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**DEMOCRACY PROMOTION BY THE EUROPEAN UNION IN
MOROCCO WITHIN THE FRAMEWORK OF THE
EUROPEAN NEIGHBOURHOOD POLICY**

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ABSTRACT (GERMAN)

Die vorliegende Diplomarbeit untersucht den Ansatz der Europäischen Union (EU) zur Demokratieförderung in Marokko. Die Arbeit folgt einem vergleichenden Ansatz und vergleicht die Strategie der EU, die unter der 2004 ins Leben gerufenen „Europäischen Nachbarschaftspolitik“ (ENP) verfolgt wird, mit der, die sich bis dahin unter der „Euro-Mediterranen Partnerschaft“ (EMP) herauskristallisiert hatte. Der Vergleich wird mit dem Ziel durchgeführt herauszuarbeiten, inwiefern es berechtigt ist, neue Triebkraft und neue Anstöße für Demokratisierung durch die ENP zu erwarten. In der Arbeit werden alle Instrumente der Demokratieförderung berücksichtigt, die in die Kategorien Diplomatie, Konditionalität und positive Unterstützungsleistungen fallen. Die durchgeführten Maßnahmen werden auf drei Ebenen verglichen: Auf der ersten Ebene wird untersucht, ob sich der Schwerpunkt verschoben hat zwischen indirekten Maßnahmen, die insbesondere darauf zielen, die sozioökonomischen Voraussetzungen für erfolgreiche Demokratisierung zu schaffen, und direkten Maßnahmen, die unmittelbar in politische Reformprozesse eingreifen. Auf einer zweiten Ebene wird gefragt, ob sich der Ansatz der Demokratieförderung auf einem Kontinuum zwischen Konsens und Zwang verschoben hat. Auf einer dritten Ebene schließlich wird untersucht, ob sich das Engagement generell intensiviert hat und der Ansatz der Demokratieförderung aktiver geworden ist. Die Analyse in dieser Arbeit führt zu dem Ergebnis, dass seit der Initiierung der ENP tatsächlich ein leicht direkterer und aktiverer Ansatz verfolgt wird, während sich an dem streng partnerschaftlichen und auf Konsens ausgerichteten Ansatz der EMP nicht signifikant etwas verändert hat. Es wird jedoch auch deutlich, dass politische Reformen von Instrumenten der Demokratieförderung zwar häufiger anvisiert werden. Die Reformen, die von der EU gefördert werden, sind jedoch ausschließlich Teil des von der marokkanischen Regierung eingeleiteten und begrenzten Reformprozesses. Reformen die eine signifikante Öffnung des politischen Raumes bewirken könnten, der für die autoritäre Monarchie reserviert ist, werden auch im Rahmen der ENP von der EU weder gefördert noch gefordert.

ABSTRACT (ENGLISH)

The intention of this master-thesis is a critical assessment of the European Union's (EU) approach to external democracy promotion in Morocco. The study follows a comparative approach and compares the approach pursued by the EU within the framework of the European Neighbourhood Policy (ENP), incepted in 2004, with the approach that it had developed up until then under the framework of the Euro-Mediterranean Partnership (EMP). The comparison is done with the intention to analyse, to what degree it is justified to speak of a new impetus for democratisation through the ENP in partner countries. The analysis takes into consideration the range of possible instruments for external democracy promotion in the categories „diplomacy“, „conditionality“ and „positive instruments“. For the comparison of democracy promotion under the EMP and the ENP it is suggested to compare the implemented measures in respect to three distinct dimensions: As a first dimension, instruments of democracy promotion are analysed with respect to the focus on indirect vs. direct instruments, e.g. those which aim at establishing socio-economic preconditions favourable to successful democratisation, vs. those which immediately intervene in the processes of political reform. As a second dimension, it is asked whether there has been a shift in the democracy promotion approach on a continuum between consensual cooptation and coercive intervention. As a third dimension, finally, it is analysed whether the approach has undergone a general intensification of efforts, e.g. whether the approach to democracy promotion has become a more active one.

The analysis in this master-thesis comes to the conclusion that since the inception of the ENP the EU is indeed pursuing a slightly more direct and certainly a more active approach to democracy promotion in Morocco, while no significant change can be observed in comparison to the strictly partnership-oriented and consensual approach of the EMP. It can be argued that, under the ENP, relations to Morocco have indeed become somewhat more “political”, although at the same time they are still not pro-actively oriented at a political liberalisation of the political regime. Reforms promoted by the EU in Morocco are modest and largely in line with the reform agenda of the Moroccan government itself – e.g. a still largely authoritarian monarchy. Concrete reform steps directed at an opening of the political space, which is largely reserved to the king and its administration, are neither demanded nor supported by democracy promotion instruments, also under the ENP.

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ABBREVIATIONS

AIDCO	European Co-operation Office
AMDH	Association Marocaine des Droits Humaines
CCDH	Conseil Consultatif des Doits de l'Homme
CDIFDH	Centre de Documentation, d'Information et de Formation en Droits de l'Homme
CIP	Competitive and Innovation Framework Programme
CFSP	Common Foreign and Security Policy
CIS	Commonwealth of Independent States
DCI	Development Cooperation Instrument
DG	Directorate General
DG Relex	Directorate General for External Relations
EASA	European Aviation Safety Agency
EEA	European Environment Agency
EIDHR	European Initiative for Democracy and Human Rights
EMP	Euro-Mediterranean Partnership
ENISA	European Network and Information Security Agency
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
ERA	European Railway Agency
EU	European Union
GDP	Gross Domestic Product
HDI	Human Development Index
IER	Instance Equité et Réconciliation
IFI	International Financial Institutions
IMF	International Monetary Fund

IPA	Instrument for Pre-accession Assistance
MEDA	Mesures d'Accompagnement Financières et Techniques
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
MJB	Mouvement Justice et Bienfaisance
NIP	National Indicative Programme
OSCE	Organisation for Security and Cooperation in Europe
PJD	Parti de la Justice et du Developement
SESAR	Single European Sky ATM Research Programme
TACIS	Technical Assistance to the Commonwealth of Independent States
TEC	Treaty Establishing the European Community
TEU	Treaty on European Union
UNDP	United Nations Development Programme
USFP	Union Socialiste des Forces Populaires

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1. INTRODUCTION

Over the last decade the European Union (EU) has been increasingly gaining profile as an independent actor in international relations in general and in external democracy promotion in particular. To underline the stronger presence of the EU in international politics, in 2003 the member states agreed on a common European Security Strategy identifying key challenges and objectives for European foreign policy, one being to “[...] make a particular contribution to stability and good governance in our immediate neighbourhood to promote a ring of well-governed countries to the East of the European Union and on the borders of the Mediterranean” (Council of the European Union 2003b).

On the southern shores of the Mediterranean the state of governance leaves much to be desired. There is no such thing as democracy today in the Arab states of the Maghreb and the Mashrek. Looking at the comparative data provided by Freedom House, there has not even been any traceable progress towards democracy in the region over the last ten years. The average scores in 1995 and 2005 remain virtually unchanged at a low level¹. In recent academic literature on democratisation in the Middle East and North Africa, the “democracy resistance” of the entire region has become a topical issue (Albrecht/Schlumberger 2004; Brumberg 2002; Carothers 2002; Hinnebusch 2006).

The EU has devoted increased attention to the region first with the initiation of the Euro-Mediterranean Partnership (EMP) in 1995. Conceived during a summit in Barcelona, this “Barcelona Process” includes the establishment of institutionalised forums, contractual relation, and increased financial cooperation to deepen political, economic and cultural relations between the participants. “Democracy” was included in the partnership as a fundamental principle. However, most observers would agree that the EMP did not live up to its expectations and that the record of EU democracy promotion in the region has been weak (Gillespie/Whitehead 2002; Del Sarto/Schumacher 2005; Jünemann 2001).

The European Neighbourhood Policy (ENP) was presented in 2004 in reaction to the new geopolitical realities confronting the EU after its eastern enlargement. Conceived as a policy

¹ Freedom House annually ranks individual countries according to two indices reflecting the state of political rights and civil liberties. Scores range from 7 considered least free and 1 considered most free. The average score of Arab Mediterranean states was 5.7 in 1995 and 5.6 in 2005. For individual data see the Freedom House website: www.freedomhouse.org.

framework to “avoid new dividing lines”, the ENP offers partner states the prospect of partial economic and institutional integration with the EU “in return for concrete progress demonstrating shared values and effective implementation of political, economic and institutional reforms” (European Commission 2003a). The initiation of the ENP was accompanied by hopes for a new impetus for promoting democracy, especially in the Southern Mediterranean. Political scientists and policy analysts were expecting a “shift of gears” associated with the transition from EMP to ENP (Del Sarto/Schumacher 2005: 22) and the ENP to follow a “more active form of engagement” regarding democracy promotion (Emerson 2004b: 69).

This thesis will investigate whether the ENP is living up to these expectations. Choosing the design of a single case study, the thesis will compare the EU approach to democracy promotion in the Kingdom of Morocco under the EMP with that, which has been developed under the ENP to date in order to identify qualitative changes. The analysis of qualitative shifts, of course, needs an analytical framework. Expectations among academics and policy analysts of a new impetus for democracy promotion accompanying the launch of the ENP may be interpreted in the direction that democracy promotion would now take a somewhat “harder” approach. While the notion of a “harder” approach is certainly not an analytical category, it will be suggested in this paper to analyse approaches to democracy promotion on three dimensions: the extent to which they address political change *directly*; their *coerciveness*; and their *intensity*. First, democracy promotion can be approached differently according to the types of reform issues that are addressed in the “target country”. On this dimension, external actors can focus on core issues of democratic change or they can choose a rather indirect approach. Second, irrespective of what issues are addressed by instruments of democracy promotion, this can be done in a way stressing consensus with the “target” government or by applying varying degrees of pressure and accepting conflict. On this dimension, individual strategies may vary between consensual and coercive approaches. Third, irrespective of what is addressed, and how it is addressed, individual approaches of democracy promotion can be pursued with different degrees of intensity. Depending largely on how much attention, consistency and material underpinning is devoted to democracy promotion, individual approaches can be more or less active. This paper undertakes to prove the assumption that EU democracy promotion in Morocco has indeed followed a more direct and active approach under the ENP, while it has not significantly changed in comparison with the very consensual approach that has characterised the EMP. To prove this thesis, democracy

promotion policies under the EMP and ENP will be subjected to detailed comparison within these three categories.

The focus of this thesis is narrow in that analysis is concentrated on democracy promotion in only one partner country – Morocco – and does not follow a comparative design looking at democracy promotion in a set of countries. At the same time the focus is broad in that it does not limit analysis to one specific instrument of democracy promotion – e.g. political dialogue, conditionality, or assistance projects – but includes the sum of all instruments implemented in Morocco with the intention to promote democracy into the analysis. This focus allows for an in-depth investigation and a detailed comparison of the different EU approaches to democracy promotion under the respective policy frameworks.

Second, the focus is limited to the qualitative comparison between EU democracy promotion in the Mediterranean before and after the launch of the ENP. The finding will be a classification of the new approach to democracy promotion with the help of theoretically grounded categories and a conclusion on how it has changed in comparison to the *status quo ante*. The approaches to democracy promotion will neither be evaluated normatively or considering their effectiveness, nor will they be explained as a dependent variable of European intra-institutional politics, characteristics of the EU-Moroccan relations or international context variables. This also means that the case of Morocco only plays a role as a concrete manifestation of EU democracy promotion. The analysis of political dynamics and the state of democracy in Morocco will play a role only to the extent that it provides the background for the evaluation of EU democracy promotion on the issue dimension. Democracy promotion, however, will not be analysed and evaluated in terms of its effectiveness or adequacy in the Moroccan case. Morocco was chosen as the object of study for the practical reason that its relations to the EU provide the greatest “thickness” among the Mediterranean partner countries. Morocco, Jordan and Tunisia were the first of the Mediterranean partner states to begin with the implementation of ENP policies in 2005. Among these three countries, Morocco is the largest recipient of financial and technical assistance allowing for the expectation that the number of individual EU assistance programmes is largest in Morocco among Mediterranean partner countries.

The contribution of this particular design to research in the field of EU foreign policy and democracy promotion could be that it presents and tests a framework for the comparative

analysis of EU approaches to democracy promotion in a single country, that can be applied to a set of further single case studies in order to allow for regional generalisations. Also, this design will generate findings in categories that can be included in following studies either as independent variables to test their relation with the effectiveness and efficiency of EU democracy promotion in an individual country or region, or as dependent variables to analyse the effect of intra-institutional politics, interdependency between the EU and the partner country, or international context variables on the individual EU approach to democracy promotion (for this research agenda see Jünemann/Knodt 2006).

The analysis of the respective EU approach to democracy promotion will be based on primary sources and draw on secondary literature as far as available. While a considerable number of studies have been conducted on EU democracy promotion under the EMP framework this is not yet the case for the ENP only two years after the beginning of its implementation. The availability of data varies considerably between the individual categories of analysis. While the nature of the approaches in regard to the issues they address and their intensity is largely determined during the process of policy formulation, their coerciveness is not pre-determined during this stage of the policy cycle but rather during the stage of implementation. While information concerning the design of the policy is largely available through official documents from the European Commission and the European Council, information regarding the implementation of the policy is difficult to access. To narrow this deficit as far as possible, a number of interviews with EU policy makers have been conducted in Brussels in June 2007. Nevertheless, it should be made clear that the research conducted for this thesis is limited in scope and does not allow for conclusive evaluations but will be limited many times to identifying tendencies and prospects.

The arrangement of the thesis will be the following: a first theoretical chapter will summarise central insights of democratisation theory with the intention to identify requisites and processes of democratisation as potential variables that can be deliberately influenced by external actors to promote democracy (chapter 2). The second theoretical chapter (chapter 3) on external democracy promotion, then, serves two purposes: one is to structure the complex field of different instruments and mechanisms in order to prepare the ground for conceptual clarity during the analysis of EU policies (chapter 3.1.). A second purpose is to further elaborate and operationalise the categories for the comparison of democracy promotion (chapter 3.2.). The empirical analysis will begin with a short presentation of the fundamental

institutions and instruments of both the EMP and the ENP (chapter 4) and a short overview of the political system and the state of democratisation in Morocco in order to provide the context for the various implemented instruments and their evaluation (chapter 5). Finally, chapter 6 presents and discusses in detail the individual measures of democracy promotion implemented by the EU in Morocco and evaluates the qualitative change on the three dimensions established in chapter 3.2. Chapter 7 summarises the findings and presents a conclusion.

2. DEMOCRATISATION

The presentation of central concepts and insights of democratisation theory at this point serves two purposes: First, it presents the central insights into preconditions and processes of democratisation, which are at the basis of mechanisms of democracy promotion. Second, it provides the categories and variables, which will frame the discussion of democracy in Morocco outlined in chapter 5. Theoretical approaches to democratisation can be principally divided in those focusing on structural variables (most central here is the contribution of modernisation theory to the study of democratisation) and those focusing on actors (Pridham 2000: 3). Insights from these two approaches will be presented in 2.2.

2.2. Terms and Concepts

Democratisation implies the process of change from a non-democratic *political regime* to a democratic one (Pridham 2000: 16). Following Merkel (1999a: 71) a *political regime* designates the formal and informal rules that regulate the identification of political power holders as well as the vertical and the horizontal limitations of their power (i.e. the relations among ruling elites and the relations between the ruler and the ruled respectively).

Closely related but more comprehensive is the concept *political system*. It is used in systems theory for the subsystem of society producing collectively binding decisions (Nohlen/Thibaut 2001: 403). More than political regime, *political system* suggests a stronger focus on the interrelatedness with the environment. Easton (1979: 17-35) most prominently introduced the idea of a *political system* being interrelated with its environment through its output (authoritative allocations of values) and input (demands and support from the environment). The extent to which the *political system* is capable to generate sources of support from its environment depends *inter alia* on its legitimacy² and is essential for its stability and durability. This potential to connect the relationship between the political system and its environment with the stability of the system makes it of special interest for studying processes of democratisation (Merkel 1999a: 73-74).

² Lipset (1959: 86) defines legitimacy as “the capacity of a political system to engender and maintain the belief, that existing political institutions are the most appropriate or proper ones for the society“.

Any discussion of democratisation bears the problem of the absence of a common definition of its final product: *democracy*. One of the most frequently cited is the concept established by Dahl (1971). He maintains that the key characteristic of *democracy* is the “continuing responsiveness of the government to the preferences of its citizens, considered as political equals” (Dahl 1971: 1). As a minimal requirement to speak of *democracy* he suggests that two elements need to be provided by a political regime or system: “public contestation” and the “right to participate”. Furthermore, he specifies eight institutional guarantees that need to exist in a society for these two opportunities to exist among a large group of people: (1) the freedom to form organisations, (2) the freedom of expression, (3) the right to vote, (4) alternative sources of information, (5) the right of political leaders to compete for support, (6) equal eligibility for public office, (7) free and fair elections, and (8) institutions for making government policies depend on votes and other expressions of preference. (*ibid*: 2-5)

The change of a political system from a non-democratic state to a democratic one, then, is called *democratic transition*. The term *transition* gained widespread use in political science through O’Donnell’s and Schmitter’s work on processes of democratisation in Southern Europe and Latin America. *Transition* generally refers to the interval between one political system or regime and another. If the new political regime satisfies the criteria of democracy, the interval is a *democratic transition*. (O’Donnell/Schmitter 1986: 6)

The terminology most frequently used for the chronological sequencing of processes of democratisation is the differentiation of *liberalisation*, *(democratic) transition* and *consolidation*. *Liberalisation* refers to the political opening of an authoritarian system through a redefinition and extension of political rights but stopping short of altering the authoritarian nature of the system. The stage of *transition*, then, refers to the actual breakdown of an authoritarian system and the establishment of new formal and informal rules regulating the access to and the exercise of political power. The stage of *consolidation* refers to the process during which democracy becomes fully institutionalized and its rules internalized and routinised. *Democratisation*, finally, is used as an umbrella term for the transformation of an authoritarian into a democratic system that undergoes these three subsequent stages. (Pridham 2000: 16-24)

A chronological sequencing of democratisation in this fashion is problematic in at least two regards. First, it can be interpreted as implying a certain automatism according in that one

stage necessarily follows the other, which is certainly not the case. Actually, the installation of democracy can happen after an abrupt collapse or overthrow of the authoritarian system without a previous process of liberalisation; transition can fail and lead to a different but still authoritarian system; and successful democratic transitions can fail to consolidate and be reversed fully or partially leading the state back to an authoritarian status (Carothers 2002).

Second, a precise differentiation of stages is made for analytical purposes and does not necessarily describe the reality where they often overlap (Merkel 1999: 120). Consequently, a precise delineation of stages is difficult at best and a number of competing propositions exist on the academic market. O'Donnell and Schmitter offer the following: Liberalisation begins "at the moment that authoritarian rulers [...] announce their intention to extend significantly the sphere of protected individual and group rights – and are believed". In their assessment the important point is not the change of the *de facto* level of liberal freedoms, as this tends to oscillate because of circumstance, inattention or plain weariness of the repressive agents of the system. What is important, instead, is a deliberate announcement that liberal freedoms will be extended, credible enough to actually lead to a change of behaviour of other actors (O'Donnell/Schmitter 1986: 10). Democratic transition, then, is delineated on one side, by the launching of the process of dissolution of the authoritarian regime and, on the other, by the installation of democracy, most clearly indicated by the holding of founding elections and/or the adoption of a democratic constitution (*ibid*: 6). While consolidation commences when transition is over, the definition of an end-point to consolidation is more complicated. According to Linz and Stepan (1996: 5), democracy is consolidated when it is accepted by all (significant) political actors as well as by the majority of the population and when a return to undemocratic strategies and practices would involve high costs for political actors as to be rendered ineffective.

2.2. Theoretical Approaches to Democratisation

2.3.1. Structural Approaches

Among structural approaches, modernisation theory is featured most prominently, particularly in its classical form going back to the work of Lipset (1959). Lipset was guided by the objective of identifying a set of conditions that need to exist in a society for democracy to emerge and stabilise. He arrived at identifying a close correlation of economic well-being and

the likelihood of the emergence and stabilisation of democracy. His central argument is summarised in this classical passage:

“The more well-to-do a nation, the greater the chances that it will sustain democracy. From Aristotle down to the present, men have argued that only in a wealthy society in which relatively few citizens lived at the level of real poverty could there be a situation in which the masses of the population intelligently participate in politics and develop the self-restraint necessary to avoid succumbing to the appeals of irresponsible demagogues” (Lipset 1959: 75).

Lipset’s argument is based on the statistical correlation between economic development and the likelihood of a state being a democracy. This correlation has been tested by himself and a considerable number of scholars following him using mainly the gross domestic product (GDP) *per capita* and the number of (minimalistically defined) democracies as indicators and it has turned out to be impressively robust in a number of studies (for example Przeworski *et al.* 2000; Boix and Stokes 2003). Accordingly, economic development today is widely recognized as the most important single factor for explaining democracy in a country.

But Lipset goes further than merely observing this statistical correlation. He identifies a number of social attributes that are themselves correlated with economic development and can serve as intermediate variables in order to establish a causal relationship between economic development and democracy. He identifies the following phenomena that correlate with economic development:

- A rising level of education
- A rising level of urbanization
- Higher vertical social mobility or a higher permissiveness of the class structure
- A large or at least rapidly growing middle-class
- A lower-class that is less threatened by existential uncertainty
- A more egalitarian set of values
- A rising level of civic engagement in organisations and associations

The causal relationship between economic development, then, can briefly be summarized as follows (Lipset 1981: 39-51): Economic development coupled with a more equal income

distribution³ leads to a rising level of education and changes in the class structure. These changes have an effect on the political attitudes and values of citizens. A higher level of education has a direct positive effect on democratic political attitudes and values. The overall growth, together with a more equal income distribution, implies a growing middle class in relation to the upper and lower classes as well as a relatively well-to-do lower class that is no longer facing existential deprivation. The middle class is generally associated with moderated and rational political attitudes and values and a strong demand for participation. Beyond the positive effect of the growing middle class on the political culture, the changing pattern of the class structure also eases the tensions of the “class struggle”. Both, the more well-to-do lower class and an upper class feeling less threatened by class conflict in a more equitable environment are less prone to fall for ideas of political extremism. Almost as a side effect in this causal sequencing, increased wealth and education are also positively correlated with civic engagement in independent associations and organisations. This leads to a rise in political participation, further strengthens democratic values and limits the capability of the ruling elite to monopolize power resources and restrict civil and political freedoms.

Hence, modernisation theory can offer a robust statistical correlation as well as a plausible causal argument for the positive effect of economic development on democracy. Lipset stressed, however, that these are neither absolutely necessary conditions nor that the fulfilment of these conditions deterministically leads to democratisation (Lipset 1981: 28). As the empirical studies conducted in this field have always demonstrated, there are a number of cases in which states have gone through a process of democratisation at very low levels of economic development as well as the opposite: countries that have reached high levels of economic development and continue to have an authoritarian system (Huntington 1991: 63). Modernisation theory can, therefore, not make a definite prediction about exactly when a state will establish and consolidate a democratic system, but rather only make a probabilistic statement about the likeliness of this event.

At this point, transition and consolidation have to be looked at separately: The large number of empirical studies in the tradition of modernisation theory over the last decades have

³ While the classical point of view holds that inequality generally rises at early stages of economic development and decreases at later stages when income gains begin being distributed through “trickle-down” effects (Kuznets 1955), there is certain consensus in more recent empirical economic literature that there is no distinct correlation between economic growth and income inequality. Instead, how growth affects income inequality in individual cases, seems to depend on a rather complex set of variables (For example: Deininger/Squire 1996; Chen/Ravallion).

generated a wide consensus on the strong correlation of economic development and the consolidation of democracy. The higher the GDP *per capita* in a state the more likely is the consolidation of a democratic system once established. Przeworski *et al.* (1996: 43) have pointed out that no state with a GDP *per capita* of above \$6000 has ever returned to authoritarianism after a democratic transition had occurred. The relation between GDP *per capita* and the event of a democratic transition, however, is debated more controversially. Przeworski *et al.* (2000: 273) do not find significant proof for the hypotheses that higher economic development raises the likeliness of a transition to democracy in authoritarian systems. Boix and Stokes (2003), however, challenge their method and find a significant correlation in a study covering the history of all democracies since 1850⁴. What is certainly true is that most of the countries that have become democracies have done so at a middle-income level. In relation to this observation, Huntington coined the term “transition zone” explaining that “in poor countries democratization is unlikely; in rich countries it has already occurred. In-between there is a political transition zone. Countries in that particular *stratum* are most likely to transit to democracy and most countries that transit to democracy will be in that *stratum*” (Huntington 1991: 60). As the range of this transition zone he marks a GDP *per capita* of between \$1000 and \$3000 (Huntington 1991: 63).

2.3.2. Actor-centred Approaches

In contrast to the macro-sociological perspective of structural approaches, actor-centred approaches take a micro-political perspective and focus on the behaviour of actors in processes of democratisation. While the former ask how gradual shifts and changes in the social and economic structure alter the likelihood of democratisation, the latter try to understand how the interaction of relevant actors leads to the establishment and consolidation of democracy – or not. An early article arguing for the centrality of actors was published by Rustow in 1970. He argues that a model of transition does not need to assert that democratic evolution is a steady process and homogeneous over time. Instead, “a dynamic model of the transition must allow for the possibility that different groups – e.g. now the citizens and now

⁴ Boix and Stokes argue that the findings of Przeworski *et al.* “fail on three tests of robustness. First, they observe only few transitions to democracy at high levels of income and infer that income does not cause such transitions [...]. Second, their sample is subject to selection problems. And third, their analysis suffers from omitted variable bias.” (Boix/Stokes 2003: 522). Correcting these three shortcomings they arrive at finding that at low and medium levels of development the probability of democratic transition increases by about 2% for each \$1000 increase in GDP *per capita* (*ibid.*: 531).

the rulers, now the forces in favour of change and now those eager to preserve the past – may furnish the crucial impulse towards democracy” (Rustow 1970: 345).

The turn from structures to actors can be seen as driven by two aspirations: First, there was a certain discontent with the predictive power of structural approaches for democratic transition that has already been debated above. Where democratic transitions can be observed at low levels of development as well as the lack of it at high levels, the analysis of democratisation as a dynamic and open-ended process driven by actors is primarily the search for the missing variables. Consequently, structural variables have to take the back seat behind political dynamics. In the words of Przeworski: “Objective factors constitute at most constraints to that which is possible under a concrete historical situation but do not determine the outcome of such situations” (Przeworski 1986: 48). Second, the shift to political dynamics was also driven by a good proportion of moral intent at a time in the 1980s when democratisation was gaining momentum in Southern Europe and Latin America. O’Donnell, a main exponent of actor-centred research at that time, writes in retrospective:

“[...] we made a considered decision to stress political factors without paying much attention to [...] socioeconomic ones. We believed that this way of thinking might be useful for stimulating transitions away from authoritarian regimes. In those times, most of the literature told us that we had to wait a long time until our countries reached the level of economic growth, or of development of the productive forces, or of modernisation, or of maturation of the political culture, that would enable us to aspire to democracy. We found this rather discouraging. Thus, [...] we assumed that purposive political action could be effective, and that good analysis might be helpful to this end” (O’Donnell 2002: 187).

A first step in an actor-centred analysis must naturally be the identification of relevant actors. Przeworski (1986: 53-55) admits that the identification of relevant actors on *a priori* grounds is one of the main difficulties. Generally, actor-centred approaches focus mainly on elites⁵. Mass movements are taken into account and assigned some importance. Mass-mobilization, however, is mostly seen as a short-term phenomenon occurring only at certain limited stages of the transition process (Merkel/Puhle 1999: 49). Looking at elites as relevant actors, actor-centred approaches differ to some extent over the importance they assign to the individual cost-benefit analysis of actors. According to Przeworski, there are two approaches to the

⁵ Elites are understood here as groups of people “who are able, through their positions in powerful organisations, to affect national political outcomes individually, regularly, and seriously. Elites thus constitute a nations top leadership in all sectors [...], including both 'establishment' and 'counter elite' factions” (Burton/Higley 1987: 296)

problem: One is to distinguish the actors directly by their strategic posture. In this approach falls the prominent differentiation of actors in hard-liners and soft-liners – both on the side of the authoritarian regime and of the opposition. Hard-liners inside the regime are those who want to maintain authoritarian rule by every means or, in the words of O’Donnell and Schmitter, those who “believe that the perpetuation of authoritarian rule is possible *and* desirable, if not by rejecting outright all democratic forms, then by erecting some facade behind which they can maintain inviolate the hierarchical and authoritarian nature of their power” (O’Donnell/Schmitter 1986: 16, emphasis in the original). Soft-liners inside the regime, on the other hand, are those with an “increasing awareness that the regime cannot wait too long before introducing certain freedoms, at least to the extent acceptable to moderate segments of the domestic opposition and of international public opinion”. On the side of the opposition hard-liners and soft-liners (or maximalists and moderates) are distinguished from one another by the degree to which they consider compromise with the authoritarian regime as a possible strategy. (*ibid*: 16)

A second approach is to classify the particular groups according to the interests they are expected to defend and promote during a process of democratisation. Przeworski (1986: 52-54), for example, rejects the assumption of fixed preferences and strategies of individual actors. Instead, the assumption of actors defending and promoting their interest opens the possibility for a more dynamic analysis of a democratisation process. The process can then be understood as a sequence of strategic situations, each being characterised by changing configurations of political forces with different interests that are themselves the result of actions in previous situations as well as exogenous pressures. Accordingly, democratisation is the contingent result of successive political situations and the continuous and situational re-definition of actor preferences and strategies (Merkel/Puhle 1999: 49-53).

