‘A gap between rhetoric and performance?’
‘Normative Power Europe’ in Egypt and Tunisia

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Curriculum Vitae

I hold a Bachelor’s degree in Political Science and a Master’s degree in International Relations from the LUISS University in Rome. After an internship at the Italian Ministry of Foreign Affairs (DG VII, ‘Migration policies and Italians abroad’), and one at the NPO Rondine Cittadella della Pace (Arezzo), I hold a Master’s degree in European Political and Administrative Studies from the College of Europe in Bruges. I also worked as journalist in Rome for two years, becoming giornalista pubblicista in 2013. I am currently conducting a PhD. in Politics, Human Rights and Sustainability at the Scuola Superiore Sant’Anna in Pisa, where I am researching European promotion of women’s rights towards the Southern neighbourhood, with a focus on Tunisia.

1 This paper is a reworking of the author’s thesis ‘A gap between rhetoric and performance? EU democracy and human rights promotion in Egypt and Tunisia’, written within the frame of the Master in European Political and Administrative Studies at the College of Europe (Bruges) in May 2015.
Introduction

“Europe has often supported, despite its rhetoric on democracy and human rights [...] governments combining, to various degrees, three characteristics: inefficiency, authoritarianism and corruption. Now we must break with the duplicity of a humanist discourse merged with a venal and short-term designed Realpolitik.”

More than five years on from the ‘Arab Spring’, the realization how very few and often contradictory steps have been taken towards bringing about democracy and respect for human rights requires some kind of explanation.

Intricately linked to domestic factors differing from nation to nation, the role of the European Union (EU) in the transitions following the 2011 uprisings remains an external factor common to all the countries. This issue is dealt with here, in order to understand to what extent the EU has stressed the promotion of democracy and human rights within the frame of the European Neighbourhood Policy (ENP) with its Southern partners.

The question prompting this work is: Is there a gap between European rhetoric and performance in terms of promotion of human rights and democracy? In other words, is the ‘Normative Power Europe’ theoretical concept sustainable when it comes to empirical evidence?

In order to address the issue, this paper conducts a comparison between one promising transition (Tunisia) and one failed transition (Egypt), based on the analytical tool of Ian Manners’ indicators of norms’ diffusion (specifically, the informational, procedural, transference, and overt ones). More precisely, the first part of this work focuses on the ‘Arab Spring’ as a strategic failure for the EU, and thus the limits of the EU ‘Normative Power’ through an overview of the ‘Normative Power’ arguments together with their critiques. The second part deals with the ‘Arab Spring’ as an opportunity to reaffirm the EU ‘Normative Power’. In order to understand whether the EU was able to grasp this opportunity or not, the paper analyses the European response to the ‘Arab Spring’. Firstly, the 2011 ENP revision is examined; then, EU democracy and human rights promotion is analysed in Egypt and Tunisia through the analytical tool of Ian Manners’ indicators of norms’ diffusion. As a result of this analysis, the third part attempts to answer to the original question Is there a gap between European performance and rhetoric in terms of promotion of human rights and democracy?, and to investigate the reasons behind it. Finally the conclusions reflect on how to fill this gap, namely through the current ENP revision, that is analysed in a critical perspective.

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I. The Arab Spring: a strategic failure for the EU

The desperate gesture of Mohamed Bouazizi in Tunisia in December 2010, which led to the uprisings in Egypt, Libya, Syria and – to a lesser extent – in Bahrain and Yemen, overturned the cliché – widespread in Europe – that the Southern Mediterranean countries were culturally not inclined to democracy. The laic and non-violent ‘Arab Spring’ strongly questioned Huntington’s theory of ‘the clash of civilizations’.

The EU was at this point forced to recognise its strategic failure. Its ambivalence, always halfway between the rhetoric of reforms and the coexistence with authoritarian regimes in North Africa, was founded on the defence of a false stability, proved unsustainable by the uprisings.

Actually, the Union and its Member States (MS) had always put the defence of stability in North Africa before any other political, economic and value consideration. As a consequence, the implementation of policies aimed at promoting gradual reforms in North African countries has been seriously limited by short-term and realpolitik considerations. The reason has been that collaborating with dictatorships is simpler and less hazardous than working for democratic reforms.

These assumptions are strongly related to one of the main critiques moved to the ‘Normative Power Europe’, i.e. that stemming from realism and that which states that such concept is too focused on what the EU is, thus not providing a satisfactory explanation of what the EU does. In order to understand the debate, a short overview of the ‘Normative Power’ arguments together with their critiques is provided here.

As regards the concept of ‘Normative Power’, as Zaïki Laïdi writes in his book “La norme sans la force”, Europe will never gain power in the classical meaning of the term, but

“[…] by strengthening what remains its major political resource: its ability to produce and implement worldwide a system as wide as possible of norms, capable of organizing the world, disciplining the game of its players, introducing predictability in their behaviour, developing their sense of collective responsibility, offering to those engaging in this game, especially the weakest ones, the possibility to make these norms binding for everybody, including the most powerful ones”.4

Therefore, the ‘Normative Power Europe’ is not a power that simply uses norms for acting, but is a power that considers norms as a preferred, even exclusive, tool for international action.

The main ‘supporter’ of this argument is Ian Manners, who in 2002 came to reconcile Duchène\(^5\) and Bull\(^6\)’s views – regarding respectively EU ‘Civilian’ and ‘Military Power’ – with his famous article “Normative Power Europe: a contradiction in terms?”\(^7\).

Manners’ argument was based on the consideration made by Robert Rosencrance a few years before that “the EU attainment was normative rather than empirical”\(^8\). According to Rosencrance, the specificity of the Union rested on its commitment to promote post-Westphalian norms. This means it was necessary to move the interpretation of the EU role beyond the traditional field of the States’ means of power – economic, according to Duchène’s ‘Civilian Power Europe’; military, according to Bull’s ‘Military Power Europe’\(^9\). Indeed, the problem with these concepts was that they were located in a debate over the international identity of the EU based on state-like features\(^10\).

What Manners suggested, in line with Rosencrance, was to move this debate beyond the comprehension of the EU’s international identity (thus, the empirical analysis) and to focus on “the ‘Normative Power’ of an ideational nature characterized by common principles and a willingness to disregard Westphalian conventions”\(^11\) (i.e. the cognitive analysis).

