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# One Swallow Does Not Make Spring: A Critical Juncture Perspective on the EU Sanctions in Response to the Arab Spring

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**ONE SWALLOW DOES NOT MAKE SPRING:**

**A CRITICAL JUNCTURE PERSPECTIVE ON THE EU SANCTIONS IN RESPONSE TO THE ARAB SPRING**

### **Abstract**

This article examines to what extent the Arab Spring constitutes a critical juncture – a major turning point – for the EU's sanctions policy towards Egypt, Libya, Syria and Tunisia. Based on a multidimensional critical juncture operationalisation, we find that the Arab Spring only constitutes such a turning point for the EU's sanctions policy towards Syria. Both the *level* and *nature* of measures differ substantially from previous years. By contrast, the EU's sanctions practice towards Libya, Egypt and Tunisia shows more resilience. More generally, changes in the nature of the measures are prominent, whereas changes in the level of the policy instruments and in underlying norms and goals are limited.

### **Keywords**

Arab Spring, CFSP, critical juncture, EU sanctions, Southern Mediterranean

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## 1. Introduction

This article explores the extent to which the Arab Spring<sup>1</sup> constitutes a fundamental turning point for the European Union (EU)'s Southern Mediterranean<sup>2</sup> policy, taking a comparative perspective on the sanctions measures<sup>3</sup> imposed by the EU in reaction to the Arab Spring in Tunisia, Syria, Libya and Egypt.<sup>4</sup> Building upon insights from Historical Institutionalism (HI), this article introduces a multidimensional operationalisation of the notion of (policy) change that takes into account degree, speed and origin, incorporating these dimensions into a Critical Juncture Index (CJI). Contrasting past and present practice, we observe continuity in the overall level and in the underlying goals and norms of the measures imposed by the EU, but change in the nature of measures employed.

Pointing at change and continuity, this article adds a dissenting voice to the emerging literature on the EU and the Arab Spring. The current academic consensus is that the EU's reaction to the Arab Spring is a continuation of past priorities and practices (Pace, 2014). Echoing this consensus, most voices in this journal challenge the claim of fundamental change. In her exploration of the EU's approach towards North Africa, Dennison (2013) observes a difference between the promise and practice of change. Old habits tend to re-emerge when money (more financial support), markets (better access to European markets) and mobility (a more flexible approach to migration) policy initiatives are implemented. Bicchi (2014) reaches a similar conclusion on the politics of aid within the context of the European Neighbourhood Policy (ENP): the EU's lofty intentions are not reflected in policy change. By contrast, its discourse differs from both institutional developments and policy practice, which continue to lack a regional vision and financial engagement. In a similar vein, Heydemann (2014) finds that Western patterns of foreign assistance exhibit remarkable continuity, both in terms of form and content.

Most scholars opt for an instruments-based approach to evaluate the EU's reaction to the Arab Spring, yet they have failed to address the EU's use of sanctions. This is intriguing for several reasons. Firstly, sanctions are the only coercive response collectively employed by the EU. Secondly, the

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<sup>1</sup> The notion of Arab Spring refers to a series of political and socio-economic uprisings that spread throughout the Middle East and North Africa from December 2010 onwards. This paper focuses on the EU's reaction during the first three years (2011-2014). While recognising the existence of cross-case variation in terms of protest magnitude, we assume that the Arab Spring constituted a similar external shock for the four cases studied (cf. Discussion)

<sup>2</sup> The Southern Mediterranean refers to those countries located at the EU's southern borders: Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria and Tunisia.

<sup>3</sup> Sanctions are defined as politically inspired restrictions affecting bilateral trade, finance, travel and diplomatic relations imposed against a target in response to what a sender perceives as objectionable behaviour. While most of the measures contemplated under EU sanctions fall within the scope of the Common Foreign and Security Policy (CFSP), our definition also includes measures imposed in the 1980s within the context of European Political Cooperation, as well as diplomatic sanctions which are often adopted outside these formal frameworks. Conditionality mechanisms foreseen in the European Neighbourhood Policy (ENP) are excluded.

<sup>4</sup> These four episodes constitute the entire universe of the EU's Arab Spring sanctions cases.

measures imposed are without precedent. Never before did the EU impose so many sanctions against its Southern neighbours, suggesting a departure from foreign policy traditions. Thirdly, prior to the Arab Spring, the EU only employed sanctions in the Southern Mediterranean to prevent terrorist activities and the proliferation of weapons of mass destruction, thus not to advance democracy and human rights objectives (Portela, 2005; Beaucillon, 2012; Kreutz, 2015). But do these changes mean that the Arab Spring can be seen as a real turning point for the EU's sanctions policy towards this region?

Exploring the *extent to which the Arab Spring constituted a critical juncture for the EU's sanctions policy towards the Southern Mediterranean*, this article makes a three-fold contribution to the literature. Firstly, this paper contributes to the emerging literature on the EU's role in relation to the Arab Spring by analysing an often used but underexplored policy instrument as well as by taking a comparative perspective. Indeed, most research treats the Arab region in its entirety. Secondly, the four cases analysed and the theoretical perspective proposed allow for an original contribution to the sanctions literature. Even if research on EU sanctions policy has flourished in recent years, theory-informed research remains scarce (Portela, 2010; Eriksson, 2011; Giumelli, 2011; Kreutz, 2015). Thirdly, by operationalising the notion of critical juncture and transforming it into a workable research instrument, this paper contributes to the literature on HI. In doing so, it responds to the call to incorporate ideas in the study of policy change (Steinmo, 2008).