Two bundles of factors are decisive for explaining the breakdown of authoritarian systems and the transition to democratic ones. The first are factors that have influence on the legitimacy of the authoritarian system, being one of the determinants of its stability. The second are specific constellations, decisions and actions of relevant actors that may lead to democratic transition. From a political systems perspective the persistence and durability of a political system is dependent on a combination of its legitimacy and repression (Albrecht/Schlumberger 2004: 373). Hence, a political system will remain stable as long as it can generate support through its legitimacy and/or resist transition through repression. A

persistent lack of legitimacy can be the result of a multitude of factors like persistent policy problems (usually the failure of economic policy) or (structural) pressures resulting from longer-term social and economic change. (Pridham 2000: 69). The situation of a legitimacy-crisis is the starting point from where the behaviour of relevant actors in reaction to this situation may lead to democratic transition.

Whether or not an authoritarian system ultimately collapses and a transition takes place, then, depends on the behaviour and constellations of relevant actors. O'Donnell and Schmitter (1986: 19) have stressed the importance of divisions among the authoritarian incumbents. They claim that "there is no transition whose beginning is not the consequence – direct or indirect – of important cleavages within the authoritarian regime itself, principally along the fluctuating cleavage between hard-liners and soft-liners". Democratic transition becomes possible when the system has come under pressure, the soft-liners become more powerful than the hard-liners or when they can convince the latter of the benefits of opening up the authoritarian system. In the opposite case, the hard-liners are likely to try and re-stabilize the system through increased repression. If the hard-liners remain in or gain control, democratic transition is only possible through a popular uprising. If soft-liners gain control, there are still two possibilities: Either, these moderates share the view that it is time for political rule to be founded on full public contestation and they deliberately lead the system to democratic transformation. Or, their intention is not to open the political system for full public contestation but rather to increase its legitimacy and hence its stability by conducting some liberalising reforms stopping short of democratic transition. (O'Donnell/Schmitter 1986: 15-17)

Either of the latter two situations would result in the political system entering a stage of political liberalisation, liberalisation being defined above as a qualitative change in authoritarian rule through the lifting of some restrictions but in a strictly top-down fashion. In the former case, this stage of liberalisation would be deliberately designed as a preparation for the transition to democracy. In the latter case, democratic transition could still come about as a result of misperceptions and miscalculations of the authoritarian rulers. Far from looking for political suicide, they may fall victim to the misperception that liberalisation is a project that can be stopped and rolled back without significant costs once it threatens substantial interests of the government or the existence of the regime (Dahl 1971: 15; Merkel/Puhle 1999: 52). The size of these costs and the point up to which a liberal opening of an authoritarian system

can be rolled back depends, among other things, on the degree to which the opening of political space is used by society to build oppositional potential. This again points to the fact that democratic transition is not the *necessary* consequence of liberalisation. Rather, it is also possible that authoritarian incumbents successfully employ strategies of political liberalisation to regain legitimacy and stabilise the authoritarian system. Liberalisation can thus be the precursor of democratic transition but can also be rolled back or lead to a situation of sustained liberalised authoritarian rule.

Depending mostly on the behaviour of the authoritarian elites, the actual process of democratic transition can be either abrupt and revolutionary or “pacted”. An abrupt collapse of the regime is a possible scenario if the hard-liners inside the ruling elite retain control in spite of a serious legitimacy crisis of the political system and continued instability. If in such a situation the authoritarian government does not find a strategy to regain legitimacy and/or popular support, or the opposition grows to a level that the government cannot afford repression anymore, a revolutionary scenario becomes possible. The cases where successful revolutions have led to democratisation, however, are the exception to the rule. Romania is one of the few cases where an abrupt overthrow of the authoritarian government has actually paved the way for democracy (Merkel 1999: 95).

Instead, most democratic transitions are “pacted” in some way or another. O’Donnell and Schmitter (1986: 37) define a pact “as an explicit, but not always publicly explicated or justified, agreement among a select set of actors which seek to define (or, better, to redefine) rules governing the exercise of power on the basis of mutual guarantees for the ‘vital interests’ of those entering into it”. They are a sort of interim agreement, usually between the soft-liners of an authoritarian regime and representatives of the moderate opposition, that delineate the mode of the transition, protect certain interests of the *ancien regime*, promise the abstention from violence, establish timeframes for transition, and the like. Other important transition tasks that may be part of pacts involve negotiating the constitutional settlement and settling the rules of procedure for political competition, dismantling authoritarian agencies and abolishing laws unsuited for democratic life. (Pridham 2000: 19) Ironically, through pacts of this kind, the polity is moved to democracy by rather undemocratic means. They are typically negotiated among a small number of participants representing established groups or institutions and often not made public. Still, they are considered as a preferable solution in actor-centred theory because they limit political conflict and thus the possibility of violence.

(O'Donnell/Schmitter 1986: 38-39). Typical examples are the *pactos de la Moncloa* that mastered the Spanish transition, or the round tables with representatives of the opposition and the regime that accompanied the transitions in several Central and Eastern European countries.

3. DEMOCRACY PROMOTION

3.1. Instruments of Democracy Promotion

3.1.1. Bringing Order into a Complex Field

After the previous chapter examined the background of theoretical insights into the requisites and processes of democratisation, the purpose of this second theoretical chapter is to discuss the possibilities for external actors to influence on democratisation. Democracy promotion by external actors is understood here as “the sum of *all efforts* by external actors targeted on changing the patterns of political order and decision-making in a given state to the effect that they satisfy minimal criteria of democratic order” (Sandschneider 2003: 3; translation E.M.; own emphasis). It follows, that democracy promotion is a large field covering a broad variety of instruments, approaches and mechanisms. Therefore, a first step will be to present the different instruments to bring order into a complex field, before discussing strategic aspects of democracy promotion. One qualification should be made upfront: Many effects of EU actions on dynamics and processes of democratisation may be passive and unintentional. However, the discussion will remain focused on deliberate and intentional action to promote democracy. Having established this qualification, I suggest differentiating instruments of democracy promotion on two dimensions (the following is based mainly on Burnell 2004 and 2005, and Sandschneider 2003):

- The mechanism through which external influence is transmitted, and
- The issues on which influence is exerted in the target state.

On the first dimension, I suggest to differentiate between those instruments that are aimed at altering the behaviour of specific actors through pressure, incentives or threats, and those that aim at supporting either individual actors or specific developments by means of assistance and support. Instruments in the first group are mainly either diplomatic instruments or conditionality policies. Instruments in the second group are positive instruments that support either individual actors or specific developments by means of assistance. They can take the form of a broad variety of technical and financial support programmes ranging from economic assistance and support for civil society organisations to election monitoring and the sending of expert delegations to help with the drafting of a democratic constitution.

Regarding the second dimension instruments are different according to the issues they address on the target dimension. In line with much of the literature, I suggest to differentiate broadly between indirect and direct instruments of democracy promotion. While indirect instruments have the overall goal of promoting democracy but approach it sideways or through mediating channels, direct instruments are aimed directly at political objectives (Burnell 2007: 3-4). Referring back to the different perspectives on democratisation of structural and actor-centred theories, indirect instruments address the broad range of structural requisites for successful democratisation, while direct instruments are trying to gain influence on actors and political processes that actively “make” democratisation.

These differentiations on two dimensions, then, allow for organising instruments of democracy promotion in a matrix like the one shown in figure 1. The following sections will deal with each of the categories on both dimensions individually and in more detail.

	Diplomacy	Conditionality	Positive Instruments
Direct Instruments			
Indirect Instruments			

Figure 1: A Matrix of Democracy Promotion Instruments I.

3.1.2. “Mechanisms” of Democracy Promotion

3.1.2.1. Diplomacy

It is true that democracy promotion is not usually the primary concern of bilateral diplomacy. Nevertheless, diplomacy can also become an instrument of democracy promotion, when consultations, declarations or *demarches* are used to communicate over political issues related to democratisation. A state that seeks to promote democratic development in a foreign state can use diplomatic means to accompany other democracy promotion efforts. Issues related to democracy can be brought up in diplomatic consultations on different levels, publicly or behind closed doors, can be expressed in public declarations by state officials or government representatives, and can be the subject of *demarches* (Burnell 2004: 106-110).

Depending on the relations between the two states, dealing with democracy issues via diplomatic relations can have several effects. It can make the target government aware of the partner's concern for democratic development or it can be used to communicate specific demands and eventual sanctions or incentives. Public declarations and *demarches* on democracy issues can also significantly affect the domestic and international legitimacy of the target government. As Adesnick and McFaul (2006: 8) point out, authoritarian governments often depend to significant degrees on legitimacy they gain from good relations to Western governments. Accordingly, diplomatic engagement for democratic reform, public declarations and *demarches* can have considerable effect on the behaviour of authoritarian governments, when they fear that these are harmful to their external legitimacy.

Diplomacy as an instrument of democracy promotion can also be targeted at actors outside the authoritarian government. For example, meeting or inviting central actors of the democratic opposition serves to affirm their importance and demonstrate support, ultimately increasing their legitimacy and sending a signal to the authoritarian government that the opposition is taken seriously. (*ibid*: 23).

The level of diplomatic engagement can vary in a broad spectrum from very careful to very open and direct. Burnell uses the following terminology: "Influence on actors in the target state through diplomacy can take different forms that can range from 'diplomatic dialogue' and 'diplomatic persuasion' ('pure diplomacy') to different forms of 'diplomatic pressure' (Burnell 2006: 4).

A problematic aspect of this category of instruments for the analysis of democracy promotion is that diplomatic contacts are mostly carried out quietly and are often informal and confidential. This makes it difficult for outside observers to study and analyse them. The value of the category especially for this thesis with very restricted possibilities for data collection is consequently limited. It will not be possible in this thesis to discuss the level of engagement and its variations that EU diplomats and politicians employ when meeting Moroccan officials to promote democracy. The only type of diplomatic contacts about which information is available to some degree of consistency are official meetings in institutionalised forums. The analysis will, hence, be limited to this type of diplomatic engagement.

3.1.2.2. Conditionality

Conditionality can be understood as the linking by a state or an organisation of perceived benefits for a state to the fulfilment of conditions by that state (Smith 1998: 256). Principally, the logic of conditionality is built on a rational-choice conception of actor behaviour. The assumption is that linking their actions to certain rewards or punishments can influence the behaviour of actors. Conditionality policies, then, can vary over the kind of behaviour demanded from the actor on one side, and over how the behaviour is sanctioned on the other. Conditions are usually either economic or political demands⁶. On the other side, conditionality can be positive or negative. *Positive conditionality* implies that compliant behaviour of the respective actor is brought about by incentives and rewards, such as diplomatic recognition, aid, free trade or membership. *Negative conditionality*, on the other hand, implies that non-compliant behaviour is sanctioned with the threat of punishments, like the suspension of membership in an organisation, the suspension of contracts, economic sanctions or military force.

Economic and Political Conditionality

Conditionality first gained widespread attention in development policy when it was systematically introduced by the international financial institutions (IFI), namely the International Monetary Fund (IMF) and the World Bank⁷. While conditionality policies of the IFIs were originally strictly confined to economic criteria⁸, political conditions have been

⁶ The imposition of conditions is obviously always “political”. Nevertheless, the differentiation between political and economic criteria is maintained here, considering political conditions those related to the protection of human rights and the advancement of democratic principles.

⁷ The IMF and the World Bank began including conditions in their operating contracts with beneficiary countries, mainly in order to rationalize the lending process. This practice was first taken up in a program with Portugal in 1958 and was subsequently developed to reach a high degree of sophistication with the introduction of the IMF’s Structural Adjustment Programmes in the 1980s that demanded *inter alia* reforms in trade, labour-market, regulation and fiscal policy from the recipient countries (Schmid 2003: 11).

⁸ In fact, the IMF and the World Bank are constrained by their statutes to make allocations exclusively on the basis of economic considerations. Yet, with the beginning of the 1990s, growing discontent with the result of the Structural Adjustment Programmes fuelled a discussion inside the IFI that prepared the ground for a greater recognition of social and political variables for successful development. Partly as a reaction to this, the World Bank established the concept of “good governance”. Concerned with the way the economic and social resources of a country are administered, the concept is seen as congruent with an effective, accountable and transparent public management of development (Schmitz 2006: 10). This technical-administrative understanding – quasi as a way out of the dilemma posed by its statutes – allowed the World Bank to expand its lending conditions to include institutional and political along with purely economic criteria (Stokke 1995: 26).

introduced into conditionality policies by an increasing number of actors, especially since the beginning of the 1990s⁹.

This development in the 1990s was not limited to development policy. After the Cold War, political conditionality also gained new reputation as an instrument of foreign policy among policy makers, who were “apparently inspired by the rapid spread of democratic values into the former Eastern Bloc countries and tried to disseminate their political values to third world countries as well” (Schmid 2003: 12). In the changed international environment of the 1990s, a number of international organisations began adopting instruments of political conditionality to spread democracy and stability. In this course, organisations like the Council of Europe, the Organisation for Security and Cooperation in Europe (OSCE), the North Atlantic Treaty Organisation (NATO) and – most prominently – the EU developed frameworks of political conditionality for the acceptance of new members (Dimitrova/Pridham 2004).

The “External Incentives Model”

Conditionality policies of international organisations have been the subject of a growing body of academic research in recent times. Originating from this literature is the “external incentives model” established by Schimmelfennig and Sedelmeier (2005) to analyse the “effectiveness” of conditionality. The model will be presented in some detail here in order to apply it later to EU political conditionality in relation to democracy promotion in Morocco. In their study on “Europeanization in Central and Eastern Europe” Schimmelfennig and Sedelmeier analyse the effectiveness of what they call “rule transfer” through conditionality during the EU’s latest enlargement round. They understand “effectiveness” as the capacity of a conditionality framework to generate compliance with conditions on the side of the target state (Schimmelfennig/Sedelmeier 2005: 7). The external incentives model, then, outlines four categories of variables that determine the effectiveness of “rule transfer”: the size and speed of rewards, the determinacy of the conditions, the credibility of conditionality, and the size of adoption costs for domestic decision makers. (For this and the following see *ibid*: 10-17.)

⁹ The Netherlands were the first bilateral donor to include political conditions in its lending policy in 1979 (Sørensen 1993: 2).

Size and speed of rewards: The higher the rewards promised in return for compliance and the shorter the temporal distance to the payment of the rewards, the higher are the incentives to comply and, therefore, the likelihood of compliance.

Determinacy of conditions: The higher the determinacy, the higher is the likelihood of compliance. Determinacy refers both to the clarity and the formality of a rule. The clearer the behavioural implications of a rule and the more “legalised” and binding its status, the higher the level of determinacy. This matters in two respects: first, it has an informational value helping the target actor to know what exactly he has to do to get the reward. Second, determinacy has also positive effects on the credibility of conditionality.

Credibility of conditionality: The likelihood of compliance increases with the credibility of conditional threats and promises. The credibility of conditionality itself is determined by factors on several dimensions. (1) Credibility of conditionality is higher, the lower the *costs* of delivering or withholding the incentive are for the agent of conditionality. In other words: the agent has to be able to withhold the reward at little or no cost for himself and has to be less interested in giving the reward than the target state is in receiving it in order to be credible. (2) Credibility increases with the *consistency* of conditionality policy. Incentives to comply are lower when the target state perceives that conditionality policies are either subordinate to other political, strategic, or economic considerations or that conditionality is the subject of internal conflict inside the agency of conditionality. In these cases, the target state may either hope to receive the benefits without fulfilling the conditions or it may fear being unrewarded for its compliance. (3) Credibility decreases with *cross-conditionality* and increases with *parallel or additive conditionality*. On this dimension credibility is affected by conditionality policies of other actors in regard to the same target state. The direction of the impact depends on whether conditionality policies of other actors are contradicting (*cross-conditionality*) or reinforcing (*parallel or additive conditionality*) conditions posed by the analysed actor. Finally, (4) credibility decreases with the existence of *information asymmetries* in favour of the target government. On this dimension the issue of monitoring is addressed. The higher the capacity of the agent of conditionality to monitor compliance, the more consistent the implementation of the monitoring process and the smaller the possibility of the target state to conceal its compliance record, the lower are ultimately the possibilities for the existence of information asymmetries and the higher, therefore, the credibility of conditionality.

Size of adoption costs: The likelihood of compliance decreases with the size of costs that it causes for the government and other relevant public and private players in the target state. The external incentives model assumes that compliance with conditionality is always costly. If it were not, change would occur in the absence of conditionality. Adoption costs can take two forms: They can be either opportunity costs resulting from foregoing alternative rewards to those offered by the conditionality policy, or they can be immediate losses of welfare or power.

Summing up the implications of their model Schimmelfennig and Sedelmeier recapitulate:

“[...] given a strategy of reinforcement by reward, conditionality will be most effective if rules and conditions are determinate; conditional rewards are certain, high and quickly disbursed; threats to withhold the reward are credible; [and] adoption costs are small; [...]“
(Schimmelfennig/Sedelmeier 2005: 17).

3.1.2.3. Positive Instruments

Positive instruments are concrete projects or programmes that support specific actors and developments in the target state, that are seen as positive for democratisation. This support may be provided through financial subventions, through advice and instruction, training programmes, equipment and other forms of material support (Burnell 2000: 9). According to the target dimension of positive programmes, this can take the form of “classical” economic development assistance, the funding of civil society organisations, programmes to support and assist the reform of state institutions up to the direct financing of democratic opposition groups. What distinguishes these instruments of intervention from both diplomacy and conditionality is that they are largely limited to supporting those initiatives and developments that have already come into being in the target state. Through positive programmes, outsiders lend support to processes that are locally driven (*ibid*).

3.1.3. “Targets” of Democracy Promotion

On the “target” dimension it was suggested to distinguish between indirect and direct instruments of democracy promotion according to whether an individual instrument addresses

issues that are considered structural requisites of successful democratic transition and consolidation, or whether it addresses issues that are directly related to political reforms rendering a political system more democratic. As the differentiation between indirect and direct instruments is a rather crude one, sub-divisions will be suggested for both categories.

3.1.3.1. Indirect Instruments of Democracy Promotion

As indirect instruments are measures that address all those requisites that are identified by structural approaches to democratisation theory, they can be further differentiated on the basis of the type of development they seek to influence. Broadly speaking, structural developments that were identified as requisites for democratisation are: the general level of economic development, a more equal income distribution, reduced poverty, a growing middle-class, a rising level of education, and an increasing civic engagement in associations and organisations. In modernisation theory, these developments are seen as connected one presupposing the other in a more or less straightforward chain of developments. Depending on which type of development is addressed by indirect instruments of democracy promotion, this can actually be “more” or “less indirect” in regard to democracy (Burnell 2004: 104). I suggest to distinguish broadly between instruments targeted at economic and social development and the development of civil society as two sub-types of indirect democracy promotion. The former, addressing developments more “at the beginning” of the chain is the “most indirect”, and civil society support addressing developments at the very end of the chain is the “least indirect” instrument among these indirect channels.

Supporting Economic and Social Development

Instruments in this category often take one of two paths: Either, they support a country’s economic and social development through positive assistance programmes. These can then address a wide range of issues ranging from infrastructure projects over projects in support of specific sectors of the economy to social and human development programmes focussing on education, professional training, etc. Or, they facilitate the establishment of an open market economy based on the assumption that this generally leads to economic growth and increased national well-being¹⁰. On this path, conditionality policies often play a prominent role

¹⁰ This is a contested assumption, however. It is based on classical foreign trade theory, which holds that the liberalisation generally leads to an increase in national income. Even in its classical form, however, the model

demanding economic and regulatory reforms preparing the state economy for integration into the global economy. Positive programmes are usually implemented to accompany the resulting structural adjustment. (Dauderstädt/Lerch 2005: 8-9)

While support for economic and social development is generally seen as a universal instrument that can be implemented in any situation (Carothers 2004: 242), it should at least be kept in mind that in a stage before democratic transition it can be a double-edged sword: it is driven by the assumption that it brings about requisite developments for democratic transition and consolidation. On the other hand economic development can increase the “output”-legitimacy of authoritarian regimes prior to a period of democratic transition and, hence, prolong their life-span (Burnell 2004: 103-104).

Supporting the Development of Civil Society

Civil society can be defined as “the sphere of collective action and discourse that lies in-between the state and the private sphere” (Thierry 2001: 593; translation E.M.). It is made up of “the vast array of ethnic, religious and communal institutions; commercial associations; interest groups representing workers, professionals, pensioners and others; informational and educational entities; issue-oriented groups promoting environmental, human rights and other causes; developmental organisations and non-partisan civic groups that work to make the political and economic system more accountable and transparent” (Gershman 2004: 29). From a perspective of structural approaches to democratisation the chances of a successful democratic transition and consolidation increase the more developed and vivid the civil society sector is and the more it can constitute alternative sources of political power *vis à vis* the government (see chapter 2.2.1.).

Support for civil society organisations is an instrument of indirect democracy promotion as long as it supports associational life in a state in general and does not support specific groups whose ultimate intention is to gain power. For this reason it is suggested for this thesis not to include political parties in the sphere of political parties even though they arguably apply to the definition above in that they mediate between the state and the private sphere. Gershman differentiates between civil society and organisations political parties on the grounds they

has significant caveats. Experience show, that trade liberalisation many times leads to increased inequality in the short-term (Reuveny/Li 2003).

follow different functions. While civil society organisations pursue their individual objectives and are usually capable of articulating clear messages, they do not ultimately seek to gain power and form a government. In contrast, it is the function of political parties to elaborate and articulate policy choices and options and to compete for power (Gershman 2004: 28-30).

Instruments of democracy promotion can positively support individual civil society organisations through financial or institutional support or can employ conditionality and/or diplomatic means to exert pressure on the government to allow more space for civil society organisations.

3.1.3.2. Direct Instruments of Democracy Promotion

Measures that intervene directly into political developments in the target state can range from supporting very cautious top-down reforms of state institutions to driving a stubborn authoritarian government out of power through tough economic sanctions. Clearly these direct instruments of democracy promotion can be “more” or “less direct” as well. These nuances of democracy promotion’s “directness” mirror the degree to which instruments address the “central challenges of expanding the depth and breadth of political contestation and encouraging real distribution of power” (Ottaway/Carothers 2005: 251). In this line, Carothers distinguishes between instruments focussing on the reform of governance and state institutions on the one hand and instruments that address core issues of political contestation on the other (Carothers 2004: 243-248).

Dauderstädt and Lerch (2005: 11-14) offer another helpful differentiation in this context. They suggest distinguishing between direct instruments of democracy promotion according to whether they promote the establishment of democratic institutions within the political system (polity dimension) or whether they imply a direct involvement in the political process in favour of democratic reform (politics dimension). This differentiation is largely congruent with Carothers’ differentiation between “reform of state institutions” and “core issues of contestation”. Their “politics” dimension, however, draws increased attention to the fact, that addressing “core issues of political contestation” implies direct interference and taking sides in the political process in a foreign state.

Supporting Reform of Governance and State Institutions

As topical examples for issues addressed in this category Carothers lists the following (Carothers 2004: 244):

- Strengthening the rule of law
- Strengthening parliaments
- Reducing state corruption
- Promoting decentralisation

In principal, all mechanisms of intervention – diplomacy, conditionality and positive instruments – can be applied to address these issues. Through diplomacy and conditionality progress in the democratic reform of governance and state institutions can be rewarded and the costs for disregarding it can be raised. Most of all, however, this is a field for positive instruments that support reform-willing governments through financial and technical assistance in carrying out these type of reforms. Positive instruments in this field are congruent with what is largely referred to as “democracy assistance” (Burnell 2006: 4).

An important qualification at this point is that between democracy promotion and the promotion of good governance and human rights. Burnell (2000: 18-20) and Crawford (2000: 23-25) point out that these three agendas have significant overlap and are often promoted in parallel although they are not congruent. Broadly speaking, the good governance agenda calls for efficient and effective as well as open and accountable management of public affairs. While the former two are concerns that are specific to the good governance agenda, the latter two are clearly part of the democracy agenda as well. Similarly, under the human rights agenda, economic, social and cultural rights are promoted alongside political, civil, and equality rights. Here as well, the former three are specifically part of the human rights agenda, while the latter three form part of a democracy agenda (Crawford 2000: 23-25). Even though the boundaries around these agendas are “malleable and inconclusive” as Burnell (2000: 19) points out, the discussion of democracy promotion in this thesis will be limited to the – crudely defined – core agenda.

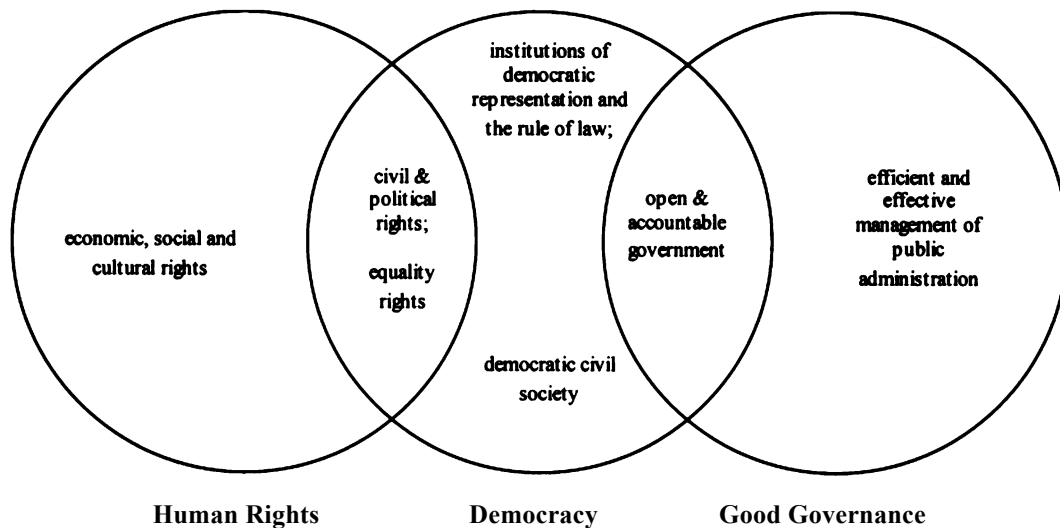


Figure 2: Overlapping Agendas: Democracy, Human Rights and Good Governance (Source: Crawford 2000)

It will only include issues from the good governance and the human rights agenda, where they overlap with the democracy agenda. While economic, social and cultural rights may be imminent to a truly democratic society, their promotion only has remote and indirect effects on processes of democratisation. The same is true for the promotion of efficient and effective governance.

Addressing Core Issues of Political Contestation

In this category Carothers names the following topical examples for issues that need to be addressed (Carothers 2004: 245-246):

- Broad and consistent respect for political and civil rights
- Opening up the domain of political contestation to all political forces that agree to play by the democratic rules of the game
- Obeying the rules of fair political contestation (mainly free and fair elections)
- Reducing the reserved political space (i.e. including the central positions of political power into processes of political contestation)

What exactly falls into the category of *core issues* of course depends on the individual political context of the target state. In cases of liberalised autocracies where parliaments may exist and even be elected through largely free and fair elections, where the separation of powers, however, is feckless and these parliaments are not given significant influence on key policy decisions, “going to the core” does not mean addressing the conduct of elections but

instead putting the government under pressure to reduce the reserved political space does. Differently, in cases of so-called “electoral dictatorships”, where elections are held but are notoriously manipulated, the situation is different.