The framework proposed by Manners to understand the ‘Normative Power’ of the EU included three steps: the first was to recognize the EU’s ‘Normative Difference’; the second was to identify the EU’s ‘Normative Basis’; and the final was to analyse how the EU norms are diffused.

To begin with the ‘Normative Difference’ of the Union, it derives from its historical context (the post Second World War period, when the main concern for the Europeans was to avoid the atrocious crimes of the war and to build a peaceful international environment); its hybrid polity (a mixture of supranational and international forms of governance which transcends Westphalian norms); its political-legal constitution (formed around a particularly legal order, derived from a treaty-based and elite-driven process)\(^12\). The mixture of these three characteristics led the Union to put universal principles and norms at the basis of its relations with the rest of the world.

As regards the EU’s ‘Normative Basis’, this is made of five ‘core’ norms (peace, liberty, democracy, rule of law, and respect for human rights and fundamental freedoms), and four ‘minor’

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norms (social solidarity, anti-discrimination, sustainable development and good governance), each of which refers to a specific historical moment\textsuperscript{13}.

Finally, concerning the modalities in which the EU norms are diffused around the world, along with Whitehead, Withman and Kinnval, Manners identified six factors\textsuperscript{14}, which are particularly relevant to the aim of this study, and which will be explained in details in the second part of this paper.

As regards the critiques moved to the ‘Normative Power Europe’ it is enlightening what Rosa Balfour recently wrote, i.e. that when coming to the empirical evidence “the classical realism against which these approaches were developed provides more insights in understanding EU behaviour”\textsuperscript{15}.

It is not a coincidence that the main critique of Manners’ argument came from the structural-realist/rationalist scholars, who basically refused the idea that the EU had its own actorness, distinguished from that of its MS\textsuperscript{16}.

Among the realist scholars, Adrian Hyde-Price claimed that:

“Rather than being an actor of its own with a continuous support for universal values, the EU was used by its most influential MS as an instrument for collectively exercising hegemonic power, shaping its ‘near abroad’ in ways amenable to the long-term strategic and economic interests of its MS”\textsuperscript{17}.

Thomas Diez, who stated that the EU used norms as a means of economic or strategic interests, also shared this view. In his own words, the Union “cloaked interests in a mantle of values and norms rhetoric”\textsuperscript{18}.

The critiques underlying the limits of the ‘Normative Power’ are particularly useful in the context of the relations between the EU and its Southern neighbours. What made the European strategy towards ‘Arab Spring’ countries during the last fifteen years incoherent and ineffective was the forced coexistence of two mutually contradictory ‘souls’. On the one hand, there was a ‘Liberal Europe’, seeking to create the structural conditions necessary for political change, by stimulating economic and social reforms through the tools of conditionality and dialogue. On the other, there

\textsuperscript{13} Ibid., p. 243.
\textsuperscript{14} Ibid., p. 244.
\textsuperscript{15} R. Balfour, \textit{op. cit.}, p. 13.
was a ‘Fortress Europe’ concerned with illegal immigration, terrorism, and religious fundamentalism, thus ready to support authoritarian, corrupted and incompetent regimes, in order to guarantee its own security and stability.

The inability to reconcile these two contradictory ‘souls’ and the powerful force of the revolutionary wave in the Arab world completely shocked Europe. Therefore the Union was obliged to recognize the gap between its rhetoric and performance in the promotion of human rights and democracy, and to give a ‘new response’ to the demands of the ‘Arab Spring’. In this sense, the ‘Arab Spring’ represented an opportunity to reaffirm the EU’s ‘Normative Power’.

II. The ‘Arab Spring’: an opportunity for the EU

In order to understand the ‘new response’ given by the EU to the ‘Arab Spring’ demands in terms of human rights and democracy, this paper tries to operationalize the concept of ‘Normative Power Europe’, by using Ian Manners’ indicators for the EU diffusion of norms around the world.

The first indicator is contagion, i.e. “the diffusion of norms resulting from the unintentional diffusion of ideas from the EU to other political actors”\(^{19}\). Here Manners cites the example of Mercosur, inspired by the European Economic Community.

The second one is informational diffusion, deriving from the EU declaratory (initiative from the President of the Commission or the Presidency of the Council) and strategic (policy initiative by the EU) communications.

The third one is procedural diffusion, the result of the institutionalisation of the relationships between the Union and a third country. This relationship could be in the form of inter-regional cooperation agreements (such as the Association Agreements and the Peace and Cooperation Agreements within the frame of the ENP) or in that of participation in international organizations (as for example the WTO)\(^{20}\).

The fourth one is transference, a kind of diffusion originating from the exchange of trade, goods, technical assistance or aid between the EU and third countries through the use of financial tools. Such transference could be both “the result of the exportation of norms and standards and the ‘carrot and stick’ of financial rewards and economic sanctions”\(^{21}\). Good examples in this sense are the Tacis and Phare programmes regarding the East Europe countries and the Cotonou Agreements.

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\(^{20}\) I. Manners, *op. cit.*, p. 245.

\(^{21}\) *Ibid.*
Taking into account the scope of this research it has to be noted that the approach of conditionality facilitates transference diffusion.

The fifth one is **overt diffusion**, which takes place when the Union is physically present in a third country. EU monitoring missions, such as in the case of elections, are an example in this sense. The sixth and last one is the **cultural filter**, which “affects the impact of international norms and political learning in third states and organizations leading to learning, adaption of rejection of norms”\(^\text{22}\). Manners proposes the EU diffusion of norms in China and Turkey as a good example of a cultural filter.

Precisely, this analysis takes into consideration the “informational, procedural, transference, and overt diffusion”, which seem to be those that better fit the context of the EU response to the uprisings in the Southern Mediterranean countries.

In order to understand how these indicators work, a general overview of the functioning of the **ENP** is necessary.

The ENP was launched in 2004, following the famous speech of Romano Prodi (at the time President of the Commission) on the “ring of friends”\(^\text{23}\). The policy provides a general framework for the EU cooperation with its Eastern and Southern neighbours\(^\text{24}\) and symbolizes the crystallisation of the content of art. 8, par. 1 of the Treaty on European Union (TUE):

“...The Union shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation”\(^\text{25}\).

The ENP is based on several **instruments**\(^\text{26}\).

