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BORDERLANDS Project

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BORDERLANDS: Boundaries, Governance and Power in the European Union's Relations with North Africa and the Middle East

Challenging the notion of Fortress Europe, the BORDERLANDS research project investigates relations between the European Union and the states of North Africa and the Mediterranean Middle East (MENA) through the concept of borderlands. This concept emphasises the disaggregation of the triple function of borders demarcating state territory, authority, and national identity inherent in the Westphalian model of statehood. The project explores the complex and differentiated process by which the EU extends its unbundled functional and legal borders and exports its rules and practices to MENA states, thereby transforming that area into borderlands. They are connected to the European core through various border regimes, governance patterns, and the selective outsourcing of some EU border control duties.

The overarching questions informing this research is whether, first, the borderland policies of the EU, described by some as a neo-medieval empire, is a functional consequence of the specific integration model pursued inside the EU, a matter of foreign policy choice or a local manifestation of a broader global phenomenon. Second, the project addresses the political and socio-economic implications of these processes for the 'borderlands', along with the questions of power dynamics and complex interdependence in EU-MENA relations.

Funded by the European Research Council (ERC) within the 7th Framework Programme, the BORDERLANDS project is hosted at the Robert Schuman Centre for Advanced Studies, European University Institute, and directed by Professor Raffaella A. Del Sarto.

For more information: *http://borderlands-project.eu/Home.aspx*

Abstract

The struggle between the contradictory objectives of security and democratic governance has dominated EU discourse, policies and practices when it comes to the southern bank of the Mediterranean since 1995. Ultimately, there is a scholarly consensus on the substantial failure of what had been the normative drive for setting up the partnership: no shared area of prosperity and democracy exists today because security concerns prevailed. As reliable partners for the EU on security issues, Tunisia and Morocco were crucial in entrenching the securitisation of the relationship. This holds true also after the uprisings, as encouraging premises quickly turned into considerable instability in the Middle East and North Africa.

This study employs a borderlands approach to analysing the ways in which the EU outsources the management of key 'border functions' while attempting to connect the periphery in other issue-areas. More specifically, it examines the implications of the EU's post-2011 revision of its security 'cooperation' with Tunisia and Morocco for two aspects of the relationship. First, it looks at the way in which domestic political reconfigurations have occurred and how these reconfigurations have influenced relations with the EU. Second, it explores the asymmetries of power between the two parties and the degree of 'leverage' Tunisia and Morocco have vis-à-vis the EU.

Our main contention is that the soul-searching and reflective mode of EU officials was short-lived, and that the rhetoric about past mistakes and new beginnings in the early days of the uprisings has not been matched over time. As enthusiasm for the Arab Spring faded on both sides of the Mediterranean, the EU reverted to a business as usual approach, demanding and obtaining the cooperation of both Tunisia and Morocco, irrespective of the diverging post-uprising trajectories of the two countries.

Keywords:

Introduction[*]

Since the launch of the Euro-Mediterranean partnership in 1995, the European Union (EU) has attempted to regulate its interactions with the southern bank of the Mediterranean through a number of different policy instruments. Contradictory objectives at the heart of such policies though seemed to weigh all these instruments down. On the one hand, much was always made of the normative claims to promote socio-economic development and democratic governance, in order to achieve long-term regional stability through shared prosperity and values. On the other, realpolitik imperatives - security and economic interests - dominated EU actions. In particular, the notion of security tended to dominate relations because the concept was conceived of in broad terms, ranging from anti-terrorism to migration and from organised crime to arms proliferation, crucially excluding however human security. Ultimately, realpolitik led to the failure of what had been the normative drive for setting up the partnership in the first place (Youngs 2006; Teti 2012) and no shared area of prosperity and democracy exists today.

Both Tunisia and Morocco featured prominently as reliable partners for the EU on security issues related to human trafficking, counter-terrorism and migration, to the detriment of genuine democracy-promotion delinked from EU material interests. Rather than constituting an opportunity to rethink seriously the relationship with the countries on the southern bank of the Mediterranean, the uprisings increased European concerns with their own security (Börzel et al. 2015), as the whole Middle East and North Africa have been plunged into considerable instability. Initially, though, the EU responded to the uprisings by advocating a profound reconfiguration of its assumptions and policies towards the region, expressing a considerable degree of self-criticism. Thus, the following question emerged: how would and should the EU react to the potentially revolutionary changes taking place in countries like Tunisia and Morocco, having relied on their authoritarian structures for its own security for a long time? The EU was 'quick to recognise the challenges of the political and economic transition faced by the region as a whole. It … also recognised the need to adopt a new approach to relations with its Southern neighbours' (European Commission 2011). This new approach never materialised because the narrow focus on security, as well as material interests and normative beliefs in neo-liberal governmentality (Tagma et al. 2013; Isleyen 2014), prevent it (Teti 2012). Quite rapidly, both authoritarian resilience in the region and the deteriorating security situation across North Africa made the EU very wary of the outcome of the uprisings (Börzel et al. 2015), dampening its enthusiasm for the changes taking place. This study looks in detail at the implications of the EU's post-2011 revision of its security "cooperation" with Tunisia and Morocco for two aspects of the relationship. First, it looks at the way in which domestic political reconfigurations have occurred, if at all, among domestic political actors and how these reconfigurations have influenced relations with the EU. Second, it explores the asymmetries of power between the two parties and the degree of 'leverage' Tunisia and Morocco have vis-à-vis the EU. In order to do so, we employ a borderlands approach (Del Sarto 2010; 2014). This frame is useful because it permits analyses of the ways in which the EU outsources the management of key 'border functions' such as migration while at the same time attempting to connect the periphery to the core in other areas, specifically economic policy. Thus, rather than looking at the whole of the relationship with one or more countries on the southern bank to then deliver a stark normative assessment of the relationship pointing to the dissonance between normativity and realpolitik, through the notion of "interconnectedness" (Cassarino 2005), we explore the mechanisms through which different policy areas are connected or disconnected. In turn, this allows us to

problematise the relationship and how it operates according to functional areas of interaction, highlighting once again the notion of ambiguity of borders that Smith (2005) had pointed to after the launch of the European Neighbourhood Policy.