Addressing issues in this category means touching directly upon the foundations of power of an authoritarian government and is, hence, more likely to imply conflict and the need for significant pressure. Accordingly, the room to implement positive instruments is smaller, as assistance programmes can only be implemented where the government is willing to cooperate. Diplomacy and conditionality can play an important role in exerting pressure on the government to consider reform in these issues.

The opening up of political space for contestation, however, can also be addressed by approaching the democratic opposition and supporting it in its quest for more political space. As Abdesnik and McFaul (2006: 23) have pointed out, diplomacy can serve as an instrument to support democratic opposition or soft-liners in an authoritarian government. Western government actors can provide legitimacy to these actors by meeting with them, appearing in public with them, inviting them, and generally affirming their importance. Support for opposition groups can also be provided through positive instruments like political party aid (Carothers 2007b).

Intervening directly in the political process of a state is a sensitive issue and is associated with a number of problems and difficulties. One issue is the correct identification of agents sustaining authoritarianism (to put pressure on) and promising agents for reform (to support) (Dauderstädt/Lerch 2005: 11-12). A second issue is the fine-tuning of intervention. Especially where intervention is done in cases of sustained authoritarianism, research has shown that there are great possibilities for external pressure and support for opposition-groups to have counter-productive effects (Burnell 2006: 7-11).

3.1.4. A Matrix of Democracy Promotion Instruments

		Diplomacy	Conditionality	Positive Instruments
Indirect	Economic and Social Development	Persuading a foreign government to consider illiteracy an important challenge during a bilateral meeting.	Economic conditionality.	Supporting infrastructure projects. Financing a literacy campaign.
	Development of Civil Society	Critically mentioning the banning of a specific NGO during a bilateral meeting.	Including conditions on freedom of association and assembly in political conditionality.	Financial or institutional support for NGOs, trade unions or business associations.
Direct	Reform of Governance and State Institution	Discussing the progress of judiciary reform during bilateral meetings.	Including conditions related to the decentralisation of the public administration in political conditionality.	Training programmes for parliamentarians or judges. Financial support for the reform of state institutions.
	Core Issues of Political Contestation	Making a public declaration condemning election fraud. Publicly meeting with prominent opposition representatives.	Including conditions related to the separation of powers or the proper conduct of elections in political conditionality.	Monitoring elections. Giving institutional support to political parties. Supporting opposition parties financially.

Figure 3: A matrix of Democracy Promotion Instruments II.

Up to this point, democracy promotion has been defined as “the sum of all efforts by external actors targeted on changing the patterns of political order and decision-making in a given state to the effect that they satisfy minimal criteria of democratic order” (Sandschneider 2003: 3; translation E.M.) Following this, individual instruments of democracy promotion were presented and discussed individually in some detail in an attempt to bring order into a complex field. The matrix presented in 3.1.1. was a first step in this attempt and can now be expanded to incorporate the sub-divisions of direct and indirect instruments suggested in 3.1.3. It can now also be filled with topical examples (figure 3).

It follows from the definition above that a specific policy of democracy promotion implies a mix of different instruments addressing a selection of specific issues in one or more of the above-presented categories. The next section will turn to strategic aspects of democracy

promotion and to questions related to the mix and implementation of instruments and the selection of issues.

3.2. Strategies of Democracy Promotion

Since it is the objective of this thesis to identify changes in the EU approach¹¹ to democracy promotion in Morocco the central objective of this section will be to develop a framework for making the analysis of democracy promotion policies operational. Before, some considerations will be made regarding the specific objectives of democracy promotion in relation to the stage of democratisation.

3.2.1. Democracy Promotion in Relation to the Stage of Democratisation

The fine-tuning of democracy promotion needs to be done in correspondence with the situation in the individual target state. The most fundamental variable describing this situation is the stage of democratisation. Depending on the stage, democracy promotion pursues different objectives and faces different challenges. In the following paragraphs, these objectives and some considerations for democracy promotion will be summarised. Since the country of interest in this thesis – Morocco – finds itself in a stage prior to democratic transition, the analytical framework presented in 3.2.2. is suitable mainly to approaches pursuing the individual objectives in the stage of sustained authoritarianism and political liberalisation.

¹¹ While this chapter is entitled “*Strategies of Democracy Promotion*“, what will be analysed is the EU’s *approach* to democracy promotion. As Burnell points out, the terms “strategy”, “policy”, “model” and “approach” are applied more or less interchangeably in political science and policy debates related to democracy promotion. As a “minimal consensus” definition for *strategy* he suggests that it should include the definition of objectives, the selection of instruments, the composition of the mix, and the timing and sequencing of the interventions (Burnell 2005: 364). Whether the EU policy of democracy promotion satisfies all of these criteria may be seriously doubted. Most recently Del Sarto, Schumacher and Lannon (2006: 58-62) criticised that in democracy promotion the EU does not define its objectives clearly and is not clear about timing and sequencing. While EU democracy promotion may, hence, be guided by something that remains short of a *strategy*, reflection about a selection of *strategic* aspects of democracy promotion in this chapter still justifies the term *strategy* in the title.

3.2.1.1. Sustained Authoritarianism and Political Liberalisation

The first scenario is the promotion of democracy in a state where democratic transition has not yet occurred. Generally speaking, the objective of democracy promotion at this stage is to bring the state to the point of democratic transition. This can entail promoting economic and social development¹² and a vibrant civil society, supporting democratic opposition movements and applying pressure on the authoritarian government to implement political reforms (Sandschneider 2003: 29-31). The situation before democratic transition can be very different depending on whether a process of political liberalisation has been initiated or not. Liberalisation was said to begin with the credible announcement by authoritarian rulers of a significant extension of political rights (O'Donnell/Schmitter 1986: 10). If a process of political liberalisation is completely absent in a state, there is generally hardly any possibility to support home grown political developments by mere assistance. Rather, positive support is mostly limited to the indirect support on the level of economic and social development and civil society (if the government allows for this). Direct instruments are limited to applying pressure on the government through diplomacy and conditionality to encourage political reform, or to positively support the democratic opposition and help it increase its capacity to challenge the government. If a process of liberalisation has been initiated, generally this implies that there are a number of home grown reform initiatives that are worth supporting through positive instruments as well.

3.2.1.2. Democratic Transition

In comparison to both political liberalisation and democratic consolidation, the stage of democratic transition usually covers a much shorter time-span. Developments in this stage can be very quick, at times eruptive, and are accompanied by high uncertainty. The objectives of external democracy promotion during this stage are twofold: first, to cushion the risks that this volatile situation can possibly bear (economic collapse, inter- or intra-national and ethnic conflict) and, second, to help and keep the transition on a democratic path (Sandschneider 2003: 31). Owing to the speed of developments at this stage, external influence has to rely

¹² The employment of instruments aimed at economic development as indirect instruments of democracy promotion, of course, implies, relying on those theoretical and empirical findings that find a relationship between economic development and the likelihood of democratic transition. As explained above (2.3.1.), however, this is subject of ongoing debate. López for example, a co-author of the study by Przeworski *et al.*, which could not find any correlation between the two, argues that “[c]ountries under dictatorial regimes are not more likely to experience a transition to democracy as they reach higher levels of economic development” and argues for a continuation of the US embargo on Cuba on this basis (López 2000: 349).

largely on instruments with short-term effects: Well-proportioned diplomatic signals have more decisive effects at this stage than long-term conditionality frameworks, short-term assistance programmes (like election monitoring or the sending of an expert group to assist in the drafting of a democratic constitution) more than those in need of a longer timeframe (like assistance for judiciary reform). Accordingly, indirect instruments usually play a smaller role at this stage. Economic aid packages, however, can be important in times of political crisis to stabilize the economic situation in an ad-hoc fashion. In this case, they serve to cushion the negative effects of uncertainty more than to promote long-term economic development (Sandschneider 2003: 32).

3.2.1.3. Democratic Consolidation

Successful consolidation, as discussed above, implies the full institutionalisation of democratic practices and their internalisation by all significant political actors and the majority of the population. In contrast to a situation before democratic transition, democracy promotion policies do not deal with an authoritarian government but with a government already democratically legitimated. Objectives of democracy promotion at this stage are helping the newly established democratic regime survive, supporting the institutional stabilisation of the new system of governance and promoting the pluralistic anchorage of democratic norms and values (Sandschneider 2003: 33). Positively supporting economic and social development at this stage can help democratic consolidation by increasing the output-legitimacy of the newly established democratic regime. Supporting the development of civil society can serve to support the anchorage of democratic norms and values within broad segments of the society. Conditionality and diplomatic instruments can support the process of institutionalisation of the new democratic form of governance by increasing the cost for undemocratic practices and policies.

3.2.2. A Framework for Analysing the EU Approach to Democracy Promotion

Promoting democracy in Morocco implies promoting democracy in a state that has not yet experienced a period of democratic transition, though arguably Morocco finds itself in a stage of political liberalisation (see chapter 5). Generally speaking, as discussed above, the objective of democracy promotion at this stage is to bring the state to a point of democratic transition. This objective can be pursued, however, following different strategies or

approaches. This thesis will analyse the EU approach towards this objective in the case of Morocco and, more specifically, how it has changed qualitatively with the shift from EMP to ENP.

To analyse EU democracy promotion in Morocco and its qualitative changes it was already suggested in the introduction to look at the approach on three dimensions. First, the most fundamental feature of a democracy promotion policy is the issues that it addresses. In line with the classification of instruments that was suggested above this can vary in how directly they address the objective of democratic change. On this dimension approaches to democracy promotion can range from a strict focus on indirect instruments at one extreme to a strong emphasis on direct instruments on the other. In line with structural and actor-centred approaches to democratisation theory outlined above indirect and direct approaches imply different objectives: while a genuinely indirect approach is aimed at promoting those economic and social requisites that have been identified as positive for the prospect of democratic transition and consolidation, but does not envision a democratic transition immediately, a direct approach is aimed at intervening in the political process of the target country to bring about or accompany processes that ultimately lead to a democratic transition. Second, approaches to democracy promotion vary not only over the instruments that are implemented but also over the pressure with which these instruments are applied. On this dimension approaches to democracy promotion range from genuine partnership approaches that seek to pursue democracy promotion only in consent with the government of the target state, to “hard” approaches that apply pressure and pursue individual against the will of the government of the target state. While dialogue and assistance characterise interaction on the one end of the continuum, intervention, imposition and coercion are modes of engagement on the other. Finally, on a third dimension, approaches can show different levels of activity. Irrespective of the focus and the form of interaction that are chosen, instruments of democracy promotion can be implemented with a high or a low intensity, rendering the approach a rather active or passive one¹³

¹³ The dichotomy of “active” and “passive” is also used by Burnell (2007: 3) albeit to describe something completely different. He applies the dichotomy using “active” for intentional and “passive” for unintended effects.

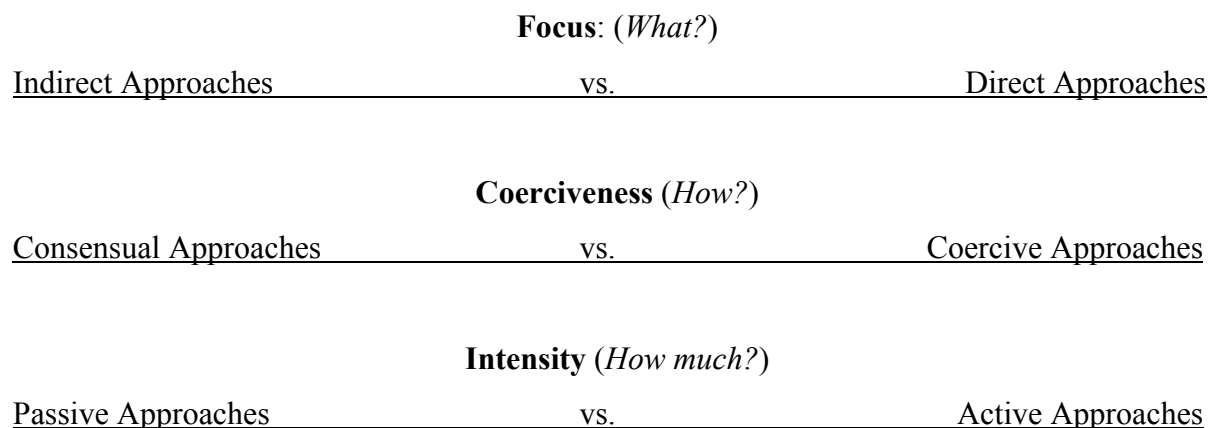


Figure 4: Three Dimension of Analysis of Democracy Promotion

In reality a policy will show different characteristics more in line with one category or the other on each dimension. It is helpful, then, to imagine each dimension as a continuum with an actual democracy promotion policy taking a place somewhere more towards one extreme or the other¹⁴. For the analysis of qualitative changes of democracy promotion associated with the shift from EMP to ENP, this has the advantage that changes can be described in terms of movement and direction on the continuum. Chapter 6 will look at instruments categories outlined above (diplomacy, conditionality and positive instruments) implemented under the EMP and the ENP, respectively, with the intention to identify shifts on each of the three continua. For the analysis, indicators need to be identified in each category that with the help of which qualitative changes can be made visible.

Indirect vs. direct approaches. The central question on this dimension is: what issues are the issues that are being addressed by the individual instruments of democracy promotion? (Burnell 2006: 3-4). For diplomacy this implies looking at the issues addressed during those institutionalised bilateral meetings to which the analysis will be limited for reasons specified above (chapter 3.1.2.1.). For conditionality, this implies looking at the conditions that are made for the delivery of rewards in the case of positive conditionality, or the withholding of punishment in the case of negative conditionality. For positive instruments, finally, this entails looking at the types of development or reform that are positively supported and the

¹⁴ A description of approaches to democracy in this manner draws on inspiration from Dolowitz and Marsh (2000) who have suggested a similar model for the analysis of processes of policy transfer. In their model, individual processes of policy transfer are placed on a continuum between a genuinely voluntary form of transfer and a genuinely coercive one. According to them this type of modelling is helpful for two reasons: “First, it identifies categories that can be used by researchers to frame their empirical work. [...] Second, many cases of transfer involve both voluntary and coercive elements; the continuum helps us acknowledge that fact and thus deepens our knowledge of the process.” (Dolowitz/Marsh 2000: 13-14)

number of projects and amount of funds that are devoted to the individual categories of issues. In practice, individual instruments will many have effect on more than one objective. A programme directed at supporting the work of civil society organisations to conduct literacy campaigns addresses social development but strengthens also the civil society sector in general. In these cases the individual programme will always be subsumed under the category in which falls the objective most directly related to democratisation.

Consensual vs. coercive approaches. On this dimension the central query is to what degree the individual instruments are implemented in consensus or in conflict with the government of the state in question. To a certain degree, this dimension overlaps with the first one as the level of conflict depends partially on the issues that are addressed. As a general rule, issues are more conflict-prone the closer they get to the direct end of the spectrum and threaten substantial interests of the authoritarian regime, while room for consensual cooperative action is wider on the indirect end. Obviously, where conflict begins depends to a large degree on the posture of the target government and its general openness to reform. Apart from the issues, however, approaches vary on this dimension according to how much pressure is applied in interactions. For diplomacy this means looking at the “mode of engagement” that has been structured by Burnell (2006: 4) as ranging from “diplomatic dialogue” to “diplomatic pressure”. For conditionality this implies looking at the process through which conditions and demands are determined, for positive instruments at the programming process and the identification of individual projects.

Passive vs. active approaches. Irrespective of its focus and its coerciveness, an approach to democracy promotion can still be applied with a varying degree of intensity. After asking the questions *what?* and *how?* this dimension implies asking *how much?*. Admittedly, the intensity of democracy promotion can be analysed with varying degrees of depth. Especially for positive conditionality policies a profound analysis of intensity would need to assess the implementation and its impact in quite some detail, which would be well beyond the scope of this thesis. Instead some rather simple indicators shall be suggested here. For diplomacy the frequency of diplomatic interaction can be seen as a rather simple indicator for intensity. For conditionality the model for the analysis of effectiveness by Schimmelfennig and Sedelmeier presented above will be used as a framework. In their external incentives model the efficiency of conditionality depends on factors in four categories: size and speed of rewards, determinacy of conditions, credibility of conditionality and size of domestic adoption costs.

The first three of those categories are determined mainly by the design and the implementation of conditionality policies on the side of the agent of conditionality. Those factors that can be influenced by the agent to increase the effectiveness of a policy can be assumed to be convincing indicators for the intensity with which a policy is pursued. Finally, for positive instruments the analysis will be limited on the amount of funds and the number of individual projects devoted to democracy promotion as indicators of intensity.

3.2.3. Different Approaches to Democracy Promotion in the Literature

This framework proposes a number of dimensions on which to analyse different approaches to democracy promotion. To add some flesh to this rather raw and abstract skeleton, this section will present some of the most topical models for democracy promotion frequently debated in the literature in the light of this framework.

3.2.3.1. The “Economics First” Approach

First, there are a number of authors arguing for a rather passive strategy. At the core of their argument is usually the conviction that an active promotion of democracy with a strong focus on political issues will risk pushing countries into a stage of democratic transition before they possess the necessary preconditions for stable democratic governance. Carothers (2007a) labels the advocates of such an approach “sequentialists” based on their argument for a sequencing of developments: economic and social preconditions first, democratic transition later. Authors in this group have pointed to problematic aspects, and even the danger, of rapid democratic transition in countries at low levels of development. One potential hazard they highlight is in the rise of “illiberal democracy” where elections are held but the rule of law and fundamental human rights are not respected (Zakaria 2004), or in the proneness of these countries for intra-national and ethnic conflict (Mansfield/Snyder 1995; Chua 1998). Instead of addressing democratic reform directly, these authors argue for “playing the waiting game” (Burnell 2004: 104) or an “economics first” approach (Carothers 2004: 241) restraining engagement to simply supporting for the development of economic and social requisites that sooner or later will create domestic pressure for political opening, and will make the transition to democracy “more likely to stick once it does happen” (Burnell 2004: 104). In terms of the framework established above, such an “economics first” approach will focus exclusively on

indirect instruments and apply very little or no pressure on the government to conduct political reform.

3.2.3.2. The “Gradualist” Approach

Carothers argues for an approach that he calls the “gradualist strategy” (Carothers 2004 and 2007a). The term refers to the preferred scenario of democratic transition: “a controlled, top-down process of iterative political change in which political space and contestation are progressively broadened to the point that democracy is achieved” (Carothers 2004: 240). The opposite of a “collapse scenario”, gradualism implies a slow process in which the ruling elites remain in control at all times and thus leads to a pacted democratic transition only at a very late point. Roughly speaking, a gradualist strategy of democracy promotion takes the middle ground on both the direct-indirect and the coercive-consensual dimension. This model features prominently indirect instruments and a strong emphasis on economic social development as well. It draws heavily on the lesson that gradual transitions – in the rare occasion they have happened in world history – have invariably been built on economic success. Strengthening a middle class fighting for a greater political influence, moderating the opposition and undercutting extremist alternatives are seen as necessary preconditions in line with insights of structural approaches to democratisation (Carothers 2004: 241). In contrast to the “economics-first” approach the “gradualist” approach “does not entail putting off for decades or indefinitely the core elements of democratisation.” Instead, “it involves reaching for the core elements now, but doing so in iterative and cumulative ways rather than all at once” (Carothers 2007a: 25). Hence, along with indirect approaches, direct instruments are an important component as well in a gradualist strategy. Instruments addressing the reform of governance and state institutions can play a role (assistance for judicial reform, developing the capacity of parliamentary bodies, or promoting decentralisation, for example) as can instruments addressing issues closer to the core of political contestation (like varying degrees of pressure for supporting the respect for political and civil rights and opening up the political domain to all political forces, but also direct support for oppositional actors outside the regime). The characteristic feature of a gradualist strategy is that it “highlights the need for small but significant steps that create space and mechanisms for true political competition and point the way to an eventual end of the rulers’ monopoly on power” (Carothers 2007a: 26).

In its specific implementation, a “gradualist” approach can still take different locations on the continuum, applying direct instruments in a more or less coercive manner. As Burnell (2006: 4) judges: “the closer assistance to groups who are struggling to advance democratic reform is harnessed to external pressure on the government to allow more domestic political space in which such groups can mobilise popular support [...] the further the democracy promotion moves away from soft democracy assistance and towards a harder approach of intervention”.

3.2.3.3. The “Genuine Democratisation” Approach

At a certain point moving towards the hard extreme of the continuum, a strategy leaves the gradualist scenario behind and instead envisions a more immediate version of democratic transition. Such a “genuine democratisation” approach (Brumberg 2004) must recognize the revolutionary nature of such a project. It requires “undermining the very foundations of autocracy and tackling, in short order, a number of other linked political practices” (Brumberg 2004: 5). Such a strategy would strongly emphasise instruments of direct intervention and step up the level of coerciveness actions to a significant degree compared to a gradualist approach.

A possible scenario, in which direct instruments are used exclusively, is one in which wide-ranging economic sanctions and international isolation of a state are combined with clear demands directed at the government for political opening and democratic reforms. Due to sanctions and isolation, indirect influence on democratisation is abandoned. The only leverage that remains is the coercively-pursued demand for political change. Such a scenario would come closest to the hard end of the continuum suggested above.

Finally, all of the above approaches can be pursued with different degrees of vigour or clout, depending on the intensity with which its individual instruments are implemented.

4. FRAMEWORKS AND INSTRUMENTS OF EU DEMOCRACY PROMOTION IN THE MEDITERRANEAN

4.1. Democracy Promotion as a Principle of EU Foreign Policy

Two different articles of European treaties reference democracy as a principle guiding the EU's external relations. First, it is established as an objective of the Common Foreign and Security Policy (CFSP) in the Treaty on European Union (TEU) of 1992: "The Union shall define a common foreign and security policy covering all areas of foreign and security policy, the objectives of which shall be: [...] to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms" (Article 11,1). Second, a reference to democracy promotion is made in the context of the provisions for development cooperation codified in the Treaty Establishing a European Community (TEC) of 1957: "Community policy in this area shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms" (Article 177,2).

4.2. Policy Frameworks for Democracy Promotion in the Mediterranean

4.2.1. The Euro-Mediterranean Partnership

Since 1995 the EMP has been the general framework for the relations between the EU, its member states and the adjoining non-member states situated on the southern and eastern shore of the Mediterranean basin (the "Mediterranean Partners")¹⁵. The EMP was inaugurated at a summit in Barcelona on 27-28 November 1995. In the "Barcelona Declaration" the Euro-Mediterranean partners agreed to "establish a comprehensive partnership among the participants [...] through strengthened political dialogue on a regular basis, the development of economic and financial cooperation and greater emphasis on the social, cultural and human dimension" (European Commission 1995). Objectives of the partnership are accordingly agreed in three chapters: (1) a political and security chapter, (2) an economic and financial chapter, and (3) a social, cultural and human affairs chapter.

¹⁵ Originally there were 12 partner states: Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey and the Palestinian Authority. Cyprus and Malta have since joined the Union while the accession process was officially launched for Turkey in 2005. Libya was originally excluded from the EMP and received an observer status in 1999.

The Barcelona Process provides for a multilateral as well as a bilateral dimension of partnership. On the multilateral dimension, partners agreed on the establishment of a number of institutional bodies to advance the partnership¹⁶. The Barcelona Declaration – itself not a legally binding document – provides for the negotiation and adoption of bilateral Association Agreements between the EU and individual partner countries establishing the legal foundations of the partnership. Association Agreements have since been adopted with all Mediterranean partner states except for Syria and Libya. They establish the principles of the partnership, arrange for the gradual establishment of a free trade area and provide for the establishment of bilateral institutional bodies: an Association Council on ministerial level, an Association Committee on senior official level and several sectoral sub-committees. The process of negotiating and ratifying the Association Agreements in the aftermath of the conference has advanced at different speeds; while Association Agreements with Tunisia and Morocco entered into force in 1998 and 2000, those with Egypt and Algeria were only ratified in 2004 and 2005. Negotiations with Syria concluded in 2004, however the agreement has not been signed yet. While both multilateral and bilateral elements have always been incorporated in the EMP, it has arguably maintained a strong focus on the multilateral region-building approach, which the European Commission considered “one of the most innovative aspects” (European Commission 2002).

The goal of democracy in the EMP is inscribed in the preamble of the Barcelona Declaration: “[...] the general objective of turning the Mediterranean basin into an area of dialogue, exchange, and cooperation guaranteeing peace, stability and prosperity requires a strengthening of democracy and respect for human rights [...]”. A more specific reference to democracy is made in the political and security chapter. Here the parties pledge to “develop the rule of law and democracy in their political systems, while recognizing in this framework the right of each to choose and freely develop its own political, socio-cultural, economic and judicial system” (European Commission 1995).

¹⁶ The implementation of the work programme is overseen and prioritised by the Euro-Mediterranean Conference of Foreign Ministers and the “Euro-Mediterranean committee”, which meets six times a year on senior official level. Also, there are sectoral ministerial conferences, various working groups and committees on senior official level, and a Euro-Mediterranean Parliamentary.

4.2.2. The European Neighbourhood Policy

When the 2004 enlargement of the EU from 15 to 25 member states became virtually certain, and when as a result minds began to focus on what this could mean for the “new neighbours”, the EU started developing a new policy framework. Victim of its own success the EU was confronted with the dilemma of either continuing the accession process at the risk of over-expanding and sacrificing effectiveness, or stopping expansion at the cost of violating one of its founding principles: to be open to all European democracies. The ENP must principally be seen as an attempt to overcome this dilemma and offer substantial partial integration to the neighbouring states short of membership, thus blurring the boundary between “in” and “out”. Initially, reflection and initiatives concentrated on the three northern neighbours, Belarus, Ukraine and Moldova, but when discussions in the European institutions became more serious, the Mediterranean member states voiced their concern that the south should not be relatively disadvantaged in any new initiative. As a result, the territorial scope of the initiative was progressively expanded; first to include all the Mediterranean states of the Barcelona Process and later – after the 2004 “Rose Revolution” in Georgia – the South Caucasus states Armenia, Azerbaijan and Georgia as well. The original title “Wider Europe” was dropped in favour of “European Neighbourhood Policy” (Emerson/Noutcheva 2005: 7).

The objectives and principles of the ENP were presented by the European Commission in a first Communication published in March 2003 (European Commission 2003a) and a strategy paper in May 2004 (European Commission 2004a). The central objectives of the ENP according to the strategy paper are (1) strengthening stability, security and well-being for both EU member states and neighbouring countries, and (2) preventing the emergence of new dividing lines between the enlarged EU and its neighbours (European Commission 2004a: 3). Drawing heavily on experiences from the enlargement process¹⁷, the ENP is built on the logic of conditional integration: “In return for concrete progress demonstrating shared values and effective implementation of political, economic and institutional reforms [...] the EU’s neighbourhood should benefit from prospects of closer integration with the EU.” (European Commission 2003a: 10) In contrast to accession policy, however, the most powerful incentive driving substantive reform in the partner states is not on offer: membership. The 2004 strategy paper spells out the offer in more detail: the perspective of moving beyond cooperation to a

¹⁷ The responsibility for developing the policy was initially given to a task force mainly staffed from the DG Enlargement. This changed under the new Commission under Barroso that came into office in 2004 when responsibility was fully passed to the DG Relex. (Emerson/Noutcheva 2005: 7)

significant degree of integration including “a stake in the EU’s internal market”, upgraded political cooperation, new and expanded programmes for technical and financial assistance, participation in Community programmes and agencies and the possible conclusion of a new form of “Neighbourhood Agreements” (European Commission 2004a: 8-9).

The main instrument for the implementation of the ENP is Action Plans establishing key priorities for actions to be agreed upon between the EU and each partner state bilaterally. This way, benchmarks are established which can be monitored and assessed¹⁸. The process is based on two principles: joint ownership and bilateral differentiation (European Commission 2004a: 8). The first implies that reform priorities are not imposed on partners but defined by common consent, while the latter introduces a logic of meritocracy into the process and differentiates between partner states on the basis of their ambition and commitment. In fact, as Del Sarto and Schumacher point out, this latter aspect is what most differentiates the ENP approach from that taken under the EMP in that it strengthens the focus on the bilateral dimension compared with the regional dimension. It deliberately opens perspectives for the relations with individual partners to develop at different speeds and depths. Action Plans show a degree of variation between individual cases far greater than in the case of Association Agreements (Del Sarto/Schumacher 2004: 21).

The ENP does not replace earlier frameworks of relations, but instead builds on and complements them. For the Mediterranean partners this means that the ENP does not replace the EMP, but is layered on top of it. The Association Agreements remain the legal foundation of the partnership and its procedural and institutional provisions remain in force. This means that the Association Council, the Association Committee and the sub-committees continue to be the central institutional forums for bilateral relations. The timetable of commitments for the establishment of a free trade area is not reiterated in the strategy documents or the Action Plans. The Action Plans do not have a legally binding character but rather serve to specify intentions and commitments on the road to deeper integration and as a basis for benchmarking and monitoring.