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To begin, the **Association Agreements** (AAs) or Euro-Mediterranean Association Agreements (EMAAAs) define the first step of the cooperation between the EU and its Southern neighbours. They are concluded on the basis of art. 217 of the Treaty on the Functioning of the EU (TFUE) and can lead to the creation of a free-trade area (FTA) or a deep and comprehensive free-trade area (DCFTA), where the term “deep” refers to free movement of industrial and agricultural products, services, and the term “comprehensive” to normative convergence\(^\text{27}\).

The next step is the definition of the **Country Reports** (CRs): prepared by the Commission and the delegations of the European External Action Service (EEAS), the CRs lay the foundations for the **Action Plans** (APs), providing an overview of the political, institutional and economic situation in each neighbouring country, and taking stock of the state of its relations with the EU. The APs\(^\text{28}\) are adopted bilaterally by the EU and each of its neighbouring countries and define a timetable for political and economic reforms with short and medium term priorities (from 3 to 5 years). The APs normally include a focus on democracy and human rights, and become operational through the **Country Strategy Paper** (CSP) and the **National Indicative Programme** (NIP), which for some countries are now included in the same document, the **Single Support Framework** (SSF).

Finally, the **Progress Reports** (PRs) are prepared by the Commission once a year and take stock of the implementation of mutual commitments and objectives described in the action plans and reflected in the CSP and the NIP.

Concerning financial instruments, until 2007 the ENP was based on two different programs: MEDA for the South and TACIS for the East. In 2007, a single instrument was introduced, the **European Neighbourhood and Partnership Instrument** (ENPI) with a budget of 11.1 billion euros for the period 2007-2013. In 2014 the ENPI was transformed into the **European Neighbourhood Instrument** (ENI) with a budget of 15.4 billion euros for the period 2014-2020\(^\text{29}\).

The ENI is complemented by other financial instruments, including the Governance Facility, the Civil Society Facility, the European Found for Democracy, the SPRING Programme, the Neighbourhood Investment Facility, and the FEMIP program.

Understanding the functioning of the ENP is extremely important to the aim of this analysis, since Informational Diffusion, as defined by Manners, will be identified in the EU declaratory and

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\(^{27}\) As regards the Eastern neighbours the agreements at the basis of the ENP are the Peace and Cooperation Agreements (PCAs), concluded under arts. 207 and 352 of the TFUE. It should be mentioned that some countries have closer agreements with the EU, involving a strengthened political dialogue: this is the case of the ‘Privileged Status’ of Morocco, Jordan, and Tunisia in the South, and the ‘Association Agenda’ with Ukraine, Moldova and Georgia in the East, [http://eeas.europa.eu/enp/about-us/index_en.htm](http://eeas.europa.eu/enp/about-us/index_en.htm).

\(^{28}\) For the moment 12 APs have been concluded, taking into account that those with Syria, Libya and Belarus have not yet been signed and the one with Algeria is still in the negotiation phase, [http://eeas.europa.eu/enp/about-us/index_en.htm](http://eeas.europa.eu/enp/about-us/index_en.htm).

strategic communications following the ‘Arab Spring’ (thus, in common to Egypt and Tunisia); Procedural Diffusion in the AAs and the APs respectively with Egypt and Tunisia; Transference Diffusion in the funds given to Egypt and Tunisia (with particular attention to the instrument of conditionality); and Overt Diffusion in the physical presence of the EU in these countries in the aftermath of the Arab Spring.

II.I. Informational Diffusion: The EU response to the ‘Arab Spring’ – The 2011 ENP revision

Following the events of the Arab uprisings, Štefan Füle, the then European Commissioner for Enlargement and Neighbourhood Policy, publicly recognized the failure of the ENP:

“First, we must show humility about the past. Europe was not vocal enough in defending human rights and local democratic forces in the region. Too many of us fell prey to the assumption that authoritarian regimes were a guarantee of stability in the region. This was not even realpolitik. It was, at best, short-termism, and the kind of short-termism that makes the long term ever more difficult to build”\(^{30}\).

From this recognition followed several initiatives from EU institutions: beyond the ones from the Council and the European Parliament, the first document with a comprehensive approach was the Joint Communication from the Commission and the High Representative (HR) to the European Council, the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 8th March 2011 entitled “A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean”\(^{31}\).

In this Communication, the European Commission and the HR clearly stated the need for the EU to marry the cause of the people of the Southern Mediterranean countries, and to support their effort to bring about democracy, pluralism, respect for human rights and the rule of law, by strengthening their relations through a ‘Partnership for Democracy and Shared Prosperity’, founded on a shared commitment to shared values.


An important point concerned democratic conditionality: “[…] an incentive-based approach based on more differentiation (‘more for more’): those (countries) that go further and faster with reforms will be able to count on greater support from the EU”\(^{32}\).

The ultimate goal of this approach was an advanced status of association, based on the agreements already in force and following the completion of a course of reforms related to the functioning of public administration, political and tax system procedures, fight against corruption.

The Communication also highlighted the need to improve social dialogue and to strengthen the role of civil society\(^{33}\).

Two months later a second Communication on the “Dialogue for migration, mobility and security with the southern Mediterranean countries” intervened\(^{34}\), with the aim of creating a Mobility Partnership.

In order to reach this aim, the Communication provided for some relevant measures, such as strengthening the role of FRONTEX, and implementing a Regional Protection Programme (RPP) encompassing Egypt, Libya and Tunisia with the aim to better assist refugees in these countries and develop the administrative and legislative tools to treat them according to international standards.

Then, a third Communication played a crucial role: “A new response to a changing Neighbourhood”, presented by the Commission together with the HR on 25th May 2011\(^{35}\).

This Communication launched a whole review of the ENP with the aim of creating a “deep and sustainable democracy” in the partner countries, by involvement in the political game of all the actors that had remained excluded for a long time: women, young, NGOs etc.

For this reason, the Communication included the creation of a new financial instrument, the Civil Society Facility (CSF) – which for the period from 2011 to 2013 received a budget of 22 million euros for the ENP countries, of which 11 million euros was for the Southern neighbours –. The Communication also declared its support to the Endowment for Democracy (EDD) – which was the real novelty of the ENP review, since the CSF was somehow already included in the policy – addressed to democratic political parties representing a diversity of opinion, NGOs and social partners.

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\(^{32}\) Ibid.

\(^{33}\) Ibid.