Our analysis proceeds as follows. The central notions of continuity and change are defined, operationalised and contextualised in section 2 by building upon insights from HI, notably the notions of path dependency and critical juncture. This section does not aim to provide an extensive review of the literature on HI in general and critical junctures in particular, but to provide a context within which to read the modelling and analysis presented. Section 3 applies the resulting critical juncture index to four cases: the EU response to the uprisings in Tunisia, Egypt, Libya and Syria. Focusing on discussion and conclusion, sections 4 and 5 summarise the main findings and explore the way forward. This paper builds upon primary and secondary literature as well as 12 elite interviews with officials from EU institutions and member states, as well as an academic expert.<sup>5</sup> The interviews are mainly used to grasp change and continuity in relation to underlying norms and goals, thus third order change (cf. *infra*).

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<sup>5</sup> The interviews were conducted between April 2013 and March 2015. Names and affiliations are omitted to preserve confidentiality.

## 2. Framework

This article explores and explains changes and continuities in the EU's sanctions practice towards the Southern Mediterranean by relying on insights from HI. HI is employed as it constitutes a trusted starting point for the analysis of change and continuity in (EU) policy (Pierson, 2000). Claiming that 'history matters' (Pierson, 2000: 263), HI emphasises the effects of institutions over time and thus the importance of temporality in explaining (EU) policy (Pollack, 2009). Two concepts have been dominant within this context: *path dependency* and *critical juncture*. The former postulates that the cost of switching paths increases over time, highlighting the stickiness of institutions and the realities of increasing returns (Pierson, 2000). The latter aims to capture the idea of fundamental change. It refers to 'formative moments' (Pierson, 1993, p. 602), to periods 'in which substantial change suddenly becomes possible' (Wolff, 2012: 31). For this reason, it is better suited to frame the research question at hand.

Unlike its conceptual twin, the notion of critical juncture has received little academic attention and recognition.<sup>6</sup> A possible explanation is that a 'rigorous, widely applicable framework for examining critical junctures' (Hogan and Doyle, 2007, p. 884) has been lacking for a long time. Convinced that its potential is not fully recognised, Hogan has tried to save the notion from academic oblivion by formulating suggestions for operationalisation (Hogan and Doyle, 2007). His initial work argues that a critical juncture combines a 'generative cleavage' (like an armed conflict, revolution or recession) with 'swift, encompassing and significant policy change' (meaning that policy change should not be 'incremental' and impact 'many stakeholders') (Hogan, 2006: 664). His more recent work echoes Hall, who distinguishes three orders of policy change when modelling social learning: *first order change* (affecting the level of policy instruments), *second order change* (affecting the nature of the policy instruments used) and *third order change* (change in the overall policy paradigm) (Hall, 1993: 280). More specifically, Hogan and Doyle (2007) build upon these orders when refining Hogan's operationalisation of critical junctures by including the element of ideational change, which implies third order change in Hall's typology (Hogan and Doyle, 2007: 894).

Thus, we are not the first ones to suggest a merger between the ideas and insights of Hall and Hogan to develop a workable research instrument for determining whether profound change has occurred in policy practice (Hogan and Doyle, 2007; Donnelly and Hogan, 2012; Hogan and Cavatorta, 2013). The framework presented by Hogan and Doyle is a decisive step forward in the search for a 'rigorous, widely applicable framework for examining critical junctures' (Hogan and Doyle, 2007: 884), yet some flaws are observable. Notably, it is not entirely clear how the different components of their model relate to each other. Also, the authors present dichotomous judgments on specific observables,

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<sup>6</sup> For an authoritative review of the critical juncture literature, see Hogan and Doyle, 2007.

rather than rigorous quantifications. This article aims to remedy these problems by developing a composite index.

Blending insights from Hall (1993) and Hogan (2006), we assume that *the critical juncture nature* of an external event is defined by three *necessary and jointly sufficient* factors: (1) the *degree* of change, (2) the *speed* of change, and (3) the *origin* of change. These three factors inspire the design of our Critical Juncture Index (CJI). Conceptualised as a composite index, this index attempts to grasp the multidimensional nature of a critical juncture by mathematically combining three indicators that measure different dimensions of change, i.e. degree, speed and origin (cf. Tarantola and Mascherini, 2009). After weighting and rescaling, the CJI continuously runs from a minimum of 0 to a maximum of 1. The higher the score on this index, the higher the critical juncture nature of the external event studied. Table 1 summarises the indicators and the respective categories, as well as the intermediate and final scores for the cases studied; Annex 1 details the calculations used to determine these scores.

$$CJI_{case\ x} = \frac{S \times O \times \sum_{i=1}^3 C_i \text{ weighted}}{Max = 30}$$

The first indicator is the *degree of policy change*. The dimensions for *degree of policy* stem from Hall (1993), who distinguishes three orders of policy change, as we explained above: first order change ( $C_1$ ; change affecting the level of the policy instruments), second order change ( $C_2$ ; change affecting the nature or type of policy instruments used) and third order change ( $C_3$ ; change in the overall policy paradigm). These three dimensions are operationalised as ordinal variables. For all three dimensions, each observation scores 1-5 to represent five categories of change, or scores 0 when the *status quo* resembles the *status quo ante* (default condition). Following Hall (1993), our model recognises that third order change is more important than second order change, which is in turn more important than first order change. However, unlike Hall, we argue that lower orders of change are not preconditions for higher orders of change. This methodological adaptation is reflected in the attribution of higher weights to higher orders of change (i.e. 1, 2 and 3, respectively). We first calculate and summate the values of these orders. Then we multiply the sum by the second and third indicator – *speed of policy change* ( $S$ ) and *origin of change* ( $O$ ), as explained below.