The EU borderlands after the Arab Awakening

As Del Sarto implies in her work on EU external policies towards its periphery, it is necessary to think of what the EU does externally away from traditional conceptions of international politics and, crucially, away from the rather trite thinking that the EU is borderless within and a fortress without. First, the EU is not necessarily borderless from within because the Schengen regime does not apply to all members. Second, Schengen can be temporarily suspended and/or taken advantage of when member states deem it important to achieve their own national objectives, as the refugee crisis of autumn 2015 demonstrates. This multiplicity of movable 'borders' is captured, in Del Sarto's analysis, with the term 'variable geometry of borders'. The EU is also not a fortress from without, as there has been over time a transfer of border functions to countries outside the EU. These countries have been outsourced significant policy areas that are nominally internal EU ones. As Del Sarto (2010: 156) makes clear, 'with regard to North Africa and the Middle East, stronger cooperation on the issues of migration, drug trafficking, organised crime and terrorism has been witnessing the externalisation of EU internal policies over the last decade.' All these issues form the core of what the EU conceives of as security, which is therefore better achieved by delegating specific functions outside the Union. This process of externalisation of a number of policy functions related to security has had considerable impact on both the EU and the countries at the periphery, as the notion of 'fuzzy borders' described by Christiansen et al (2000). What however has been less analysed is that this process of externalisation can also be subject to significant problems once potentially dramatic changes take place in the peripheral countries, because delegated functions could become contested. The uprisings in Tunisia and Morocco constituted such an occurrence. When domestic changes occur in the periphery, the way in which EU partners accept and work within the functions delegated to them might change as well, as new domestic constituencies manage to secure control of the levers of power, bringing with them alternative ideas about whether and how to collaborate with the EU. In turn, this might disrupt how the EU regulates and profits from functional outsourcing. This policy-structure means that the 'distinction between inside and outside is disaggregated according to different functional areas and becomes blurred as a result' (Del Sarto 2010: 150), highlighting specific mechanisms of policy-making that can be considered at the same time domestic and international. The consequences of this have to be analysed.

First, the way in which the borderlands operate has something important to say about the nature of the EU and how it acts externally. The EU emerges as a pragmatic actor, aware of its geographical surroundings and of the specificities of its partners in the periphery. The EU is also conscious of the functions that should or should not be delegated in order to extract maximum benefits from them in the context of the broader objectives. Realistic about the impossibility of operating simply inside the fortress to promote its interests and values, the EU has opted to externalise specific border functions to achieve two goals. On the one hand, it hopes to leave the 'dirty work' necessarily associated with specific functional practices of border control – i.e. the setting up of detention centres for illegal migrants or repatriation practices – to countries formally outside its jurisdiction, where concerns for international legal standards and human rights are far from being a priority. On the other hand, the outsourcing of functions would inevitably draw countries of the periphery within the web of formal rules and regulations that characterise the EU with its association to the rule of law, democratic oversight and liberal rights. In this sense, the EU could argue that a certain degree of osmosis takes place, slowly transforming 'problematic' countries into more respectable partners and that this in turn would increase in the future the efficacy of the delegated functions, as well as the normative values underpinning them.

Second, and crucial for this study, the EU's outsourcing of specific functions has an impact on the resources – material and moral – domestic actors in the periphery can deploy in their struggle with rivals. It is at this juncture that the literature on the international-domestic linkages becomes relevant in so far as the material and legitimacy resources external actors provide to domestic ones can have a powerful effect on domestic arrangements (Yilmaz 2002; Cavatorta 2009; Bush 2015). As the literature on democratisation and authoritarian survival has found, external 'intervention' or sponsorship provide resources to domestic actors interacting with each other to determine the outcome of institutional structures and such resources are influential in tipping the domestic balance of power in favour of some actors and to the detriment of others (Haynes 2003; Levitsky and Way 2010; Brownlee 2012). When domestic upheaval occurs, though, a redistribution of power and resources also occurs, with new institutional structures potentially leading previously marginalised political actors to power. This has significant implications for the external and internal arrangements in place. How the EU supports or undermines different actors at such crucial moments influences the nature of such domestic arrangements (Putnam 1988).

Beginning in 2010, upheaval has visited all the countries in North Africa, although they have experienced very different political trajectories since then. While in some cases it might still make sense to focus on the MENA governments as unitary actors with very well defined interests and policy positions, in other cases this is more problematic. The cases of Tunisia and Morocco are very different from each other, with the former experiencing the collapse of the old system and the creation of a new one and the latter simply going through a process of authoritarian renewal (Benchmesi 2012; Dalmasso 2012). Following from this, it should be expected that the functional outsourced areas of policy-making in Tunisia would come under greater scrutiny– and challenge – domestically, due to the nature of the radical institutional changes that have taken place in the country. This would be even more so in the case if actors traditionally critical of EU foreign policy were to acquire the levers of power. Conversely, it should also be expected that Morocco would not represent a case of challenge for the agreements of the EU with the Kingdom regarding security, given the institutional continuity and the absence of new political actors outside the control of the monarchy coming to power. In short, the domestic game should be affected when institutions change and this in turn should have implications for international arrangements. Thus, the external actor – in this case the EU – would attempt to secure the same beneficial position it had before changes took place, investing resources in domestic actors that would represent its interests. This dynamic relationship between domestic actors and the EU is the core of this empirical study conducted on Tunisia and Morocco after the uprisings.

