

How serious is the EU about supporting democracy and human rights in Morocco?

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Executive summary

While clearly ahead of other countries in the region in terms of human rights and liberalisation, Morocco is still a centrally-steered façade semi-autocracy, not the ‘model’ of Arab democratisation it likes to be portrayed as. European member states, influenced by other policy priorities such as migration, anti-terrorism co-operation, regional conflicts or trade, are doing little bilaterally to foster democracy in Morocco. This task is largely left to the European Commission, which provides diplomatic cover and has with the European Neighbourhood Policy (ENP) the necessary policy structures in place. The ENP Action Plan for Morocco contains a number of ambitious but selective reforms, which indirectly follow the Moroccan ruling elite’s course of modernisation and selective political reforms in carefully chosen areas which do not touch on the distribution of powers. Systemic-level reforms, the precondition for a representative democracy with a balance of power and the rule of law, have been left out.

With the EU’s approach to democracy promotion generally being based on partnership, praise of achievements and incentives, both the Commission and member states have been reluctant to put significant pressure on Morocco to commit to structural political reforms. Criticism is more freely voiced in closed bilateral committees. However, beyond the requirements of diplomatic tactics, tame official statements reflect how the favourable light of regional comparison has distorted Morocco’s image in Europe into one of a shining model democrat, when in fact it is rather a smart strategic moderniser surrounded by police states.

European democracy funding to Morocco has increased in recent years but it is still disproportionately low compared to overall official development assistance (ODA). Funding

for NGO-channelled European Instrument for Democracy and Human Rights (EIDHR) projects are insufficient to counter-balance the top-down process of selective political reform currently undertaken by the Moroccan regime. The ENP Governance Facility, of which Morocco has been one of the first two beneficiaries in 2007, is a step in the right direction. However, the Facility’s incentive power and impact are still limited under the current funding levels and mechanisms of allocation. While positive conditionality is the only viable approach to Morocco, rewards should always be tied to specific achievements.

Morocco’s keen interest in greater integration with the EU, and the country’s efforts to push the EU towards granting it an ‘advanced status’ of partnership, provide particularly favourable conditions for the EU to use its leverage to encourage Morocco to commit to a deeper, systematic level of political reform. With negotiations for an ‘advanced status’ envisaged under the French EU Presidency in the second half of 2008, increased leverage should be used to sharpen implementation mechanisms in the EU-Moroccan Action Plan. The new contractual framework must include a consistent set of comprehensive reforms that lead to a systematic process of democratic transition. In reformulating the Action Plan, concrete measures, timetables and actors for each priority must be specified. Likewise, a new contractual agreement must reflect the ‘advanced’ partner’s maturity by committing to a measurably deeper, advanced level of democratisation. This could provide a proof both for the seriousness of the EU’s commitment to democracy and for the now-tame ENP’s potential as a framework for democratisation through integration where EU membership is not an option.

1. The myth of “Moroccan model” reformism

Morocco typically is held up as a shining example of reform among Arab countries. Indeed, a series of important reform measures has been taken during the last decade, leading to a level of liberalism unseen in the region. Singular measures such as the establishment of an Equity and Reconciliation commission (IER) to deal with past abuses of human rights under the current King’s father’s regime, the adoption of a new, comparatively liberal personal status law (*moudawanna*), and the King’s National Human Development Initiative (INDH) have earned Morocco much international attention and praise. The moderate Islamist Justice and Development party (PJD), while failing to win government after the 2007 legislative elections, has been widely held up as a positive example for the successful integration of an Islamist party into the political process. The level of liberalisation in Moroccan society has been considerable, and in a regional comparison, outstanding. However, hopeful European talk of a regional model of democratisation is misplaced. Political reforms, instead of being steps in a consistent, overarching process towards democracy, have been ad hoc, selective and often superficial. Most importantly, the concentration of all meaningful power in the hands of the palace has remained untouched. With the support of the EU and other international partners, Morocco is modernising and partly liberalising. Both have proved an effective cover for the fact that Morocco is far from, and might not even be heading towards, genuine democracy.