The second indicator aims to grasp the *speed of policy change* ( $S$ ). Inspired by Hogan's 'swiftness of change', we argue that for a critical juncture to be observed policy change cannot be 'a long, slow process' (Hogan, 2006: 665). Contrary to Hogan, however, we define the speed of policy change as an ordinal rather than a dichotomous variable. This indicator enables us to grasp the speed

of change over a shorter time span, which is particularly useful for differentiation in acute crisis contexts such as the Arab Spring.<sup>7</sup> More specifically, the degree of change (cf. indicator 1) is corrected for the speed of change by multiplying the score by factors 0 (rapid change was absent), 0,5 (rapid change was only partially present) or 1 (rapid change was present). In doing so, we take into account the time span from crisis to imposition, but also the time needed to unroll the sanctions.

The third indicator embodies the concept of *origin of change (O)*. Based on the concept of ‘generative cleavage’ (Hogan, 2006), this indicator measures the extent to which a policy change constitutes an autonomous EU reaction to developments in its environment. Again, contrary to Hogan, we define this indicator as an ordinal rather than a dichotomous variable as this allows us to correct the degree of change for internally driven policies. More specifically, the degree of change (cf. indicator 1) is corrected for the origin of change by multiplying the score by factors 0 (internally driven policies); 0,25 (policies that are mainly but not exclusively internally driven); 0,5 (policies that are externally driven though reactive in nature); 0,75 (policies that are externally driven and neither completely reactive or completely proactive) or 1 (externally driven proactive policies).

A careful reading of the relevant literatures has inspired the construction of the scales and weights defined above. Additionally, a sensitivity analysis reveals that our main conclusion – i.e. that change is most present in Syria – firmly holds when weights are modified.<sup>8</sup> Critical voices, however, may claim that modelling comes with limitations. They may argue it entails a mechanical, even artificial, approach towards empirical reality and crudely obscures its complexities. Formalization is no panacea, though it allows us to explain the changes and continuities in policy practice by facilitating a systematic and comparative analysis that is both transparent and replicable. Making change both observable and comparable allows us to provide a balanced picture of what is indeed a complex reality.

[TABLE 1 AROUND HERE]

### 3. Cases

A critical juncture approach requires the identification of points of reference, i.e. previous sanctions measures adopted by the EU in relation to the four countries studied.<sup>9</sup> Although its autonomous sanctions practice dates to the early 1980s, prior to 2011 the EU hardly targeted the Southern Mediterranean. Notable exceptions are the cases of Syria<sub>t-1</sub> and Libya<sub>t-1</sub> (Portela, 2005, 2010; Kreutz, 2005; Beaucillon, 2012). Both countries were targeted by the (then) European Communities

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<sup>7</sup> Hogan’s empirical analysis suggests a timeframe of less than 12 months (Hogan, 2006).

<sup>8</sup> For instance, changing the weights from {1, 2, 3} to {1, 1, 1} or {1, 2, 4} does not fundamentally alter the conclusions.

<sup>9</sup> The Arab Spring cases are labelled ‘case<sub>t</sub>’; the pre-Arab Spring or null sanctions cases ‘case<sub>t-1</sub>’.

(EC) because of their sponsorship of terrorism. Syria was subjected to an arms embargo and diplomatic sanctions from 1986 to 1994 because of its involvement in a planned bombing at Heathrow airport (1986). Similarly, the EC applied an arms embargo against Libya for its linkage to terrorist attacks carried out in Rome (1985), Vienna (1985) and Berlin (1986). The 1986 arms embargo was accompanied by restrictions on the entry of Libyan nationals into EC territory, while diplomatic sanctions consisted of a reduction of both Libyan diplomatic representation in EC countries and of representation of EC countries in Libya (Niblock, 2001: 26). Following the Lockerbie bombing, the European arms embargo was superseded by a UN sanctions package (1992); however, it was left in place after the suspension of UN measures and alongside the US arms embargo, it was eventually lifted in 2004. Similar points of reference cannot be identified for Tunisia or Egypt.

In Tunisia and Egypt, the EU adopted targeted sanctions in 2011 with the aim of supporting the post-revolutionary elite after the leaders had stepped down. The broadly supported revolutions that led to the ousting of Ben Ali and Mubarak were unprecedented in nature. Taken by surprise, the EU reacted with caution (House of Lords, 2014). By contrast, it quickly decided to deploy a broad gamma of measures against the regime of Al-Assad in Syria. Taking a middle position, EU sanctions against Libya centred on implementing and supplementing the UN Security Council's measures. The discussion below confirms the relevance of a comparative case-study approach by revealing a patchwork reality in relation to the EU's Arab spring sanctions practice (Table 2).

[TABLE 2 AROUND HERE]

### **3.1 Tunisia**

Tunisian street vendor Mohamed Bouazizi setting himself on fire on 17 December 2010 is often considered the symbolic start of the Arab Spring. His action inspired widespread protest against the political and social policies of long-time President Ben Ali. Prior to Bouazizi's self-immolation, relations between the EU and the Tunisian regime were relatively close: interest-based cooperation over democracy promotion was prioritised, and despite human rights breaches, sanctions were absent (Freedom House, 2010a; Burgat, 2009: 626). Tunisia was participating fully in the ENP (cf. EEAS, 2015). After protests had spread across the country in a revolutionary fashion, European Commissioner for Enlargement and ENP Stephan Füle and High Representative for Foreign Affairs and Security Policy Catherine Ashton issued a prudent declaration on 10 January 2011, stressing the importance of peaceful transition and dialogue (European Commission, 2014). The French Foreign Affairs Minister proposed to assist Ben Ali in dealing with the protests (Amnesty, 2011), but the latter relinquished the country on 14 January 2011 (Pinfari, 2012: 34-35). Two weeks later, the EU decided to impose an asset



freeze blacklisting 48 persons, including Ben Ali and his spouse Leila Trabelsi (Council of the European Union, 2011b, 2011c). Doing so, the EU responded to a request of the revolutionary elites. As such, the Tunisian case (like the Egyptian one) is rather unique: it was the first instance in which the EU blacklisted rulers *after* they left office. It was also the first time that an EU asset freeze was not accompanied by a visa ban.