Studies conducted before the Arab Spring suggested that material and legitimacy resources were cleverly leveraged by North African regimes capable of taking advantage of the 'distress' and fears of the EU on the key issues of terrorism and migration (Hollis 2009; Durac and Cavatorta 2009). The second interesting question therefore to explore is about the change that might have occurred in the bilateral relations between the EU and individual MENA countries. On the one hand, it might be argued that increased volatility at the EU borders has in fact augmented the leverage MENA countries can exercise. The fear of extremism, political instability, increased migration and a general feeling of loss of control of the southern periphery might work even more to the advantage of the countries to which crucial functional areas have been outsourced. They can ask for more in these more dangerous times. On the other hand, it might be argued that more open and pluralistic polities – Tunisia having become such a polity - produce a type of democratic governance where information is circulated freely, where assessment of potential threats is conducted openly and where therefore more 'sincere' relations exist. The leverage through fear might not work because the information about what is happening is much more freely available and 'blackmail' no longer routinely employed. In addition, domestic actors previously labelled as dangerous and used for scaremongering might be now part of the new political system, diminishing thus blackmailing potential. Islamist parties are a case in point. However, one has to consider that domestic volatility might undermine this assumption. In the cases of Morocco and Tunisia, the issue of leverage depends on the nature of domestic arrangements, but also on the perceptions of threats. When these are believed to be significant, but not vital, as in the case of

Morocco, leverage can still be employed *vis à vis* the external actor because the regime's stability is assured in any case. In the case of Tunisia, though, the threats have been perceived as vital by the majority of Tunisian actors because of the volatility of the political situation and the absence of continuity, which suggests that key domestic actors can lead them to bow to external pressures more promptly, in so far as the external actors are unsure both of the stability of the country and the commitment of certain actors to it.

The analysis of the cases of Tunisia and Morocco is helpful in disentangling such complexity and in providing an answer to both sets of questions.

Tunisia and the EU after the fall of authoritarianism

Bourguiba's and then Ben Ali's authoritarian pragmatism was the linchpin of what was a fairly well established relationship between Tunisia and Europe (Hibou 1999). The 'stability' of authoritarian rule seemed to serve the EU well in terms of guaranteeing security (Powel and Sadiki 2010) and such a focus on it on the part of the EU has not shifted much after the fall of Ben Ali. If anything, EU concerns over the volatility of the Tunisian transition and its problematic regional surroundings – notably the civil war in Libya - heightened security fears.

The first part of this section describes the development of the security functional regime, which is made up of increasingly interconnected actors and has a normative framework establishing cooperation priorities. The contention here is that the institutional architecture framing and supporting the borderlands builds upon a process falling outside Mediterranean dynamics. The joint agenda seems to barely take into account the local political conditions and domestic reconfigurations of power; at the most they are understood through the lenses of the EU rather than from different domestic points of view. In this respect, political cooperation priorities tend to be more in line with EU imperatives than Tunisia's. This means, for instance, that partner countries like Tunisia are asked to 'police' borders that are actually quite far from the Mediterranean basin, to include countries in sub-Saharan Africa, with all the associated costs - material and diplomatic. For some Tunisian actors, notably the Islamists and sectors of civil society, the requirements of EU cooperation on security-related matters were particularly costly and should have been revised. It was precisely these actors that emerged as powerful in the immediate aftermath of the fall of Ben Ali. The European quest for consistency and coherence of its external action shaped however the architecture of cooperation far more than political developments in the region, featuring a strong inward-looking approach. Hence, notwithstanding domestic changes in partner countries and the policy instrument chosen for the partnership, there is continuity in the EU approach towards security and the way cooperation on Justice and Home Affairs (JHA) is organised.

The second part of this section focuses on the way in which specific JHA policies are implemented, to look at the impact of institutionalised cooperation on the domestic level as well as on Tunisian leverage in the relationship. The dynamics between the EU and Tunisia should have theoretically changed following the Tunisian revolution with a redefinition of priorities more favourable to the new Tunisian regime, particularly because political and social actors previously critical of Tunisia's relationship with the EU played a prominent post-revolutionary role. This however has not been the case and quite the contrary has occurred.

The construction of the borderland: institutionalising cooperation on security

Until 9/11, security was not a cornerstone of EU-Tunisia relations. Unlike counterterrorism cooperation with Algeria, dating back to 1992, (Entelis and Arone 1992; Jünemann 2004) a specific chapter on JHA was not included in the EU-Tunisia Association Agreement that President Ben Ali signed in 1995. Two articles on money laundering and on drug trafficking appeared in the section dedicated to economic cooperation, while migration was only touched on when addressing dialogue on

social affairs. Tunisia seemed to embody the normative approach to security of the Euro-Mediterranean Partnership, based on the liberal assumption that prosperity and tightened commercial relations would bring peace and stability (Joffé 2008; Pace and Seeberg 2013).

Security was certainly a domestic priority for Tunisia however and the emphasis on it was instrumental to the legitimising discourse of the regime. Building on the legacy of President Bourguiba's "zero enemy diplomacy" (IACE, 2014), Ben Ali sought to use security as a bargaining chip to negotiate with the EU and to diversify foreign policy partners. This suggests that security was a concern that Tunisia brought to the table at the beginning of the partnership, although the conception of security Ben Ali had in mind was the survival of his own authoritarian regime, conflated with the security of the state. This is important to underline because the de-coupling of security of the state and security of the regime will have implications in the aftermath of the revolution in 2011, when security threats to the state became both serious and legitimate in the context of regional chaos.

Nevertheless, as the EU Member States (MS) had no perception of facing a common threat, JHA issues remained the preserve of bilateral agreements. At the EU level, the question of security was addressed in the Barcelona Declaration and Euro-Med Conferences (Balzacq 2009), but Tunisia neither had sufficient regional standing nor presented such a major Islamist menace to urge a strong EU security strategy. This is also the reason why Tunisia became the flagship country for the EU approach to democratisation (Cavatorta and Durac 2013) and the transformation of the EU-Tunisia border into "a hybrid area of transition" (Del Sarto 2014).

The institutionalisation of the security regime intensified with the launch of the European Neighbourhood Policy (ENP), whose architecture mirrored the post 2001 EU security turn and the significant policy shift outlined in the 2003 European Security Strategy (European Council, 2003). The Action Plan signed by Tunisia in 2004 was far more detailed than the previous agreement with regards to JHA issues with headings fully committed to tackle terrorism: economic and financial crimes, money laundering, drugs and corruption, through bilateral, regional, police and judicial cooperation, by means of the MEDA programme (the main financial instrument towards the Southern neighbourhood), the AENEAS programme on migration, and the Governance Facility and Neighbourhood Investment Fund.

According to the Euro-Mediterranean institutional structure, priorities were supposed to be examined within the Association Councils and Committees, the former representing the ministerial level and the latter formed by European and Tunisian senior officials.