As in other semi-authoritarian countries, political life in Morocco is marked by a constant double reality. Formally democratic structures and institutions veil an informal shadow governance structure, commonly called the *Makhzen*, a network of the palace and its clients that dictates the main lines of policy and acts as a gatekeeper for any kind of political reform. By order of the constitution, King Mohammed VI has a religious and politically supreme authority which provides his extensive executive powers with a religious, and thus untouchable, justification. The powers are distinguished in law and discourse, but in practice there is neither separation nor balance of powers, with the palace-led executive exerting leading influence over legislature and judiciary. Government and parliament execute the will of the *Makhzen* rather than the will of the electorate. Political parties have so far been too weak to provide meaningful political alternatives. The lack of independence of the highly corrupt judiciary and the gap between legal provisions and their practical use undermine the practical value of many legal reforms. Moroccans implicitly take for granted that the blurred shape of the *Makhzen* dictates the rules of the political game and controls the course of politics¹.

The September 2007 legislative elections were hailed by international observers and political leaders as the most transparent in Moroccan history. Indeed, the admittance of the first-ever international electoral observer mission to Morocco and the involvement of an (EU-funded) domestic NGO electoral observer committee were markedly positive developments. However, the election results have cemented the status quo as, except for the Mouvement Populaire (MP), all parties of the previous five-party-coalition (Istiqlal, USFP, RNI and PPS) have remained in government, including a number of key ministers. In addition, the political message of the low voter turnout (37 per cent, and real participation estimated at less than 24 per cent) was largely swept aside. Moreover, contrary to a widespread European perception, the Justice and Development Party’s (PJD) surprising failure to secure its participation in government was a setback for Moroccan political reform. While a government including the PJD would at least have meant a potential reshuffle of the terms of negotiation, the new Istiqlal-led government will basically mean more of the same, changing the face but not the course of the political elite².

The apparent inability to have a meaningful impact on the course of political decision-making has led to increasing resignation among the Moroccan voter. A shrinking voter turnout throughout a decade of political liberalisation and modernisation (dropping sharply from 58 per cent in 1997 to 52 per cent in 2002 and 37 per cent in 2007) suggests not only that voter turnout figures are less manipulated than before, but also that reforms have failed to engender confidence that elections have any meaningful impact on daily lives. While the reforms that have taken place are valuable in and of themselves, they lose attraction to reform minded citizens to the degree that they are instrumentalised to replace a genuine process of democratic transition. With the ruling elite of the *Makhzen* (which is not monolithic but includes more and less reformist factions and individuals) holding on to power and effectively controlling access to political decision-making, it is not against but only *with* the palace that political reform could be made systematic and genuine.

The switch from open repression to a semi-authoritarianism with formally democratic structures and discourse in Morocco and elsewhere in the region suggests that incumbent regimes increasingly see open repression as less sustainable than making concessions to liberalism as a way to retain power and privileges³. Consequently, the likeliness of a genuine democratic transition in Morocco increases to the degree the ruling elite sees giving up some powers as the only way of retaining others. As the space for manoeuvre for Moroccan democracy activists in NGOs and parties is widening, so is the likeliness of significant pressure from within being exerted on the palace.

¹ This disenchantment is also reflected in Transparency International’s Corruption Perceptions Index 2006 and Global Corruption Barometer 2006, available at <http://www.transparency.org>.

² See also Kristina Kausch: ‘Elections 2007: The Most Transparent Status Quo in Moroccan History’, *Mediterranean Politics*, Vol. 13, Nr 1, March 2008.

³ Steven Heydemann: ‘Upgrading Authoritarianism’, Analysis Paper Nr. 13, Brookings Institution, October 2007.

Moroccan civil society is known for being vibrant and (excluding Western Sahara) with a few exceptions largely free to develop its activities. While political taboos in general are softening, many who touch upon the few remaining taboos such as the monarchy, the distribution of powers, or independence for Western Sahara, are soon muted by either legal action or denial of a meaningful audience. Broadcasting media, the only media with a nationwide coverage, are effectively controlled by the state. The independent press, in spite of its limited outreach, does shape the agenda of political debate among Casablanca and Rabat intellectuals. Recent less subtle clampdowns on regime-critical journalists and other opposition figures display the increasing nervousness of the *Makhzen*. The ruling elite's vision for Morocco, as many Moroccans point out, appears to be one of prosperity via modernisation, rather than by democracy. The challenge for advocates of genuine Moroccan democracy, both inside and outside Morocco, is to generate meaningful pressure on the palace and strengthen the reform-minded parts of Moroccan society, while at the same time avoiding an open confrontation that might jeopardise the palace's will to cooperate. The Moroccan leadership's keen interest in greater integration with the EU via an 'advanced status', coinciding with the revision of ENP Action Plans in 2008, may be a crossroads in EU-Moroccan relations providing the opportunity which the EU must seize.