The novelty of the EU's sanctions in the Tunisian case is not primarily reflected in the level of measures imposed ( $C_1 = 2$ ), but rather in their kind, which was unprecedented ( $C_2 = 5$ ) (see Table 2). In fact, only one measure was imposed following the Arab Spring, namely an asset freeze. Because no EU sanctions had been imposed prior to the uprisings, a comparison of the goals and norms of EU sanctions before and after is impossible. It is possible, however, to examine the extent to which the normative and intentional dimensions of the current sanctions (Tunisia<sub>t</sub>) signify a turning point from the traditional EU approach towards the Tunisian regime (Tunisia<sub>t-1</sub>). This requires unravelling the underlying motivations of the measures imposed.

Because of their sudden departure from power, the former rulers retained access to state assets held abroad. The EU's freezing of assets served the practical purpose of preventing them from accessing important accounts for instance in France and Italy (Portela, 2012: 1; interviews 1 and 10). Conversely, this measure signified the EU's intention to reserve access to these funds for the post-revolutionary rulers, thereby ensuring the availability of resources for the new elites. Symbolically, this move confirmed that the EU no longer regarded the ousted leaders as legitimate rulers. Yet no visa ban was imposed, suggesting that the EU did not intend to stigmatise these leaders. Still, it is doubtful whether the EU sanctions against the Ben Ali clan are a clear-cut articulation of a paradigmatic shift from *de facto* backing an autocratic regime to truly supporting democracy and human rights, most importantly because these sanctions were imposed *ex post* (interview 3). By responding positively to the asset freeze request, the EU sent a signal of support to the post-revolutionary elite while ensuring that future cooperation in several securitised policy areas, such as migration and anti-terrorism, was not jeopardised: the EU realised that rather than Ben Ali, cooperation in these fields would be coordinated with post-revolution leaders ( $C_3 = 1$ ) (cf. interview 10).

Regarding speed of change, sanctions were imposed one and a half months after the symbolic starting point of the revolution (Council of the European Union, 2011b)- this is neither extremely swift nor extremely slow ( $S = 0,5$ ). With respect to the origin of change, the EU's behaviour in response to the external event (i.e. the Tunisian revolution) was reactive ( $O = 0,5$ ). Indeed, the asset freeze satisfied a request from the Tunisian revolutionaries, who provided the EU with a suggested blacklist (Ashton, 2011a; interviews 1, 5 and 7). The end result is a CJ score of 0.13, which indicates that the Arab Spring does not constitute a critical juncture for the EU's sanctions policy towards Tunisia (see Table 1).

### 3.2 Egypt

Like in the Tunisian case, the EU struggled to formulate an adequate response when the Tunisian revolutionary atmosphere spread east to the streets of Egypt on 25 January 2011. In fact, the EU was on good terms with the Mubarak regime, which was fully participating in the ENP (cf. EEAS, 2015). Several EU actors initially deplored the human rights breaches committed by the Egyptian security forces and called for democratic reform, but they also demanded that all parties ‘show restraint’ (Council of the European Union, 2011a; European Council, 2011; Ashton, 2011a). Only on 22 March 2011, more than one month after the Supreme Council of Armed Forces (SCAF) had forced Mubarak to step down, the EU decided to impose an asset freeze, again at the request of the revolutionary elites. The list of blacklisted officials featured 19 names, including Mubarak (Council of the European Union, 2011f; ICG, 2011: 3). Additionally, following the Rab’a killings in August 2013, the EU imposed a non-legally binding ban on equipment used for internal repression (SIPRI, 2013a; cf. below).

The EU only imposed a limited number of sanctions in the Egypt case, resulting in a modest first order change score ( $C_1 = 2$ ). With respect to second order change, the conclusions drawn from the Tunisian case are also applicable here: EU sanctions had, until the March 2011 events (Egypt<sub>t-1</sub>), never been imposed, implying that both the act of sanctioning and the specific kind of sanctions (financial and, later, arms) were unprecedented ( $C_2 = 5$ ). The goal of supporting post-revolutionary elites constituted a novelty. However, it is questionable whether sanctioning Mubarak and his entourage constitutes a new focus on human rights ( $C_3 = 1$ ) (cf. interview 8). Firstly, the *ex post* nature of the asset freeze shows that the main goal was not to defend human rights but to prevent the former leader and his entourage from accessing state funds (Portela, 2012: 1) and, like in the Tunisian case, to gain the support of the post-revolutionary leaders (cf. interviews 3 and 10). Secondly, the EU refrained from imposing significant sanctions when the protests started, despite several manifest and massive human rights violations. When incoming President Morsi initiated legislative changes that seemed to restrain several freedoms, new protests erupted, culminating in the military ousting Morsi in June 2013 (Amin, 2014: 394). Some EU member states (those ‘located close to Egypt’) were not completely dissatisfied with the removal from power of President Morsi, seemingly favouring secular autocratic rule over an Islamist one (Interview 3). Violence against the Muslim Brotherhood and its supporters ensued, resulting in over 800 fatalities when security forces broke up a largely peaceful sit-in on Rab’a Square on 14 August 2013 (Human Rights Watch, 2014). Again, the EU did not respond with fierce measures despite a German proposal to impose a full-fledged arms embargo.<sup>10</sup> Instead, it imposed a ban on equipment that could be used for internal repression (Council of the European Union, 2013b;