The Communication specified the ‘offer’ of the EU to those countries that had performed better in terms of democratic reforms. This offer is synthetized by the so called ‘3 Ms’ of Catherine Ashton – market, mobility and money, i.e. the establishment of a free trade area, a greater movement of people, and an increased financial assistance with a conditional approach –. As consequence, the principle of the ‘more for more’ included in the previous Communication was here formalized, thus becoming the ‘central pivot’ of the renewed ENP.

Indeed, as both Michael Köhler\textsuperscript{36} and Rosa Balfour\textsuperscript{37} point out, the principle of political conditionality was not introduced for the first time by the 2011 ENP revision. Actually, the EU had already used the positive conditionality in the relations with its Southern neighbours during the past years. Perhaps, the only real novelty in the approach adopted by the new ENP lied in the expressed provision of the application of the ‘less for less’ principle: the positive conditionality would have implied a negative conditionality; in other words the ‘less for less’ was the other side of the coin of the ‘more for more’ principle.

Probably, in providing expressly that the “support would have been reallocated or refocused for those who stalled or retrenched on agreed reform plans”\textsuperscript{38} the Union wished to stress, compared to the past, its intransigence towards governments defaulting to the programs agreed.

Finally, in September 2011 the Commission launched the SPRING Programme (Support to Partnership, Reform and Political Growth), through which the EU made a commitment to give financial support on the basis of the ‘more for more’ principle to Egypt, Tunisia, Morocco and Jordan\textsuperscript{39}.

II.II Egypt: the failed transition

A) Procedural Diffusion: Association Agreement (AA) and Action Plan (AP):

As Egypt is a significant strategic partner for the EU, diplomatic relations with the country have existed since 1966. However, they were institutionalized with the signature of the EU-Egypt AA in

\textsuperscript{36} Interview with Michael Köhler, \emph{Director for the Neighbourhood South, DG NEAR-B European Commission}, Brussels, 12 March 2015.


\textsuperscript{38} European Commission and HR, \emph{Joint Communication to the European Council, the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A partnership for Democracy and Shared Prosperity with the South Mediterranean}, op. cit.

2004, which marked the entry of the country in the ENP\textsuperscript{40}. The AP followed in 2007, deepening the EU-Egypt partnership in several fields of interest both for the EU and Egypt\textsuperscript{41}.

B) Transference Diffusion: Country Strategy Paper (CSP); National Indicative Programme (NIP); Single Support Framework (SSF):

According to the priorities identified by the CSP and the NIP, for the period 2011-2013 the ENPI funding destined to Egypt amounted to 449.29 million euros, with an average of 149.76 million euros per annum.

However, as the table below shows, there was a gap between the funding programmed and the actual amount committed by the ENPI.

\begin{table}[h]
\centering
\begin{tabular}{|l|c|c|}
\hline
National Indicative Programme (NIP) Egypt 2011-2013 & Programmed & Committed \\
\hline
Support for reform in democracy, human rights and justice & 11.1\% & 0\% \\
Developing competitiveness and productivity of the Egyptian economy & 42.1\% & 33.2\% \\
Ensuring sustainability of the development process with better management of human and natural resources & 46.8\% & 43.6\% \\
SPRING - Democratic transformation and institution building & n/a & 2.6\% \\
SPRING - Sustainable and inclusive growth and economic development & n/a & 20.6\% \\
\hline
\end{tabular}
\caption{ENPI bilateral assistance programmed and committed for Egypt in 2011-2013\textsuperscript{42}}
\end{table}

\textsuperscript{40} http://www.epd.eu/?page_id=5739#toggle-id-1
\textsuperscript{41} http://eeas.europa.eu/delegations/egypt/eu_egypt/political_relations/political_framework/index_en.htm
In addition to the ENPI, Egypt also benefited from multi-country co-operation instruments and programmes such as the Cross Border Co-operation Instrument (CBC), Erasmus Mundus II, Tempus IV, the Neighbourhood Investment Facility (NIF), Cooperation in Urban Development and Dialogue (CIUDAD). Also technical assistance was provided through several instruments including the Support for the Improvement in Governance and Management (SIGMA), the Technical Assistance and Information Exchange (TAIEX) and Twinning\textsuperscript{43}.

For the period 2014-2015, the EU’s bilateral assistance through the ENI (ex ENPI) to Egypt could have ranged from a minimum of 210 million to a maximum of 257 million euros and been allocated according to SSF priorities, as the table below shows:

<table>
<thead>
<tr>
<th>Single Support Framework Egypt 2014-2015\textsuperscript{44}</th>
</tr>
</thead>
<tbody>
<tr>
<td>EUR 210,000,000 – EUR 257,000,000</td>
</tr>
<tr>
<td>Indicative allocation</td>
</tr>
<tr>
<td>SECTOR OF INTERVENTION I – Poverty Alleviation, Local Socio-Economic Development and Social Protection</td>
</tr>
<tr>
<td>SECTOR OF INTERVENTION II – Governance, Transparency and Business Environment</td>
</tr>
<tr>
<td>SECTOR OF INTERVENTION III – Quality of Life and Environment</td>
</tr>
<tr>
<td>Total Commitment</td>
</tr>
</tbody>
</table>

Actually, for 2014 ENI bilateral assistance amounted to 115 million euros, and for 2015 to 105 million euros\textsuperscript{45}. In addition to this, Egypt was also eligible for the same funding received in 2011-

\textsuperscript{43} http://eeas.europa.eu/delegations/egypt/projects/overview/index_en.htm


\textsuperscript{45} Ibidem
2013, incremented by the European Instrument for Democracy and Human Rights (EIDHR - 1.5 million euros in 2014), the Instrument contributing to Stability and Peace (IcSP), and the Development Cooperation Instrument (DCI)\textsuperscript{46}.

According to officials working in the DG NEAR B1\textsuperscript{47} of the European Commission, the EU encountered several problems in giving funds to Egypt, mainly related to the large size of the country (compared to Tunisia) and the fact that it received twice as much financial help from other international players (such as Saudi Arabia) without conditionality. Another problem underlined by officials working in the DG NEAR B1 came from the fact that Egyptian law ruled the international funding for NGOs, which obliged them to receive an approval from the Government in order to benefit from this kind of funding\textsuperscript{48}.