¹⁸ The structure of the Action Plans was – quiet evidently – derived directly from the standard agenda of the accession negotiations with the same comprehensive list of requirements to meet political and economic criteria and much of the *acquis* of EU law, albeit in a scaled-down version and with varying degrees of clarity of commitment. (Emerson 2004a: 7)

4.3. Instruments of Democracy Promotion in the Mediterranean

4.3.1. Diplomacy

As laid out above, diplomacy as an instrument of democracy promotion can be carried out through a number of different channels and tools: issues related to democracy can be brought up during meetings of government officials or diplomats. These meetings can be sporadic and informal or taking place within certain institutionalised forums. Public statements can be made about the situation of democracy in the respective state and a formal *demarche* can be issued in relation to issues concerning democracy. While the content of meetings between individual government officials and diplomats was not accessible for research conducted for this thesis and the EU does not consistently report on the issuing of *demarches*, the one channel of diplomacy about which limited information is available are the institutionalised contacts between Moroccan and EU officials within the forums established under the EMP: The Association Council and Committee and the sectoral sub-committees. Some observations on qualitative changes associated with the shift from EMP to ENP will be made regarding these institutions in chapter 6.1.

4.3.2. Conditionality

Conditionality in the EMP is enshrined mainly in the bilateral Association Agreements. Art. 2 of the EU-Morocco Association Agreement specifies: “Respect for the democratic principles and fundamental human rights established by the Universal Declaration of Human Rights shall inspire the domestic and external policies of the Community and Morocco and shall constitute an essential element of this Agreement”. The reference to the notion of an “essential element” is significant here as under international law, both partners can ask for measures or sanctions to be taken or the agreement to be suspended if an essential element is violated (Art. 60 Vienna Convention on the Law of Treaties). In addition to this, the Association Agreement contains an article among its final provisions that provides for the possibility to take “appropriate measures” in the case of the violation of an essential element of the agreement (Article 90,2 Association Agreement). Also, the MEDA¹⁹-Regulation, constituting the regulatory framework for financial assistance within the EMP includes an

¹⁹ MEDA is short for the “Financial and Technical Measures to Accompany the Reform of Economic and Social Structures in the Framework of the Euro-Mediterranean Partnership” (French: “Mesure d’Accompagnement”).

element of conditionality in the form of a suspension clause to EU cooperation with Mediterranean partner countries: The MEDA programme “is based on respect for democratic principles and the rule of law and also for human rights and fundamental freedoms, which constitute an essential element thereof, the violation of which element will justify the adoption of appropriate measures” (Council of the European Union 1996, Article 3). Since these elements of conditionality provide for punitive measures in case of violation of the “democracy principle”, political conditionality in the EMP is principally negative.

Since the ENP is layered on top of the EMP framework, the conditionality of the Association Agreement principally continues to apply after the launch of the ENP. On top of this, the ENP adds an element of positive conditionality. The mechanism through which positive conditionality is implemented in the ENP is the Action Plan process. Action Plans are drafted and negotiated between the European Commission and the partner state listing priorities for reforms, which are supposed to “demonstrate shared values” (European Commission 2004a). Additional incentives are offered that are supposed to be delivered according to progress in the implementation of these reform priorities. As a first step the EU Delegation in Rabat drafted a Country Report on Morocco in 2004 (European Commission 2004b) surveying the political and economic situation in Morocco and serving as a basis for the drafting of the Action Plan. A proposal for a EU-Morocco Action Plan was presented by the European Commission in 2004 (European Commission 2004c) and was jointly adopted in the Association Council in July 2005 to cover a period of five years. The Commission has published a first monitoring report in December 2006 (European Commission 2006d). A second, mid-term, monitoring report is foreseen for early 2008 (Interview with an EU official).

4.3.3. Positive Instruments

Positive instruments of democracy promotion are mainly the MEDA financial instrument under the EMP and the European Neighbourhood and Partnership Instrument (ENPI) under the ENP as well as the European Initiative for Democracy and Human Rights (EIDHR)²⁰.

²⁰ MEDA and ENPI are referred to as geographical programmes while EIDHR is one of seven thematic programme available globally. Following a fundamental restructuring and simplification of EU cooperation and assistance programmes beginning with the financial year 2007, there are now three geographical programmes (the ENPI, the Instrument for Pre-Accession Assistance (IPA), for countries with a membership perspective, and the Development Cooperation Instrument (DCI) for all developing countries that are party to the Cotonou Agreement) and seven thematic programmes, of which the EIDHR is one.

The MEDA instrument was established in 1996 to accompany the implementation of the Association Agreement. After the launch of the ENP, but beginning only with the financial year 2007, it was replaced by the European Neighbourhood and Partnership Instrument (ENPI). Programming and implementation of both MEDA and ENPI is managed by the European Commission's Directorate General for External Relations (DG Relex) and its cooperation office (AIDCO) in co-operation with the Moroccan authorities. Both apply principally to state authorities – central, regional and local – and funds are allocated only in rare cases to civil society organisations (in consent with the government and generally channelled through government institutions).

For both MEDA and ENPI, individual Country Strategy Papers are published identifying the main objectives, guidelines and priority sectors at country level on a multi-annual basis. Below this level National Indicative Programmes (NIP) are jointly agreed between the partner countries and the Commission further specifying objectives, individual projects and allocation of funds. Under MEDA the last Country Strategy Paper for Morocco was published in 2001 covering the period 2002-2006 (European Commission 2001a). National Indicative Programmes were covering the periods 2002-2004 and 2005-2006 (European Commission 2001a and 2004d). Under the ENPI a new Country Strategy Paper was published for Morocco covering the period 2007-2013 alongside a first National Indicative Programme for the period 2007-2010 (European Commission 2006a)

In contrast to MEDA and the ENPI, beneficiary organisations of EIDHR funds are mainly civil society organisations and programming and implementation do not need consent by the government. Eligible for financing are regional and international organisations, non-governmental organisations, national, regional and local authorities and official agencies, EU-based organisations and public or private-sector institutes and operators (Council of the European Union 2004a and 2004b). Programming and implementation are managed by the Human Rights and Democratisation Unit (B1) of the DG Relex in cooperation with AIDCO and the EU Delegation in the partner state. EIDHR funds are available for three different kinds of projects:

- *Micro-projects* – are designed to support small-scale human rights and democratisation activities carried out by grassroots non-governmental organisations

(NGO). They have an allocation of less than €100,000 and are identified through a call for proposals.

- *Macro-projects* – have a budget of no less than €300,000, are also identified by a call for proposals (excluding state, national and international governmental organisations or institutions from application).
- *Targeted projects* – are identified by the Commission in active pursuit of specific objectives, implemented by international or regional governmental or non-governmental organisations chosen by the Commission²¹.

While macro-projects and targeted projects are managed in Brussels by the DG Relex Unit B1 and AIDCO, micro-projects are managed directly by the EU Delegation in the respective partner state. The main instruments for programming are multi-annual programmes identifying thematic priorities and “focus countries” on which the largest share of resources is concentrated. Micro-projects are only implemented in such focus countries. The latest available multi-annual work programmes are covering the years 2002-2004 (European Commission 2001b) and 2005-2006 (European Commission 2004e) respectively.

For the comparable analysis of positive instruments under EMP and ENP the cut will be made at beginning of the financial year 2005. To be sure, the NIP 2005-2006 was still agreed under the MEDA framework and was guided by the Country Strategy Paper 2002-2006 published in 2001 before the ENP was launched. However, published in 2004, the developments in the EU’s policy approach towards the Mediterranean partners have already entered into the programming and the identification of projects. The Commission makes explicit reference to this in the document and recommends some adjustments (European Commission 2004d: 4-5). This justifies the NIP 2005-2006 already to be associated with the framework of the ENP. Since EIDHR projects are programmed on a shorter-term (annual) basis making a cut for comparison is less complicated and will be made at the beginning of 2005.

²¹ See the website of the European Cooperation Office: http://ec.europa.eu/europeaid/projects/eidhr/eidhr_en.htm

5. DEMOCRATISATION IN MOROCCO

5.1. The State of Democracy in Morocco

Since independence from French colonial rule in 1956, Morocco has been a monarchy. In its post-colonial history Morocco has been ruled by three kings: Mohamed V (1956-1961), Hassan II (1961-1999) and Mohamed VI (1999-present). The king is the head of state, head of the military and religious leader (“Commander of the Faithful” or *amir al mouminoun*²²). Even though the Moroccan constitution provides for an elected bicameral parliament and an independent judiciary, in practice authority rests with the king.

In the 2007 Freedom House “Freedom in the World” report, Morocco was given the status “partly free”, with a score of 5 for political rights and 4 for civil liberties (each out of 7 - 6 and 7 being considered “free”; Freedom House 2007). Looking at Dahl’s minimal criteria for democracy (chapter 2.1.), the Moroccan regime does not qualify as democratic. According to Dahl’s definition of democracy, eight institutional guarantees must be given in a democratic system: the freedom to join and to form organisations, the freedom of expression, the right to vote, eligibility for public office, the right of political leaders to compete for support, alternative sources of information, free and fair elections, and institutions for making government policies dependent on votes and other expressions of preference.

The *freedom to join and to form organisations* is largely given, albeit with some limitations. The constitution provides for the freedom of association, even though in practice this is somewhat restricted. Individuals who want to create an association must obtain the approval of the Ministry of Interior (Baracani 2005: 12). This provision is sometimes used to prevent the establishment of some associations, especially of Islamist groups and groups focussing on the issue of Western Sahara²³. Nevertheless, according to Freedom House, Morocco has a

²² This title is based on the Moroccan kings’ claim to be direct descendents of the prophet Mohamed.

²³ The territory of Western Sahara was a Spanish colony until 1975. Upon Spain’s retreat a violent conflict broke out between Morocco claiming sovereignty over it on grounds that it was a historical part of the Kingdom of Morocco and the Polisario Front claiming independence for the Saharawi people. Since a UN brokered cease-fire in 1990, Western Sahara is partly occupied by Moroccan armed forces and partly autonomously governed by the Polisario Front. Over the past 30 years Moroccan authorities have been encouraging Moroccan people to settle in Western Sahara to underpin its claim for sovereignty. The conflict is currently again dealt with by the UN Security Council (International Crisis Group 2007)

“healthy” number of independently functioning NGOs and likely the most vibrant civil society sector in the Arab world (Freedom House 2007).

The *freedom of expression* and the existence of *alternative sources of information* are guaranteed in principle, although in practice they have recently come under increasing pressure. The constitution and the press code guarantee freedom of expression. Moroccan journalists have been pioneers of an independent press in the Arab world: hundreds of publications circulate freely in the country and the government tolerates critical articles and editorials. Access to international newspapers and television as well as the Internet is unrestricted. However, the press code establishes a number of “red lines” – vaguely defined offences such as “undermining” the institution of the monarchy or the country’s “territorial integrity” (a clear reference to the issue of Western Sahara), defaming Islam, or “insulting” the king, foreign heads of state or diplomats – the violation of which may be punished by heavy fines and prison sentences. The number of cases where the authorities have made use of these provisions against critical newspapers has notably increased over the last few years²⁴. According to Human Rights Watch, this has already had a chilling effect on press freedom in Morocco (Human Rights Watch 2006). Accordingly, Morocco’s score in the Freedom House “Freedom of the Press” index dropped from 57 (“partly free”) in 2003 to 61 (“not free”) in 2006 (Freedom House 2006).

The *right to vote*, *eligibility for public office*, the *right of political leaders to compete for support*, and *free and fair elections* are possibly the least problematic issues among Dahl’s institutional guarantees for democratic governance in the case of Morocco. Parliamentary elections with universal suffrage have been held regularly since the 1960s. The last elections took place in 2002 and were considered largely free and fair (Freedom House 2007), although some minor shortcomings regarding a lack of transparency in the publication of results and the role of public financing of parties (Democracy Reporting International 2007: 13-19) have been pointed out. The existence of political parties is guaranteed in the constitution. A great number of political parties are active in Morocco and can operate with considerable freedom.

²⁴ In December 2006 the critical weekly *Nichane* was banned and its editor and one journalist sentenced to a three-year prison term for denigrating Islam after publishing a 10-page article on popular jokes about religion, sex and politics (El Pais, 1 Febr. 2007). Another weekly known for its critical stance, *Le Journal Hebdomadaire*, was sentenced in February 2006 to pay a record fine of about €300,000 for libelling Brussels think-tank *European Strategic Intelligence and Security Centre*, after characterising the centre’s recent report on Western Sahara as so pro-Moroccan that Moroccan authorities could well have ordered and paid for it (TelQuel, 18 Febr. 2006). Shortly after, the weekly *TelQuel* was also sued for libel twice and given disproportionate fines after publishing articles critical of the government (The Economist, 6 April 2006).

A new law on political parties was introduced in 2007 providing a regulatory framework for the establishment and public financing of political parties. While this framework contains some provisions for the distributions of public financing favour the large established parties and arrangements that may be used to prohibit Islamic groups and those focussing on regional issues (i.e. Western Sahara) from registering as political parties, it is largely considered to be an acceptable framework governing the competition among political parties (Democracy Reporting International 2007: 13-19).

Most problematic, then, in regard to the democratic quality of the Moroccan political system is the weakness or absence of *institutions making government policies dependent on votes and other expressions of preference*. Even if the parliament is democratically elected, it has only very limited political influence. It elects only part of the government, while the prime minister and several other so-called “sovereign ministries” (Interior, Foreign Affairs, Defence and Islamic Affairs) are appointed by the king and are responsible first to him and only second to the parliament. While in 1997 King Hassan II appointed a prime minister representing the parliamentary majority, his successor, Mohamed VI, abandoned this practice following the elections in 2002 by appointing Driss Jettou, a loyal technocrat without party affiliation. Additionally, while in theory the Moroccan constitutions guarantees for legislation passed by parliament, in practice it is done to a large degree by the king. The 1996 constitution allows the king to issue laws without consulting parliament and to veto bills approved by parliament and amend them at will without resubmitting them to the legislators. In practice, Mohammed VI makes wide use of his prerogatives. Commonly, most central issues of legislation are dealt with by handpicked royal commissions and prepared on the king’s terms before submitting them to parliament, leaving only minor issues of legislation to the parliament alone. Hence, since important policy changes are not implemented by an elected institution but by the king on his terms, the reality of the Moroccan political system does not guarantee for political decisions being dependent on public preferences. (Baracani 2005: 11-12; Ottaway/Riley: 10)

Another major democratic shortcoming of the Moroccan political system is the weakness of the separation of powers not only between the executive and the legislative branches but also between those of the executive and the judiciary. While an independent judiciary is provided for in principle by the constitution, the courts are regularly subjected to governmental pressure. Especially in politically charged cases such as terrorism, corruption of public servants, and offences against the monarchy, Islam or “territorial integrity”, judges of higher

courts may cooperate with the executive. In particular, the Minister of Justice commands not only wide administrative powers to run the justice department but also judiciary powers, which allow him to interfere in the judicial process (Baracani 2005: 11-12).

5.2. The Requisites of Democratisation

According to the World Bank, “during the last 30 years, Morocco has embarked on a gradual but solid program of human development in the Middle East and North African Region”. Since the 1970s, Morocco’s GDP has roughly tripled and in 2004, GDP *per capita* amounted to €1,529 (or \$1,678) (World Bank 2006a), placing it comfortably in the Huntingtonian “transition zone”, albeit on the lower edge of it, according to its level of economic development.

The growth of the Moroccan economy has seen dramatic ups and downs over the last several decades, primarily due to its strong reliance on the agricultural sector, which still largely depends on weather conditions. Growth was especially poor (< 3%) throughout much of the 1990s mainly due to a series of severe droughts, which struck the agricultural sector. Since 2001, Morocco has been experiencing higher growth rates peaking at 7.3% in 2006. Still, a World Bank study identifies Morocco’s low and unsteady growth as the central challenge in the country’s development agenda. (World Bank 2006b)

While the level of economic development, as unsteady though it may be, places Morocco in a zone where democratic transition – so to say – would not be a big surprise (at least from a point of view of modernization theory), social development indicators look more gloomy. To be sure, human conditions in Morocco have advanced significantly since the 1970s: life expectancy has increased from 55 in 1970 to 71 in 2005, during the same period, Infant mortality has dropped from 115 to 38 (out of every 1,000 live births) and primary school enrolment rose from 47% to 87% by 2004 (World Bank 2006a). However, in reference to international standards, Morocco still stands as an emerging country in human development, with very poor social indicators. In the United Nations Development Programme’s (UNDP) Human Development Index (HDI), Morocco scores 0.640, ranking 123rd among 177 countries²⁵. Quite significantly then, it ranks much lower in human than in economic

²⁵ The HDI provides a composite measure of three dimensions of human development: living a long and healthy life (measured by life expectancy), being educated (measured by adult literacy rate and enrolment at the primary,

development where its GDP *per capita* places it 105th among the same number of countries. The low HDI score is mainly due to weaknesses in the field of education. Morocco's adult illiteracy rate is very high at 47% (and thus among the highest in MENA and lower-income countries in general) and the combined enrolment ratio in primary, secondary and tertiary level education is at 58% the lowest in the entire Mediterranean region²⁶.

Morocco's other key challenge is its high incidence of poverty. In 2004, 14.3% of the population was living on less than \$2 a day. Even though this number has decreased from 19% in 1999 it remains very high. According to the World Bank poverty remains highly linked to the volatility of agricultural growth. The recent improvement has been the result of a good performance of the agricultural sector over the period 2001-2004, while the droughts of the 1990s resulted in a dramatic increase in poverty from 13% in 1991 to 19% in 1999. Accordingly, poverty is typically a rural phenomenon, with about 25% of the rural population living below the \$2 poverty line. (World Bank 2006a)

Thus, from a point of view of modernisation theory, Morocco faces structural challenges in achieving the requisites for democratisation to become more favourable. While its level of economic development places the country on the lower edge of the Huntingtonian transition zone, its growth rates remain unsteady. Social requisites of democratisation are quite weak when compared to the level of economic development. Especially the low level of enrolment in formal education and the high incidence of poverty are not favourable to democratisation.

5.3. Actors and Politics of Democratisation

In the terminology of actor-centred theory of democratisation it can be argued that Morocco finds itself in a stage of political liberalisation. As suggested above, liberalisation, refers to a process of political opening of an authoritarian regime through a redefinition and extension of political rights, stopping short, however of altering the authoritarian nature of the regime. As O'Donnell and Schmitter (1986: 15-17) further specified, a stage of liberalisation is usually initiated when those actors gain control inside the regime who believe either that political rule

secondary and tertiary level) and having a decent standard of living (measured by purchasing power parity income). (See the UNDP website: http://hdr.undp.org/hdr2006/statistics/indices/hdi_calculator.cfm)

²⁶ For the data presented on human development see the UNDP website: <http://hdr.undp.org/hdr2006/statistics/data>

should be based on public contestation or that the regime can only increase its legitimacy and hence its stability by conducting some liberalising reforms.

The latter is arguably what happened in Morocco in the early 1990s. Until then, the rule of King Hassan II had been based to a large degree on repression. Especially the 1960s and 1970s, often referred to as *les années de plomb* (“years of lead”), were particularly brutal. In the early 1990s, Hassan II made some steps in the direction of political liberalisation. Arguably, this came in response to increased pressure, to which the regime was exposed at this time because of several factors. The increasing activity of the IMF and the World Bank in Morocco since the beginning of the 1980s, and the changed international climate after the end of the Cold War led to increasing external pressures. Domestically, the implementation of structural adjustment programmes in the 1980s disrupted social balances and the series of severe droughts in the 1990s led to a huge wave of migration of rural populations into the cities, leading to unprecedented unemployment and social unrest (Maghraoui 2002: 25-27; Cavatorta 2005: 555-560). The waning of the regime’s legitimacy showed clearly in the growing support for Islamist groups among the population (Ottaway/Riley 2006: 5). Possibly adding to these various pressures “[t]he fact that Morocco faced an imminent succession because of the king’s advancing age provided [...] incentive for Hassan II to introduce change while he was still fully in control, rather than to lose grip on power or entrust the challenge of transformation to his successor” (Ottaway/Riley 2006: 5).

First signals for the beginning of political liberalisation were sent out when Hassan II announced the establishment of a *Conseil Consultatif des Droits de l’Homme* (CCDH), which was mandated to resolve cases of forcible disappearances and to compensate victims of human rights violations, and when he released 300 political prisoners in 1990. The constitution was amended twice, in 1992 and 1996, to slightly increase the power of parliament and to make Moroccan law conform increasingly to international human rights conventions (Baracani 2005: 9). In 1997, Hassan II made the most visible move towards change by inviting two parties that opposed him during the 1960s and 1970s – the *Istiqlal* and the *Union Socialiste des Forces Populaires* (USFP) – to form government.

The succession in 1999 from Hassan II to his son, Mohamed VI, was accompanied by high expectations for further impetus for political reform. Indeed, right after his accession to the throne the new king took two highly symbolic steps in the direction of a clear break with the

past: He openly recognised direct state responsibility for systematic human rights violations during the reign of his father and he dismissed Driss Basri (Minister of Interior and closest confidant of Hassan II), the figure most closely associated with the repressive practices during the *années de plomb*. During the first five years of his reign, Mohamed VI extended the mandate and the autonomy of the CCDH, established an independent truth commission, the *Instance de Équité et Réconciliation* (IER)²⁷, to investigate human rights abuses under the reign of his father, and initiated a reform of the family code significantly improving the status of Moroccan women²⁸.

The process of reform initiated by Hassan II and advanced by Mohamed VI has certainly had real effect on the lives of Moroccans. The country today is more open, once-taboo subjects are being discussed by an independent press, women enjoy more rights, and the human rights situation has significantly improved. However, “despite their significance in the social and economic realm and the considerable improvements they have made in the Moroccan human rights situation, the reforms enacted [...] are not real political reforms that have changed the distribution of power and the nature of the political system” (Ottaway/Riley 2006: 8-9). While political pluralism has been expanded to some degree, it remains controlled and power remains invariably in the hand of the monarch. Rather than following a genuine strategy of democratisation, or even a liberalisation that might slip out of hand, it seems more that the reforms enacted have allowed the monarchy to regain a firm hold on power and to rebuild its legitimacy and hence its stability (Albrecht/Schlumberger 2004: 380-382) and thus the country may – at least in the short-term future – remain deeply entrenched in the “trap of liberalized autocracy” (Brumberg 2002).

²⁷ The IER was mandated to investigate forced disappearances and arbitrary detentions carried out between 1956 and 1999, to prepare a report containing specific as well as general information concerning these violations, and to recommend forms of compensation and reparation for the victims, including measures of rehabilitation and social, medical, and psychological assistance. The IER was also asked to recommend measures to help Morocco memorialise these abuses and to prevent their recurrence in the future. It was headed by Driss Benzekri, a political prisoner who spent 17 years in jail. In a little less than two years thousands of victims were interviewed and field investigations in different parts of the kingdom were conducted where especially severe human rights abuses were perpetrated. In November 2005 the commission published its final report. The establishment of a truth commission in this form was an unprecedented step in the Arab world. (Schmid 2006: 18)

²⁸ The new family code abolishes most of the provisions that discriminated against women in matters of marriage, divorce, and custody of children. It raises the legal age for marriage from 15 to 18, makes divorce for women easier by mutual consent and more difficult for men unilaterally, and allows for polygamy only with the consent of the first wife. (Schmid 2006: 17-18)

If Morocco is to move forward to democratic transition, the initiative or the pressure will have to come from political forces outside the palace, as Ottaway and Riley argue – very much in line with actor-centred theory:

“Reform of the political system as well as more far-reaching policy reform, depends on the emergence of independent political forces that the king can neither suppress nor co-opt. By definition such forces would have to be political movements with large political bases” (Ottaway/Riley 2006: 11).

Major actors outside the palace in Morocco are the long-established secular parties on one side and Islamist parties and movements on the other. The most important secular parties, measured by their score in parliamentary elections, are the USFP and the *Istiqlal*. Both still enjoy a considerable amount of historical legitimacy. While *Istiqlal* was the most prominent movement during the Moroccan struggle for independence, the USFP was Morocco’s main militant socialist opposition at a time when left-wing ideologies dominated the Arab political world. Both are apparently enjoying stable popular support. In the parliamentary elections in 1997 and 2002 they came out representing the two largest parliamentary groups. However, major pressure for a further democratic opening is unlikely to come from these parties. First, like most of the traditional secular parties in the Arab world, they are old, lacking initiative and are as much in need of democratic reform as the system itself (Ottaway/Hamzawy 2007: 4-6). Second, since they came into government in 1997 they have been increasingly incorporated into the patronage system of the monarchy and now consider themselves “government” parties, as if this were a permanent characteristic. Like many secular parties in the Arab world, they are reluctant to challenge the authoritarian ruler and prefer allying themselves to him in order to protect themselves against the rising tide of moderate Islamism (Ottaway/Hamzawy 2007: 6).

The two most important groups representing moderate political Islamism in Morocco are the *Parti de la Justice et du Développement* (PJD) and the *Mouvement Justice et Bienfaisance* (MJB) (*al Adl wal Ihsan*). The PJD is established and has been recognised as a political party since 1998. Its structure is tied to a religious association, *al Tawhid wal Islah*, which comprises about 200 Islamist associations. Although the party denies any organic relationship with the latter, most PJD leaders are members of *al Tawhid wal Islah* and hold various functions. There is a clear division of labour between the two: while the former positions itself as a respectable conservative party and recognizes the authority of the monarch, the

latter is more critical of the authorities and remains in contact with the base through religious associational work (Amghar 2007: 2). The potential of the party was indicated by its success in the 2002 elections where it came in third, winning 42 seats although it had only presented candidates in half of the districts²⁹.

The second group, *Justice et Bienfaisance*, is officially banned but tolerated in practice, though closely watched and sometimes the object of political repression³⁰. The movement is organised around the figure of its founder, Sheik Abdessalam Yassine, a combination of spiritual guide and charismatic leader. It was formed in the 1970s out of a number of Moroccan Sufi brotherhoods. The MJB is highly critical of the monarchy and the institution of the “Commander of the Faithful”. It accuses the king of using Islam to serve his own interest and resolutely affirms the necessity of adopting a republican form of government³¹. However, it openly rejects political assassinations and armed violence and has distanced itself from its own violent tactics used throughout the 1970s and 1980s. Instead, it prefers legalistic and pacifistic action like demonstrations, petitions and the highly popular interviews and speeches of Nadia Yassine, the Sheik’s daughter (Beau/Graciet 2006: 42-45). While the MJB continues to reject political participation considering the regime as corrupt and illegitimate, it has undergone recent changes that have led to speculations that it might be preparing to alter its position. It has put into place two leadership bodies: the political *Majlis al Shura*, which provides the political and organisational direction of the movement, and the *Majlis al Irhad*, which provides spiritual and ideological guidance. While this is still not the same kind of separation between political party and religious organisation that occurred within the PJD, some observers perceive it as the possible beginning of a change in that direction (Ottaway/Riley 2006: 16). To assess the strength and the amount of support that the MJB enjoys is difficult. It does not compete in elections and there are no reliable sources on the number of its members and followers³². On the basis of its capability to mobilise supporters for street demonstrations and other public campaigns it is assumed to enjoy significantly more support than the PJD (Beau/Graciet 2006: 41-42).

²⁹ This was most likely a case of tactical self-restriction to avoid provoke great concern in the Ministry of Interior. (Willis 2002)

³⁰ In late 2006, for example, about 3,000 of the movement’s militants were questioned by the police during a recruitment campaign and some of them convicted to prison terms (Le Journal Hebdomadaire, 1 December 2006).

³¹ Abdessalam Yassine has spent several years in prison and under house arrest for challenging the role of the monarch as “Commander of the Faithful”. Nadia Yassine, his daughter and a prominent figure in the movement, is currently on trial for insulting the monarchy in reaction to an interview in which she commented that “Moroccans would not die if we did not have a king” (The Economist, 6 April 2006).

³² In 1989 the Moroccan intelligence service estimated the number of its militants at 42,000. In an interview with the magazine *TelQuel* in 2006 Nadia Yassine spoke of 100,000 (Beau/Graciet 2006: 41).