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<sup>10</sup> The absence of collective measures led some member states, like Germany, to impose bilateral sanctions (Peters and Weiland, 2013).

cf. interview 4). This measure was not included in a formal Council Decision, raising questions about the EU's willingness to use sanctions to promote human rights (SIPRI, 2013a; Council of the European Union, 2013b; Rettman, 2013; Duquet, 2014: 14-15). The embargo on items that can be used for internal repression is not only peculiar because it is not legally binding. Indeed, it is also the first one that does not accompany a standard weapons embargo. The choice against a fully-fledged weapons embargo allowed for the future delivery of war ships, fighter planes or parts of submarines because such items are not employed for internal repression. The non-inclusion in a formal Council Decision can be seen as a compromise resulting from internal divisions on how to react to the massacre (Interviews 3, 4 and 5). Because the situation in Egypt remained fragile in the post-2011 period, the Council of the European Union was reluctant to impose sanctions that might antagonise the leadership and diminish the EU's influence over a country of key importance to Middle East stability (cf. interviews 3, 5 and 9).

Regarding speed of change, sanctions were imposed around two months after the start of the January 25th revolution (Council of the European, 2011e), which, just like in Tunisia, is neither extremely swift, nor extremely slow ( $S = 0,5$ ). With respect to the origin of change, the EU responded in a reactive way to an external event. Similar to Tunisia, the EU blacklisted persons in response to a demand from the transitional authorities ( $O = 0,5$ ) (cf. interviews 1, 5 and 7). The end result is a CJI score of 0.13, which indicates that the Arab Spring cannot be seen as a critical juncture for the EU's sanctions policy towards Egypt (See Table 1).

### **3.3 Libya**

By the time the Arab Spring revolts broke out, Libya was mending its traditionally adversarial relationship with the West (Onderco, 2014). It embarked on a path of limited cooperation with the EU, even though it was unprepared to embrace co-operation under the ENP. Negotiations for a Framework Agreement, including a free trade component, launched in 2008 and near completion by the time the uprising erupted, constituted the focal point of renewed cooperative efforts (Joffé, 2011). Anti-Qadhafi protests erupted in February 2011 and were violently suppressed, and tensions escalated into a civil war (Doom, 2013: 113). This motivated the UN Security Council to impose sanctions against Qadhafi's regime through Resolutions 1970 and 1973, wielding an arms embargo and blacklisting several high-profile regime members, not least Qadhafi himself (UN Security Council, 2011a). The EU immediately implemented these measures and supplemented them with additional designations as well as an autonomous ban on equipment used for internal repression (Council of the European Union, 2011d). In March, the European Council declared that Qadhafi had lost legitimacy and urged him to step down. In subsequent sanctions rounds, the EU blacklisted Libyan financial entities, the Libyan National Oil Corporation and five of its subsidiaries as well as 26 energy firms accused of financing the regime,

thereby imposing de facto an oil and gas embargo (Koenig, 2011: 15). In a final step, the Council blacklisted six harbours in the country, including Tripoli, making it illegal for European-operated ships to conduct businesses with the port authorities (Harrison and Brunnstrom, 2011).

Both sanctions periods ( $Libya_{t-1}$  and  $Libya_t$ ) entail a similar number of measures ( $C_1 = 1$ ).<sup>11</sup> Regarding second order change, two conclusions can be drawn. Generally speaking, all five kinds of measures are observed in both periods, pointing at continuity; however, analysing the specific measures reveals a mixed picture. Despite several recurrences (e.g. admission bans, asset freezes, weapon embargoes), some measures previously imposed were not recently wielded (e.g. oil industry equipment ban) or vice versa (e.g. no-fly zone) (see also Table 2). The strength of both sanctions regimes seems largely comparable (EEAS, 2014; Council, 1986a in Hill and Smith, 2003: 325-326; UN Security Council, 1992, 1993, 2011a, 2011b; 2014). In short, the specific measures differed only modestly from past measures ( $C_2 = 3$ ).

In the pre-Arab Spring era, the EU had imposed sanctions because of hard security concerns over state-sponsored terrorism, which is in line with its traditional, security-driven approach towards the Southern Mediterranean (Dandashly, 2014: 38). EU-Libya relations improved substantially in the 2000s, demonstrating the EU's prioritisation of material interests over human rights (cf. Freedom House, 2010b). In fact, when the Arab Spring started, Libya seemed on the path toward rehabilitation (Onderco, 2014). Does the EU's recent sanctions activity signify a departure from this approach? On the one hand, it could be argued that the 2011 measures articulated a renewed human rights focus and constituted an honest attempt to reduce human suffering. This view echoes the official EU rhetoric (Council of the European Union, 2011d; interview 4). On the other hand, sanctions allowed for a strong EU presence in post-2011 Libya. In this light, the sanctions against Qadhafi and the military assistance to the rebels aimed to promote EU interests on the ground. Those countries most eager to force regime change (like France) were the first to conclude oil contracts after the conflict ended. As a matter of fact, the National Transitional Council reportedly announced that oil contracts were to be distributed proportionally to support received (Doom, 2013: 118; cf. interview 6). The emerging picture is blurred. The goals of the measures have undeniably changed; yet the underlying norms are resilient ( $C_3 = 2$ ).