Furthermore, six subcommittees – the technical level of negotiation that had been somewhat disregarded in the implementation of the Association Agreement - were created in 2003 to formalise the institutional structure of the relations (EU-Tunisia Association Council, 2005). Among them was a subcommittee dealing with justice and security (interview with an EU official, Tunis, March 2014).

Thus, after the 1996-1999 phase of stasis, European and Tunisian Ministers met quite regularly, although sub-committees and working groups functioned only sporadically (no meeting on justice and security was held until 2008). An analysis of the minutes of the Association Councils confirms the EU attempt to re-prioritize its strategy towards security, namely terrorism and migration. Thus, whilst the EU Presidency's introductory speeches often addressed security issues first, Tunisian Foreign Ministers focused more on economic and financial cooperation. This was partly due to Ben Ali's intention to avoid the human rights issue, often linked to JHA, and partly to the awareness that the EU soft approach offered technical assistance or training rather than equipment for security forces, which was the kind of support the Tunisian government was looking for – and obtained bilaterally from member states. In some ways the focus on economic and financial cooperation on the part of the Tunisian regime suggests, as mentioned above, that the EU was not considered a primary partner on hard security matters. It also leads one to think that the Tunisian regime felt reasonably secure and that perceived threats to it were more a bargaining chip than the reality.

Overall, what is worth noting here is that an increasingly institutionalised framework went along with the shift in the Mediterranean strategy and that a "process of co-optation of North African elites, while excluding them from Brussels' decision-making" (Del Sarto 2010:150), was pursued. Increasing contacts, be they formal or informal, especially with the Presidency and the Ministry of Interior of Tunisia, within or on the margins of the joint management arena, contributed to shaping the security regime.

At the Tunisian domestic level, policymaking and bilateral cooperation, particularly in the field of JHA, remained essentially within the remit of the Tunisian President and the Ministry of Interior. They housed the whole security apparatus, which was made up of the Public Order Brigade or riot police, the State Security Department, and many other elite units, among them the presidential guard (Kartas 2014). Well-trained cadres of European Commission technocrats backed Ben Ali's machinery, attending joint negotiations and participating in the very few JHA joint initiatives actually implemented under the ENP. It is little wonder that this irked the genuine opposition, be it either Islamist or secular, and hence, when the revolution occurred, a re-evaluation of the relationship had to be expected.

The governance structure, which is meant to fulfil the joint-ownership principle underlying the ENP (European Commission 2004), gradually consolidated a well-functioning and stable network between the EU and Tunisia. If interconnectedness granted more leeway to North African countries with the EU and its Member States, as Cassarino (2005) puts it, rather effective leverage was ensured by the centralised and repressive system of Ben Ali.

The post 2011 Neighbourhood Policy followed on from the ENP[1], echoing the European quest for more "dialogue on governance, security and conflict resolution" (European Commission, 2011). The EU-Tunisia Action Plan, signed in November 2012 after many negotiation rounds carried out by four consecutive Tunisian governments, elaborated on the security priorities including a reference to the Mobility Partnership, the new political tool for migration and mobility, developed since 2007 and negotiated with the Tunisian transition government until March 2014. This new policy instrument, which is intended to frame, foster and partly 'communitarize' the management of migration through an overarching, non-binding agreement, comes to further institutionalise the security issue area.

The 2013 Association Committee[2] indicates that security was a priority also for post-revolutionary Tunisia and that the new ruling elites were willing to cooperate on border management and the exchange of information. Nevertheless, it no longer represented a bargaining chip in Tunisia's foreign policy, as was the case before. The arrival in power of political actors that had developed a different conception of security for Tunisia and the degree of inevitable volatility in the aftermath of radical institutional changes meant that, for a time, the domestic debate on how to pursue cooperation with the EU was highly politicised and hotly contested (International Crisis Group, 2014), drifting between state and human security. In fact, this speaks to the divide that emerged in Tunisia between 'securocrats' with old reflexes – in line with the dominant thinking during Ben Ali's time - and activists/politicians pushing for rethinking cooperation with the EU. After the revolution, the new ruling elites – Islamists and human rights advocates in particular – questioned specific aspects of Tunisian foreign-policy making towards the EU, leading many to expect that Tunisia would be much harder to negotiate with, and exposing previous functional arrangements with the EU to profound changes in the relationship. This however did not occur, for three reasons.

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[1] The political agreement on the Privileged Partnership between Tunisia and the EU, sealed during the 2012 Association Council, builds on the agreement reached during the 8th Association Council, which was held in 2010 during Ben Ali's era.

[2] The 2013 Association Committee was the second bilateral meeting after Ben Ali's fall, the first being the Association Council held in 2012 and attended by the then Tunisian Minister for Foreign Affairs, Mr. Rafik Abdessalem.

First, the new domestic elites became quickly aware that security concerns had not been entirely made up during Ben Ali's time, but were in part genuine, with the presence of armed terrorist groups on the territory, and increasing transnational crime – usually linked to trafficking. This meant that the securocrats should still have had a say on how security policy was negotiated with external actors, when the initial reaction of the new actors in power was to completely marginalise them because of the repressive role they had played in Ben Ali's time. Second the new institutional structures still left many officials from the previous regime in place and they had a degree of weight in decision-making about foreign policy issues and domestic security, thanks to their long-established linkages with EU and MS counterparts. Foreign security agencies, notably in Europe and the US, had forged strong ties with the Tunisian security apparatus and American and European governments discreetly encouraged the post-revolutionary political elites to take security seriously and to 're-admit' the securocrats to policy-formulation. In addition, their weight and importance grew over time as the domestic enthusiasm for the revolution faded and demands for security emanating from ordinary Tunisian citizens reappeared. Finally, asymmetrical power in favour of the EU and the latter's focus on hard security matters such as anti-terror cooperation contributed to legitimising the arguments securocrats put forth, providing them with the legitimacy and material resources to prevent a more meaningful rethink of what security means for Tunisia today and how best the EU can be a partner in that. The Tunisian redefinition and reprioritization of JHA proceeded slowly because of this overarching debate, and "the transition governments (did not) succeed in putting forward a consistent security policy proposal" (Interview with DCAF representative, 2014). However, the Islamists' return into opposition, the terrorist attacks in Bardo and Sousse and the migration crisis have given substance to the EU's arguments about the necessity of strengthening the functional areas Tunisia assists in, and the new Tunisian president Essebsi has taken that on board. The external regional environment contributed greatly to the domestic debate about security and to the ways in which the EU perceived and exploited it.