2. The EU response: intervening factors, contrasting interests

While the anti-terrorism agenda in response to 9/11 changed priorities in the region towards democracy as a way to enhance security, recent years have witnessed a decreasing interest among European policy-makers in actively promoting democracy in the Southern Mediterranean. Among the main reasons, diplomats in Brussels list the greater importance of the energy agenda and other economic priorities, the dominance of the Arab-Israeli conflict, the lack of personal commitment of key political figures both at EU level (Solana) and in the leaderships of the member states (Chirac, Berlusconi, Schröder, Zapatero, Sarkozy), the generally low interest in North Africa (reflected by aid figures), as well as the general policy dilemma that democracy promotion policies do not deliver quick results to be presented to the electorate.

Spanish and French diplomats confirmed that due to stronger ties and common interests rooted in geographical proximity, Southern Mediterranean member states focus much more on the bilateral relationship with the Maghreb countries, and share a "greater sensitivity" and reluctance towards actively pushing for political change. With the Moroccan coast visible over the Straits of Gibraltar, Mediterranean EU member states are particularly concerned with migration, regional security, free trade and fisheries. The Northern countries, looking more to the East than to

the South, take comparatively little interest and often leave the field to France and Spain when it comes to shaping Europe's relations with Morocco. As more is at stake at a higher level of engagement, however, the two EU states most influential in Morocco are also the two least inclined to promote democratic reform.

Migration is a crucial issue in EU-Moroccan relations and a vital interest to both. Management of border controls and the speedy finalisation of negotiations on a readmission agreement are of particularly pressing European interest in this regard. Spain and France have been both most affected by illegal migration from the South, and also have the largest Moroccan immigrant communities. Morocco, under increasing pressure as a transit country for migrants from the South, seeks enhanced European assistance for border controls and a lowering of the barrier for legal work migration. Harsh immigration laws especially in France contrast with Moroccan interests. However, illegal immigration to Southern Europe was reported to have been halved during 2007. In 2002-2004, the Commission allocated 40m€ to Morocco for migration management and border control.⁴

Regional security is a pressing concern which often clashes with democracy policies. Against the background of regional conflict, transnational terrorist networks, trafficking of human beings and organised crime, Europeans value Morocco's stabilising influence in the region, and are reluctant to risk this for the sake of 'optimising' Moroccan democratic standards. By a similar token, Europeans value Morocco's moderating influence over the states in Sub-Saharan Africa, whose demands it has been translating into softer terms more likely to be acceptable to European partners. A diplomat in Brussels admitted that the Arab-Israeli conflict was "taking over all the attention", drawing away attention and capacities from a comparatively 'easy' case like Morocco. Morocco is also one of Europe's main partners in the fight against terrorism. A British diplomat noted that initial UK efforts to promote democracy in the region had given way to an increasing focus on activities "with a more discernable link to countering terrorism", with concerns for root causes largely "sidelined".

Security and trade concerns partly explain the strong European backing of Morocco within an UN-led solution to the Western Sahara conflict. When asked about Western Sahara, some European diplomats in Rabat point to the European non-recognition of Morocco's claim to Western Sahara and their consequential lack of competence in this regard. France's clearly pro-Moroccan position has remained constant under Sarkozy.⁵ Spain under Zapatero switched to a markedly uncritical pro-palace posture, which earned Zapatero much criticism at home, including by some

⁴ National Indicative Programme for Morocco, 2002-2004.

⁵ On his first state visit to Rabat Sarkozy gave a speech before the Moroccan parliament which was later qualified by a Saharawi representative as "an encouragement to irreconcilability." See Stéphanie Blasse: 'Nicholas Sarkozy, Mohammed VI: une amitié économique', *Afrik.com*, 25/10/2007.

Spanish MPs accusing the government of “submission” to the Moroccan government and selling the interests of the Saharawi people for the price of economic advantages.⁶ However, the partly ambiguous stances of Europeans regarding Western Sahara did not entirely prevent them (especially the Brussels institutions) from criticising Morocco’s policies in the region. Human rights violations, legal and practical restrictions to freedom of association and expression, and the use of disproportionate force by the Moroccan authorities have repeatedly been raised in EU official documents. In the EU-Moroccan *dialogue politique renforcé*, Western Sahara plays an important role, not least because the conflict directly damages a number of other EU interests, including the establishment of a regional free trade zone.