The UN Security Council imposed sanctions with remarkable speed, only a couple of weeks after the first protests ( $S = 1$ ) (UN Security Council, 2011a; Doom, 2013: 113). With respect to the origin of change, the EU has responded to an external event (a civil war near its southern borders) in a way that was neither completely proactive nor completely reactive. Although the United Kingdom and France played an important role in the UN Security Council (Humphrey, 2014: 52) and sanctions were discussed in parallel in Brussels and New York (Ashton, 2011b), the EU's sanctions activity mostly

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<sup>11</sup> In the first period, 11 measures were imposed; in the second period, 12 measures were invoked..

constituted an implementation of decisions taken elsewhere ( $O = 0,75$ ). The end result is a CJJ score of 0.33, which indicates that the Arab Spring has not been a critical juncture for the EU's sanctions policy towards Libya.

### 3.4 Syria

Syria's association with the Soviet Union, its involvement in the Lebanese civil war, and state-sponsored terrorism long plagued its relations with the EU. The end of both the Cold War and the Lebanese civil war opened the way for a gradual improvement of EU-Syrian relations. It resulted in the negotiation of an Association Agreement which was approaching conclusion by 2004. However, the assassination of Lebanese Prime Minister Rafik Hariri in 2005, combined with US pressure, stalled negotiations (cf. Santini, 2008: 43).<sup>12</sup> When protests were violently suppressed in February 2011, a civil war ensued. In the face of UN Security Council deadlock, the EU responded by imposing numerous autonomous sanctions against the regime of al-Assad. The Council of the European Union imposed a travel ban, an arms embargo and an asset freeze in May 2011 (Council of the European Union, 2011g). This sanctions package expanded quickly to over 150 targets including al-Assad, resulting in one of the EU's most comprehensive sanctions packages ever imposed against a third country (Portela, 2012: 1-2; EEAS, 2014; Council of the European Union, 2012; Seeberg, 2015: 23-26). This regime is not only impressive because of its scope and the speed of its imposition; it is also one of the few cases in which the EU has imposed energy sanctions.

The current and pre-Arab Spring levels of EU sanctions contrast considerably ( $C_1 = 5$ ). Indeed, whereas the 1986-1994 period ( $Syria_{t-1}$ ) consisted of five measures, the current period ( $Syria_t$ ) entails over 20 sanctions. Concerning second order change, two findings are noteworthy. Firstly, a comparison of the types of measures suggests modest change. Diplomatic measures were the cornerstone of the pre-Arab Spring sanctions ( $Syria_{t-1}$ ), but in the current sanctions regime ( $Syria_t$ ), they are limited to the suspension of bilateral contacts with the EU and of the Cooperation Agreement.<sup>13</sup> Likewise, trade measures are an important component of the current sanctions regime but were virtually lacking in previous sanctions packages. The three other kinds (arms, financial, travel/transport) are present in both episodes. Secondly, when comparing specific measures, the lack

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<sup>12</sup> Santini (2008: 43) also notes that the EU froze Syrian assets and blacklisted several Syrian terrorist suspects. Yet, since these measures were anti-terrorism sanctions, they are excluded from our country-specific analyses. Then CFSP High Representative Javier Solana reportedly announced that the Association Agreement would be unblocked only if Syria acted against the suspected flow of weapons to Lebanon and helped ease tensions between the pro-western government in Beirut and pro-Syrian opposition (Khalaf, 2007).

<sup>13</sup> The lack of visible EU-wide diplomatic sanctions is in line with the recent trend of not including such measures by member states in Council Conclusions.

of similarities is remarkable. Indeed, the only measure that figures in both periods is an arms embargo (EEAS, 2014; Council of the European Union, 1986b in Hill and Smith 2003: 327-328).<sup>14</sup> Important differences are also visible in terms of sanctions severity. Whereas the pre-Arab Spring regime was weak, as two of the five original measures were diplomatic in nature, the current regime is remarkably severe. Moreover, the pre-Arab Spring arms ban was largely symbolic since it only applied to new contracts and because the Soviet Union supplied arms to Syria (Peterson IIE, 2015). The current arms embargo can also be easily circumvented, yet other recent measures have a substantial impact, with the ban on Syrian oil imports being perceived as especially costly to the regime (Portela, 2012: 2-3). In sum, the nature of the measures has changed substantially ( $C_2 = 4$ ).

The original sanctions were imposed to prevent new terrorist acts and to signal to Hafez al-Assad that state-supported terrorism was unacceptable (Council of the European Union, 1986b in Hill and Smith 2003: 327-328). Do the recent sanctions depart from this security-driven paradigm, illustrating a renewed focus on human rights? The official goals of the recent measures are ending repression, compelling a withdrawal of the Syrian army and supporting democratic reforms. From August 2011 onwards, regime change was *de facto* demanded (Council of the European Union, 2011g; Portela, 2012: 2; interview 2). For sure, ending the conflict is, given the security risks and important spill-overs such as refugee flows, in the *interest* of the EU. However, its fierce action against a regime that committed severe atrocities also seems to suggest a normative shift. At the same time, this change-oriented interpretation could be nuanced. Firstly, the EU's primary intent might have been to protect human rights as much as to weaken a historically antagonistic regime linked to Iran and groupings like Hezbollah (cf. Doom, 2013: 129). Secondly, a normative approach was particularly visible in the early phases of the conflict. That being said, a security-driven approach surfaced more recently (largely in reaction to the Islamic State), weakening the EU member states' demand for regime change even though some interviewees stressed that this was never an official goal (Seeberg, 2015: 26-31; cf. interviews 3 and 4). All in all, third order change is moderately present ( $C_3 = 3$ ).

While it took the EU two months to enact sanctions (Council of the European Union, 2011g), an extremely large sanctions package was rolled out in a remarkably short period of time, pointing at swiftness of policy change (Portela, 2012: 2) ( $S = 1$ ). With regard to the origin of change, the EU responded autonomously to an external event (i.e. a civil war) ( $O = 1$ ). The end result is a CJI score of 0.73, suggesting that the Arab Spring represents a critical juncture for the EU's sanctions policy towards Syria (see Table 1).