Unlike during Ben Ali's time, the security of the state had been decoupled from the security of the regime and therefore, all things being equal, one might have expected greater Tunisian resistance to the needs and requests of the EU. However, the post-2011 chaotic regional situation actually threatened the security of the state, making Tunisian resistance to some of the demands emanating from Brussels extremely difficult. Rather than democratisation contributing to re-direct the relationship with the EU away from the concerns that characterised the Ben Ali period, the messiness of the transition and genuine regional instability reinforced them. The EU profited from Tunisian divisions to emphasise its own security needs and inevitably empowered those in Tunisia having a similar discourse and understanding of the regional reality.

The EU thus seems to have barely taken into account the volatility and the vulnerability of the country, proceeding instead to emphasise the need for increased anti-terrorism cooperation, for instance in its request for Tunisia to accept readmission. While rhetorically committed to tackle the issues that are seen as root causes of terrorism, the EU is quite open about 'working with the Tunisian authorities to step up cooperation in the fight against the multiple aspects of terrorism, as part of its support for security sector reform and in accordance with the provisions of the new constitution as regards the rule of law and human rights' (European Council, 2015).[3] If it is in part too early to draw definite conclusions, it is fair to say that the framework of EU-Tunisia relations, at least for the near future, was set during the transition according to the EU timing and priorities. In addition, it relied on well-known and established Tunisian actors or institutions, particularly the securocrats within the Ministry of Interior, and since autumn 2014 on the Presidency. In this respect, this replicates what occurred during the Ben Ali era and there is the risk that the fight against terrorism might today, just as then, target social constituencies already disenfranchised from the political process.

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[3]   "President Donald Tusk and High Representative Federica Mogherini in Tunis to boost EU-Tunisia relations", European Council press release, 29/03/2015.

In terms of the leverage Tunisia had, it could be argued that the governance approach (Lavenex et al. 2009; Lavenex and Schimmelfennig 2009) in Tunisia might have narrowed it, thus increasing the asymmetry of the relationship, and contributing to shaping what many scholars call informal empire (Lake 2009; Lake 1999; Zielonka 2007). This is not because there has been a shift in domestic Tunisian dynamics away from the securocrats, who remain at the heart of Tunisian policy-making, having reasserted their primacy after having been marginalised in the early days of the transition to democracy. There is another post-Spring factor that can explain diminishing Tunisian leverage in Brussels – one may in fact speak of increasing convergence of preferences between the EU and Tunisia on security matters - in addition to the realisation that the regional situation, as explained above, seems to threaten the very stability of the state. The EU has become more concerned with the issue of hard security and counter-terrorism precisely because regional instability is perceived to be much greater than in the past, with countries on the periphery – Libya for instance – running the risk of becoming dangerous failed states. This greater insecurity makes the EU less willing to be cooperative and collaborative, preferring instead to impose its will even on partners. Admittedly Tunisia is not very reluctant, when it comes to security issues, to accept what Brussels proposes, because to an extent it chimes with its own domestic preferences, but it also means that the EU might not be willing to give as much in other domains as during the Ben Ali period.

From this, it follows that institutionalised cooperation informing the governance of the borderland, as described above, tends to favour the implementation of EU priorities and limit Tunisian leeway. Furthermore, by relying on traditional and well-known channels and networks, this institutionalised cooperation might even undermine the reorganization of security actors into the state system. Reorganization is a demand that local actors have pushed for since the collapse of the regime, but external resources can empower security actors to withstand such demands because overhauling the system would destabilise international connections. In fact, the EU relies almost by default on well-known actors such as the Ministry of Interior, and this provides such domestic actors with resources to play in their internal game, pitting them against other domestic actors and institutions that, when also involved in relations with the EU, find themselves in a weakened position.

The preponderance of EU priorities in post-revolutionary EU-Tunisia dynamics is well illustrated by the signature in 2014 of the joint political declaration on migration, an issue fully part of the concept of security. The agreement on the Mobility Partnership, aimed at *strengthening dialogue and cooperation on migration, mobility and security to promote the implementation of joint initiatives* (EU, 2014) came in late 2013, at a time of political stalemate in Tunisia, and was not a priority of the transition government. The critical stance of civil society organisations[4] against what was perceived as the "hidden externalization of European borders", particularly referring to the readmission of third country nationals clause, was boosting dissent towards the establishment and rocking an already unstable boat (Interviews with CSO representatives 2013 and 2014). Nonetheless, negotiations on migration and mobility entered the joint agenda as early as October 2011, including dialogue with European borders agency FRONTEX and the European Police Office EUROPOL, to conclude a working arrangement and a reinforced partnership with the latter. The government of Tunisia certainly needed and craved international legitimacy and was therefore open to pressure, but the EU pushed very hard on these matters (Limam and Del Sarto 2015). The timing and process of negotiations were firmly in the hands of the EU. Tunisian concerns about cross-pillar consequences of the stalemate on the mobility track, for instance in terms of 55 million Euros freeze under the SPRING Programme, together with political uncertainty, strongly limited Tunisian leverage on a highly contested agreement. Notwithstanding some attempts to resist, which led to a cosmetic adjustment of the wording, the readmission clause was also included in the declaration. Indeed, instead of the explicit

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4   Further information on the position of major human rights organisations active in Tunisia on the political declaration can be found on the official websites of the *Forum International des Droits de l'Homme* (FIDH), *Migreurop Observatoire des Frontières*, and *Euromediterranean Human Rights Network*.

reference to third-country nationals, article 9 states that cooperation on readmission will be developed according to the EU standards in this domain.

The step back by the Ministry of Interior - which had blocked until then any advance on the migration and mobility tracks, as well as any collaboration with FRONTEX- from its traditional role of last resort negotiator was a novelty, both in the internal balance of power (especially with the Ministry of Foreign Affairs) and in EU-Tunisia dynamics.

