a 'pillar' or a 'unitary' structure respectively.

2. The draft constitution frequently contains provisions giving contradictory indications. These are shown in the last column against 'P' and 'U' respectively. The assignment of the value in the previous column is thus a matter of personal jud 24yhdications.

are some examples:

P»P: special formal position in texts appears in both TEU and draft constitution

U»U: single institutional framework appears in TEU and is compatible with pillar structure; its appearance in the draft constitution does not in itself change this

U»P: non-existent; presupposes a strengthening of the pillar structure

P»U: the Union will now make use of a single set of legal instruments, replacing the existing Pillar 2 instruments.

It thus appears that, out of 11 criteria examined, 4 indicate a shift towards the disappearance of the pillars, 5 the preservation of the existing pillar system, and 2 the continuance of the existing unitary system. The four which indicate a shift towards the disappearance of the pillars are 2.3 (legal instruments), 4 (representation), 5 (bureaucratic populations), and 6 (treaty-making power). As we have seen, there are doubts about the legal instruments, where the old CFSP instruments remain embedded in the new 'European decisions', and also about whether the acquisition of legal personality will in real life provide a unitary treaty-making structure. The new Foreign Minister, especially in his representative function, and the European External Action Service will have to bear the brunt of the move towards the disappearance of the pillars in the face of the five criteria according to which the pillar structure is maintained.

IV. CONCLUDING COMMENTS

1. The existence of separate pillars is not a clear-cut, black-and-white question. There is no single test which allows one to say, a pillar exists, or it does not. Rather, a pillar is composed of a number of different threads, by which it may be compared with another pillar. Only when the threads are substantially identical can one conclude that the pillars have given way to a unitary structure. Probably complete identity is not necessary, but a substantial correspondence must be achieved. This is a matter of judgment, not of rules. In the case of Pillars 1 and 2, six unitary indicators against five pillar indicators do not intuitively constitute a convincing majority. Those two pillars will continue to exist even if the draft constitution is adopted as it stands.

2. Pillars are essentially fuzzy. The misapprehension that they are monolithic came about from the circumstances of their establishment. Member states reluctant to share their sovereignty in the fields of foreign policy and justice and home affairs needed to be reassured, in the negotiations preceding Maastricht, that EU activity in those areas would be guaranteed for all time from contamination by the community method. The 'temple' with its

Liberalisation without democratisation in some Mediterranean countries

Almost ten years have passed since the Barcelona Declaration was adopted and the achievements have been modest compared with the ambitious goals set out in the declaration. The EU has offered a wide framework for cooperation, but cooperation has not progressed in all fields. The adoption of the Charter of Peace and Stability in the Mediterranean has been frozen since the beginning of the second intifada, and the creation of a Euro-Mediterranean free trade area is proceeding at a low speed (the most recent documents refer to 2010 as a *target date* reflecting awareness that the 2010 deadline will probably not be met). But bilateral Euro-Mediterranean agreements have been negotiated with almost all Arab EMP partners, proving that economic and financial co-operation remains the primary incentive to co-operation.

What about the diffusion of democracy and human rights to the Mediterranean partners? To what extent are the Mediterranean Arab countries progressing towards democratisation as wished by the EU? The EU initiatives adopted to spread democratic practices and strengthen human rights protection have not produced effective change in the political systems of the southern Mediterranean countries. There is a big difference between the rhetoric and the reality of EU support for human rights and democratisation.

The argument here is that the reforms adopted by some Mediterranean Arab countries are producing liberalisation (an opening process, which usually starts with the granting of individual rights and freedoms) but not democratisation (the creation and consolidation of democratic institutions). Elections are regularly held and human rights conventions are signed, but this is short of democratisation. There has been no widespread democratic change in the Mediterranean Arab countries.

Limits to effective EU action in the Mediterranean

Why has the EU had so little effect? The EU's difficulties in acting as a *norm exporter* are threefold. Firstly, the Barcelona Declaration is only politically, not legally, binding. This leaves the contracting parties free to adhere to cooperation projects when and if they are interested, and thus adherence to the Barcelona *acquis* is de facto voluntary.

Secondly, the EU prefers a certain rhetoric in favour of political and democratic reforms and respect of human rights rather than the direct punishment of violations of democratic norms and human rights. Since the 1990s all EU agreements with third countries include a 'human rights clause', but so far there is no evidence of CFSP or EC negative provisions adopted in reaction to the lack of good governance, democratic practices and values, and poor respect of human rights which is still prevalent in the southern Mediterranean countries.[4] The EU practices double standards: despite the political rhetoric, it avoids directly tackling the most controversial issues such as restrictions on the media, repression of dissent, unfair trials, etc., as if political change towards democratisation might be potentially destabilising.

Thirdly, a comparison of the EU institutions' behaviour shows a sort of institutional schizophrenia. Each institution has a different approach to relations with Arab countries and their (non)compliance to EU standards. The European Commission plays the role of *policy-entrepreneur*: it has a creative vision of external relations and seeks to elaborate innovative frameworks of co-3(twort)-3ianhh

proves, constitutional reforms require a synergy of all key political institutions. This does not imply that the Commission's approach to develop and strengthen civil society is wrong, but that it should instead be complemented by a comprehensive process of democracy-building: democratic practices must be practiced at all levels to produce real democratic change.

The EU's effectiveness is also weakened by the paucity of the funds destined to these objectives. The mainstreaming of democracy and human rights deserves much larger financial support. The EU should strengthen the financial instruments to implement the democratisation policy and should set up control instruments to verify respect for the Barcelona *acquis.* The Ministers of Foreign Affairs of the EMP countries consider cooperation in promoting human rights and democracy *crucial* to the success of the EMP, but at the same time they acknowledge that such cooperation must be eligible for enhanced EU financial support and that the EU has to take this into consideration when allocating MEDA funds.[7] Now facts should follow the rhetoric.

[1] Morocco, Algeria, Tunisia, Egypt, Israel, Gaza/West Bank, Jordan, Lebanon, Syria, Malta, Cyprus and Turkey. The Arab component is now stronger: Cyprus and Malta have become EU members; Turkey is an accession candidate; Israel had strong links with the EU already before and beyond the EMP; and Libya is an EMP observer.
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