C) Overt diffusion: physical presence of the EU in Egypt:

The EU was highly present in Egypt in the form of institutional visits at the ‘top level’\textsuperscript{49}.

Just to give some examples, the HR Catherine Ashton visited the Cairo several times, starting from September 2011 when she was supposed to discuss the peace process in Middle East. At that time the EU Special Representative Bernardino Leon had already been in Egypt twice. In July 2012 Ms. Ashton met the Egyptian President Mohamed Morsi in the occasion of the “Conference on the way forward for Egyptian women in different spheres of public and private life: political, economic, social and legal, and on the learning from the on-going support by the EU to improve future cooperation and engagement”. In January 2013 also the President of the Council Herman Van Rompuy met the Egyptian President. In July 2013 Catherine Ashton visited the ousted President Morsi in jail. After the violent protests by the supporters of Morsi on the 13\textsuperscript{th} August 2013, a joint Communication from the President of the European Council Herman Van Rompuy and the President of the European Commission José Manuel Barroso on Egypt condemned the high level of violence on the 18\textsuperscript{th} August\textsuperscript{50}. This Communication was followed by a Resolution of the European Parliament in September and by the return of Ms. Ashton in Egypt in October and November of the

\textsuperscript{46} http://ec.europa.eu/enlargement/neighbourhood/countries/egypt/index_en.htm
\textsuperscript{47} Interview with Desk Officers for Egypt and Tunisia, DG NEAR-B1 European Commission, Brussels, 24 April 2015.
\textsuperscript{48} Ibidem
same year and in April 2014, when she announced the EU support to the upcoming presidential elections of May with the Election Observation Mission (EOM).

According to Köhler and to officials working in the DG NEAR B1 the EU was particularly present in Egypt after the 2011 revolution, even more than in Tunisia. The problem was the difficulty to find political interlocutors, since both the military and the Muslim Brotherhoods (MB) who alternated at the Government were not available to listen to the EU. Also Florence Gaub confirmed such a difficulty, particularly in the context of the August Communication mentioned before. Even if the Communication was extremely strong, it has not been perceived as such from the Egyptian, who considered that the EU had analysed the situation through ‘European lens’.

II.III Tunisia: the promising transition

A) Procedural Diffusion: Association Agreement (AA) and Action Plan (AP)

The first Cooperation Agreement between the EU and Tunisia was signed in 1969. In 1995, when the ‘Barcelona Process’ was launched, Tunisia was the first Mediterranean country to sign an AA with the EU. In 2005, in the framework of the ENP, a first action plan was adopted for Tunisia, enabling it to enter a free trade zone for industrial products in 2008. In November 2012, a EU-Tunisia Privileged Partnership was concluded as a reward for the progress made in terms of democratic reforms by the country. Then, in 2014, a new action plan for the privileged partnership was signed; at the same time the negotiations on the DCFTA were (even if not formally) opened, and a Mobility Partnership Declaration signed.

51 Interview with Michael Köhler, cit.
52 Interview with Desk Officers for Egypt and Tunisia, cit.
53 Interview with Florence Gaub, cit.
55 http://www.epd.eu/?page_id=5794
B) Transference diffusion: Country Strategy Paper (CSP) and National Indicative Programme (NIP)

According to the priorities identified in the CSP and the NIP, the ENPI 2011-2013 destined to the bilateral cooperation with Tunisia amounted to 240 million euros. It is noteworthy that for 2011 alone, the EU doubled its financial support, increasing it from the 80 million euros foreseen to 160 million euros. In addition to the ENPI, Tunisia received finance from other instruments\textsuperscript{57}. First of all, the country was the first beneficiary of the programme SPRING, with an initial funding of 20 million euros in 2011, followed by 80 million euros in 2012 and 55 million euros in 2013. Then in 2014 the country received 50 million euros from the Umbrella programme that replaced the SPRING one.

The civil society also received relevant funding through several instruments (EIDHR, IIS and CSF) covering a total of 54 projects worth 16 million euros. A specific programme of support to civil society (PASC) for 7 million euros was founded to support the capacity building of civil society organisations and facilitate their dialogue and partnership with public actors. In this regard, it has to be noted that the EU co-founded the creation of the Jamaity.org platform bringing together more than 1600 Tunisian civil society organisations. According to officials from the DG NEAR B1 of the Commission, this platform revealed extremely useful in coordinating the projects leading by the civil society\textsuperscript{58}.

Moreover, Tunisia is included in the programs Erasmus+, TAIEX, SIGMA, such as Egypt. Finally, in 2014, the country also benefitted from a European Election Observation Mission (EOM) of 3 million euros, and received a macro-financial assistance of 300 millions euro. Clearly, the country received this high amount of funding as a reward for its good performance in the field of democratic reforms, according to the principle ‘more for more’ introduced by the 2011 ENP revision.

The table below provides an overview of the whole ENPI bilateral assistance for the period 2011-2013.

<table>
<thead>
<tr>
<th>NIP, SPRING &amp; special measures Tunisia 2011-2013</th>
<th>Programmed</th>
<th>Committed</th>
</tr>
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<tbody>
<tr>
<td>Employment and Social Protection</td>
<td>23.3%</td>
<td>9.4%</td>
</tr>
<tr>
<td>Integration support program II</td>
<td>36.3%</td>
<td>0%</td>
</tr>
</tbody>
</table>

\textsuperscript{57} http://ec.europa.eu/enlargement/neighbourhood/countries/tunisia/index_en.htm

\textsuperscript{58} Interview with Desk Officers for Egypt and Tunisia, cit.

| Business competitiveness (industry and services) | 33.3% | 55.8% |
| Governance and Justice | 7.1% | 0% |
| SPRING - Democratic transformation and institution building | n/a | 7.2% |
| SPRING - Sustainable and inclusive growth and economic development | n/a | 27.6% |
| **Total NIP 2011-2013** | EUR 240 M | EUR 255 M |
| **Special measures** | n/a | EUR 35M |
| **SPRING** | n/a | EUR 155 M |

For the period 2014-2015 EU’s bilateral assistance to Tunisia through ENI could have ranged from a minimum of 202 million and a maximum of 246 million euros, according to the following SSF priorities:

**Single Support Framework Tunisia 2014-2015**

<table>
<thead>
<tr>
<th>EUR 202.000.000 – EUR 246.000.000</th>
<th>Indicative Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Socio-Economic Reforms for Inclusive Growth, Competitiveness and Integration</td>
<td>40%</td>
</tr>
<tr>
<td>Strengthening Fundamental Elements of Democracy</td>
<td>15%</td>
</tr>
<tr>
<td>Sustainable Regional and Local Development</td>
<td>30%</td>
</tr>
<tr>
<td>Complementary Support for Capacity</td>
<td>15%</td>
</tr>
</tbody>
</table>

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Indeed, in 2014 the EU allocated 169 million euros to Tunisia (119 million from the bilateral allocation and 50 million from the ‘Umbrella funds’ – created to implement the ‘more for more’ principle –). Funds committed in 2015 amounted to 186.8 million euros (115 million from the bilateral allocation and 71.8 million from the ‘Umbrella funds’)\(^{61}\).