More traditional security and JHA cooperation is progressing slowly and very few initiatives were launched after the revolution. As highlighted before and during the 2014 elections, security remained a priority of the country, but polarisation of concerns was kept high and prevented thorough discussions about the way in which security sector reform (SSR) should be implemented, as well as a critical reflection on the linkages between the whole security apparatus and the previous regime. As reported by a member of the Centre for Democratic Control of Armed Forces (DCAF) working in the Assistance Programme to Tunisia, "the shift from state to human security has not been tackled from a political point of view. There is no clear political input yet and the involvement in support programmes ends up affecting individuals rather than the security corps" (Interview with DCAF representative, 2014). The Tunisian request for including SSR in the bilateral agenda was accepted by the EU, but most of the activities were carried out by either the MS or other actors such as the DCAF, or the 5+5 dialogue on defence. If this is partly due to the distribution of competences established by the Treaties, weak prioritization of wide approaches to security by the EU is also part of the problem. As the European Parliament already pointed out with regards to Libya in 2012: "it is regrettable that the EU contribution in the security sector is slow to materialize, and that difficulties in planning and implementing this contribution are leaving the field open to bilateral initiatives of doubtful visibility and consistency" (European Parliament, 2012).

Several EU funded experts' missions in the field of border management and control were carried out in 2013 and resulted in a report that is supposed to be endorsed by Tunisian authorities (EU Council, 2014), as well as training sessions planned by the EUROMED III-Police and EUROMED III-Justice programmes. However, neither new Tunisian actors nor new instruments or priorities entered the framework of interactions. Preferential bilateral channels were kept, such as those of the Tunisian Ministry of Interior, the Ministry of Justice and the Ministry of Defence, ministries which are also responsible for selecting the personnel attending the joint initiatives, while civil society representatives, unions and syndicates of the security sector feel "neglected by EU" (Interviews with one representative of the *Ligue Tunisienne des Droits de l'Homme* and two representatives of the union SNFSI, 2014). The EU endorsed lessons from the uprisings and tried to strengthen its relationship with CSOs, but as an EEAS official put it, "mutual knowledge and empowerment take time, while the cooperation machinery is already settled, at least for the near future, and must go on" (Interview with an officer of the EU Delegation, 2013).

Therefore, the impact on domestic actors in times of transition is twofold. First, securocrats, while having been (re)-empowered domestically in their confrontation with other actors with diverging agendas and conceptions of security, are unable to exercise the same degree of leverage they had, during Ben Ali's period, over the EU. Thus, they tend to rely more on the cooperation with the MS or within multilateral arenas "wherein they feel more equal" (Interview with a representative of the Tunisian Ministry of Foreign Affairs , 2013), and where funding for equipment and infrastructure can be obtained. It should also be highlighted that diminishing leverage might not capture entirely the current dynamics, because, as mentioned already, there is also a degree of convergence of security preferences between Tunisia and the EU more generally. Second, new actors struggle through the institutionalised and well-rooted framework for cooperation to put forward their demands or, as Kartas (2014) argues, they bypass and resist the reforms to look for autonomy.

Morocco and the EU after the Spring

Morocco provides an interesting counter-case to Tunisia because the trajectory of Morocco has been considerably different after protests began in February 2011. Following on from the example of Tunisia, young Moroccans began organizing demonstrations against the government. Just like their counterparts across the region, their anger was directed at officials seemingly unable to deal with corruption, inequality and authoritarianism. Three elements are worthy of note in the Moroccan protests of early 2011. First of all they were widespread and large across the entire country. Second, protesters were good at building cross-ideological coalitions and therefore made the demonstrations appealing to a vast network of associations and groups that usually fought their 'battles' alone. Finally, and crucially, the demonstrations did not directly target the monarchy. This last element is key to understanding both how the monarch responded to the demonstrations, and the concerns of vast swathes of Moroccan citizens who presumably shared the demands of the protesters, but did not join them in the streets. Rather than resorting to repression, the monarch stated that he shared the concerns of the street, made them his own and proceeded to overhaul the constitution to set up a more responsive institutional structure. With the support of political parties, Mohammed VI launched a consultative process on the reform of the constitution, which was approved by popular referendum a few months after the protests had begun. The ability of the monarch to seize the initiative pre-empted the growth of the protest movement and ultimately ensured its demise. To most citizens it appeared that the monarch had acceded to the demands of the protesters and that the newly elected government, which came to power in late 2011, should be allowed to govern. These moves contributed to the collapse of the protest movement and reasserted monarchical primacy without fundamentally altering the political system. By pretending to listen to the protestors, the monarch had the time to devise a successful strategy of survival. In short, the monarch 'outfoxed' the genuine opposition (Benchemsi 2012; Dalmasso 2012). The new constitutional text did not in reality meet any of the expectations of change that the street had, and a close analysis of the wording suggests a high degree of continuity with the past (Madani et al 2012). Theophilipolou (2012: 694) sums up the scholarly consensus on the new constitution when she writes that it 'has not resulted in a constitutional monarchy, real separation of powers, accountability by those in charge, the King abandoning his sacredness, the prime minister enjoying new constitutional powers and an end to Morocco's clientelist system of government.' The 20 February protest movement suffered over time from decreasing unity within its ranks – notably the split between the Islamist Justice and Charity Group and secular associations - and from its inability to connect with Moroccans outside urban centres (Bergh and Rossi-Doria 2015). The ability of the monarch to co-opt political parties (Szmolka 2015) and segments of civil society led to the survival and entrenchment of monarchical authoritarian rule. It is clear therefore that Morocco has followed a radically different trajectory from the one Tunisia experienced and provides a different test case for EU external policy-making following the Arab Spring.