Against the background of the rise of political Islam across the region, many European observers hope for positive regional spill-overs from Morocco, as the Moroccan Justice and Development Party (PJD) is seen as providing a far better model for a potential Islamist government than others in the region, notably Hamas. In spite of this, Europeans have so far been rather ambiguous towards the PJD. With the PJD having been predicted to form part of the government after the September 2007 elections, many European governments embarked on some cautious but constant engagement. However, the prospect of an Islamist-led government on the other side of the Straits of Gibraltar was still received with a certain emotional awkwardness, and the PJD’s failure to get into government after the September 2007 elections provoked a sigh of relief on the Northern shores of the Mediterranean.

EU member states account for 75 per cent of Morocco’s export volume, and 59 per cent of its imports⁷. The planned creation of a Euro-Mediterranean free trade zone by 2010 makes any potential obstacle to free trade in the region a priority concern for EU interests. The royal palace has large stakes in the Moroccan economy, and some European companies are reported to benefit from special privileges and toe the political line of the *Makhzen* in order to retain them (e.g. BMW reportedly withdrew advertisements from a popular regime-critical magazine). France is Morocco’s biggest trade partner (accounting for 18% of imports and one-third of exports in 2005)⁸. Nicolas Sarkozy appeared to stay true to the country’s reputation as a stability - and trade-oriented patron in the Maghreb. On his first visit to Morocco as president of France, he secured large business contracts for French companies, with an estimated total volume of 3bn€ (among them TGV trains for 200m€ and military frigates for 500m€), and French commentators cheered on his return: “in Morocco it’s raining contracts”.⁹

In the light of Europe’s urgent need to diversify its energy supply against the background of high oil prices and deteriorating relations with Russia, Morocco also gains importance as an energy transit country, especially for gas from Algeria. A joint EU-Moroccan declaration on energy cooperation was signed in July 2007 as part of the EU’s current regional efforts to promote integration of Middle East and North Africa (MENA) and EU energy markets, inter alia supposedly to open up additional energy supplies to Europe.

A number of bilateral disputes have interfered with smooth EU-Moroccan relations in recent years. France clashed with Morocco in October 2007 when a French judge issued international warrants against several senior Moroccan officials for being implicated in the disappearance of Moroccan dissident Mehdi Ben Barka in Paris in 1965. More controversially, Spain’s periodical rows with Morocco over Parsley Island and the Spanish enclaves of Ceuta and Melilla (most recently seen in relation to the Spanish King’s visit to the enclaves in late 2007) have led to temporary withdrawals of ambassadors. A Spanish public prosecutor also filed cases against a number of high Moroccan officials for genocide in Western Sahara¹⁰. None of these disputes, however, are likely substantially to damage relations in the longer run.

3. European democracy policies towards Morocco

Democracy promotion as part of development programmes in Morocco is undertaken above all by the European Commission and, to a far lesser degree, by some of the member states. The Commission’s democracy efforts are seen by many member states as complementary to their own development policies, providing the necessary “scale and diplomatic cover” which member states are unable or unwilling to deploy bilaterally. Several diplomats in Brussels and Rabat argue that the Commission’s democracy activities make member states’ bilateral efforts redundant, as the issue is “already taken care of”. While many member states had regional programmes aspiring to contribute to democratisation in the Southern Mediterranean, on a bilateral basis member states undertook only a few democracy-related low-key projects in Morocco, mainly aimed at strengthening governance capacity, human rights, and social development.

Morocco was among the first countries to sign an ENP Action Plan¹¹ with the EU. Priority objectives¹² and measures identified under the chapters “democracy and the rule

⁶ Hearing of Foreign Minister Moratinos before the Spanish Senate, 25 April 2007, www.maec.es

⁷ Figures for 2003, Moroccan Ministry of Foreign Affairs and Cooperation, http://www.maec.gov.ma

⁸ French Ministry of Foreign Affairs, http://www.diplomatie.gouv.fr/en/country-files_156/morocco_285/index.html

⁹ Driss Bennani: ‘Le Sarko Show’, Tel Quel, October 2007; Stéphanie Blasse: ‘Nicolas Sarkozy, Mohammed VI: une amitié économique’, Afrik.com, 25/10/2007.