Considering this political landscape, if significant steps in the direction of democracy will have to come from actors outside the palace, like was argued above, two developments will be of specific interest in the foreseeable future: An interesting and potentially critical moment will occur after the elections in September 2007. If the PJD will indeed score higher than the two parties currently in government, the king will be under considerable pressure to allow it to participate in the government. If the PJD accepts, the PJD will have to demonstrate its capacity to work from within the legal political process. The critical question in this scenario is whether it will be able to maintain its independent voice and to what extent it will exert greater pressure on the palace to give up some power in the short run, than the secular government parties did in the past (Kausch 2007). The structure explained above that links the party to a religious grass-roots association allows for the expectation that the party leaders will be watched with considerable scrutiny once in power which raises hopes that the party would be able to resist endeavours of the palace to integrate it into its patronage system.

A second – more distant and less clear foreseeable – development is the future evolution of the MJB. As Beau and Graciet point out, the Sheik Yassine is 79 years old and retreating increasingly into mysticism. Other people in the leadership are unquestionably moving in the direction of political action. At the moment, three factions are distinguishable inside the movement: The “orthodox” represented by the abiders of Yassine and mostly of his generation, the “observing”, those who wait to see how things will develop, and the “participationists”, a group made up chiefly of the generation in their 30s and 40s, gathered mainly in the political council and wanting to participate in the political process (Beau/Graciet 2006: 218). If the MJB moves further in the direction of political participation, it would constitute a considerable force in the Moroccan political system and one with great popular credibility and great scepticism towards the monarchy.

6. EU DEMOCRACY PROMOTION IN MOROCCO

6.1. Diplomacy

6.1.1. Issues Addressed by Diplomacy

The institutionalised bilateral *forums* established under the Association Agreement are the Association Council, meeting annually on ministerial level and the Association Committee plus its various sub-committees meeting on senior official level. Sub-committees were established covering the following issue areas under the EMP following the conclusion of the Association Agreement: internal market; industry, trade and services; transport, environment and energy; research and innovation; agriculture and fisheries; and justice and security (Council of the European Union 2003a). While issues related to direct aspects of democratisation generally played a negligible role during the meetings of the Association Council and Committee, neither does any of the sectoral sub-committees address democratisation.

In this regard the installation of an additional sub-committee on democratisation, human rights and governance with Morocco under the ENP marks a significant shift in EU-Morocco bilateral relations. The establishment of sub-committees dealing with issues related to democratisation is an element introduced by the ENP to be established with all individual neighbourhood partner states. Being one of the first countries to finalise an Action Plan, Morocco is also one of the few countries with whom this sub-committee has already been established. Meetings will be held on an annual basis. The rules of procedure provide for the sub-committee to evaluate progress and examine any problems that may arise concerning the rule of law, good governance, and democracy, the implementation of the principal international conventions on human rights and the reinforcement of national administrative and institutional capacity (European Commission 2004b). The first meeting took place in Rabat in November 2006. During the meeting the Moroccan side was asked to present on 7 individual issues falling into the category of either democratic reform of governance and state institutions or issues of political contestation³³. The establishment of this sub-committee,

³³ Individual issues on the agenda were (1) the regulatory framework governing political parties; (2) strengthening administrative capacity; (3) decentralisation of local government; (4) access to justice; (5) progress regarding the ratification of international human rights conventions and the adjustment of domestic law; (6) progress of domestic engagement in strengthening human rights and fundamental freedoms; and (7) the

hence, provides an institutionalised and permanent forum for the bilateral discussion of issues in the category of direct democracy promotion. While the consistency with which these issues are raised during sporadic diplomatic contacts in general cannot be assessed, the sub-committee already allows for the conclusion that issues directly related to democracy are raised with more frequency and consistency than was the case until the launch of the ENP.

6.1.2. Coerciveness of Diplomacy

The position that the EU approach of democracy promotion through institutionalised bilateral contacts will take under the ENP on the continuum between consensus and coercion will depend largely on the vigour with which issues will be addressed in the new sub-committee on democratisation, human rights and governance. As explained above, this sub-committee has only had one meeting so far and it is too early to assess its work. Asked about this first meeting, an EU official stated that the meeting was dominated by a presentation of developments and practices concerning the respective issues on the agenda. In fact, the EU was presenting on developments in certain issues in Europe as well. The atmosphere was described as largely one of exchange of perspectives and assessments (Interview with an EU official). This points very much in the direction of a genuine partnership approach, with the mode of engagement resembling very much what was called “diplomatic dialogue” above. There are no indicators that serious pressure has been applied during this first meeting. On the other side, there are indications that the EU does have some minimum expectations as regards the working of the sub-committee and is willing to confront the Moroccan side over this. In the process of negotiating the rules of procedure of the sub-committee, the Moroccan side prevented the inclusion of a provision in the first place that would allow the sub-committee to discuss individual cases. In an exchange of letters with the Moroccan Ambassador, however, the European Commission made clear, that it will insist “to make reference to individual cases whenever it deems useful” also in the sub-committee (Interview with an EU official).

6.1.3. Intensity of Diplomacy

The scope of analysis of diplomacy limited to contacts between the EU and Morocco in institutionalised bilateral *forums*, the only observation that can be made here regarding the

guarantee of the freedoms of association a expression. (The agenda of the meeting was made available to the author by an EU official.)

intensity with which diplomacy is employed as an instrument for democracy promotion, is that two new institutions have been established under the framework of the ENP, one being the sub-committee on democratisation, human rights and governance and the other the also newly established “Enforced Political Dialogue”. Each of these provide an institutional framework in which EU and Moroccan officials meet on regular basis to discuss issues related to democratisation. This does provide for a certain increase in activity of democracy promotion through diplomatic contacts.

6.2. Conditionality

6.2.1. Issues Addressed by Conditionality

Euro-Mediterranean Partnership

The conditionality clause in the Association Agreement and the suspension clause of the MEDA-Regulation explicitly address political issues. Both clauses demand from partner states the respect for “principles of democracy”. Neither the Association Agreement nor the MEDA-Regulation, however, makes specifications more detailed than this. This stands in stark contrast to the very comprehensive provisions and specifications in the realm of economic reform in the Association Agreement. Articles 6 to 63 deal in great detail with the common commitment to free trade and the necessary accompanying economic and regulatory reforms for the establishment of a free trade area. This leads Youngs (2002: 41-42) to conclude that “the EMP’s political intentions were vague and tentative alongside the extensive and detailed timetables for economic liberalisation.” Hence, political reform, albeit addressed directly by conditionality under the EMP, plays a minor role in comparison to issues of economic development.

European Neighbourhood Policy

In the framework of the ENP, conditionality is enshrined in the Action Plan process. The Action Plan for Morocco contains a total of 85 reform priorities further specified in 417 bullet points and grouped under 6 chapters: political dialogue and reforms (12 priorities); economic and social reform and development (6 priorities); trade, market and regulatory reform (27 priorities); justice and home affairs (13 priorities); transport, energy, information society, the

environment, science and technology, research and development (19 priorities); and people-to-people contacts (8 priorities). Obviously then, just as was the case in the EMP, conditionality in the ENP framework is much more specific and detailed in regard to economic and regulatory issues, while there are comparably fewer demands on political reform. The chapter on political dialogue and reforms is sub-divided into four sections, of which the first two – entitled “democracy and the rule of law” and “human rights and fundamental freedoms” – contain the following priority actions that relate directly to democracy (Figure 5)³⁴:

<p>Democracy and the Rule of Law</p> <p>(1) Consolidate the administrative bodies responsible for reinforcing respect for democracy and the rule of law</p> <ul style="list-style-type: none"> • Develop a regulatory framework governing political parties • Implementation of the law on the formal motivation of administrative acts, local authorities and public institutions • Enhance the power of local authorities • Implement local authority reform <p>(2) Increase efforts to facilitate access to justice and the law</p> <ul style="list-style-type: none"> • Simplify judicial procedures • Strengthen family courts in order to support the provisions of the new family code • Strengthen youth justice as part of the reform of the new criminal code <p>(3) Cooperation in tackling corruption</p> <ul style="list-style-type: none"> • Follow-up the conclusions of the „justice and security sub-committee • Implement respective laws and instruments • Apply the measures provided for in the UN Convention • Implement a national anti-corruption strategy <p>Human Rights and Fundamental Freedoms</p> <p>(4) Ensure the protection of human rights and fundamental freedoms according to international standards</p> <ul style="list-style-type: none"> • Establish a sub-committee on human rights, democratisation and governance • Abandon opt-outs with regard to international human rights conventions • Accession to optional protocols of human rights conventions to which Morocco is party • Draft and implement national human rights action plan • Strengthen dialogue on human rights at all levels <p>(5) Freedom of association and expression</p> <ul style="list-style-type: none"> • Implement the law on freedom of association and assembly in accordance respective UN convention • Develop a new press code • Implement the law liberalising the audiovisual sector
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Figure 5: EU-Morocco Action Plan: Priorities for Political Reform (Source: European Commission 2004c)

³⁴ For the purpose of greater clarity only those priorities that are directly related to democracy promotion are reproduced here. Priorities related to social, cultural and economic rights as well as effective and efficient governance were omitted. For the same reason the individual points are reproduced in a shortened form reducing them to their content. In the actual text of the Action Plan, individual points are phrased with greater complexity leaving room for different degrees of clarity and commitment. For the complete text of the political chapter see annex 1.

Most of these issues are related to the reform of governance and state institutions: decentralisation, administrative reform, corruption and modernisation of the judiciary all fall in this category, aimed largely at strengthening the rule of law and making state administration more transparent and accountable. Remarkably, also in this catalogue a number of issues related to political contestation are explicitly addressed. Most specifically the demand for a new political parties law as well as for reform strengthening the freedoms of expression and association are issues with the potential to further expand the room for public contestation and to reduce the room for manoeuvring and repression by the authoritarian regime. This said, however, it is obvious that these reform priorities fit in quite smoothly with the process of partial political reform in Morocco, through which increasing space for (controlled) political pluralism has been opened since the 1990s (see 5.3.). Reform issues directly addressing core democratic shortcomings specific to the Moroccan case - like the weakness of the parliament and the feckless separation of powers – are visibly absent from the catalogue of reform priorities³⁵.

In conclusion, then both EMP and ENP place much greater emphasis on economic issues than on political ones. Political conditionality of the ENP, however, goes much further with political conditionality than that of the EMP with its rather unspecified reference to the “respect for the principles of democracy”. While the Association Agreement containing the democracy clause remains in force, the Action Plan adds on to this significantly by listing concrete issues and explicit demands of top-down reform of governance and state institutions. While a number of demands addressing issues of political contestation are included in the Action Plan, they concern largely reform efforts that are part of the Moroccan agenda of controlled political liberalisation. Reforms bearing the potential to significantly expand the contested political space are not addressed in the Action Plan.

6.2.2. Coerciveness of Conditionality

In the framework suggested above for the analysis of approaches to democracy promotion, the coerciveness of conditionality is determined by the process, through which conditions and criteria for the delivery or withholding of threats and/or punishments are established, rather

³⁵ In fact, the 2004 Country Report, drafted by the EU Delegation in Rabat to form a basis for the negotiation of the Action Plan, mentions the limited powers of parliament and the lack of separation of powers (European Commission 2004b: 6-7). The mentioning in the report, however, has not translated into reform priorities during the process of negotiations between the European Commission and the Moroccan authorities.

than by the actual practice regarding the delivery or withholding of these incentives and punishments. The latter, which may include measures as “coercive” as imposing sanctions, will instead be discussed under the category relating to a conditionality policy’s intensity.

Euro-Mediterranean Partnership

The “criteria” for withholding or delivering the negative incentive of EMP conditionality is codified in the democracy clause of the Association Agreement and the suspension clause of the MEDA-Regulation. While the latter was adopted unilaterally by the European Council without the individual consent of the partner states, the former was bilaterally negotiated between the EU and the individual partner state. The fact that the inclusion of the democracy clause in the Agreement had the potential to create conflict is indicated by the long time-spans that passed until negotiations could be concluded in individual cases. Youngs observes: “The EU’s insistence that the Mediterranean partners agree to democracy forming a legitimate part of the EMP was firm as was its imposition of the new democracy clause.” (Youngs 2002: 49) The result of this was that Egypt and Algeria, continuing to resist the EU’s standard democracy clause, only signed Association Agreements in 2004 and 2005 while negotiations with Syria have still not been concluded to date. Morocco had no objections to the inclusion of the democracy clause, which was one of the reasons that negotiations could be concluded in 1996.

European Neighbourhood Policy

Similar to the EMP, there is a tension between coercion and consensus inherent to conditionality in the ENP framework from its very conception. Principally, the ENP Action Plan is based on the principle of “joint ownership”, implying a consensual approach. This aspect is emphasised in the ENP Strategy Paper: “Joint ownership of the process, based on the awareness of shared and common values and common interests, is essential. The EU does not seek to impose priorities or conditions on its partners. [Priorities] will be defined by common consent” (European Commission 2004a: 8). At the same time, however, the very concept of conditionality implies an asymmetric relation between the EU and its partners. Even though Action Plans are not unilateral acts by the European Commission (as was the case in the accession partnerships concluded with membership candidates, for example), but need to be agreed in consensus within the Association Council, it is also evident that the EU has brought

its standard agenda of requirements (derived largely from the accession process) to the negotiation table for screening by the partner states. While partner states cannot be obliged to accept individual requirements in principle, only those who commit themselves to reform will have anything to gain from the ENP (Del Sarto/Schumacher 2005: 23).

The exact degree to which ENP conditionality gravitates to one pole or the other on the coercion-consensus continuum, then, depends largely on the extent to which the EU utilizes its leverage in the Action Plan negotiations. Negotiations on the EU-Morocco Action Plan took place in Brussels in 2004 and were headed by the Neighbourhood Policy unit of the DG Relex on the EU side. EU officials involved in the negotiation of the Action Plan in 2004 and 2005 speak of an open atmosphere with room for discussion on almost every issue (Interview with an EU official). Given the large scope of issues covered by the Action Plan there should be considerable room for log-rolling and trade-offs between partners and issue areas that could be used by the EU to push political issues on the agenda in exchange for concessions on issues of vital (economic) interest to the partner state³⁶. As was the case with individual Association Agreements, the fact that the negotiation of Action Plans took considerably longer with individual partner states because of their resistance to include certain demands related to political reform³⁷, indicates that the EU firmly insisted on certain minimum criteria and that the definition of Action Plan priorities was not an entirely consensual process. The limitations of any coercive approach during these negotiations, however, are clearly indicated by the ultimate content of the political chapter of the EU-Morocco Action Plan. The very fact that central democratic shortcomings of the Moroccan regime that were reported in the Delegation's 2004 Country Report were not inscribed in the Action Plan as priorities for reform, indicates the limited amount of pressure employed during negotiations and ultimately the degree to which the consensual and partnership approach outweighs conflict and coercion in this process.

In comparison to the EMP, then, there are no visible indications that the approach to defining the criteria of conditionality has changed with respect to the dimension between consensus

³⁶ According to an EU official, the question during negotiations was less, which issues could be included in the Action Plan, but rather how strict and clear the wording would be concerning individual issues. During the negotiation process for the EU-Israel Action Plan, for example, member states demanded the inclusion of stricter wording concerning the issue of weapons of mass destruction. This resulted in a considerable elongation of the negotiation process in that case. (Interview with an EU official)

³⁷ Negotiations with Egypt, for example, dragged along until the end of 2006 because Egypt resisted – among other things – to agree on the establishment of a sub-committee on democracy, human rights and good governance (Interview with an EU official).

and coercion. Looking at the negotiation process in the Mediterranean in general, there are indications that in the negotiation of both Association Agreements and Action Plans, the EU was firm in insisting on certain minimal criteria. Still, in both cases these minimal criteria have apparently been unproblematic for the Moroccan side as the negotiation processes both of the Association Agreement and of the Action Plan have been among the quickest in the Mediterranean. The limited inclusion of central democratic shortcomings into the Action Plan, however, shows the strict limitations of elements of pressure and coercion in this process.

6.2.3. Intensity of Conditionality

Above it was suggested to analyse the intensity of conditionality using the external incentives model by Schimmelfennig and Sedelmeier (3.1.2.2.). Accordingly, the intensity of conditionality is held to be a function of the size of the offered rewards, the determinacy of conditions and the credibility of conditionality.

Euro-Mediterranean Partnership

Concerning the negative political conditionality of the EMP, the verdict in academic literature and policy analysis is quite unanimous in that it has been largely ineffective (Jünemann 2001; Youngs 2001: 18-26; DelSarto/Schumacher 2005: 22). Applying the external incentives model to assess the intensity with which conditionality has been applied under the EMP the problem lies mainly in its credibility and the determinacy of the provisions. While the size of rewards (which must be thought of as size of threats, of course, in the context of negative conditionality) is actually considerable, considering that “appropriate measures” may include the suspension of the Association Agreement implying a serious disruption of the bilateral economic relations and the establishment of a free trade area, as well as suspending MEDA funding completely (Art. 2 Association Agreement; Council of the European Union 1996). As regards the determinacy of conditions, the conditionality clauses of the Association Agreement and the MEDA-Regulation have the merit that they are legally codified and thus binding in their status. On the other dimension of determinacy, however, with respect to its clarity and its informational value concerning the behaviour expected from the target actor, both clauses are vague. “Respect for the democratic principles [...] shall inspire the domestic and external policies [...] of Morocco” (Art. 2 Association Agreement) is certainly not a very

clear guideline. Most problematic, though, is the strong lack of credibility of negative conditionality in the EMP. Following the external incentives model, the credibility of conditionality policies is determined *inter alia* by the consistency, with which it is implemented. The fact that the conditionality clause has not been applied a single time in relation to any Mediterranean country in spite of numerous incidents of authoritarian abuse between 1995 and 2005 in some of the Mediterranean partner³⁸ renders negative conditionality little credible after ten years of operation.³⁹

European Neighbourhood Policy

Shortly after its initiation, some academic observers undertook the task of assessing the prospects of the new ENP conditionality model on the basis of the external incentives model (Schimmelfennig 2005; Magen 2006) and came to very sceptical conclusions about the prospects for the effectiveness of ENP political conditionality, arguing that, in the absence of a membership perspective, incentives are too small, political conditionality, outside the accession context, too likely to be compromised by other goals of EU external governance and, given that the EU deals mainly with authoritarian regimes in the ENP, domestic power costs of compliance too large for ENP conditionality to have a significant effect on political change in the neighbouring states (Schimmelfennig 2005: 9-13; Magen 2006: 410 – 420).

Both Schimmelfennig and Magen take the accession process of Central and Eastern European states as a point of reference for their assessment and argue from an *ex ante* perspective. Naturally, prospects for compliance within the ENP are not comparable to those with the accession process. Instead, what will be looked at, are the conception and developments in the

³⁸ The case of Sa'ad Eddin Ibrahim may serve as a topical example. Egyptian authorities imprisoned the sociology professor in 2002 while he was conducting a MEDA-sponsored human rights project. Other than the United States, who suspended bilateral funding in response, the EU did not take any measures (Del Sarto/Schumacher 2005: 22; Huuthanen 2005: 20).

³⁹ In practice, punitive measures based on the democracy clause would require an initiative by the European Commission and approval by the European Council by qualified majority. The European Commission like many member states, however, has generally favoured a positive partnership-based approach to encouraging political reform. As Young has observed, the Commission was „rarely keen on bringing forward recommendations to invoke this clause”. Instead it „invariably positioned itself on the side of those member states most opposed to the systematic use of political conditionality” (Youngs 2006a: 54) In fact, in the only case where sanctions were seriously discussed among the European institutions, the initiative was taken by the European Parliament. In 2002, Parliament adopted a resolution urging the Commission and the Council to take actions against Israel in response to human rights violation in the context of the intensification of the second Intifadah (European Parliament 2002). The initiative received no effective response from the Council although, unexpectedly, the then president of the European Commission, Romano Prodi, publicly supported the parliament's proposal. (Schmid 2003: 22)

implementation of the new ENP conditionality two years after its initiation to trace changes in the intensity of conditionality *vis à vis* the negative conditionality of the EMP.

Size of rewards: The initial pretence in early thinking about a new policy concept for the neighbourhood was to find a model through which the EU could bring to bear its transformative power to countries without a membership perspective. In the words of Romano Prodi: “The goal of accession is certainly the most powerful stimulus for reform we can think of. But why should a less ambiguous goal not have some effect. A substantive and workable concept of proximity *would* have a positive effect.” (Romano Prodi cited in Magen 2006: 411; emphasis in original). The ENP, finally, is based on the assumption that the EU can indeed unfold its transformative power through incentives short of membership. In early thinking, the EU was meant to offer its partners “everything but the institutions, which means very close economic and political integration” (Prodi 2004). As a general trend, this bold vision has been increasingly diluted and downgraded throughout the institutionalisation of the ENP. The initial 2003 Communication by the European Commission presenting the ENP proposes several incentives: “a stake in the EU’s internal market and further integration and liberalisation to promote the free movement of persons, goods, services, capital (four freedoms); an extension of the internal market and *acquis* based regulatory structures to ENP partners; preferential trade relations and market opening; the prospect of lawful migration and softening visa requirements; integration into transport, energy, and telecommunications networks; and enhanced financial assistance from the EU (European Commission 2003a: 10-14). The 2004 Strategy Paper (European Commission 2004a: 8-9) and the EU-Morocco Action Plan largely mirror these incentives, while the scope of the intensity of inclusion have been toned down. The following incentives are listed in the Action Plan (European Commission 2004b: 2-3):

- Moving beyond the existing relationship to a significant degree of integration, including offering Morocco “a stake in the internal market” (omitting the explicit reference to the “four freedoms”).
- The continued reduction of trade barriers (now without the mentioning of preferential trade relations).
- Increased financial support.
- The possibility of gradually opening access to certain Community *forums* and programmes.

- *Establishing a constructive dialogue* on visa issues, including the examination of visa facilitation.
- The possibility of new contractual relations that could take the form of new European Neighbourhood Agreements.

Incentives can be summarized, then, as economic integration, openness to the movement of people, participation in community programmes and agencies and financial aid and enhanced contractual relations. Altogether, these are less impressive and the language in which they are promised is less clear and determinate than what may have been hoped for after initial visions and initiatives had been leaked by the Commission.

Two years into the implementation process and with a new Communication on “Strengthening the ENP” published by the European Commission in late 2006 (European Commission 2006c) and a Presidency’s Progress Report published in mid-2007 (Council of the European Union 2007), some progress has been made in further carving out in more detail what exactly is on offer. Regarding the economic realm, an independent feasibility study on free trade with Ukraine was contracted by the Commission, which concludes by advocating a “deep free trade” strategy (Emerson et al. 2006). “Deep free trade” as developed in this study, would cover the removal of non-tariff barriers for goods, the complete liberalisation of service sectors, regulatory reforms of service sectors drawing selectively on the EU *acquis* and supporting investments in transport and energy networks (*ibid*: 8-11). The Commission has built these recommendations into the terms of reference for negotiations on a new agreement with Ukraine. The fact that the recent Presidency Progress Report on the ENP advocates the pursuit of a “deep and comprehensive FTA” approach as a possible model for all ENP partner states (Council of the European Union 2007: 8) could be seen as an indication that this could be a concrete model for the EU offer to ENP partners in the economic realm.

As regards the movement of people, the Commission acknowledges the centrality of quick progress in this issue in its recent Communication on strengthening the ENP: “The Union cannot fully deliver on many aspects of the ENP if the ability to undertake legitimate short-term travel is as constrained as it is currently. [...] The ability to obtain short-term visas in reasonable time at reasonable cost will be an indicator of the strength of our European Neighbourhood Policy” (European Commission 2006c: 5). In this line, the EU offers to negotiate visa facilitation agreements with all those partners that have Action Plans in force.

The first agreement of this type under the ENP was reached with Ukraine in 2006. Negotiations with Morocco are currently under way. Since both the 2006 Commission Communication and the Presidency Progress Report are silent on visa-free travel even in the long term, visa facilitation seems to be as far as the EU is willing to go for the moment in relation to the incentive of free movement of persons⁴⁰.

In another recent Communication, the Commission has thoroughly examined the question of how the partner states might be associated with or become participants in EU agencies and policy programmes. It reviews comprehensively the scope of existing EU agencies and programmes, identifying 19 agencies and 17 programmes that are essentially open to the participation of all ENP partners⁴¹ and adopts general criteria for the inclusion of partners (European Commission 2006d). With this step, the Commission has principally opened the floor for consultations to be held with individual partners on their participation in these institutions⁴².

Regarding financial assistance, beginning with the new financial perspective in 2007, the EU has replaced the MEDA financial instrument for the Mediterranean and the TACIS (Technical Assistance to the Commonwealth of Independent States) instrument for Eastern Europe and Central Asia with a new European Neighbourhood and Partnership Instrument, through which bilateral and regional assistance is available to all ENP partners. For the financial framework covering the years 2007-13 the new instrument is endowed with €11.2 billion for the entire neighbourhood, which implies a 54% increase in relation to the €7.2 billion that were available to these states under MEDA and TACIS during the financial framework of 2000-2006⁴³. Hence, beginning from 2007 with the initiation of the ENPI, the EU is delivering on its announcement of increased financial aid as an incentive in the framework of the ENP.

Regarding the prospect of new contractual relations, finally, which the initial Strategy Paper and the Action Plan had still announced, the 2006 Communication and the 2007 Presidency

⁴⁰ An exception in this case is Israel, which already enjoys visa-free travel to the EU.

⁴¹ Agencies of most immediate relevance of the ENP partners in the eyes of the Commission are the European Network and Information Security Agency (ENISA), the European Aviation Safety Agency (EASA), the European Railway Agency (ERA) and the European Environment Agency (EEA). Community programmes of most immediate relevance are the Competitive and Innovation Framework Programme (CIP), the Marco Polo Programme on transport, the SESAR programme representing the technological component of the Single European Sky, the public health programme 2007-2013, as well as Customs 2013 and Fiscalis 2013 (European Commission 2006d: 4-9).

⁴² The only example where ENP partners have already joined an EU programme is Ukraine's and Morocco's membership in the "Single European Sky ATM Research Programme" (SESAR).

⁴³ Data retrieved from the European Co-operation Office (AIDCO) website: (<http://ec.europa.eu/europeaid/>)

Progress Report are both silent on this subject. Emerson *et al.* (2007) point out that the mandate for the negotiations for a new “Enhanced Agreement” with Ukraine, which were initiated in March 2007, could be a model for a new generation of EU treaties with all neighbourhood partner countries in being “a comprehensive, multi-pillar agreement, covering economic issues, justice and home affairs, foreign and security policy and political dialogue” (*ibid*: 12-13). However, there has been no concrete signal so far from the Commission or the Council that points in the direction of concrete plans for new contractual relations with Morocco. On the other side, Morocco has been demanding an “advanced status” reflecting its vanguard relationship with the EU in comparison to other Mediterranean countries for some time already. This demand is backed chiefly by France, Spain and Portugal among the EU member states. According to an EU official, a concrete proposal regarding the form that such an “advanced status” could take is likely to be put forward during either the Portuguese or the French EU Presidency (during the second semester of 2007 and 2008 respectively) (Interview with an EU official).

Determinacy of Conditions: Regarding the formality of rules, conditions of the ENP take a middle ground. The source of conditions, the ENP Action Plan, is not a legally binding document. Hence, in comparison to both the accession policy, which was based on the legally binding Europe Agreements and the negative conditionality of the EMP, which is enshrined in the democracy clause of the Association Agreements and the MEDA-Regulation, conditionality of the ENP suffers from a certain lack of formality. Still, Action Plans are certainly more than informal and implicit agreements since they are agreed upon by both sides in the Association Committee, widely publicised, and used as a reference for monitoring.

Concerning the clarity of formulations and their behavioural implications, the individual provisions of the Action Plans vary considerably. Looking at the political chapter of the EU-Morocco Action Plan there are formulations demonstrating substantial clarity of commitment, as for example: “ensure implementation of the law on freedom of association and of assembly in accordance with the relevant clauses of the UN International Covenant on Civil and Political Rights”; whereas, on the other side, there is a great majority of formulations that express no clear commitment and leave implications for behaviour rather unspecified, as for example: “exchange experience and know-how in relation to the development of the regulatory framework governing political parties” or “strengthen dialogue on human rights at all levels” (European Commission 2004c: 4-6). Altogether, the determinacy of conditions in

the ENP is certainly lower than that of the of accession policy⁴⁴. In comparison with the EMP, however, the Action Plan is significantly clearer about demanded behaviour than the very general democracy clause of the Association Agreement.

Credibility of Conditionality: As was the case in the EMP, credibility may be the most crucial issue of conditionality in the ENP framework. The problematic aspects concerning credibility are arguably not the costs of conditionality or eventual cross-conditionality but rather the consistency of the policy. The costs of delivering the promised incentives for the EU can be expected to be significantly lower than the benefit the partner countries will secure from receiving them⁴⁵. Also, there appears to be no important and powerful actor pursuing an agenda contrary to that of the EU in Morocco⁴⁶.