Morocco has long been a privileged partner for the EU (Volpi 2010) and in some ways it has also been a linchpin in the EU strategy of institutionalising a viable borderland in the Mediterranean, as the country has always been deemed stable and reasonably democratic, which made it easier for the EU to cooperate with. This notion of Morocco as a liberal country has been challenged (Graciet and Laurent 2012), but the EU has recognized consistently that Morocco was a 'good' student of democratisation and economic integration into the free trade area the EU promoted since the Euro-Mediterranean Partnership. Given the radically different trajectory Morocco followed compared to Tunisia after the uprisings, the expectation is that the relations between Morocco and the EU would not have dramatically shifted, and would be in fact characterised by continuity in all of their most important aspects. This would suggest two considerations. First, moral and material external resources provided by the EU contribute to maintain the political status quo and preserve the monarch's grip on power. Second, and unlike the 'new' Tunisia, the ability Morocco has to withstand some of the pressure the EU applies on the countries of the borderlands has remained reasonably intact because of its institutional continuity. While the new Tunisian elites have had to contend with the volatility of their process of democratisation and with an extremely unstable regional environment that impacts directly

on the country's politics, such as the Libyan civil war or trafficking at the border with Algeria, Morocco, due to monarchical stability, is much better equipped to deal with crises and does not suffer as much from the spill-over effects of regional instability. The Tunisian elites have less room for manoeuvre than Morocco, when it comes to its security cooperation with the EU.

On the political front, it is clear that the EU did not face the same short-term dilemmas that it had when thinking about its relations with Tunisia after the fall of the Ben Ali regime. First of all, no new political players emerged during the demonstrations. Unlike in Tunisia therefore there was no state withdrawal or collapse, nor a broader questioning of the repressive structures of the state. There was no real contestation of rules and rulers and there was therefore no sense of volatility or rapid change to contend with. In fact the ability of the King to dominate the political system and pre-empt challenges to his rule, while at the same time appearing to move the country forward on the path of democratisation, strengthened his standing with European officials, who were more than happy to provide him with praise and political support. In short, when it comes to Morocco, the Arab Spring has not changed what the EU does in terms of political support for the monarchy. The more interesting aspect of the relationship has thus to do with its continuity, with both parties determined to deepen their economic linkages while maintaining their divergences on security cooperation. On the economic front, it is as if the nature of demonstrations in Morocco was either misunderstood or ignored by both Moroccan and EU officials. The Association Agreement that had entered into force in 2000 provided for the creation of a genuine Free Trade Area between the EU and Morocco. Despite the uprisings, two parties launched negotiations for a Deep and Comprehensive Free Trade Area (DCFTA) in 2013, with very little sense that the demonstrations openly criticised the consequences of economic openings perceived to be benefitting only the few, to the detriment of the working conditions and living standards of the many (Colombo 2011; Bogaert 2015). In addition to the negotiations over DCFTA, the controversial EU-Morocco Agreement on agricultural, processed agricultural and fisheries products entered into force 1st October 2012. Both speak to 'continuity' rather than change in the relationship.

On security matters, Morocco was always identified as a priority partner, as its 'advanced status' in the European Neighbourhood Policy confirms. As the EU officially states,

> 'the advanced status is reflected in the willingness to strengthen political dialogue, co-operation in the economic, social, parliamentary, judicial and security fields and in different sectors, namely agriculture, transportation, energy and environment. It also aims at the progressive integration of Morocco into the common internal market as well as at increasing legislative and regulatory convergence. Financial co-operation plays an essential support role for the success of this status.' (EEAS, 2014)

The negotiations on advanced status had led the working group to suggest the following, among others, be included in the final accord: the creation of an institute for the fight against crime; Moroccan participation in training and seminars at the European College of Police and a dialogue on the fight against drugs. However, on hard security matters not much was discussed, particularly in terms of the fight against terrorism, because Morocco has a privileged relationship with the United States and individual member-states such as Spain. As Thompson and McCants (2013: 1-2) note:

> 'the bilateral relationship is particularly strong in areas of military and law enforcement cooperation… The United States … conducts training for Moroccan security and law enforcement personnel. In return, Morocco aids the United States with gathering intelligence, interdicting contraband and criminals, and formulating responses to regional terrorist threats. One area of frequent cooperation between the two countries is counterterrorism (CT)—a collaboration that the U.S. State Department has characterized as "robust." One of the most fruitful programs…has been Morocco's participation in the longstanding Antiterrorism Assistance Program.'

Thus, on the question of terrorism, Morocco has always been less committed to deepening the relationship with the EU as a whole, preferring instead strong bilateral relations with key member states. The relationship between Spain and Morocco is illustrative of this. In a recent analysis of the

relationship between the two countries, Reinares and Garcia-Calvo (2015) highlight how over thirty years anti-terrorism cooperation has solidified into a genuine partnership that is essential for Spain in its fight against jihadism. The authors emphasise that close bilateral cooperation, such as the establishment of a Spanish special magistrate in Rabat following cases of terrorism, is very effective. To this, it is worth noting, they argue, that 'between 2013 and 2014 the Moroccan and Spanish police led jointly a number of anti-terror operation that resulted in over 40 arrests on both sides of the border: *Operación Cesto* (June-September 2013), *Operación Azteca* (March 2014), *Operación Gala* (June 2014), *Operación Kibera* (August 2014 and December 2014) and *Operación Farewell* (September 2014). A degree of cooperation of this kind is also envisaged within the EU-Morocco twelfth Association Council held in Brussels in December 2014, but the reality is that cooperation is mostly at the rhetorical level. This preference for bilateral relations and the ability to hold out on this indicate that Morocco has still leverage to employ *vis à vis* the EU. In a 2010 analysis of Morocco's approach to the issue of migration linked to security issues with the EU, for instance, El Qadim (2010: 93) argues that 'European countries exercise strong pressure on the countries in the southern bank of the Mediterranean for a stricter migratory policy, but the benefits that countries in the Maghreb have obtained during the negotiations have been important…especially for Morocco.' Much more recently, the EU foreign affairs representatives stated that when it came to security – particularly anti terrorism – the EU needed Morocco more than the other way around (El-Ouardighi, 2015), suggesting that leverage on the Moroccan side has been maintained in spite of the demonstrations. However, when the analysis shifts to this very specific issue of migration, the EU has been able to make some progress following the uprisings. Within the broader EU security framework illegal migration is a salient issue for the EU. For a number of years the bone of contention between Morocco and the EU in the fight against illegal immigration – a crucial aspect of border security for the EU - has been 'readmission' of third country nationals expelled from the EU. Morocco had always refused to countenance and validate readmission, largely because of domestic politics concerns. As mentioned, the EU and Morocco have cooperated on migration issues for some years through the framework of the Euro-African conference in 2006 and the Union for the Mediterranean, but readmission was always resisted. A more comprehensive Mobility Partnership has been signed though in June 2013. The declaration includes an explicit reference to readmission of third country nationals (EU, 2013)[5], signalling that cooperation progressed on that issue, despite the criticism coming from human rights activists. As the European human rights network (2013) stated in the aftermath of the signature,