¹⁰ ‘Garzón abre diligencias por un delito de genocidio de Marruecos contra el Sáhara Occidental’, El País, 30/10/2007.

¹¹ EU-Morocco Action Plan, http://ec.europa.eu/world/enp/pdf/action_plans/morocco_enp_ap_final_en.pdf

¹² The Action Plan (jointly adopted in July 2005 for a period of 5 years) identifies “legislative reform and international human rights standards” as one out of nine priority areas. Other priority areas include: counter-terrorism; trade liberalisation; creation of a favourable investment climate; poverty reduction; education and training; migration; transport; and energy.

of law” and “human rights and fundamental freedoms”¹³ include capacity building in public administration, decentralisation, access to justice, modernisation of courts, prisons and legal procedures, support to implement the IER recommendations, adherence to and compliance with international conventions, combating corruption, strengthening dialogue on human rights, freedom of association and expression, women and children’s rights, and cultural and linguistic rights (see Annex 1).

Envisaged measures, however, do not always clearly contribute to the declared objective. Moreover, some of the objectives that appear more political at first sight turn out to be largely void of meaningful political content in practice, entailing mostly projects of modernisation, equipment, capacity building, exchange of experience and similar. Crucially, the Action Plan fails to specify timeframes, actors, implementation and evaluation mechanisms that define how and when the envisaged objectives are to be achieved. The latter has been widely criticised, including by the European Parliament¹⁴ and by a number of Moroccan human rights NGOs consulted by the Commission in 2007 to evaluate implementation of the Action Plan. These NGOs demanded that the Action Plan be “reformulated within a logical framework that will highlight better-defined goals as well as the actors, timelines, and financial and human resources needed for each action”.¹⁵

In a 2004 in-house assessment¹⁶ of the political, social and economic situation in Morocco, the Commission identified a number of shortcomings, including some fundamental, systemic criticism such as the lack of respect for the constitutional principle of the separation of powers, the limited powers of parliament and government, the lack of independence of the judiciary, the weakness of political parties, and civil society’s limited ability to impact on major political decisions. Although this sound assessment was claimed to provide a basis for future evaluation, most of these deeper structural reform requirements got lost in the formulation of the Action Plan. This has left a collection of piecemeal political reform measures which are not likely to contribute to a genuine democratisation, as most of the preconditions for many of the measures to take practical effect are left out (reflecting the ‘scatter-gun approach’¹⁷ which characterises EU democracy policies in the region in general).¹⁸

Asked about this structural gap in EU democracy policies towards Morocco, some European diplomats point to the “irreversibility” of Moroccan democratisation, the need for a “gradual” process and the “accumulative” effect selective reforms will have in the long run. The EU’s assumption of socialisation via a gradual reform approach applies only partly to Morocco, however, as the accumulation of more or less connected ad hoc reforms is not automatically a process, let alone a transition to democracy. The priorities in the political chapters of the ENP Action Plan indirectly support this flawed logic by focusing on a collection of selective modernisation measures, rather than on a coherent strategy that includes the more delicate aspects of systemic level change previously identified as crucial by the Commission’s own assessment.¹⁹

Several European diplomats ascribe this gap to the requirements of consensus-building in the process of negotiation of an agreement with common ownership. At the same time, many point to the undeniable advantage of having a mutually agreed plan of reform priorities to which they could officially hold the Moroccan government accountable. Equally positive, unlike most other contractual agreements, Action Plans allow closer monitoring via the list of relatively specific legal, fiscal and auditing measures the partner government has committed to implement. At the same time, a Council staff member emphasised the Action Plan was a non- legally binding guideline which “should not be seen as a Bible”.

In a 2006 resolution on the ENP, the European Parliament underlined the “aim of not settling for the status quo but of committing the European Union to support the aspirations of the peoples of our neighbouring countries to full political freedom”.²⁰ For the time being, however, both discourse and action suggest that European policies towards Morocco do not aspire to back full political freedom and genuine democracy in Morocco. EU documents and statements about Morocco so far leave no doubt that reforms are expected within the boundaries of the current Constitution and distribution of powers. A French diplomat decidedly rejected any policy linked to regime change, and less emphatically, most member states share this view, “at least for the time being”. Commission staff stress that in the relationship with their Moroccan interlocutors, “some things are clearly off-limits”, and that they can “do little more than support Morocco in the gradual reform course it has committed to”, while trying to concentrate on those areas where change is likely to be achieved soon. One EC diplomat stresses that, against the background of failed international attempts to ‘impose’ democracy, “we are now lowering our ambitions”. A common line from Southern European member states with a colonial history in the Maghreb is that Europeans could not “tell others what to do” and did “not wish to

¹³ Objectives and measures included in other chapters of the action plan may also be indirectly relevant to democracy.