According to Köhler\(^{62}\) and to Officials from DG NEAR B1\(^{63}\) the EU used all the instruments at its disposal to support the democratic transition in Tunisia, not only in the frame of the ENP. Particularly appreciated from Tunisian institutions was the support in the drafting of the Constitution through the Venice Commission, and the preparation of the elections. Also the incentives offered to Tunisia (in particular the DCFTA and the Mobility Partnership) were relevant. The Union paid also attention to the respect of the conditionality principle, for example in 2011 when it subordinated the allocation of funds to the implementation of the law on the freedom of association.

As Lannon\(^{64}\) underlines, it is true that the EU was particularly active in Tunisia, even if this ‘good performance’ was facilitated by the country’s small dimension, which required less funding compared to Egypt, as well as the absence of external actors financing the country more than the Union.

C) Overt diffusion: physical presence of the EU in Tunisia:

The EU was physically less present in Tunisia than in Egypt, at least in terms of ‘top level visits’. Just to give some examples, Tunisian Prime Minister H. Jebali made visit to Brussels both in February and October 2012. In February 2013 Barroso met Ben Jafar, President of the Constituent Assembly. Then, the HR Federica Mogherini was in Tunis to meet the new elected President Beji Caid Essebsi in February 2015. Just one month later she came back to the country with the European Council President Donald Tusk to express their solidarity with the families of the victims of the attack to the Bardo on the 18\(^{th}\) of March, and to discuss how to strengthen the EU-Tunisia cooperation in the anti-terrorism fight. In that occasion, Mr Tusk commented:

\(^{61}\)Ibidem
\(^{62}\)Interview with Michael Köhler, cit.
\(^{63}\)Interview with Desk Officers for Egypt and Tunisia, cit.
\(^{64}\)Interview with Erwan Lannon, cit.
“All Europeans have been affected by the attack on the Bardo, because through Tunisia, it is freedom and democracy which were targeted. The EU is more determined than ever to step up its cooperation with Tunisia in the face of this common terrorist threat and to further strengthen relations for the benefit of our peoples on both sides of the Mediterranean. At the same time, we must work together to address the root causes of regional instability and its consequences, such as irregular migration and terrorism.”

However, even if less present at the ‘top level’ visits, the EU was highly present in the form of support for the organization and observations of the elections, as well as the drafting of the Constitution. Moreover, the EU has always declared its political support to the transition through its declarations, such as the “EU’s response to the ‘Arab Spring’ – The state of play after two years”66 in February 2013; the HR declarations to congratulate with Tunisia for the adoption of the Constitution in January 2014, the Parliamentary elections in October and the Presidential ones in December of the same year67.

To conclude, as Lannon explains68, the dialogue between EU and Tunisia was facilitated by the possibility to find political interlocutors in the country, which was not the case in Egypt.

III. ‘A gap between rhetoric and performance?’

To come back to the original question: Is there a gap between the European rhetoric and performance in terms of promotion of human rights and democracy? it is useful to link the empirical findings to the theoretical framework (the one derived from the concept of ‘Normative Power Europe’) chosen at the beginning of this work. The table below69 shows this link:

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68 Interview with Erwan Lannon, cit.
69 Table produces by the author with the support of the Manners’ ‘Normative Power Europe’ theoretical framework.
In the period following the ‘Arab Spring’ the EU’s informational diffusion was evident both in Egypt and Tunisia through the high number of declaratory and strategic Communications from the Commission that led to the ENP revision in 2011.

The procedural diffusion had already been realized through the signature of the AAs (2004 for Egypt, and 1995 for Tunisia) and the following adoption of the APs (2007 for Egypt, and 2005 for Tunisia).

The transference diffusion took place in Tunisia, but not in Egypt. Actually, the EU funding for Tunisia turned out to be adequate to help the democratic transition, which was not the case for Egypt. Moreover, unlike Egypt, Tunisia could benefit from the positive conditionality defined by the ‘more for more’ approach.

Also the overt diffusion had an effect only in Tunisia. Indeed, even if the EU was very present in Egypt, the impossibility of finding political interlocutors prevented the diffusion of norms. On the contrary, in Tunisia the favourable political scenario enabled the Union to contribute to the democratic transition.

Therefore one could argue that the ‘Normative Power Europe’ argument proved to be empirically sustainable in Tunisia, but not in Egypt. Thus, in Tunisia the EU really stressed the promotion of democracy and human rights, which was not the case in Egypt.

Indeed, as Florence Gaub argues, “even if it was not the EU to make the difference in Tunisia, its support was extremely important. Actually, no international players can be considered as actors in neither Tunisia nor Egypt’s transitions, since the only actors are the internal players. But in Tunisia the EU was able to follow, and to support, a political transition which was already on the right
path"\textsuperscript{70}. This means that the EU Normative Power proves to have a greater impact when it comes to an empirical positive (or less negative) scenario, which was the case of Tunisia and not Egypt.

Actually, in Egypt the informational and procedural diffusions worked, whereas the transference and overt ones did not. Since the first two kinds of diffusion are linked to intentions of the EU, whereas the last two regard concrete actions, one could argue that in Egypt there was a gap between rhetoric and performance in terms of promotion of human rights and democracy.

The next step is to understand the reasons behind this gap. A simplistic question could be: 

\textit{Does the EU be moved by strategic rather than normative interests in its relations with the rest of the world?}

Actually, as Köhler\textsuperscript{71} underlines, it is not possible to reduce the debate to the classic normative/strategic interests antithesis, since these interests run parallel in the case of the EU. Indeed, the Union’s ‘soul’ is normative: the history and the values on which the EU was created prompt it to act in a normative way in the international arena. Nevertheless, there are some situations where this ‘normative soul’ does not stand alone, it having to deal with other elements. This was exactly the case of Egypt.