Instead, the issue is mostly the consistency of the policy. Credibility of ENP conditionality is weakened mainly by three factors. First, there is a lack of specificity concerning most of the promised incentives. What exactly is offered through the ENP has been defined in only very vague terms (“a stake in the internal market”) at the time of initiation of the Action Plan process. As discussed above in the section on the size of incentives, there has been some progress over the last two years in defining with more clarity what exactly the EU is willing to deliver in the categories of economic integration, movement of persons, institutional integration and financial assistance. Except for financial assistance, however, where the ENPI budget has been allocated through a Commission Regulation, those clarifications remain on a declaratory level.

Second, the linkages between conditions and rewards remain unclear. Apart from the general principle that incentives will be delivered “in return for concrete progress demonstrating shared values” (European Commission 2003a: 10) the linkage between reform and rewards has not been operationalised in more detail. As Emerson observed in 2004, it remains unclear from both the Strategy Paper and the Action Plan whether the incentives will be conditioned specifically within the sector or more broadly in relation to political conditions (Emerson

⁴⁴ For a more detailed discussion of this see Magen 2006: 414-415.

⁴⁵ This said, it should be mentioned, however, that serious doubts remain on the side of the partner countries over the willingness of some EU member states to actually deliver on some of the incentives, notably trade liberalisation in specific sectors (especially for agricultural products) and the movement of persons. (Interview with Moroccan Ministry of Trade official cited in Magen 2006: 413)

⁴⁶ Cross-conditionality is arguably the case in some countries in the EU’s eastern neighbourhood, especially in Ukraine, Moldova and Georgia, where Russia pursues an increasingly assertive policy running contrary to the EU’s agenda of political reform and conflict resolution pursued in the framework of the ENP (see for example Popescu 2006).

2004a: 15). As a matter of fact, signals from the Commission and the Council ever since are pointing more in the direction of the former than the latter. Regarding the offer of better access to the internal market, the 2007 Presidency Progress Report states that “in return, partners must continue to [...] adopt relevant parts of the EU *acquis*” (Council of the European Union 2007: 7) but makes no reference to political criteria. Visa facilitation agreements, constituting the only development towards a freer movement of persons at the moment, are negotiated back-to-back with readmission agreements with Morocco and a number of other partners, while no reference is made to conditions of political reform in this regard (European Commission 2006c: 5-6). The 2006 Communication from the European Commission dealing with the participation of ENP partners in Community agencies and programmes also takes a purely technical approach calling for consultations to be held on participation on the basis of mutual interest and functional prerequisites (European Commission 2006b: 10-11). Hence, with technical and sector-specific conditions being defined with increasing clarity and without explicit reference being made to conditions of political reform, the signals are pointing to sectoral conditionality in all these categories of incentives.

The only category where political conditionality is being carved out so far and brought into operation, at least to some degree of visibility, is in financial assistance. Article 7 of the ENPI Regulation provides for the allocation of funds to partner states to be determined after taking into account “specific characteristics and needs”, the “level of ambition of the EU partnership”, the “progress towards implementing agreed objectives, including on governance and on reform”, and the “capacity of managing and absorbing Community assistance” (Council of the European Union 2006). In practice, this has been translated into an allocation model combining indicators for each of these criteria including two indicators reflecting the level of ambition and the progress towards agreed objectives⁴⁷ (Interview with an EU official). Allocation of ENPI funds for the period 2007-2010 on the basis of this model is the first tangible, though tentative, manifestation of positive political conditionality. While the amount of funds available to Morocco – considered a “best-performer” among Mediterranean partners – has increased by 15% for the period 2007-2010 in comparison to MEDA funds available from 2004-2006, allocations to both Tunisia and Egypt – two notorious cases where

⁴⁷ For an appreciation of the “level of ambition” and “progress towards agreed objectives” the Transparency International Corruption Index is used as well as a “surrogate indicator” reflecting the intensity of EU relations with the individual country. After the model has been applied, the allocation mechanism leaves room for a correction of the results by applying a degree of “political judgement” reflecting again the Commission’s appreciation of the individual progress towards meeting agreed objectives (Interview with an EU official)

the political situation is receding rather than progressing – have remained virtually unchanged⁴⁸.

In addition to this, the European Commission is establishing an additional *Governance Facility* under the ENPI, to be awarded to best-performers in political reform. Thinking on this had been initiated in 2005 ahead of the Euro-Mediterranean 10th anniversary summit with the Commission suggesting the establishment of a *Democracy Facility* to “promote, support and reward those partners that show a clear commitment to common values and to agreed political reform priorities” (European Commission 2005: 5). During the summit this was agreed upon with Arab governments changing the name to *Governance Facility*. In 2006 – still within the MEDA framework – Morocco already received additional funding under this heading in a one-off fashion rewarding its performance in political reform⁴⁹. Under the ENPI, the Governance Facility is covering all ENP partner states. €50 million annually have been set aside to be awarded to best-performers in political reform. The 2007 Presidency Progress Report on the ENP endorses the concept. Under the framework of the ENPI, the Commission wants to base the allocation of the Governance Facility on more formalized criteria. At the time of writing a final decision has not been reached by the Commission or the Council on binding allocation criteria or country allocations for 2007.

To sum up, at least some of the determinants of the intensity (and ultimately effectiveness) of ENP conditionality are not conclusively determined to date. While the determinacy of conditions is given by the Action Plan, policy formulation is still in process concerning the size of incentives, where the European institutions are slowly advancing in the development of more detailed and precise proposals on what is exactly on offer. The credibility of conditionality, finally, depends much more on practices during the implementation process than on policy design. The fact that ENP conditionality is still a work in progress makes a comparison with that of the EMP rather difficult. Additionally, a neat comparison is further complicated by the fact that the first follows a positive logic and the latter a negative one.

Nevertheless, some tendencies are visible with certain clarity at this point. Even though the size of the incentives offered within the ENP compares poorly too that of the membership

⁴⁸ Data on ENPI allocations retrieved from European Co-operation Office (AIDCO) website: (<http://ec.europa.eu/europeaid/>)

⁴⁹ In 2006 Morocco received additional €28 million to top up funds for a MEDA project signed under the NIP 2002-04 for improving border control (Interview with an EU official).

incentive of the accession policy and incentives are unlikely to develop a comparable transformative power, deeper economic integration, the prospect of facilitated lawful migration, the integration into a range of European institutions and programmes, and increased financial resources mirror the demand of Morocco and other countries *vis à vis* the EU. In comparison to the negative threat of EMP conditionality, which is principally rewarding the *status quo*, they do bear higher potential to generate greater transformative power in partner countries. Regarding the determinacy of conditions, the Action Plan marks a visible improvement in comparison to the democracy clause of the Association Agreement and MEDA-Regulation. Even though Action Plans are not legally binding documents and its formulations many times lack a significant degree of clarity and commitment, especially in the political chapter, nevertheless the detail and clarity of its behavioural implications constitute a significant progress in comparison to conditions in the EMP. Regarding the credibility of ENP conditionality, finally, the degree of consistency with which the policy will be implemented remains to be seen. Admittedly, the developments that can be traced in this regard to date do not seem very promising: a clear commitment to incentives has only been made in the realms of financial assistance and institutional participation, while commitments in regard to economic integration, the movement of persons and enhanced contractual relations remain vague. Furthermore, a clear and consistent linkage of incentives and political reform has only been achieved in the realm of financial assistance and to a very limited degree. In comparison to the extremely low credibility of EMP conditionality, however, it is likely that the ENP will score better. In conclusion then, ENP conditionality compares positively to the EMP in all three categories that determine its intensity.

6.3. Positive Instruments

6.3.1. Issues Addressed by Positive Instruments

Euro-Mediterranean Partnership

Principally, the MEDA regulation in its amended version of 2000 stipulates in Article 1 that “the Community shall implement measures that [Mediterranean partners] will undertake to reform their economic and social structures, improve conditions for the underprivileged and mitigate any social or environmental consequences which may result from economic development” (Council of the European Union 2000). Hence, the MEDA instrument, in its

very conception, has an explicit focus on projects assisting the economic and social development of the partner countries and does not mention democracy promotion directly.

<p>Economic and Trade Development:</p> <ul style="list-style-type: none"> - Public Administration Reform - Support for Transport Sector Reform - Technical Support Programme for the Implementation of the Association Agreement - Support Programme for Moroccan Companies 	<p>€81 Million €66 Million €5 Million</p> <p>€61 Million</p>	<p>50%</p>
<p>Social Development:</p> <ul style="list-style-type: none"> - Professional Training Programme - TEMPUS (Reform and Improvement of Higher Education) 	<p>€50 Million €8 Million</p>	<p>14%</p>
<p>Migration:</p> <ul style="list-style-type: none"> - Institutional Support for Legal Migration - Support for Border Control Management - Development Programme for the Northern Provinces 	<p>€5 Million €40 Million €70 Million</p>	<p>27%</p>
<p>Environment:</p> <ul style="list-style-type: none"> - Arganier Project - Industrial Depollution and Water Sanitation in Medium Size Cities 	<p>€10 Million €30 Million</p>	<p>9%</p>
<p>Total:</p>	<p>€426 Million</p>	

Figure 6: MEDA National Indicative Programme 2002-2004: Individual Programme Allocations (Source: European Commission 2001a)

Under the NIP 2002-2004 funds were allocated for 12 individual projects in four priority areas in Morocco. Priority areas are economic and trade development (4 projects), social development (2 projects), migration (3 projects) and environmental protection (2 projects). The individual projects are shown in figure 6 (for a more detailed description of the projects see annex 2). The figures clearly show the strong focus on economic and social development. In fact, considering that the “Arganier Project” (subsumed by the Commission under the environmental priority), is aimed at the ecological sustainable development of a region and the “Developmental Programme for the Northern Provinces” (subsumed under the migration priority), is aimed at the economic development of a region as well, all of the projects under the NIP 2002-2004 except for “Industrial Depollution and Water Sanitation”, “Border Control Management” and “Institutional Support for Legal Migration” can be subsumed under the category economic and social development. The beneficiary institutions of all individual projects except for one (“Support for Moroccan Companies”) are government bodies.

Among the projects addressing economic and social development, the focus appears to be on generally strengthening the Moroccan economy and facilitating its integration into the global market, more than on promoting more equitable growth or social development specifically. Only three of the programmes accounting for 32% of funds can be expected to have specific impact on equitable growth or social development: the “Arganier Project” and “Northern Provinces” programme by supporting the development of two especially underdeveloped regions, and “Professional Training Programme” and “TEMUS” for supporting education. The other programmes in this category, accounting for 50% of funds, support economic development and trade integration in general.

Four of the individual projects deal with issues of governance: “Administrative Reform”, “Support for the Implementation of the Association Agreement”, “Border Control Management”, and “Institutional Support for Legal Migration”. The macro-objective of the programme on “Administrative Reform” is a “more efficient, capable, transparent and credible public administration”. To this end the project is oriented towards four specified objectives: a decentralisation of state services, a reduction of their costs, better management of human resources and the establishment of a merit- and quality-based profile. (European Commission 2001a: 30-31.) The programme “Support of the Implementation of the Association Agreement” chiefly aims at bringing the regulatory framework of Morocco in line with that of the EU in the areas of the exchange of goods, currency transaction regulation, and state market intervention (European Commission 2001a: 35-38). The “Institutional Support Programme for Legal Migration” is designed to help create state structures that “can administer and channel legal migration flows to other countries according to demand”. (European Commission 2001a: 44-45) The “Border Control Programme” finally provides institutional support as well as training and equipment to border police to ensure better control of external borders and diminish illegal migration and cross-border crime. (European Commission 45-47) While these programmes are directed at governance issues it was specified above that only those governance programmes addressing issues of transparency, accountability and decentralisation would be considered direct instruments of democracy promotion. In this line, only the programme on “Administrative Reform” can be considered addressing democratic change directly, though admittedly in a remote and tentative way, on the basis that a more transparent and decentralised public administration is listed among its

objectives. With this exception the majority of projects are promoting the efficiency and effectiveness of state institutions without, aiming directly at democratic change.⁵⁰

Parallel to MEDA programmes, three EIDHR macro-projects identified by call for proposals were implemented in Morocco between 2002 and 2004. In the 2002-2004 EIDHR Multi Annual Work Programme Morocco was not identified as a focus country and was, hence, not eligible for micro-projects (European Commission 2001b)⁵¹. The projects implemented during this time are shown in figure 7. All three projects can be classified as support to grass-roots civil society engagement in social and economic development and were implemented by national and international NGOs⁵².

Project	Beneficiary Organisation	Budget
Support for the Rural Population in Developing Sustainable Revenue Generating Activities	Planet Finance, Morocco	€722,869
Disability and Local Development: For a Better Participation of Disabled People in the City of Salé	Handicap International	€536,175
Protection, Education and Integration of Children in Situations of Social Exclusion in the City of Tanger	Centro de Comunicación, Investigación y Documentación entre Europa y America Latina (CIDEAL)	€354,940
		Total: €1,613,984

Figure 7: EIDHR Projects Implemented in Morocco between 2002 and 2004 (Source: AIDCO web-site: http://ec.europa.eu/europeaid/projects/eidhr/projects_en.htm)

Looking at the general picture of positive instrument implemented under the EMP between 2002 and 2004, 62.1% of funds were allocated to 7 individual projects (or 3-4 projects on an annual average) in the category economic and social development, 0.3% 3 individual civil society projects (1 annually) and 18.9% to one governance project, that can be subsumed under the category of direct democracy promotion⁵³. The focus among programmes

⁵⁰ In this context, I want to draw attention to the fact that the one programme that has been topped-up with extra funds from the “Governance Facility” in 2006 is the “Border Control Programme”. It does not seem plausible right away why funds derived from a facility that was conceived to “promote, support and reward those partners that show a clear commitment to common values and to agreed political reform priorities” (European Commission 2005: 5) are allocated to a programme without any clear democratising merit but instead directly serving evident EU security interest.

⁵¹ Selected focus countries in the Mediterranean under the 2002-2004 work programme were Algeria, Israel, the Palestinian Territories, Tunisia and Turkey (European Commission 2001b).

⁵² An account of individual projects under the EIDHR is given on the website of the European Co-operation Office (AIDCO): (http://ec.europa.eu/europeaid/projects/eidhr/projects_en.htm)

⁵³ This leaves aside the “Industrial Depollution and Water Sanitation” programme and the two governance programmes focussing on migration issues on the grounds that they are not directly or indirectly related to democracy promotion. These three programmes account for the missing 17,6% of funds. The „Arganier” programme, subsumed by the Commission under environmental programmes, as well as the „Northern

supporting economic and social development was on general economic growth more than on equitable growth or social aspects. No project was realised, that falls in the category of direct instruments addressing core issues of political contestation. In conclusion, under the EMP, positive instruments were almost exclusively aimed at promoting economic and social development with only one project addressing the transparency and decentralisation of state institutions.

European Neighbourhood Policy

Priority areas identified in the NIP 2005-2006 are “economic and trade development” (3 projects), “social development” (3 projects), “environmental protection” (2 projects) and “human rights” (2 projects). The individual projects are shown in figure 8 (for a more detailed description of the individual projects see annex 3).

<p>Economic and Trade Development:</p> <ul style="list-style-type: none"> - Tax Reform - Technical Support Programme for the Implementation of the Association Agreement and the ENP - Support Programme for Moroccan Professional Associations 	<p>€80 Million €15 Million €5 Million</p>	<p>36%</p>
<p>Social Development:</p> <ul style="list-style-type: none"> - Slums - Development of the Central Middle Atlas - Development of the Northern Provinces 	<p>€90 Million €6 Million €34 Million</p>	<p>47%</p>
<p>Environment:</p> <ul style="list-style-type: none"> - Support for the Water Sector - Water Sanitation and Solid Waste Management 	<p>€30 Million €10 Million</p>	<p>15%</p>
<p>Human Rights:</p> <ul style="list-style-type: none"> - Support for the National Plan for Democracy and Human Rights - Support for Programmes in Favour of Regions Affected by Human Rights Violations. 	<p>€2 Million €3 Million</p>	<p>2%</p>
<p>Total:</p>	<p>€275 Million</p>	

Figure 8: MEDA National Indicative Programme 2005-2006: Individual Programme Allocations. (Source: European Commission 2004f)

Provinces” development programme, subsumed by the Commission under migration issues, however, are included as economic and social development projects.

The beneficiary institutions of all but two projects are government bodies. The exceptions are the “Support Programme for Professional Associations”, where beneficiaries are Moroccan professional associations, and the “Support for Programmes in Favour of Regions Affected by Human Rights Violations”, where funds are to be channelled to NGOs through the government. Obviously, projects aimed at economic and social development again account for the largest share in terms of single projects and funds. New, in comparison to allocations under the NIP 2002-2004 is the existence of two projects aimed at the promotion of human rights. Among economic and social development projects the focus has shifted: While 37% of funds are dedicated to projects reforming the framework of economic governance, while 50% are earmarked for projects the address the development of areas with especially high incidents of poverty: the Central and Middle Atlas, the Northern Provinces and the Slums of large Moroccan cities.

Three of the above projects can be considered governance projects aimed at reforming and strengthening state institutions: “Tax Reform”, the “Technical Support Programme for the Implementation of the Association Agreement and the ENP” and “Support for the National Plan for Democracy and Human Rights” The programme on “Tax Reform” is aimed at establishing “a modern tax system with a broader tax base, simplified tax arrangements, fewer exemptions and an efficient tax administration” (European Commission 2004d: 9-11). The “Technical Support Programme for the Implementation of the Association Agreement and the ENP” is largely a continuation of the similar project under the NIP 2002-2004 and aimed at bringing the regulatory framework of Morocco in line with that of the EU (European Commission 2004d: 11-13). These two programmes pursue the objective more effective and efficient state institutions and do not promote democracy. The “Programme to Support the National Plan for Democracy and Human Rights”, however, provides funds for the *Centre de Documentation d’Information et de Formation en Droits de l’Homme* (CDIFDH), a national institution jointly established in 2000 by Morocco and the United Nations Commissioner for Human Rights. The financial support is to be used *inter alia* for the drafting of a national action plan on democracy and human rights; the training of officials and civil society representatives in implementing the plan; and the conduct of several sectoral studies on human rights practices (European Commission 2004d: 30-33). Hence, this programme can be said to fall in the category of direct democracy promotion aimed a democratic reform of governance and state institutions.

Also, the NIP 2005-2006 provides for two projects that strengthen civil society organisations. First, the programme in “Support for Professional Associations” provides funds for a number of individual professional associations with the objectives of strengthening their operative capabilities, helping them increase their representative nature, and strengthening their involvement at international level (European Commission 2004d: 13-15). Second, the “Support for Programmes in Favour of Regions Affected by Human Rights Violations” provides funds for NGOs that are working with victims of human rights abuses⁵⁴. The funds are allocated to the Moroccan Ministry of Employment and Social Affairs and are to be redistributed to local NGOs.

Under the 2005-2006 EIDHR Work Programme Morocco was a focus country for projects on democratisation and human rights⁵⁵ (European Commission 2004d). While over these two years no macro- or targeted projects have been contracted in Morocco, a larger number of micro-projects have been implemented over this time. Figures 9 and 10 lists the individual projects:

Project	Beneficiary Organisation	Budget
2005		
Raising Awareness for Women’s Rights	Association Tanmia	€48,744
Supporting Organisations promoting Good Governance in Northern Morocco	Forum des ONG du Nord du Maroc	€98,370
Strengthening Institutional Capacities of Organisations of Disabled People	Amicale Marocaine des Handicapes	€100,000
Promoting Good Governance and a Culture of Human Rights in the Arganeraie Reservation	Reseau des Associations de la Reserve de la Biosphere Arganeraie	€89,535
Centre for Female Victims of Violence in the Nador Province	Horizon de Femme et Enfant	€35,100
Promotion of Women’s Rights among Law Students in the Tetouan Province	Union de l’Action Feminine, Section Tetouan	€21,360
Improving the Institutional Capacities of Moroccan Human Rights Organisations	Association Democratique des Femmes du Maroc (ADFM)	€100,000
Institutional Capacity Building of Associations Working for the Maintenance of the Medina of Fès	L’Union des Associations et des Amicales de Fès Medina	€35,100
Educating Beneficiaries of Micro-credits in Rights, Obligations and Citizenship	Fondation Zakoura, Micro-credit	€94,661
Strengthening of the Organisation’s Institutional Capacity	Association Marocaine des Droits Humaines (AMDH)	90,000

Figure 9: EIDHR Projects Implemented in Morocco in 2005 (Source: AIDCO web-site: http://ec.europa.eu/europeaid/projects/eidhr/projects_en.htm).

⁵⁴ In the NIP 2005-2006 this programme is still called “Strengthening of Moroccan Civil Society Organisations Working for Democracy and Human Rights” with the objective to “strengthen the action of Moroccan civil society organisation working for democracy and human rights” (European Commission 2004d: 32) After the publication of the final report of the IER in 2005, the project was redirected to follow-up one of the IER’s recommendation. Namely, the IER identified six regions most heavily affected by human rights abuses and recommended to support NGO work in favour of the victims in these regions (TelQuel, 24 December 2005).

⁵⁵ Under the 2005-2006 EIDHR Work Programme all Mediterranean partner countries have become focus countries for democracy and human rights projects. According to a Commission official this must be seen in relation with a more vigorous approach to democracy and human rights in the Mediterranean in general as well as in relation with the launch of the ENP. (Interview with an EU official)

2006		
Support for Activities Advocating Judicial Reform in Morocco	Adala Justice Association	€69,545
Promotion of Non-discrimination and Equality of Opportunities in the Rural Environment of Fès	Carrefour d'Initiatives de Communication, d'Information et de Documentation	€21,585
Promotion of the Rights of Street Children in Marrakesh	Association al-Karam	€100,000
Campaign for a More Effective Application of Labour Legislation in Morocco	Association Marocaine des Droits Humaine (AMDH)	€73,410
Observatoire Marocaine des Libertés Publiques	Forum des Alternatives, Maroc	€100,000
Support for Local Initiatives Promoting Citizenship	Fondation Zakoura pour l'Education	€98,961
Establishment of a Municipal Youth Council	Association Solidarité et Developpement, Maroc	€87,537
Creation of a Psychiatric Unit for Torture Victims	Association Meciale de Rehabilitation des Victimes de la Torture	€90,000
Establishment of a Monitoring Centre of Good Governance in the Medina of Fès	L'Union des Associations et de Amicales de Fès Medina	€100,000
Establishment of a Research Study, and Training Centre for Journalists	Syndicat National de la Presse Marocaine	€100,000
Awareness Campaign for the Fight Against Child Labour	Association al-Amana	€91,273
		Total: €1,844,181

Figure 10: EIDHR Projects Implemented in Morocco in 2006 (Source: AIDCO web-site: http://ec.europa.eu/europeaid/projects/eidhr/projects_en.htm).

The majority of EIDHR projects implemented in 2005 and 2006 can be subsumed under the category of general support to grass-roots civil society organisations. Two projects in 2006, however, deserve specific attention: The project “Support for Activities Advocating Judicial Reform in Morocco” pursues the objective of “strengthening capacities of civil society to make recommendations and to pressure for the implementation of priority reforms in the follow-up of judiciary reform”. The project establishing an “Observatoire Marocaine des Libertés Publiques” is directed at a network of Moroccan NGOs for “contributing to the defence of the freedoms of association, assembly, expression and information; strengthening the capacities of NGOs in this domain; and mobilising activities for the application of juridical provisions”⁵⁶. In both cases, support is given to civil society activity that addresses issues of democratic reform directly and with the intention to exert pressure on state authorities. This justifies subsuming these two programmes under direct instruments of democracy promotion, rather than indirect support.

Looking at the general picture of positive instruments of democracy promotion implemented in 2005 and 2006, 81,3% of funds were allocated to 5 individual projects (or 2-3 on an annual average) related to economic and social development, 3,5% to 23 projects strengthening civil

⁵⁶ Details about the objectives of these projects are cited from an internal document that was made available to the author by the EU Delegation in Morocco.

society (11-12 projects annually), and 0,8% to three project focussing directly on the democratic reform of governance and state institutions⁵⁷.

Beginning in 2007 the MEDA instrument is replaced by the ENPI, based on the new regulation adopted by the Council in 2006. Article 2 of the ENPI regulation contains a detailed list of 29 groups of measures that shall be supported by Community assistance. In contrast to the MEDA-Regulation, explicit reference is made to measures related directly to democratisation like “promoting good governance and the rule of law”, “promoting and protecting human rights and fundamental freedoms”, “supporting democratisation” and “fostering the development of civil society” (Council of the European Union 2006).

Under the new NIP 2007-2010 projects are envisaged in the following priority areas: “social development”, “governance and human rights”, “institutional support”, “economic development” and “environmental protection”. The individual projects are shown in figure 11 (for a more detailed description of the individual projects see annex 4):

<p>Social Development:</p> <ul style="list-style-type: none"> - Support for the National Human Development Initiative - Support for the National Literacy and Non-formal Education Strategy - Support Programme for Education Policy - Support for the Consolidation of Basic Medical Cover - Sectoral Support for Health 	<p>€60 Million €17 Million €93 Million €40 Million €86 Million</p>	<p>45%</p>
<p>Governance and Human Rights:</p> <ul style="list-style-type: none"> - Support for the Ministry of Justice - Support for the Implementation of the Recommendations of the IER 	<p>€20 Million €8 Million</p>	<p>4%</p>
<p>Institutional Support:</p> <ul style="list-style-type: none"> - Completion of the Public Administration Reform - Support for the Implementation of the Action Plan 	<p>€20 Million €20 Million</p>	<p>6%</p>
<p>Economic Development:</p> <ul style="list-style-type: none"> - Private Sector: Promotion of Investment and the Exports of Moroccan Industry - Vocational Training - Support for Agriculture 	<p>€60 Million €50 Million €40 Million</p>	<p>37%</p>

⁵⁷ The missing 14.3% of funds are those that were allocated to two environmental programmes neither directly nor indirectly related to the promotion of democracy.

- Extension of the „Rocade” (Infrastructure) Project - Improving Communications to Isolated Areas - Support for Energy Sector Reform	€25 Million €25 Million €40 Million	
Environmental Protection: - Support for the Industrial Pollution Fund - Sewage Treatment	€15 Million €35 Million	8%
Total:	€654 Million	

Figure 11: ENPI National Indicative Programme 2007-2010: Individual Programme Allocations. (Source: European Commission 2006a)

The beneficiary institutions of all projects are government bodies with the exception of the programme on “Promotion of Investment and the Exports of Moroccan Industries” which provides funds to private Moroccan companies. The programmes “Support to the National Literacy and Non-formal Education Strategy” and “Support for Education Policy” are assigned to government bodies. The project descriptions, however, provide for civil society organisations to be included in the implementation, so that a share of funds can be expected to go to NGOs (European Commission 2006a: 7-12). A new development is the explicit highlighting of governance and institutional programmes as priority areas.

The strong focus on economic and social development in general remains unchanged, while the privileged position of programmes addressing equitable growth and social development already visible in the NIP 2005-2006 is further strengthened. Assuming that “Support for the National Human Development Initiative”, “Support for the National Literacy and Non-formal Education Strategy”, the “Support Programme for Education Policy, “Vocational Training” as well as the two projects addressing health care are programmes that address Morocco’s problematic record of human development and especially the low level of literacy and formal education enrolment, and the programme “Communications to Isolated Areas” addressing the problems of remote regions being cut-off from national economic development, 60% of the total of ENPI funds are dedicated to development that directly addresses social requisites that were identified as positive for democracy and at the same time problematic in Morocco.