> 'in view of the current situation in Morocco, a readmission agreement would entail serious risks in terms of respect for the rights of migrants and refugees, and would expose them to the risk of inhuman and degrading treatment. In fact, both civil society organisations in Morocco as well as the Moroccan National Council for Human Rights have denounced the fate of sub-Saharans "blocked" in Morocco. The criminalisation of irregular immigration, as contained in the Moroccan Law 02-03, the absence of an effective asylum system and the xenophobic climate hostile to migrants… are all real issues that the signatory parties cannot ignore' (Euro-Med Human Rights Network, 2014).

What is important to underline here is that the ability Morocco had to withstand EU pressure for a readmission agreement seems to have faded, given the explicit reference to readmission which had for so long been refused. The theoretical expectation that regime continuity in Morocco would allow the kingdom to exercise leverage and withstand pressure from the EU for unwanted policies such as readmission is not quite met. This might indicate that the EU, in light of the almost unprecedented regional instability it faces on the southern bank, has pressurized Morocco sufficiently to gain a significant diplomatic victory, at least at the rhetorical level. This is because signature and implementation remain very different stages, with the latter not necessarily taking place in the way in which it is conceived in the official documents both parties signed. This should not however obscure

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[5]   Joint declaration establishing a Mobility Partnership between the Kingdom of Morocco and the EU and its Member States (EU, 2013)

that, at the same time, Morocco has been able to win out on other negotiating tables, including the renewal of the agreement on fishing rights, which implicitly recognises Moroccan sovereignty in Western Sahara, a crucial foreign policy issue for the Kingdom. Through the Mobility Partnership, the EU has been able to further outsource, on paper, ambiguous practices of immigration control to Moroccan authorities, which are not known for their respect for human rights. In some ways it is a mutually beneficial balance which is enhanced by the provision that 'the EU and Morocco have committed to encouraging the mobility of Moroccan citizens', although 'it should be noted that the proposals above all reflect the interests of the EU to facilitate entrance and residence only for highly skilled persons' (Euro-Med Human Rights Network, 2014).

The issue of continuity in the aftermath of the uprisings has been the crucial one in EU-Morocco relations on security. EU support for the monarchy has not faded; if anything it has solidified in light of the stability the regime is able to project (Konrad Adenauer Stiftung, 2012) While the EU has made some gains regarding migration, the leverage of Morocco has not decreased and Moroccan ruling elites know they can count on the resources the EU places at their disposal.

Conclusion

As Börzel et al (2015) made clear, not much seems to have changed in the relationship between the EU and Mediterranean countries following the Arab Spring. The soul-searching and reflective mode of EU officials was short-lived and did not really produce any significant change in everyday practices. The rhetoric about past mistakes and new beginnings in the early days of the uprisings has not been matched over time and, as enthusiasm for the Arab Spring faded on both sides of the Mediterranean, the EU reverted to a business as usual approach. In fact, it could even be argued that the intensity and scale of the crises unfolding across the Arab world has led the EU to further entrench its isolationist position, demand greater cooperation on security matters to Arab regimes – whether new as in Tunisia or old as in Morocco – and make sure that the functions delegated to them are implemented. This setting up of a borderlands regime, where a number of security matters are outsourced to Mediterranean partners in order to 'enlarge' the area of EU security, has not been modified after the uprisings. From counter-terrorism to de-radicalization strategies and from migration to trafficking, the EU demands and usually obtains the cooperation of both Tunisia and Morocco, irrespective of the diverging post-uprising trajectories of the two countries. In fact, as Del Sarto (2015: 1) makes clear, 'through the transfer of rules and practices beyond its borders, the EU is indeed engaged in 'normative' policies, which however primarily serve the security and economic interests of the EU and its Member States.' For this reason it has been possible to continue the development of the borderland in the security issue-area broadly along the same lines before and after the Arab uprisings: that is towards an increasingly institutionalised framework with normative contours, but serving material interests. The comparative analysis of the Tunisian and Moroccan cases shows that, on the one hand, such a constraining framework applied to asymmetric relations provides leverage to stable and well organized third countries (as was the case with Ben Ali's Tunisia) when the regional situation is reasonably stable and predictable. On the other hand, when volatility and instability intensified, both post-uprising Tunisia and Morocco suffered from greater limits to their negotiating power because the fear factor at EU level increased the asymmetry between the EU and its counterpart. Thus, the Tunisian transition has somewhat modified the relationship with the EU to the detriment of Tunis. Whereas the Ben Ali regime had been able at times to exert leverage on the EU, draw benefits from it and withstand pressure from the EU, the new authorities in Tunis have had much less success, precisely because the process of democratisation, volatile in itself, has been taking place in un unfavourable environment, which has quite quickly favoured the return of the securocrats. Despite the fact that the transition has meant an increase in the legitimacy of domestic players previously excluded from policy-making and brought to the surface their very different ideas about what security means and for whom it should be achieved, the coincidence of interests between domestic securocrats and the EU's needs has prevailed in determining security arrangements. Morocco has experienced a very

different uprising, with the monarchy reasserting its power and with no genuine institutional change. The ability of the monarch to survive unscathed and even strengthened has meant that a much higher degree of continuity has characterized the relationship with the EU. Institutional continuity allowed the monarchy to almost completely insulate Morocco from increased EU pressure, although the EU was able to make small gains on migration matters and on increased economic linkages. For its part, the kingdom however has been able to continue to score important victories on other fronts, demonstrating its ability to withstand EU pressure on very important foreign policy issues. In any case, Morocco has fared better than Tunisia because of its privileged security cooperation with the US and because the Kingdom can still project an image of domestic stability that Western countries do not want to upset. The myth of stability no longer applies to Tunisia. This different picture confirms Del Sarto's point about the variable geometry of borders and speaks to the complexity of the borderlands regime.

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