¹⁴ European Parliament Resolution of 6 September 2007 on the Functioning of the Human Rights Dialogues and Consultations on Human Rights with Third Countries (2007/2001(INI)).

¹⁵ Euro-Mediterranean Human Rights Network (EMHRN): ‘Human Rights in the EU-Morocco Action Plan under the European Neighbourhood Policy’, November 2007, p. 6.

¹⁶ Commission of the European Communities: European Neighbourhood Policy Country Report Morocco, COM (2004) 373 final.

¹⁷ Richard Youngs: ‘Europe’s flawed approach to Arab democracy’, Centre for European Reform, October 2006.

¹⁸ For a comprehensive, systematic overview on EU democracy policies, see: R. Youngs (ed): ‘Survey of European Democracy Promotion Policies 2000-2006’, FRIDE, May 2006, available at www.fride.org

¹⁹ For a comparison between Commission country report and Action Plan for Morocco, see also Elena Baricani: ‘From the EMP to the ENP: A new European pressure for democratization? The case of Morocco’, Centre for the Study of European Politics and Society, June 2005.

²⁰ European Parliament Resolution on the European Neighbourhood Policy (2004/2166(INI)).

give others lectures". An overarching line stressed by both Northern and Southern European diplomats alike is that genuine change needed a change of mentality which could only be achieved in the long run via incentives, dialogue, confidence-building and showing the cost of non-reform. One EC diplomat summed up: "we know everything is being manipulated, but progress is unavoidable – just trust in the Moroccan people".

EU documents and public statements on Morocco typically stress Morocco's firm commitment for the democratic reform process and its outstanding position in the region. Reflecting its anti-confrontational approach, the Commission has been praising positive Moroccan reform measures on a regular basis. In contrast to most member states, however, EU statements are not without explicit criticism, and have on various occasions openly stressed democratic shortcomings. While the EU's general reluctance to open criticism takes account of the *Makhzen's* position as a gatekeeper for reforms, praise does not automatically equal incentive. Formulations are typically couched in a conspicuously relative language, emphasising not Morocco's absolute achievements but its relative position compared to its villain neighbours. Morocco's regional leader status has so far been a basic underlying assumption of EU assessments on the Moroccan political situation. In addition, some EU statements and official documents praise highly flawed or incomplete reforms.²¹ Such an incoherent 'applause-policy' creates a distorted image of what the EU perceives as the reality of Moroccan political life, thereby indirectly bolstering the ruling elite and weakening the position of Moroccan democracy activists. As mentioned above, the April 2008 ENP progress report on Morocco which breaks with this habit by systematically expressing explicit criticism of democracy and human rights shortcomings may be seen an indicator that the Commission is adapting its approach to Moroccan political realities. At the same time, however, the comprehensive sectoral progress document published at the same time did not contain any explicit assessment of democracy and human rights developments, and Commissioner Ferrero-Waldner's press release for the occasion portrayed the ENP as a "success story" and did not mention democracy and human rights at all.²²

Reactions to the comparatively transparent but democratically meaningless September 2007 legislative elections were conspicuously positive across the board. The Portuguese EU Presidency expressed its "satisfaction" over the elections, saying that the "democratic conditions" in which these had taken place were "a testament to Morocco's commitment in the reform process".²³ Nicolas Sarkozy wrote a letter to King Mohammed VI in which he expressed

his "admiration for the democratic robustness your country has once again demonstrated".²⁴ Spanish Foreign Minister Miguel Angel Moratinos characterised the low voter turnout as "a proof that the elections were totally free".²⁵ High Representative Javier Solana classified the elections as proof for "Morocco's political maturity".²⁶ European reactions across the board praised Morocco for the elections' transparency and for admitting the first ever international election observer delegation, but the political message of the low voter turnout was disregarded. Several European diplomats stressed the dilemma of raising concerns over the low voter turnout with the Moroccan authorities while low participation in elections was also a common problem in European member states. In the human rights subcommittee, however, the Commission did suggest to its Moroccan counterparts that the low voter turnout might be an indicator that voters do not see their votes translated into meaningful change. Commission staff in Rabat said there were "absolutely no illusions" over the fact that the elections had, in a subtle manner, "rather strengthened the palace than weakened it", but that the advances in electoral procedure were "an achievement that must be valued".