As this analysis showed, there are several reasons behind the EU’s lack of performance in terms of democracy and human rights promotion in Egypt.

First of all, there is the geo-strategic relevance of a country that is considered the most reliable partner in the fight against terrorism.

Secondly, we have the impossibility for the EU to give to Egypt enough founding, for the reasons we mentioned before.

Thirdly, there is the absence of the ‘big carrot’ of EU membership, which is normally a significant incentive to implement democratic reforms.

Fourthly, we have what Rosa Balfour calls ‘logic of diversity’\textsuperscript{72} within EU Member States (MS). This logic means that MS have both different strategic priorities and different views on why and how the EU should include human rights and democracy in its foreign policy.

As regards the different priorities, for example, the Northern EU MS are more favourable to a ‘normative behaviour’ of the Union in the international scenario; while the other MS are more concerned by other kinds of priorities, such as security and migration ones.

Concerning the different views, here the questions posed are linked to the legitimacy of ‘exporting’ human rights and democracy, these being concepts mainly based on European and Western

\textsuperscript{70} Interview with Florence Gaub, \textit{Senior Analyst at the EU Institute for Security Studies}, via telephone, 10 March 2015.

\textsuperscript{71} Interview with Michael Köhler, \textit{cit.}

\textsuperscript{72} R. Balfour, \textit{op. cit.}, p. 5.
tradition. The group of the Northern MS (reinforced by EU enlargement to Central Europe) see the EU legitimated “in the name of a liberal notion of expanding the democratic community”\(^{73}\); whereas countries such as Italy, France and Spain see the exportation of human rights and democracy more as a reflection of a ‘euro-centric imperialism’, therefore posing the question of the legitimacy of interfering in other States’ internal affairs\(^{74}\).

The direct consequence of the ‘logic of diversity’ is that the EU foreign policy reflects the ‘lowest common denominator’\(^{75}\). Therefore, even if the high rhetoric on human rights and democracy obliges the Union to include them in its foreign policy, the ‘logic of diversity’ entails a policy where the principles are limited to be integrated (in EU jargon mainstreamed) into documents, diplomatic declarations, statements, and some aid projects and programmes, thus strongly limiting the EU performance in terms of human rights and democracy promotion\(^{76}\).

This ‘logic of diversity’ was translated into the EU behaviour vis-à-vis Egypt, which lacked of cohesion and coherence. The end result was a EU that strongly criticized the country for the non-respect of human rights or the excessive use of violence (as in the case of the 30\(^{th}\) June revolution) but never stopped its financial assistance by activating art. 2 of the ENP – as it had already done in the past with Belarus –.

To conclude, the reasons behind the gap between EU rhetoric and performance on the promotion of human rights and democracy lie in a ‘grey zone’ that cannot be reduced into the ‘black and white’ debate on normative/strategic interests.

### Conclusions: ‘Towards a new ENP?’

Nevertheless, it is possible to reflect on this gap. This is exactly what the Green Paper ‘Towards a new European Neighbourhood Policy’\(^{77}\), launched in March 2015 by the HR Federica Mogherini and the Commissioner for ENP and Enlargement Negotiations Johannes Hahn, started to do by opening to a revision of the ENP.

According to the Communication, the specific ENP’s difficulties depend on the changes in our neighbourhood during the last ten years (more similar to an ‘arc of instability’ rather than the ‘ring

\(^{73}\) Ibid., p. 1.
\(^{74}\) Ibid., p. 140.
\(^{75}\) Ibid., p. 5.
\(^{76}\) Interview with Rosa Balfour, European Policy Centre, Brussels, 12 March 2015.
of friends’ referred to by Romano Prodi; the increasing differentiation within the neighbourhood itself (not only between the Northern and Southern States, but also within each of them), which leads us to talk about a ‘PEV à plusieurs vitesses’; the non-functioning of the ‘more for more’ approach (which implies also a ‘less for less’ approach); the enlargement methodology at the basis of the ENP (which does not work when the ‘big carrot’ of accession is missing); the weak capacity of the EU to answer to international crisis and conflict situations (which calls for an inclusion of the ENP in a better organized and functioning Common Foreign and Security Policy – CFSP –); the emerging problem of the ‘neighbours of the neighbours’ (Middle East, Horn of Africa, Sahel and Middle Asia), which implies a reflection on the geographic coverage of the ENP.

Taking into account all these difficulties, the Green Paper suggested four priority areas: differentiation, focus, flexibility, and ownership and visibility.

Regarding **differentiation**, the question posed is: “Should the EU gradually explore new relationship formats to satisfy the aspirations and choices of those who do not consider the association agreements as the final stage of political association and economic integration?” 78

Regarding **focus**, the proposed areas are: “trade, economic development, connectivity, security, governance, migration and mobility, young people and women” 79, which the Council Conclusions on the review of the ENP adopted on 20 April 2015 put in this order: “security, economic development and trade, good governance, migration, energy and human rights” 80. As regards **flexibility**, the idea is to go “Toward a more flexible toolbox” 81. The question posed among others is: “How can the EU adapt the ‘more for more’ principle to a context in which certain partners do not choose closer integration, in order to create incentives for the respect of fundamental values and further key reforms?” 82. This question is strongly related to **conditionality**, implying further reflections on the ENP consistency and credibility, which with the Communication of November 2015 will become clearly visible. With regard to **ownership and visibility**, the Green Paper recognizes that “substantial efforts are needed in the context of the ENP review to improve the ownership of this policy by partner countries and to improve communication of its objectives and results both within the EU and in the partner countries” 83. The paper suggests that also regional cooperation must be improved. The role of the Union for the Mediterranean and the Eastern Partnership has to be reinforced, as well as cooperation with other regional actors (Council of Europe, OSCE, Arab League etc.) improved.