Programmes related to the reform and the strengthening of state institutions are the following: “Support for the Ministry of Justice”, “Support for the Implementation of the Recommendations of the IER”, “Completion of Public Administration Reform” and the programme “Support for the Implementation of the Action Plan”. The programme “Support for the Ministry of Justice” comprises two separate components: the modernisation of the

prison system and the training of court staff. The first is aimed at improving the conditions of detention and strengthening prisoners' rights, the second at improved performance of the legal system (European Commission 2004a: 16-19). The programme "Support for the Implementation of the Recommendations of the IER" provides funds for the implementation of several projects proposed in its final report: the creation of a Moroccan Institute of Contemporary History, the promotion and strengthening of a "modern policy on public and private archive" and the creation of a National History Museum. The beneficiary institution is the CCDH, which is charged with the implementation of these three projects (European Commission 2004a: 16-21). The programme "Completion of the Public Administration Reform" provides new funds for the continuation of the same project already launched under the NIP 2002-2004 upholding the same objectives: a more efficient and effective public administration but also with references to decentralisation and increased transparency. (European Commission 2004a: 21-22) Finally, the programme "Support for the Implementation of the Action Plan" is mainly a follow-up to the support for the implementation of the Association Agreement implemented under the NIPs 2002-2004 and 2005-2006 with the same objective to assist Moroccan authorities in the process of aligning the regulatory framework on that of the EU. (European Commission 2004a: 21-24) While the last programme, again, is an example for the reform of state institutions with no direct effect on democratisation, the first three programmes can be subsumed under the category of direct democracy promotion through the reform of governance and state institutions. As discussed above, the programme on "Public Administration" qualifies as an instrument of democracy promotion on the basis that it pursues objectives of increased transparency and decentralisation of state administration (even though these objectives rank secondary in a long list of efficiency and effectiveness goals, as was shown above). The programme "Support for the Implementation of IER Recommendations" can be considered an instrument in this category on the basis that it aims at establishing and strengthening institutions at state level for a greater respect of human rights. And, finally, the same is true for the programme "Support for the Ministry of Justice" on the basis that it strengthens an institution of vital importance for the rule of law and democracy (which may, in fact, be an important and necessary first step for the necessary strengthening of the separation of power).

Project	Budget	Beneficiary Organisation
2007		
Support for Civil Society Observation of Elections	€169,748	Forum des Alternatives, Maroc
Creation of a Physical Therapie Unit for Victims of Torture	€150,000	Association Medicale des Victimes de la Torture
Promotion of the International Convention on the Rights of the Handicaped	€52,259	Amicale Marocaine des Handicapes
Promotion of and Sensibilisation for Human Rights	€81,000	Réseau Espace de Citoyenneté
Promotion of a Culture of Respect and the Defense of Human Rights in the Regions of Greater Casablanca and Chaouia-Ouardigha	€94,000	Amis et Familles des Victimes de l'Immigration Clandestine
Training for Human Rights Workshop Leaders	€87,282	Association Marocaine des Droits Humains (AMDH)
Fight agains Violence against Women in the Region Fès-Boulmane	€98,511	Association Chourouk pour le Developpement Social, Fès
Social Mobilisation Campaign Targeted at Associations	€100,000	Association Tanmia
„For a Civil Moroccan Youth”	€100,000	Association Chouala de l'Éducation at la Culture
Strengthening the Participation of Women in Local Governance	€100,000	Association Democratique des Femmes du Maroc
Strengthening Insitutional Capacities of Associations Working for Consumer Rights	€99,000	Atlas-Said
Total: €932,800		

Figure 12: EIDHR Project Implemented in Morocco in 2007 (Source: Internal Document of the EU Delegation to Morocco).

Under the framework of the EIDHR 2 macro-projects and 10 micro-projects are being implemented in Morocco in 2007⁵⁸. The individual projects are listed in figure 12. Like in 2005 and 2006 individual projects support largely grass-roots organisations. Among the projects in 2007 special attention should be paid to the macro-project “Support for Civil Society Observation of Elections”, which provides funds to a consortium of several Moroccan NGOs to monitor the September 2007 parliamentary elections. The fact that this project supports these NGOs to conduct the country-wide monitoring of parliamentary elections, this programme can be considered a direct instrument of democracy promotion⁵⁹. The extent to which this can be considered a reaching to the core of Moroccan democratic shortcomings, however, is limited. While elections are a critical moment and their free and fair conduct is important for the democratic development, the conduct of elections does not constitute a critical shortcoming of the Moroccan system in respect to democracy (see above chapter 5.1.).

⁵⁸ This information is based on an internal working document of the EU Delegation in Morocco. A multi-annual work programme for the years from 2007 has not yet been published. It follows from the observation that micro-projects are being implemented, though, that Morocco has maintained the status of a “focus country”.

⁵⁹ In addition to the funding of local NGOs to conduct a monitoring of the elections, it was the intention of the European Commission to deploy a fully-fledged EU election-monitoring mission to Morocco for the parliamentary elections of 9 September 2007. This was rejected by the Moroccan authorities, however, on the basis of legal restrictions in Moroccan law that do not allow non-nationals to be present in polling stations (European Voice, 29 March 2007). Under EIDHR rules (which govern EU election monitoring activities at the moment) election-monitoring missions need the consent of the host country (Interview with an EU official).

Describing a general picture of the issues addressed by positive instruments like it was done for the periods 2002-2004 and 2005-2006 is difficult for 2007-2010. First, information on EIDHR programming and allocations could only be gathered until 2007. Second, it is not clear to date, how large the share of funds will be exactly that is meant to be disbursed to individual NGOs within the two educational programmes envisioned under the ENPI. Third, with the restructuring of EU financial instruments funding for civil society organisations will also be available through the new thematic programme “Non-state Actors and Local Authorities in Development” (European Commission 2006e). Principally, funds under this budget line are available from the beginning of 2007. Final regulations and provisions as well as individual allocations, however, have not been finalised at the time of writing.

Nevertheless, a number of developments can be identified: ENPI funds for the period 2007-2010 are again overwhelmingly allocated to projects targeted at economic and social development (roughly 84% of funds disbursed for an average of 3 programmes annually), while the focus has shifted further to social development programmes and Moroccan shortcomings in regard to social requisites of democracy (especially literacy and education) are addressed. The number of individual programmes that address the democratic reform of governance and state institutions has increased slightly with 4 programmes in 4 years falling into this category (NIP 2002-2004: 1 programme in 3 years; NIP 2005-2006: 1 programme in 2 years). The volume of funds dedicated to democratic governance reform, however, has not increased: roughly 7 % in the NIP 2007-2010 as opposed to 18.4% from 2002-2004 and 0.8% in 2005 and 2006. What has increased, however, is the explicitness with which these programmes address issues of democratic governance. While this does constitute a significant qualitative change in comparison to the approach under the EMP, positive instruments continue to remain short of addressing real core issue.

6.3.2. Coerciveness of Positive Instruments

Looking at positive instruments, two aspects are of interest for locating EU democracy promotion on a continuum between coercive and consensual approaches. If funds are allocated to government institutions, the interesting question is, if there is any pressure applied in the programming process and how much. If funds are allocated to actors outside the government, the interesting question is, how these actors are positioned *vis à vis* the

government and to which extent the selection of actors implies consent or conflict with the government. It has become clear to this point that both EMP and ENP are principally based on a partnership relation with the participating Mediterranean countries. It is only natural, then, that the approach to democracy promotion will be significantly closer to the consensual pole than to the coercive one. The task will be, however, to see if there has been any shift moving the approach further away from the consensual extreme.

As explained above, under the EMP as well as under the ENP, the largest share of funds is allocated to the government. Programming of MEDA and ENPI projects is initiated by the respective DG Relex' Regional Unit (F4 in the case of the Maghreb states). On the Moroccan side, the government institution in charge of MEDA and ENPI programming coordination is the Ministry of Finance⁶⁰. After a first agreement on an overall framework and fields of cooperation, the management of detailed planning is referred on to the respective sectoral institutions on the Moroccan side for detailed planning. Once the NIP is agreed, implementation is managed by AIDCO, the EU Delegation and the partner institution. Asked about this, Commission officials stated that there is absolutely no possibility in this process for certain projects to be pushed on the agenda against the will of the partners. Instead, initiatives for projects come from both sides⁶¹ (Interview with an EU official). Following this, there are no grounds to ascribe any form of pressure to the programming of neither MEDA nor ENPI programmes. Both programmes must be seen as following a genuine partnership approach under the EMP as well as under the ENP.

Other than MEDA and ENPI programmes, projects under the EIDHR are allocated to civil society organisations, e.g. to actors outside the government. According to the EIDHR regulation, the allocation of EIDHR funds and the identification and implementation of individual projects is principally done without the consent of the respective government (Council of the European Union 2004a and 2004b). However, as Youngs (2006:69) has found out in his study on European democracy promotion "in practice consultations with governments nearly always took place." In the particular case of Morocco, Commission

⁶⁰ The role of the Moroccan Ministry of Finance in this process is generally seen as very positive. The experience has been, that this particular institution is taking a comparably open position towards economic and political reform. The position and attitude of the respective coordinating institution is in fact of considerable relevance for the entire process. This is demonstrated by the case of Egypt, where the Ministry of Foreign Affairs is charged with this coordinating role. The fact that this particular institution is very close to the inner circle of power around President Mubarak and staffed predominantly with elites very averse to political and economic reform overshadows cooperation with Egypt significantly. (Interview with an EU official)

⁶¹ An example for this is the support programme for the energy sector which was included in the NIP 2007-2010 on Moroccan initiative (Interview with an EU official)

officials stated, that the programming of EIDHR projects and the collaboration with NGOs is generally unproblematic. In any case, only officially registered NGOs are eligible for EIDHR funding. Considering the fact that those groups focussing on taboo-issues like Western Sahara or radical Islamism would not be able to register in Morocco while the general situation of civil society can be considered rather free, there is little potential for conflict with the Moroccan government over civil society cooperation within the EIDHR (Interview with an EU official). As presented above, EIDHR funds are largely allocated to grass-roots civil society activities and are not used to finance a broad-based opposition network. This certainly further confines the potential of EIDHR funds to be a source of conflict. That a residual potential for conflict remains nevertheless, may be indicated by a recent incidence of state repression against Moroccan civil society: On 15 June 2007 a sit-in organised by the *Association Marocaine des Droits Humaines* (AMDH) in „solidarity with the prisoners of 1 May” in front of the parliament was broken-up by means of a violent police intervention which left 30 people wounded and led to the arrest of several leading members of the AMDH (TelQuel, 23 June 2007). The AMDH has actually been a three-time recipient of EIDHR funding for different projects between 2005 and 2007.

This is to show that, while serious and open conflict with the government about EIDHR support for civil society is not the case, funding NGOs in an authoritarian state where civil society remains controlled and the object of occasional repression bears a minimum residual potential for conflict. Considering, then, that Morocco has become a “focus country” under the EIDHR with the launch of the ENP from 2005 and that in this course the number of Moroccan NGOs funded by the EU has increased considerably, it may be argued that the EU approach to democracy promotion through positive instruments has taken a slightest turn away from a genuinely consensual approach towards the conflictual end.

6.3.3. Intensity of Positive Instruments

Looking at both the volume of funds allocated for projects directly or indirectly related to democratisation as well as the number of individual projects as indicators for the intensity of democracy promotion through positive instruments, it has notably increased with the launch of the ENP. Adding up the numbers for MEDA and EIDHR programmes implemented between 2002 and 2004, the EU spent €117,5 million and implemented 2-3 programmes annually for the direct or indirect promotion of democracy. In the period of 2005 and 2006,

directly after the launch of the ENP, funds for democracy promotion did not increase significantly (€118,5 million annually) but due to the implementation of EIDHR micro-projects the number of implemented programmes jumped to 14-15 annually. With the launch of the new ENPI in 2007 finally, the volume of funds allocated to direct and indirect democracy promotion programmes increased by 30%. Between 2007 and 2010 €151,9 million will be spent on 14-15 projects annually⁶².

⁶² These calculations are based on the data provided in figures 6-12. All individual programmes are included in the calculation except for those environmental and migration programmes without any apparent relation to the indirect or direct promotion of democracy. Since data for EIDHR allocations are not available for 2008-2010, numbers are estimated on the basis of the average allocation between 2005 and 2007, expecting that Morocco will maintain the status as “focus country”.

7. SUMMARY AND CONCLUSION

The aim of this thesis was to analyse the qualitative changes of the EU approach to democracy promotion that were associated with the shift from the Euro-Mediterranean Partnership to the European Neighbourhood Policy and to identify the supposed “new impetus” for democratisation that was expected to accompany the launch of the latter. In order to identify these changes it was suggested to look at the individual policies of democracy promotion in respect to three dimensions: the reform issues that are addressed, the coerciveness with which this is done and the intensity with which individual policies are pursued. Accordingly, it was suggested to differentiate between direct and indirect, consensual and coercive, and between passive and active approaches. The initial assumption was that, while the approach to democracy promotion in Morocco has indeed become a more direct and active one under the ENP, it has not changed significantly in regard to the consensual and partnership approach of the EMP. Summarizing the comparative analysis conducted in this thesis the assumption can be largely maintained.

Most clearly the assumption has been verified for the activity of democracy promotion. Instruments in all three categories are implemented with a higher intensity. In the category of diplomatic instruments (where analysis was admittedly limited to the rather small segment of institutionalised contact in bilateral forums of the partnership), two new institutions have been established in association with the launch of the ENP: a sub-committee on democratisation, human rights and governance, and the “Enhanced Political Dialogue”. While the vigour with which democratic change will be addressed in these institutions cannot be assessed to date, they provide forums for regular meetings of EU and Moroccan senior officials that did not exist under the EMP. The positive conditionality of the ENP is likely to be the most important new impetus for democracy promotion in Morocco. The intensity of conditionality policies was defined to be a function of the size of rewards, the determinacy of conditions and the credibility of conditionality. Since its inception, the new element of conditionality has been commented on critically by political analysts and scientists, arguing that rewards are too small, conditions not specific enough and its credibility questionable, to bear significant transformative power. While certainly the intensity of ENP conditionality compares poorly to that of the EU enlargement process, its provisions bear a much higher impetus than EMP conditionality. While it is true that rewards have still not been defined in detail, those incentives of economic and institutional integration, free movement of persons and financial

assistance that are being discussed are attractive for Morocco and other Mediterranean partners. What is being demanded from Moroccan policy makers in return is defined with much greater clarity by reform priorities inscribed in the Action Plan in comparison to the vague reference to the democracy principle in EMP conditionality. However, if this conditionality will ultimately bear any significant transformative effect in Morocco will crucially depend on the consistency with which reform and reward are linked in the further process of implementation. But consistency of ENP conditionality will not have to go very far to become more credible than that of the EMP where not a single breach of the democracy clause has been answered by punitive measures in ten years. Finally, as regards positive programmes, taking the number of individual projects and the volume of funds as indicators for their intensity, democracy promotion has become more active in this category as well. While annually 2-3 programmes promoting democracy directly or indirectly with a financial volume of €117,5 million were implemented under the last National Indicative Programme under the EMP, these figures have risen to 14-15 projects annually with a volume of €151,9 million.

Second, it was shown that there has also been some movement on the continuum between what was called a genuinely indirect approach, exclusively promoting economic and social requisites of democracy, and more direct approaches that get involved in political reform. As was demonstrated, the approach taken under the EMP until 2005 was almost entirely indirect. There was no institutionalised forum under the EMP that was dedicated to the discussion of democratic reform among officials. The democracy clause in the Association Agreement may have been a concrete reference to democracy but was vague and little credible. Positive instruments finally were virtually exclusively directed at strengthening Moroccan economic growth and facilitating the integration of the country into the world economy. In the analysed period from 2002 to 2004 the only exception was a programme supporting public administration reform, which can be said to fall in this category because it featured transparency and decentralisation among its objectives. Of course, the strong focus on indirect programmes remained after the launch of the ENP. Beginning from 2005, and especially with the initiation of the new ENPI financial instrument in 2007, however, programmes were also implemented that addressed issues of top-down governance reform more explicitly related to democratisation, most notably judiciary reform and various state initiatives for strengthening human rights. Also, some civil society organisations were financed to accompany and monitor these reforms. While, thus, the shift on the continuum towards the more direct end of

democracy promotion is evident, it is also clear that it has been tentative. First, these programmes addressing democratic top-down reform were small in number and financial volume. Second, they remained short of addressing core issues of democratic shortcomings in Morocco. Projects support those reforms initiated by the Moroccan government, which form part of its agenda of carefully controlled political liberalisation. Neither positive assistance, nor the political reform agenda of the Action Plan, however, supports any reform step that has the potential to really widen the contested political space, which is restricted significantly by the overwhelming prerogatives of the king and the restricted power of the parliament. Also the EU agenda in Morocco does not directly promote any of the actors in the Moroccan political system that can be considered important drivers of change.

Finally, as regards the continuum between consensual and coercive approaches, there has been no observable change associated with the shift from the EMP to the ENP. Under both policy frameworks the EU has been following a partnership approach so far, implementing instruments of democracy promotion principally in consensus with the Moroccan government. While incidents of conflict in relation to democracy promotion in other Mediterranean countries (notably negotiations of the Association Agreement and the Action Plan with Egypt as cited above) show that the EU is willing and capable to apply pressure in order to realise what it considers minimal aspects of the democracy promotion agenda, there is no reported incidence of this in the relations to Morocco. During negotiations with Egypt, the EU eventually withstood conflict maintaining its minimal demand for inclusion of the democracy clause in the EMP Association Agreement and for the establishment of a sub-committee on democratisation, human rights and governance in the ENP Action Plan. In relation to Morocco, however, these minimal criteria were not controversial. Instead, the content of the Action Plan with Morocco shows that the EU has been satisfied with the limitation of reform priorities to those on the Moroccan agenda of partial political liberalisation, while issues more controversial – and central to democratic transition – have been left off the agenda. Finally, while the increased support for civil society actors may theoretically bear the potential for conflict in the future, this has not been the case to date. Instead, the above reported practice to informally seek consultation about EIDHR funding proves that civil society support follows a genuine partnership approach as well.

In the terminology established above in chapter 3.2.3. the EU approach to democracy promotion under the EMP framework could be labelled a genuine “economics first”

approach. While it did not feature any significant instrument that addressed democratic reform directly it focused almost exclusively on economic development and some accompanying social development programmes. Democracy was only vaguely addressed by the democracy principle in the Accession Agreement, which did not have much clout, however. Opposed to that the ENP approach, according to the analysis in this thesis has been moving to a significant degree in the direction of a “gradualist” approach to democratic change. Contrary to the EMP approach, issues of top-down reform of governance and state institutions reform are addressed by instruments in all three categories: diplomacy, conditionality and positive instruments. However, on a continuum between a purely indirect approach and a “genuine democratisation” approach, ENP democracy promotion in Morocco certainly is closer to the former than to the latter. Issues that have been identified in chapter 5 as roadblocks to any significant development that would bring Morocco closer to a democratic transition are addressed neither by positive instruments within in the Action Plan agenda. The EU does not put pressure on the monarchy to reduce the political space reserved by it; it does not directly address the weakness of parliament or the influence of the executive over the higher courts; neither does it support moderated movements that could have the potential to put pressure on the monarchy to sacrifice some power and ultimately be party to a “pacted transition”. This, of course, would also require a more coercive approach applying significant pressure on the monarchy regarding these issues.

Having made these comparative judgements about EU democracy promotion under the EMP and the ENP respectively, the reservation must be made that the analysis of ENP democracy promotion was partly limited to identifying tendencies and evolutions in comparison to EMP democracy promotion, rather than leading to a conclusive classification. This limitation is mainly due to the fact that some policies under the ENP have still not been conclusively formulated and that implementation regarding others has not advanced far enough to allow for conclusive judgements. This is most evident regarding one aspect: the clout of conditionality policy will depend crucially on the clarity in which incentives will be defined in the immediate future and on the consistency with which their delivery will be made dependent on the fulfilment of political criteria. As was shown above, there have been some indications that the European institutions are moving in the direction of making delivery of incentives dependent chiefly on sector specific reform. If the rewards on offer within the ENP will not be consistently linked to political conditions, the political chapter of the Action Plan may well become an empty shell just like the democracy clause in the EMP. Also in this line, the new

sub-committee on democratisation, human rights and governance will have to prove that it is a forum in which these issues are brought to the table with some vigour.

A second reservation, that must be made, is to restate the limited access to data and information, with which this analysis was confronted. As discussed above, the approach chosen in this thesis was comparably narrow in the sense that it analysed democracy promotion only in one partner country. At the same time, however, it was comparably broad in the sense that it included all instruments of democracy promotion in Morocco into the analysis. While this approach has allowed for a comprehensive image of the EU approach in Morocco, it has allowed only a limited degree of depth concerning the individual instruments. Regarding the issue dimension, analysis in this thesis was limited to identifying the objectives of the individual instruments. Future research could go further and analyse in more depth the impact of the individual instruments in order to generate a more precise image of what the EU is really promoting in Morocco. Regarding the coerciveness dimension, the analysis in this thesis was struck with the limited accessibility of those processes in which the Action Plan was negotiated and the programming of MEDA and ENPI projects is done. Further research on this would have to draw much more on interviews with EU and Moroccan policy makers involved in these processes, than this was possible in the scope of this thesis. This way, findings in the individual categories that were discussed in this thesis could be sharpened. The findings could then be used to compare them to EU approaches to democracy promotion in other cases within the region or globally, and serve either as an independent variable studying their effectiveness and efficiency in respect to the objective of democratic transition, or as a dependent variable studying the influence of EU intra-institutional politics, the interdependency of the EU with the partner country or global context variables on the choice of democracy promotion strategy.

9. BIBLIOGRAPHY

Speeches:

Prodi, Romano 2004: The Future of Europe of 25. Address before the „Semaines Sociales de France“, 23 September 2004. Retrieved from: <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/04/417&format=PDF&aged=1&language=EN&guiLanguage=en> (last accessed on 31 July 2007).

Treaties and Conventions:

Euro-Mediterranean Agreement Establishing an Association between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the Other Part (EU-Morocco Association Agreement). Retrieved from: http://europa.eu/eur-lex/pri/en/oj/dat/2000/l_070/l_07020000318en00020190.pdf (last accessed on 31 July 2007).

Vienna Convention on the Law of Treaties. Retrieved from: http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf (last accessed on 31 July 2007).

Treaty Establishing the European Community (Consolidated Version of 1997). Retrieved from: http://eur-lex.europa.eu/en/treaties/dat/12002E/pdf/12002E_EN.pdf (last accessed on 31 July 2007).

Treaty on European Union. Retrieved from: <http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html> (last accessed on 31 July 2007).

Newspaper Articles:

El Pais, 1 February 2007: Un Diario de Izquierda Deja de Salir en Marruecos tras Atacar al Rey.

European Voice, 29 March 2007: Morocco Rejects EU Election Monitoring. By: Andrew Beatty.

Le Journal Hebdomadaire, 1 December 2006: La Repression Contre la Société Civile se Poursuit au Maroc.

TelQuel, 24 December 2005: Bagnes secrets, disparitions forcées, torture... Les bonnes feuilles du rapport de l'IER. By: Karim Boukhari.

TelQuel, 18 February 2006: “Le Journal”: La Mise a mort. By: Driss Bennani

TelQuel, 23 June 2007: AMDH. Le Retour de la Matraque. By: Samir Achehbar.

The Economist, 6 April 2006: In his Father's Shadow: Morocco's Faltering Transition to Democracy under King Mohammed VI.

Official Documents:

Council of the European Union 1996: Regulation Establishing Financial and Technical Measures to Accompany (MEDA) the Reform of Economic and Social Structures in the Framework of the Euro-Mediterranean Partnership. Regulation No. 1488/96.

Council of the European Union 2000: Regulation Amending the Regulation Establishing Financial and Technical Measures to Accompany (MEDA) the Reform of Economic and Social Structures in the Framework of the Euro-Mediterranean Partnership. Regulation No. 2698/00

Council of the European Union 2003a: Decision of the EU-Morocco Association Council Setting up Subcommittees of the Association Committee. Decision No. 1/03.

Council of the European Union 2003b: A Secure Europe in a Better World. European Security Strategy. Adopted at the European Council on 12 December 2003.

Council of the European Union 2004a: Regulation Amending Regulation 975/99 Laying down the Requirements for the Implementation of Development Cooperation Operations which Contribute to the General Objective of Developing and Consolidating Democracy and the Rule of Law and to that of Respecting Human Rights and Fundamental Freedoms. Regulation No. 2240/04.

Council of the European Union 2004b: Regulation Amending Regulation 976/99 Laying down the Requirements of Community Operations, other than those of Development Cooperation, which, within the Framework of Community Cooperation Policy, Contribute to the General Objective of Developing and Consolidating Democracy and the Rule of Law and to that of Respecting Human Rights and Fundamental Freedoms. Regulation No. 2242/04.

Council of the European Union 2006: Regulation Laying down General Provisions Establishing a European Neighbourhood and Partnership Instrument. Regulation No. 1638/06.

Council of the European Union 2007: Strengthening the European Neighbourhood Policy. Presidency Progress Report. 1874/07.

European Commission 1995: Barcelona Declaration adopted at the Euro-Mediterranean Conference. 27-28 November 1995. Retrieved from: http://ec.europa.eu/external_relations/euromed/bd.htm (last accessed on 31 July 2007).

European Commission 2001a: Partenariat Euro-Med. Maroc – Document de Strategie 2002-2006 et Programme Indicatif National 2002-2004. Retrieved from: http://ec.europa.eu/external_relations/morocco/csp/nip0506.htm (last accessed on 31 July 2007).

- European Commission 2001b: European Initiative for Democracy and Human Rights Programming Document 2002-2004. Retrieved from: http://ec.europa.eu/external_relations/human_rights/doc/eidhr02_04.pdf (last accessed on 31 July 2007).
- European Commission 2002: Europe and the Mediterranean: Towards a Closer Partnership. An Overview over the Barcelona Process in 2002. Retrieved from: http://ec.europa.eu/external_relations/library/publications/04_01-euromed_covtext_en.pdf (last accessed on 31 July 2007).
- European Commission 2003a: Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours. COM(2003) 104.
- European Commission 2003b: Reinvigorating EU actions on Human Rights and Democratisation with Mediterranean Partners. Strategic Guidelines. COM(2003) 294.
- European Commission 2004a: European Neighbourhood Policy. Strategy Paper. COM(2004) 373.
- European Commission 2004c: Council Decision on a Community Position in the Association Council on the Implementation of Article 84 of the Euro-Mediterranean Agreement Establishing an Association between the European Communities and Their Member States, of the One Part, and the Kingdom of Morocco, of the Other Part. (Presented by the Commission). COM(2004) 426.
- European Commission 2004d: European Neighbourhood Policy. Country Report: Morocco. SEC(2004) 569.
- European Commission 2004e: EU-Morocco Action Plan. COM(2004) 788.
- European Commission 2004f: Euro-Med Partnership. Morocco – National Indicative Programme 2005-2006. Retrieved from: http://ec.europa.eu/external_relations/morocco/csp/maroc_nip05_06_en.pdf (last accessed on 31 July 2007).
- European Commission 2004f: European Initiative for Democracy and Human Rights. Programming for 2005 and 2006. Retrieved from: http://ec.europa.eu/europeaid/projects/eidhr/documents_en.htm (last accessed on 31 July 2007).
- European Commission 2005: Tenth Anniversary of the Euro-Mediterranean Partnership: A Work Programme to Meet the Challenges of the Next Five Years. 27 November 2005.
- European Commission 2006a: European Neighbourhood and Partnership Instrument. Morocco – National Indicative Programme 2007-2010. Retrieved from: http://ec.europa.eu/world/enp/pdf/country/enpi_nip_morocco_en.pdf (last accessed on 31 July 2007).
- European Commission 2006b: General Approach to Enable ENP Partner Countries to Participate in Community Agencies and Community Programmes. COM(2006) 724.

European Commission 2006c: Strengthening the European Neighbourhood Policy. COM(2006) 726.

European Commission 2006d: ENP Progress Report. Morocco. SEC(2006) 1511/2

European Commission 2006e: The Thematic Programme “Non-state Actors and Local Authorities in Development”. COM(2006) 19.

European Parliament 2002: Resolution on the Middle East of 10 April 2002. P5-TA(2002) 0173.

Reports:

Democracy Reporting International 2007: Évaluation du Cadre pour l’Organisation des Élections. Maroc. Retrieved from: http://www.democracy-reporting.org/downloads/dri_tm_maroc.pdf (last accessed on 31 July 2007).

Freedom House 2006: Freedom of the Press – Morocco (2006). Retrieved from: http://www.freedomhouse.org/inc/content/pubs/pfs/inc_country_detail.cfm?country=7021&year=2006&pf (last accessed on 31 July 2007).

Freedom House 2007: Freedom in the World – Morocco (2007). Retrieved from: http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2007&country=7235&pf. (last accessed on 31 July 2007).

Human Rights Watch 2006: Morocco: Convictions Show Limits on Press Freedom. Retrieved from: <http://hrw.org/english/docs/2006/05/09/morocc13333.htm> (last accessed on 31 July 2007).

International Crisis Group 2007: Western Sahara: Out of the Impasse. Middle East/North Africa Report No. 66, June 2007. Retrieved from: http://www.acfid.asn.au/what-we-do/docs_what-we-do/docs_countries-regions/docs_africa/icgwesternsaharaoutoftheimpasse.pdf (last accessed on 31 July 2007).