4. Conditionality

In its 2004 ENP Strategy Paper, the Commission states that "the privileged relationship with neighbours will build on mutual commitment to common values principally within the fields of the rule of law, good governance, the respect for human rights, the promotion of good neighbourly relations, and the principles of market economy and sustainable development"; and that the "level of ambition of the EU's relationships with its neighbours will take into account the extent to which these values are effectively shared".²⁷

Europeans, being generally reluctant to use coercion to promote democracy, have been even more circumspect in a comparatively positive setting such as in Morocco. In this case no practical negative conditionality has been applied. Indeed, in the absence of the use of punitive measures, the Moroccan case has been notable for the use of different incentives entailed in development cooperation, even though these have not always been linked to clear and transparent conditions. The focus on incentives and praise of achievements is certainly more promising in the push for democratisation in Morocco; however, the leverage the EU has due to the close EU-Moroccan relations and to Morocco's substantial interest in further integration has so far not led the EU explicitly to express remaining political challenges in a systematic manner. By contrast, in relation to economic reforms, the Commission has not hesitated to

²¹ This has happened for example with regard to the IER recommendations (for which the King has harvested much international praise but the essence of which remains without being implemented), the political parties law, the law on the audiovisual sector, the press code etc.

²² Commission of the European Communities: 'Implementation of the European Neighbourhood Policy in 2007: Sectoral progress report', SEC(2008)403, 03.04.2008; 'Europe deepens ties with its neighbours and supports their reforms', Press Release IP/08/509, 03.04.2008.

²³ EU Presidency statement on the parliamentary elections in Morocco, 08/09/2007.

²⁴ 'Elections Législatives au Maroc: Lettre du Président de la République, M. Nicolas Sarkozy, adressée au Roi du Maroc, Sa Majesté Mohammed VI', French Ministry of Foreign Affairs, 09/09/2007

²⁵ Spanish Ministry of Foreign Affairs, <http://www.maec.es>

²⁶ 'Javier Solana, Haut représentant de l'UE pour la PESC, félicite le Maroc pour le bon déroulement des dernières élections législatives', 10 September 2007.

²⁷ Commission of the European Communities: European Neighbourhood Strategy Paper, COM (2004) 373, 12/05/2004.

do just that. While the explicit mention of shortcomings and remaining challenges to democracy has been made in a number of EU statements, this remains an exception rather than the rule. At the same time, the April 2008 ENP progress report for Morocco may indicate some change in this regard, as it addressed both achievements and shortcomings in an unusually systematic and explicit fashion. Moreover, this progress report also drew a somewhat more realistic picture of the Moroccan political reform process than previous assessments, inter alia by recognising the low ambition of reforms regarding democracy and human rights in the EU-Moroccan Action Plan, by the selective nature of reforms in a number of areas, by the persistent dysfunctionality of the judicial system which is voiding many reforms of their meaning, and by the limited significance of elections prior to a substantial strengthening of the role of parliament.²⁸

In 2007, Morocco was, along with Ukraine, the first ENP partner country to receive additional allocations from the 'Governance Facility', an additional fund rewarding countries that have made most progress in the field of democracy and human rights, according to agreed commitments.²⁹ The additional allocation of 28m€ to Morocco would send, it was hoped, a strong positive signal across the region and help the Moroccan government support key elements of the reform agenda. The possibility to use the funds allocated under this new facility for any of the agreed priorities (not necessarily for governance projects) was argued by the Commission as enhancing the attractiveness of the incentive (but criticised by the European Parliament).³⁰ Morocco used the additional funds for the modernisation of its public administration, poverty reduction, social services and education programmes.