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78 Ibid.
79 Ibid.
82 Ibid.
83 Ibid.
Finally, the **Communication of November 2015** regarding the ENP review confirmed that: “the new ENP will take **stabilisation** as its main political priority in this mandate”\(^8^4\). This means a change in **focus** compared to the 2011 revision where the keywords were: ‘promoting deep democracy’ in the Mediterranean and ‘deeper political association and economic integration’ with the EU. Moreover, the emphasis on security and stability calls for a better coherence between the ENP and the CFSP. Even if this is a valuable initiative, it is important to consider that the CSFP is based on a different approach, namely the intergovernmental one – and thus on the ‘lowest common denominator’ – which risks paralyzing the ENP.

The Communication also states that **“Differentiation and greater mutual ownership”** will be the hallmark of the new ENP […] The incentive-based approach (‘more for more’) has been successful in supporting reforms in the fields of good governance, democracy, the rule of law and human rights, where there is a commitment by partners to such reforms. However, it has not proven a sufficiently strong incentive to create a commitment to reform, where there is no political will. In these cases, the EU will explore more effective ways to make its case for fundamental reforms with partners, including through engagement with civil, economic and social actors”\(^8^5\).

Indeed, as Sara Poli\(^8^6\) explains, the concept of differentiation is not new in the ENP – it was already codified by the 2003 communication, and re-affirmed by the 2011 one – but in the context of this revision it takes a different meaning. It implies that the EU will develop relationships also with those countries that, even if not aiming to converge to the Union’s political and economic model, are nonetheless interested in the cooperation with the EU. In other words, even by keeping the ‘more for more’ principle, the EU will disregard the ‘other side of the coin’ of the ‘incentive-based approach’, i. e. the ‘less for less’ principle. This cannot be easily reconciled with the methodology of **political conditionality** that inspires the ENP and, more broadly, the EU external relations. Even more worrying, as Tobias Schumacher\(^8^7\) stressed, the abolition of the ‘less for less’ principle is the signal end of the EU ambition to promote democracy and human rights in the neighbourhood.

Moreover, the ‘greater differentiation’ implies a change in ENP **methodology**. As laid down in the Communication, there “will no longer be a single set of progress reports on all countries

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\(^{8^6}\) S. Poli, ‘La revisione della PEV e il controverso rapporto tra condizionalità e geometria variabile’, *European Papers*, Vol. 1, N.1, 2016, p. 270.

\(^{8^7}\) T. Schumacher, lecture given at the IV ENP Ph.D Summer School ‘The ENP Under Pressure: Conceptual and Empirical Understandings of EU Foreign Policy towards the Eastern and Southern Neighbours’, College of Europe, Natolin Campus, 23 June – 02 July 2016.
simultaneously. Instead the EU will seek to develop a new style of assessment, focusing specifically on meeting the goals agreed with partners. Furthermore, for “those partners who prefer to focus on a more limited number of strategic priorities, the reporting framework will be adjusted to reflect the new focus.” This means that the regional regular reports (East/South of the ENP) will “contain the elements required under the (ENI) Regulation on fundamental freedoms, the rule of law, gender equality and human rights issues,” but the bilateral evaluations will be differentiated.

As suggested by Lannon, “this could mean a **double standard approach**: the current ENI ‘deep democracy criteria’ for bilateral evaluations for those willing to deepen political association and economic integration with the EU (Moldova, Ukraine, Georgia, Tunisia, Morocco and Jordan mainly) and a different one, more limited, for countries not willing to do so (as for example Egypt). This is not in line with the current ENI regulation that would need to be amended.”

Another problem stressed by Lannon is related to the entry into force of the **ENI** in 2014. Indeed, as Lannon explains, “the review and consultation process launched in March 2015 took place four years after the first (2011) ENP revision that was effectively implemented with the entry into force of the new ENI in March 2014. This meant, from the start of the process, that no new financial regulation (and financial envelope) as such could be negotiated before 2020, but that amendments could eventually be introduced during the mid-term revision of the financial cooperation foreseen in 2017 […] In other words, in principle, no real fundamental change will be introduced before mid-2017 as far as financial cooperation instruments are concerned. As a consequence the “new ENP will seek to deploy the available instruments and resources in a more coherent and flexible manner.”

So the question posed by Lannon is: ‘**What is really new in this ‘new’ ENP?**’ According to our analysis, not too much. There have surely been some attempts to re-launch the policy, but they do not seem enough to fill the gap between rhetoric and performance referred to in this paper.

As underlined by Schumacher, the revision does not present big changes: the ENP is once again the expression of EU concerns for its-self; it is still located in the enlargement logic; it misses again the definition of a clear end-goal. At the same time, compared to the 2011 revision, this one seems

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88 Ibid.
89 Ibid.
90 Ibid.
92 Ibid.
93 T. Schumacher, *cit.*
willing to reduce ENP ambition and complexity: it is not meant to incite a revolution, and it is mainly defined by navel-gazing and worry. As consequence, Euro-Med cooperation will be always dependent on: regime strategies for survival; domestic path dependencies; local opportunities structures.

In sum, the November 2015 Joint Communication mainly suggests deepening differentiation and flexibility within the ENP and re-focusing some of its priorities (starting with that of stability), by going in the direction of an ever greater intergovernmental approach. This is clearly demanded by the fragile geo-political context we are experiencing, but it appears to be merely a short-term remedy. In the medium-term the EU needs to ensure – and sometimes restore – its credibility through a consistent approach shared also with its MS. This is particularly important in the case of conditionality, whose implementation should become the rule and not remain dependent on strategic interests of the EU (or its MS) towards the partner. Indeed, a double standard approach in the use of this instrument can only be damaging and foment the jihadist’s argument in the medium-long term. Therefore, the EU should be particularly attentive in using differentiation and flexibility by avoiding any kind of discrimination. This is not an easy task. However it is fundamental for ensuring EU credibility. Indeed, as pointed out once again by Lannon, “[…] There is a feeling, with the emphasis put on the EU’s ‘interests and needs’ and ‘stability’ that the EU is coming back to the old model of Euro-Med relations. This should be clarified because otherwise, the EU’s discourse on values could be perceived as hypocritical. Therefore, for the abovementioned focus one should start, and not end, with ‘human rights’”

All these reflections lead us to think that the following months will be characterised by an intense debate regarding the ENP. Sensitive issues have been put on the table and they need to be addressed, as the November 2015 Communication states. We cannot foresee the outcome of this debate, but we can know for sure that great focus will be on the Southern neighbourhood, an area of crisis and source of anxiety for the European democracies, but to which we are linked by the same sea.

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