Schmid, Dorothée 2006: European Community Aid Policy and Practice on Governance and Democracy. Research in Morocco. Report commissioned by One World Action, London. Retrieved from: http://owa.netxtra.net/_uploads/documents/MoroccoFinalReportFebruary2006.pdf (last accessed on 31 July 2007).

World Bank 2006a: Morocco Country Brief. Retrieved from: <http://siteresources.worldbank.org/INTMOROCCO/Resources/MOROCCO-ENG-2006AM.pdf> (last accessed on 31 July 2007).

Books and Articles:

- Amghar, Samir 2007: Political Islam in Morocco. CEPS Working Document No. 269. Brussels: Centre for European Policy Studies.
- Adesnik, David and Michael McFaul 2006: Engaging Autocratic Allies to Promote Democracy. In: *The Washington Quarterly*. Vol. 29, No. 2, pp. 7-26.
- Albrecht, Holger and Oliver Schlumberger 2004: "Waiting for Godot": Regime Change Without Democratization in the Middle East. In: *International Political Science Review*. Vol. 25, No. 4, pp. 371-392.
- Baracani, Elena 2005: From the EMP to the ENP: New European Pressure for Democratisation? The Case of Morocco. Paper presented at the conference „Europeanization and Democratization: The Southern European Experience and the Perspective for New Member States of the Enlarged Europe“ at the University of Florence on 16-18 June 2005.
- Beau, Nicolas and Catherine Graciet 2006: *Quand le Maroc Sera Islamiste*. Paris: La Découverte.
- Boix, Carles and Susan Stokes 2003: Endogenous Democratization. In: *World Politics*. Vol 55, No. 4, pp. 517-549.
- Burnell, Peter 2000: Democracy Assistance: The State of the Discourse. In: Peter Burnell (ed.): *Democracy Assistance. International Co-operation for Democratization*. London: Frank Cass. pp. 3-33.
- Burnell, Peter 2004: Democracy Promotion: The Elusive Quest for Grand Strategies. In: *Internationale Politik und Gesellschaft*. Heft 3/2004. pp. 100-116
- Burnell, Peter 2005: Political Strategies of External Support for Democratization. In: *Foreign Policy Analysis*. Vol. 1, No. 3, pp. 361-384.
- Burnell, Peter 2006: *Promoting Democracy Backwards*. FRIDE Working Paper No. 28. Madrid: Fundación para las Relaciones Internacionales y el Diálogo Exterior.
- Burton, Michael and John Higley 1987: Elite Settlements. In: *American Sociological Review*. Vol. 52, No. 3, pp. 295-307.
- Brumberg, Daniel 2002: The Trap of Liberalized Autocracy. In: *Journal of Democracy*. Vol. 13, No. 4, pp. 56-68.
- Brumberg, Daniel 2004: Beyond Liberalization?. In: *The Agonist*. Spring 2004. Retrieved from: <http://agonist.org/node/5737/print> (last accessed on 31 July 2007).
- Carothers, Thomas 2002: The End of the Transition Paradigm. In: *Journal of Democracy*. Vol. 13, No. 1, pp. 5-21.
- Carothers, Thomas 2004: Is Gradualism Possible? Choosing a Strategy for Promoting Democracy in the Middle East. In: Thomas Carothers (ed.): *Critical Mission. Essays*

- on Democracy Promotion. Washington D.C.: Carnegie Endowment for International Peace. pp. 237-250.
- Carothers, Thomas (ed.) 2004: *Critical Mission. Essays on Democracy Promotion*. Washington D.C.: Carnegie Endowment for International Peace
- Carothers, Thomas 2007a: The “Sequencing Fallacy”. In: *Journal of Democracy*. Vol. 18, No. 1, pp. 12-27.
- Carothers, Thomas 2007b: Arab States: Five Myths about Western Political Party Aid. In: *Arab Reform Bulletin*. Vol. 5, Issue 4, May 2007. Washington D.C.: Carnegie Endowment for International Peace.
- Carothers, Thomas and Marina Ottaway (eds.) 2005: *Uncharted Journey. Promoting Democracy in the Middle East*. Washington D.C.: Carnegie Endowment for International Peace.
- Cavatorta, Francesco 2005: The International Context of Morocco’s Stalled Democratization. In: *Democratization*. Vol. 12, No. 4, pp. 548-566.
- Chua, Amy 1998: Markets, Democracy, and Ethnicity: Towards a New Paradigm of Law and Development. In: *Yale Law Journal*. Vol. 108, No. 1, pp. 1-108.
- Crawford, Gordon 2000: Promoting Democratic Governance in the South. In: *European Journal of Development Research*. Vol. 12, No. 1, pp. 23-57.
- Dahl, Robert 1971: *Polyarchy. Participation and Opposition*. New Haven: Yale University Press.
- Dauderstädt, Michael and Marika Lerch 2005: *Internationale Demokratieförderung: Mit begrenzter Macht zur Machtbegrenzung. Internationale Politikanalyse Frieden und Sicherheit*. Bonn: Friedrich-Ebert-Stiftung.
- Deininger, Klaus and Lyn Squire 1996: A New Data Set Measuring Income Inequality. In: *The World Bank Economic Review*. Vol. 10 No. 3, pp. 565-591.
- Del Sarto, Raffaella and Tobias Schumacher 2005: From EMP to ENP: What’s at Stake with the European Neighbourhood Policy towards the Southern Mediterranean?. In: *European Foreign Affairs Review*, Vol. 10, pp. 17-38.
- Del Sarto, Raffaella, Tobias Schumacher and Erwan Lannon 2006: *Benchmarking Democratic Development in the Euro-Mediterranean Area: Conceptualising Ends, Means and Strategies*. EuroMeSCo Report, October 2006. Lisbon: The Euro-Mediterranean Study Commission.
- Dimitrova, Antoaneta and Geoffrey Pridham 2004: International Actors and Democracy Promotion in Central and Eastern Europe: The Integration Model and its Limits. In: *Democratization*. Vol. 11, No. 5, pp. 91-112.
- Dolowitz, David and David Marsh 2000: Learning from Abroad: The Role of Policy Transfer in Contemporary Policy-Making. In: *Governance*. Vol. 13, No. 1, pp. 5-24.

- Easton, David 1979: *A Systems Analysis of Political Life*. Chicago: The University of Chicago Press. 2nd Edition.
- Emerson, Michael 2004a: *European Neighbourhood Policy: Strategy or Placebo?* CEPS Working Document No. 215. Brussels: Centre for European Policy Studies.
- Emerson, Michael 2004b: *The Wider Europe Matrix*. Brussels: Centre for European Policy Studies.
- Emerson, Michael, Huw Edwards, Ildar Gazizullin *et al.* 2006: *The Prospects of Deep Free Trade between the European Union and Ukraine*. Brussels: Centre for European Policy Studies.
- Emerson, Michael and Gergana Noutcheva 2005: *From Barcelona Process to Neighbourhood Policy. Assessments and Open Issues*. CEPS Working Document No. 220. Brussels: Centre for European Policy Studies.
- Emerson, Michael, Gergana Noutcheva and Nicu Popescu 2007: *European Neighbourhood Policy Two Year's on: Time indeed for an 'ENP plus'*. CEPS Policy Brief No. 126. Brussels: Centre for European Policy Studies.
- Gershman, Carl 2004: *Democracy Promotion: The Relationship of Political Parties and Civil Society*. In: *Journal of Democracy*. Vol. 11, No. 3, pp. 27-35.
- Gillespie, Richard and Laurence Whitehead 2002: *European Democracy Promotion in North Africa: Limits and Prospects*. In: *Democratization*. Vol. 9, No. 1, pp. 192-206.
- Hinnebusch, Raymond 2006: *Authoritarian Persistence, Democratization Theory and the Middle East: An Overview and Critique*. In: *Democratization*. Vol. 13, No. 3, pp. 373-395.
- Huntington, Samuel 1991: *The Third Wave. Democratization in the Late Twentieth Century*. University of Oklahoma Press.
- Huuhtanen, Heidi 2005: *The Role of International Actors in the Promotion of Political Change in the Arab World: Case Studies of Egypt and Syria*. Report for the Ministry of Foreign Affairs, Finland.
- Jünemann, Annette 2001: *Die EU und der Barcelona-Prozess – Bewertungen und Perspektiven*. In: *Integration*. Heft1/2001, pp 42-57.
- Jünemann, Annette and Michèle Knodt 2006: *Externe Demokratieförderung der Europäischen Union. Die Instrumentenwahl der EU aus vergleichender Perspektive*. In: *Integration*. Heft 4/2006, pp. 187-196.
- Kausch, Kristina 2007: *An Islamist Government in Morocco? Democracy Backgrounder No. 11*. Madrid: Fundación para las Relaciones Internacionales y el Diálogo Exterior.
- Kuznets, Simon 1955: *Economic Growth and Income Inequality*, In: *American Economic Review*, Vol. 45, No. 1, pp. 1-28.

- Linz, Juan and Alfred Stepan 1996: *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Societies*. Baltimore: Johns Hopkins University Press.
- Lipset, Seymour Martin 1959: *Some Social Requisites of Democracy: Economic Development and Political Legitimacy*. In: *American Political Science Review*. Vol. 53, No. 1, pp. 69-105.
- Lipset, Seymour Martin 1981: *Political Man: The Social Bases of Politics*. Baltimore: Johns Hopkins University Press. 3rd Expanded and Updated Edition.
- López, Juan 2000: *Sanctions on Cuba Are Good, but Not Enough*. In: *Orbis*. Vol. 44, No. 3, pp. 345-361.
- Magen, Amichai 2006: *The Shadow of Enlargement: Can the European Neighbourhood Policy Achieve Compliance?*. In: *Columbia Journal of European Law*, Vol. 12, pp. 383- 427.
- Maghraoui, Abdeslam 2002: *Depoliticization in Morocco*. In: *Journal of Democracy*. Vol. 13, No. 4, pp. 24-32.
- Mansfield, Edward and Jack Snyder 1995: *Democratization and the Danger of War*. In: *International Security*. Vol. 20, No. 1, pp. 5-38.
- Merkel, Wolfgang 1999: *Systemtransformation: Eine Einführung in die Theorie und Praxis der Transformationsforschung*. Opladen: Leske + Budrich.
- Merkel, Wolfgang and Hans-Jürgen Puhle 1999: *Von der Diktatur zur Demokratie. Transformationen, Erfolgsbedingungen, Entwicklungspfade*. Opladen: Westdeutscher Verlag.
- Nohlen, Dieter (ed.) 2001: *Kleines Lexikon der Politik*. München: C.H. Beck.
- Nohlen, Dieter and Bernhard Thibaut 2001: *Politisches System*. In: Dieter Nohlen (ed.): *Kleines Lexikon der Politik*. München: C.H. Beck. pp. 402-405
- O'Donnell, Guillermo 2002: *In Partial Defense of an Evanescent "Paradigm"*. In: Thomas Carothers (ed.): *Critical Mission. Essays on Democracy Promotion*. pp. 185-191.
- O'Donnell, Guillermo and Phillippe Schmitter 1986: *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. Baltimore: Johns Hopkins University Press.
- O'Donnell, Guillermo, Philippe Schmitter and Laurence Whitehead (eds.) 1986: *Transitions from Authoritarian Rule. Comparative Perspectives*. Baltimore: Johns Hopkins University Press.
- Ottaway, Marina and Thomas Carothers 2005: *Getting to the Core*. In: Thomas Carothers and Marina Ottaway (eds.): *Uncharted Journey. Promoting Democracy in the Middle East*. Washington D.C.: Carnegie Endowment for International Peace. pp. 251-268.

- Ottaway, Marina and Meredith Riley 2006: Morocco: From Top-down Reform to Democratic Transition? Carnegie Paper No. 71. Washington: Carnegie Endowment for International Peace.
- Ottaway, Marina and Amr Hamzawy 2007: Fighting on Two Fronts: Secular Parties in the Arab World. Carnegie Paper No. 85. Washington D.C.: Carnegie Endowment for International Peace.
- Popescu, Nicu 2006: Russia's Soft Power Ambitions. CEPS Policy Brief No. 115. Brussels: Centre for European Policy Studies.
- Pridham, Geoffrey 2000: The Dynamics of Democratization. A Comparative Approach. London: Continuum
- Przeworski, Adam 1986: Some Problems in the Study of the Transition to Democracy. In: Guillermo O'Donnell, Philippe Schmitter and Laurence Whitehead (eds.): Transitions from Authoritarian Rule. Comparative Perspectives. Baltimore: Johns Hopkins University Press. pp. 47-63.
- Przeworski, Adam, Michael Alvarez, José Antonio Cheibub *et al.* 1996: What Makes Democracies Endure? In: Journal of Democracy. Vol. 7, No. 1, pp. 39-55.
- Przeworski, Adam, Michael Alvarez, José Antonio Cheibub *et al.* 2000: Democracy and Development. Political Institutions and Well-being in the World, 1950-1990. New York: Cambridge University Press.
- Ravallion, Martin and Shaohua Chen. 1997. What Can New Survey Data Tell Us About Recent Changes in Distribution and Poverty?. In: The World Bank Economic Review. Vol. 11, No. 2, pp. 357-382.
- Reuveny, Rafael and Quang Li 2003: Economic Openness, Democracy and Income Inequality. An Empirical Analysis. In: Comparative Political Studies. Vol. 36, No. 5, pp. 575-601.
- Rustow, Dankward 1970: Transitions to Democracy. In: Comparative Politics. Vol. 2, No. 3, pp. 337-365.
- Sandschneider, Eberhard 2003: Externe Demokratieförderung. Theoretische und praktische Aspekte der Außenunterstützung von Transformationsprozessen. Gutachten für das Centrum für angewandte Politikforschung (CAP), München.
- Schimmelfennig, Frank 2005: European Neighbourhood Policy: Political Conditionality and its Impact on Democracy in Non-Candidate Neighboring Countries. Paper presented at the EUSA 9th Biennial International Conference, Austin, 31 March-2 April 2005.
- Schimmelfennig, Frank and Ulrich Sedelmeier 2005: Introduction: Conceptualizing the Europeanization of Central and Eastern Europe. In: Frank Schimmelfennig and Ulrich Sedelmeier (eds.): The Europeanization of Central and Eastern Europe. Ithaca: Cornell University Press. pp. 1-28.

- Schimmelfennig, Frank and Ulrich Sedelmeier (eds.) 2005: *The Europeanization of Central and Eastern Europe*. Ithaca: Cornell University Press.
- Schmid, Dorothée 2003: *Interlinkages Within the Euro-Mediterranean Partnership. Linking Economic, Institutional and Political Reform: Conditionality Within the Euro-Mediterranean Partnership*. EuroMeSCo Paper No. 27. Lisbon: The Euro-Mediterranean Study Commission.
- Schmitz, Andrea 2006: *Konditionalität in der Entwicklungspolitik*. SWP-Studie, May 2006. Berlin: Stiftung Wissenschaft und Politik.
- Smith, Karen E. 1998: *The Use of Political Conditionality in the EU's Relation with Third Countries: How Effective?'* *European Foreign Affairs Review*. Vol. 3, No. 2, pp. 253-274.
- Sørensen, Georg 1993: *Introduction*. In: Georg Sørensen (ed.): *Political Conditionality*. London: Frank Cass. pp. 1-5.
- Sørensen, Georg (ed.) 1993: *Political Conditionality*. London: Frank Cass.
- Stokke, Olav 1995: *Aid and Political Conditionality: Core Issues and State of the Art*. In: Olav Stokke (ed.): *Aid and Political Conditionality*. London: Frank Cass. pp. 1-87.
- Stokke, Olav (ed.) 1995: *Aid and Political Conditionality*. London: Frank Cass
- Thiery, Peter 2001: *Zivilgesellschaft*. In: Nohlen, Dieter (ed.): *Kleines Lexikon der Politik*. München: C.H. Beck. pp. 593-595.
- Willis, Michael 2002: *Morocco's Islamists and the Legislative Elections of 2002: The Strange Case of the Party That Did Not Want to Win*. In: *Mediterranean Politics*, Vol. 9, No. 1, pp. 53-81.
- World Bank 2006b: *Fostering Higher Growth and Employment in the Kingdom of Morocco. A World Bank Country Study*. Washington D.C.: The International Bank for Reconstruction and Development.
- Youngs, Richard 2001: *Democracy Promotion: The Case of European Union Strategy*. CEPS Working Document No. 167. Brussels: Centre for European Policy Studies.
- Youngs, Richard 2002: *The EU and Democracy Promotion in the Mediterranean: A New or Disingenuous Strategy?'* In: *Democratization*. Vol. 9, No. 1, pp. 40-62.
- Youngs, Richard 2006a: *Survey of European Democracy Promotion Policies 2000-2006*. Madrid: Fundación para las Relaciones Internacionales y el Diálogo Exterior.
- Youngs, Richard 2006b: *Europe's Flawed Approach to Arab Democracy*. CER Essay, October 2006. London: Centre for European Reform.
- Zakaria, Fareed 2004: *The Future of Freedom. Illiberal Democracy at Home and Abroad*. New York: W. W. Norton & Company, Inc.

ANNEX I: CHAPTER 2 OF THE EU-MOROCCO ACTION PLAN ON POLITICAL DIALOGUE AND REFORMS

(Source: European Commission 2004e)

2. Actions

2.1. Political dialogue and reforms

Democracy and the rule of law

(1) Consolidate the administrative bodies responsible for reinforcing respect for democracy and the rule of law

Short term

- Exchange experience and know-how in relation to development of the regulatory framework governing political parties.
- Strengthen the Administration's capacity, in particular by supporting implementation of the Law on the formal motivation of administrative acts of public administrations, local authorities and public institutions.
- Continue efforts towards decentralisation and enhancing the powers of local authorities through support for the new National Planning Charter ("Charte sur l'Aménagement du Territoire").

Medium term

- Ensure implementation of local authority reform.

(2) Step up efforts to facilitate access to justice and the law

- Simplify judicial procedures, including shortening the length of procedures, trials and the enforcement of judgements and improving legal assistance.
- Support for family courts within the courts of first instance in order to support the provisions of the new family code.
- Support for youth justice as part of the reform of the new criminal code.
- Pursue the national plan for modernising the prison administration, in particular the elements dealing with training, reintegration and protection of prisoners' rights.
- Training of judges and other court staff.
- Continue the MEDA programme on "Modernising law courts in Morocco".

(3) Cooperation in tackling corruption

Short term

- Follow-up the conclusions of the "justice and security" sub-committee.
- Exchange information on respective laws and international instruments.
- Assistance in the application of the measures provided for in the UN Convention; international cooperation.

Medium term

- Strengthen and support the implementation of a national anti-corruption strategy, including training expert anti-corruption services, applying a code of conduct and public awareness-raising campaigns.

Human rights and fundamental freedoms

(4) Ensure the protection of human rights and fundamental freedoms according to international standards

Short term

- Start discussions within the sub-committee on human rights, democratisation and governance.
- Examine the possibility of reviewing the opt-outs with regard to international human rights conventions.
- Pursue legislative reforms with a view to implementation of international human rights legislation, including the basic UN conventions and their optional protocols.
- Examine the possibility of accession to the optional protocols to the international human rights conventions to which Morocco is party.
- Finalise the national human rights action plan and support its implementation.
- Strengthen dialogue on human rights at all levels, including in the Fairness and Reconciliation Commission.
- Promote cultural and linguistic rights of all peoples of the Moroccan nation.
- Continue the reform of criminal law with a view to introduction of a definition of torture in line with that of the UN Convention against Torture.

(5) Freedoms of association and expression

- Ensure implementation of the law on freedom of association and of assembly in accordance

with
the relevant clauses of the UN International Covenant on Civil and Political Rights.

- Exchange experience and know-how in relation to development of the Press Code.
- Support the new law liberalising the audiovisual sector and cooperation in the sector.

(6) Further promote and protect the rights of women and children

- Apply the recent reforms of the Family Code.
- Combat discrimination and violence against women pursuant to the United Nations Convention on the Elimination of All Forms of Discrimination against Women.
- Consolidate children's rights pursuant to the Convention on the rights of the child.
- Promote the role of women in social and economic progress (Art. 71 A A).
- Protection of pregnant women in the workplace.

Fundamental social rights and core labour standards

(7) Implement fundamental social rights and core labour standards

- Initiate dialogue on fundamental social rights and core labour standards so as to provide a situation analysis and identify potential challenges and measures, in particular in the light of the 1998 ILO Declaration.

ANNEX II: MEDA-PROGRAMMES IMPLEMENTED IN MOROCCO IN 2002-2004

(Source: European Commission 2001a)

Programme	Objectives	Committed Funds	Year
Technical Support Programme for the Implementation of the Association Agreement	<ul style="list-style-type: none"> - Bring legislative and regulatory framework closer in line with that of the EU - Ensure full implementation of the Association Agreement - Support conclusion and implementation of regional free trade agreements with other Mediterranean countries 	5,000,000	2002
Support Programme for Moroccan Enterprises	<ul style="list-style-type: none"> - Improving the competitiveness of Moroccan enterprises 	61,000,000	2002
Professional Training Programme	<ul style="list-style-type: none"> - Increase offer of qualified personnel - Improve competitiveness 	50,000,000	2002
Arganier Project	<ul style="list-style-type: none"> - Increase employment of women in the Arganier - Contribute to conservation and extension of the Arganier 	10,000,000	2002
Public Administration Reform	<ul style="list-style-type: none"> - Deconcentration of state services in order to improve procedures and reduce costs - Reduce the share of public salaries of the GDP - Improve the Human Resources Management - Adaption of professional profiles to quality criteria 	81,000,000	2003
TEMPUS Programme	<ul style="list-style-type: none"> - Reform and improvement of higher education 	40,000,000	2003
Industrial Depollution and Water Sanitation	<ul style="list-style-type: none"> - Industrial depollution - Sewage in medium size cities 	30,000,000	2003
Transport Sector Reform	<ul style="list-style-type: none"> - Liberalisation and privatisation of sector - Reinforcing regulating role of public authorities - Improving transport services 	66,000,000	2004

Development Programme for the Northern Provinces	<ul style="list-style-type: none"> - Improve integration with the rest of the country - Improve basic infrastructure - Improve situation for enterprises - Adapt education system to the objective of mobilising local resources and to the demand of the local labour market 	70,000,000	2004
Support Programme for the Movement of Person	<ul style="list-style-type: none"> - Create a state institution in charge of canalising legal migration to the exterior in function of demand 	5,000,000	2002
Border Control Management	<ul style="list-style-type: none"> - Establish greater security at international borders that will diminish cross border crime and illegal migration. - Strengthening investigative capacities to fight trafficking and smuggling in human beings including material support and training 	40,000,000	2003

ANNEX III: MEDA-PROGRAMMES IMPLEMENTED IN MOROCCO IN 2005 AND 2006

(Source: European Commission 2004f)

Programme	Objectives	Committed Funds	Year
Tempus Programme	<ul style="list-style-type: none"> - Contribute to the reform and development of higher education 	8,000,000	2005
Technical Support Programme for the Implementation of the Association Agreement and the ENP	<ul style="list-style-type: none"> - Bring legislative and regulatory framework closer in line with that of the EU - Ensure full implementation of the Association Agreement - Support conclusion and implementation of regional free trade agreements with other Mediterranean countries 	15,000,000	2005
Support for Professional Associations	<ul style="list-style-type: none"> - Strengthening their operational capability in delivering services to their members - Improving their representative nature - Increasing resources generated by the services provided - Contribute to the implementation of a government policy favouring their development - Strengthening their international involvement 	5,000,000	2005
Slums	<ul style="list-style-type: none"> - Improve living conditions of people living in shanty towns and substandard housing - Contribute to clearing shanty towns 	90,000,000	2005
Participatory rural development in the Central Middle Atlas	<ul style="list-style-type: none"> - Contribute to combating poverty, rural population and emigration - Contribute to the sustainable management of natural resources - Promoting the role of women in rural areas 	6,000,000	2005
Development of the Northern Provinces	<ul style="list-style-type: none"> - Promote economic and social development of the region - Break the isolation of rural areas 	34,000,000	2005

Programme to Support the National Plan for Democracy and Human Rights	<ul style="list-style-type: none"> - Establish the principles of human rights and democratisation more firmly in Moroccan society 	2,000,000	2005
Support for Compensation Programmes in Favour of Regions Affected by Human Rights Violations	<ul style="list-style-type: none"> - Follow up the recommendation of the Equity and Reconciliation Council (IER) and support projects proposed by civil society organisations and implemented in partnership with local authorities in those regions indicated by the IER 	3,000,000	2005
Tax Reform	<ul style="list-style-type: none"> - Establishing a modern tax system with a broader tax base, simplified tax arrangements, fewer exemptions and an efficient tax administration 	80,000,000	2006
Support for the Water Sector	<ul style="list-style-type: none"> - Improve access to basic infrastructure of disadvantaged people in rural areas. - Build sanitation facilities that are adapted to the environment - Build infrastructure that will contribute to improving sanitation and water quality, supply drinking water and, saving irrigation water and combating floods. 	30,000,000	2005

ANNEX IV: ENPI-PROGRAMMES IMPLEMENTED IN MOROCCO IN 2007-2010

(Source: European Commission 2006a)

Programme	Objectives	Committed Funds	Year
Support for the National Human Development Initiative	- Strengthen the efforts of the government and local authorities to alleviate poverty, social exclusion, insecurity and to reduce social risk factors	60,000,000	2007
Programme of Support to the National Literacy and Non-formal Education Strategy	- Support implementation of the literacy and non-formal education strategy	17,000,000	2007
Support Programme for Education Policy	- Help improve the quality of human resources in the country	39,000,000	2009
		54,000,000	2010
Support for the Consolidation of Basic Medical Cover	- Gradually extend universal health cover for a basic care package to make it the norm	40,000,000	2007
Sectoral Support for Health	- Improve performance of the Moroccan health system	50,000,000	2008
		36,000,000	2010
Support for the Ministry of Justice	- Improve the performance of the prison system and the conditions of detention - Improve the performance of the legal system by strengthening training programmes for court staff.	20,000,000	2008
Support for the Implementation of the Recommendations of the IER	- Contribute to the effective implementation of the IER's recommendations: - Creation of a Moroccan Institute for Contemporary History - Promotion of a modern policy on public and private archive - Creation of a national history museum	8,000,000	2008
Completion of the Public-administration Reform	- Attaining a higher level of effectiveness in the management of budgetary and human resources.	20,000,000	2007

Programme of Support for the Action Plan	<ul style="list-style-type: none"> - Alignment of legislative and regulatory frameworks on those of the EU - Strengthening of the institutional framework for effective implementation of the programme under the ENP - Support for the implementation of the Association Agreement 	10,000,000 10,000,000	2008 2010
Programme to Promote Investment and the Exports of Moroccan Industry	<ul style="list-style-type: none"> - Improve the environment for investment by companies their operations in Morocco, in particular investments in Morocco by Moroccans in Diaspora - Promote innovation to make Moroccan companies more competitive. - Facilitate EU-Morocco trade, in particular access to the market for industrial products. - Bring Moroccan legislation on industrial products further in line with international and EU rules. 	20,000,000 2008	2008 2009
Vocational Training	<ul style="list-style-type: none"> - Satisfy industry's needs for skills in accordance with Morocco's effort to ensure growth. - Help to improve the training the candidates for economic migration 	50,000,000	2009
Support for Agriculture	<ul style="list-style-type: none"> - Identify and adopt specific programmes to modernise agriculture, including research programmes - Identify and adopt measures in the rural development sector with a view to developing quality products - Identify and develop measures to create a legal framework to encourage private investment 	40,000,000	2010
Extension of the Rocade Project	<ul style="list-style-type: none"> - Support the Rocade road construction project in order to better connect the Northern Provinces. 	25,000,000	2007
Improving Communications to Isolated Areas: Social Road Infrastructure	<ul style="list-style-type: none"> - Socio-economic development of land-locked rural regions - Improve communications to rural areas - Increase the pace of road 	25,000,000	2010

	construction so that the proportion of the rural population that is accessible rises from 54% in 2005 to 80% in 2015		
Support for the Reform of the Energy Sector in Morocco	<ul style="list-style-type: none"> - Development of the gas sector - Improvement of oil product quality and the technical inspection of energy facilities - Increase the use of renewable energy - Improve the monitoring of the energy sector and energy forecasting 	40,000,000	2008

EIDESSTATTLICHE ERKLÄRUNG

Hiermit versichere ich, dass ich die vorliegende Arbeit selbstständig verfasst und ausschließlich die angegebenen Quellen und Hilfsmittel verwendet habe.

Berlin, den 1. August 2007

Eike Meyer