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<sup>14</sup> Only an import ban was active at the time of writing. The Council abandoned the full embargo in June 2013 (Council of the European Union, 2013a; SIPRI, 2013b).

#### 4. Discussion

Firstly, pointing at differences between and within cases, our analysis shows that the question of whether the Arab Spring constituted a critical juncture for the EU's sanctions policy towards the Southern Mediterranean requires a differentiated response. The differences between cases are clear and visible. Only Syria constituted a critical juncture for the EU's sanctions policy in the broader Arab Spring context. The CJI score for Syria registered on the high end of the scale (0.73), while Libya (0.33) and Egypt (0.13) and Tunisia (0.13) all registered on the low end. Syria's high score results from modest to high scores on Hall's three orders of change, combined with the EU's relatively rapid and autonomous actions in response to events on the ground. Even though they were adopted more swiftly than in previous civil war cases, the sanctions imposed by the EU on Libya were mainly reactive, centring on implementing and complementing measures adopted by the UN Security Council. In the Egyptian and Tunisian cases, sanctions were imposed less swiftly but also reactively, namely in response to explicit requests from the transitional authorities. Leaders were ousted before the EU had decided how to position itself. While the EU routinely imposes sanctions as a response to unconstitutional transfers of power in the context of elections (cf. Portela, 2010), it lacks a pre-agreed plan for addressing revolutionary takeovers. This may explain the EU's initial cautiousness in Tunisia and Egypt.

Secondly, pointing at differences within cases, our analysis confirms that change is a multidimensional concept and that the distinction between level of measures, kind of measures, and norms and goals underlying these measures is still relevant in today's world. Echoing the gradual shift towards smart sanctions during the last decades, second order change is present in all four cases. By contrast, first order change is less visible - with the only exception of Syria, where a swath of measures was installed compared to past practice. Third order change is also less evident. That underlying norms and goals have shown more resilience should not come as a surprise. The original literature (Hall, 1993) implies that third order change occurs less frequently than first and second order changes.<sup>15</sup> At the same time we found that the combination of strong second order change with weak first and third order change reveals that a change in the *level* does not constitute a precondition for a change in the *nature* of the instruments, thereby nuancing the cumulative character of the orders of change as put forward by Hall (1993).

Future research could treat the external shock of the Arab Spring as a variable rather than a constant and also explore the extent to which the EU's innovative sanctioning activity in Syria was influenced by the EU's experiences in Tunisia, Egypt and Libya. In addition, future work could apply our

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<sup>15</sup> In Hall's reading, the former constitutes a 'paradigm shift' while the latter two are part of 'normal policy making' (Hall, 1993: 279-280, 291).

framework to other instruments, but also incorporate negative cases and, for instance explore why the EU refrained from sanctioning the Gulf states before and during the Arab Spring. A study that analyses change and continuity in the EU's overall sanctions policy might also be valuable to put our results in a broader perspective.

## **5. Conclusion**

A critical juncture perspective provides an alternative and useful approach to verify whether the Arab Spring constitutes a genuine turning point for the EU's sanctions policy towards the Southern Mediterranean. Revealing a patchwork reality, this article points at variation both *between* and *within* cases. The variation *between* cases is illustrated by highly contrasting CJI scores for Syria (high) and Libya, Egypt and Tunisia (low). The variation *within* cases is suggested by the finding that second order change tends to be more prominent than first and third order change. Thus, our title can be read in two different ways. Firstly, change is most visible in relation to the kind of measures imposed. The low scores for third order change reveal that EU goals and norms associated with its sanctions policies are rather resilient. Secondly, change is most visible in relation to Syria, where the EU reacted decisively. By contrast, the low CJI scores for Egypt and Tunisia show that the EU still lacks a rapid reaction capacity when it comes to unanticipated crises, such as revolutionary take-overs, resulting in a cautious "wait-and-see" approach. A true new beginning would require fundamental policy change in more than one case.

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## Annex: Calculation of Critical Juncture Index

Tunisia

$$CJI_{Tunisia} = \frac{0.5 \times 0.5 \times (2 + 10 + 3)}{30} = \frac{3.75}{30} = 0.125 \approx 0.13$$

Egypt

$$CJI_{Egypt} = \frac{0.5 \times 0.5 \times (2 + 10 + 3)}{30} = \frac{3.75}{30} = 0.125 \approx 0.13$$

Libya

$$CJI_{Libya} = \frac{1 \times 0.75 \times (1 + 6 + 6)}{30} = \frac{9.75}{30} = 0.325 \approx 0.33$$

Syria

$$CJI_{Syria} = \frac{1 \times 1 \times (5 + 8 + 9)}{30} = \frac{22}{30} = 0.7333 \dots \approx 0.73$$

Change	Degree															Speed (S)	Origin (O)	Critical		
	$C_1 = 1^{st}$ order change (weight = 1)					$C_2 = 2^{nd}$ order change (weight = 2)					$C_3 = 3^{rd}$ order change (weight = 3)							Sum $\sum_{i=1}^3 C_i$ (w)	Rapid change (c)	Externally driven change (c)
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5					
Tunisia																15	0,5	0,5	3.75	0.13
Egypt																15	0.5	0,5	3.75	0.13
Libya																13	1	0,75	9.75	0.33
Syria																22	1	1	22	0.73
	<p><b>Default condition (0):</b> Level remains the same compared to sanctions level just prior Arab Spring<sup>16</sup></p> <p>1. Level remains largely the same compared to sanctions in the pre-Arab Spring era (while no recent pre-Arab Spring episode present)</p> <p>2. Level modestly differs from recent sanctions levels</p> <p>3. Level modestly differs from the pre-Arab Spring period (while no recent pre-Arab Spring sanctions episode present and while the level for that period is not 0)</p> <p>4. Level extremely differs from recent levels</p> <p>5. Level extremely differs from the pre-Arab Spring period (while no recent pre-Arab Spring sanctions episode present)</p>					<p><b>Default condition (0):</b> Sanction instruments were still in force and new instruments are of same kind</p> <p>1. Sanction instruments were still in force and new instruments are of a different kind</p> <p>2. Instrument had been used before but were no longer in force at moment of imposition. Kind of measures is broadly similar</p> <p>3. Instruments had been used before, but were no longer in force at moment of imposition. Modest changes in kind of measures</p> <p>4. Instruments had been used before, but were no longer in force at moment of imposition. Major changes in kind of measures</p> <p>5. Completely new instrument are introduced. Sanctions had never been imposed before</p>					<p><b>Default condition (0):</b> Underlying goals and norms remain stable.</p> <p>1. Underlying goals and norms have slightly changed</p> <p>2. Underlying goals and norms have changed only modestly</p> <p>3. Underlying goals and norms have moderately changed</p> <p>4. Underlying goals and norms have substantially changed</p> <p>5. Underlying goals and norms have changed radically.</p>					<p><b>Origin of change correction:</b> Generative cleavage (c) is multiplied with:  <b>0:</b> EU driven change  <b>0,25:</b> mainly but not exclusively EU driven change  <b>0.5:</b> Externally driven change but reactive  <b>0,75:</b> Externally driven change, neither completely proactive, nor completely reactive  <b>1:</b> Externally driven change and proactive</p> <p><b>Speed of change correction:</b> Sum of change (w) is multiplied with:  <b>0:</b> Lack of swift change  <b>0.5:</b> In-between  <b>1:</b> Swift change</p>				

**Table 1: Computation of Critical Juncture Index (CJI).** Own elaboration partially based on Hall (1993) and Hogan (2006). Note: (w) = weighted; (c) = correction; (r) = rescaled

<sup>16</sup> The level refers to the number of sanctions, independently from the number of targets listed.

	Tunisia <sub>t-1</sub>	Tunisia <sub>t</sub>	Egypt <sub>t-1</sub>	Egypt <sub>t</sub>	Libya <sub>t-1</sub>	Libya <sub>t</sub>	Syria <sub>t-1</sub>	Syria <sub>t</sub>
<b>Financial sanctions</b>		- Asset freeze		- Asset freeze	- Asset freeze	- Asset freeze - Prohibition to grant claims	- Suspension of agricultural export subsidies to Syria	- Asset freeze - Ban on banknotes and coins - Investment ban energy sector - Restraint on commitments financial trade support - Ban on financial assistance Syrian government - Prohibition of certain EIB payments - Restrictions on issuing and trading bonds - Restrictions on cooperation with Syrian banks or the establishment of subsidiaries of Syrian banks - Insurance and re-insurance restrictions - Prohibition to satisfy claims
<b>Trade restrictions</b>					- Export ban on oil industry related equipment (equipment used for downstream operations in the hydrocarbon sector) - Ban on civil and military aviation equipment	-Service ban - Vigilance requirement when doing business with Libyan companies - (From 2014: Inspection of/restrictions on certain vessels in order to avoid illegal exports of crude oil from Libya)		- Inspection of and prior information requirement on cargoes to Syria - Oil import ban - Embargo key equipment energy sector - Ban on gold, precious metals and diamonds - Embargo on luxury goods - Restrictions on trade in cultural goods
<b>Travel &amp; Transport sanctions</b>					- Restrictions on free movement Libyan diplomats - More restrictive visa requirements - Restrictions on Libyan Arab Airlines - Prohibition of Libyan aircraft in EC airspace - Travel ban - Other aviation related measures (insurance prohibition Libyan aircrafts, restrictions on aviation services).	- Travel ban - Ban on flights in Libyan airspace (no-fly zone) - Ban on Libyan flights in EU airspace - Prior information requirement EU-Libya cargoes	- Increased security restrictions with respect to <i>Syrian Arab Airlines (Syrianair)</i>	- Restrictions on access EU airports - Travel ban
<b>Arms sanctions</b>				- Embargo on equipment used for internal repression <sup>17</sup>	- Arms ban	- Arms ban - Ban on equipment internal repression	- Ban on new arms contracts	- Embargo on certain goods usable for the manufacture and maintenance of products usable for internal repression - Export control on certain other goods of this same category - Arms ban - Embargo telecommunications monitoring and interception equipment
<b>Diplomatic sanctions</b>					- Reduction in size of diplomatic and consular missions	- Suspension of negotiations EU-Libya framework agreement	- Review of Syrian diplomatic and consular missions - Suspension of high-level visits	- Suspension of Cooperation Agreement - Suspension of bilateral contacts (except for humanitarian affairs)

**Table 2: Overview of sanctions in all four cases before (Case<sub>t-1</sub>) and during the Arab Spring (Case<sub>t</sub>).** Notes: in order to ensure the readability of the table, bans on services related to specific measures are not explicitly mentioned. These complementary measures are analytically not sufficiently distinct from the measures to which they are related. The exclusion of these associated service bans mainly applies to Syria<sub>t</sub>, yet has no direct impact on our results. Sources: EEAS, 2014; SIPRI, 2013a; Council, 1986a in Hill and Smith, 2003: 325-326; UN Security Council, 1992, 1993, 2011a, 2011b, 2014; Council, 1986b in Hill and Smith, 2003; Neighbourhood Info Centre, 2011; Peterson IIE, 2015, interviews

<sup>17</sup> Not included in Council Decision