Progress in implementing the respective Action Plan priorities would be the first criteria in order to determine which countries would receive allocations under the Governance Facility each year. In a February 2008 non-paper outlining the principles for implementation of the Governance Facility, the Commission stressed that rewarding relative progress rather than absolute levels of attainments, and recognition of achievements rather than criticism of shortcomings, were among the basic principles for assessment of progress in democratisation, stressing that a "number of partner states have been reluctant to establish ENP Action Plans precisely because of the conditionality aspects that these entail".³¹ In a draft version of the same paper, it was added: "For this reason (...), it will be essential to avoid any sense of castigation of partners whose performance has not warranted increased allocations, concentrating solely on applauding the achievements of the best performers."

The draft also alluded to the allocation to Morocco as a good example of the positive "signalling effect" and visibility, with the measure having been "well advertised in the media and successfully presented by the Government as justification and encouragement for its continued reform efforts". Such a positive signalling effect surely exists at a regional level – whether the signalling effect of this allocation will be as positive domestically, however, is at least questionable, as it is likely to bolster the position of the ruling elite rather than true reformist forces. In this regard it would also be desirable that the detailed grounds on which the EU has taken this decision – beyond general allocation principles and the usual commonplaces about the positive Moroccan reform process and its flattering position in regional comparison - were made available to the public. The presumed signalling effect could also be much stronger if funds for the Governance Facility were substantially higher, if NGOs were involved in the process of allocation (giving greater credibility and visibility to the reward), and if allocations were granted as a reward for specific reforms rather than for unspecified general 'progress'. Several European diplomats underlined that the conditionality potential of the Governance Facility to Morocco remained negligible as long as "the sums involved are not high enough to change a government's mind". A UK diplomat added: "you cannot bribe a country into political reform." However, a raise of funds for the Governance Facility in the following years was envisaged in case the instrument proved as useful as expected.³²

While the assessment of relative rather than absolute levels of progress has the advantage of facilitating the regional and global comparison of the impact of EU policies in different countries, it also bears the risk that absolute shortcomings of better-performing countries like Morocco are neglected due to being surrounded by more or less fully-fledged autocracies. The result of such a minimum-level approach to democratisation on the other side of the Mediterranean is not only totally at odds with the EU's declared values and policies, but also appears hardly sustainable against the background of migration, radicalisation, and growing discontent of an overly youthful population.³³

In the ENP the EU is dealing with partner countries of strongly varying levels of political liberalism. A semi-autocratic partner like Morocco, that largely adopts the discourse but not the essence of democracy, requires a different approach than a more openly repressive country. Some Moroccan civil society activists see their efforts for genuine democracy in Morocco hampered by the fact that the country is seen internationally as "one of the easy cases", which reduces international pressure on the government and casts all flaws in the softening light of regional comparison. Some even blame the EU for the discriminatory

²⁸ Commission des Communautés Européennes: 'Mise en oeuvre de la politique européenne de voisinage en 2007: Rapport de Suivi Maroc', SEC(2008)398, 03.04.2008.

²⁹ Commission of the European Communities: 'Strengthening the European Neighbourhood Policy', COM(2006) 726, 04.12.2006.

³⁰ The European Neighbourhood Policy – How the EU is making a difference in partner countries', MEMO/07/548, 05/12/2007.

³¹ EC non-paper 'Principles for the implementation of a Governance Facility under ENPI', 22.02.2008.

³² EC non-paper 'Principles for the implementation of a Governance Facility under ENPI', 22.02.2008.

³³ See also Michael McFaul / Tamara Cofman Wittes: 'Morocco's Elections: The Limits of Limited Reforms', Journal of Democracy, Vol. 19, Nr. 1, January 2008.

hypocrisy of having different understandings of democracy with regard to the Northern and Southern Mediterranean, implying a sense of discriminatory Arab exceptionalism. As a Swedish diplomat put it, “democracy promotion is not mainly a matter of money but of political courage”. As the ENP matures and Morocco demands an ‘advanced status’, the EU too should differentiate its approach and move up a gear by posing ‘advanced demands’ to an advanced partner.

5. Does ‘socialisation’ work?

Some largely apolitical socialisation measures are often said indirectly to benefit Moroccan democracy in the longer run. In 2002-04 the Commission spent 50m€ on vocational training and 8m€ on Morocco’s participation in the TEMPUS programme (for which in 2005-6 an additional 8m€ was added). In 2007-10 EC allocations included 60m€ for human development (INDH), 17m€ for literacy, 93m€ for education, and 50m€ for vocational training.³⁴ France spent 90m€ on education (accounting for 25% of French commitments in 2002-04)³⁵; Spain spent 6.5m€ on education in 2006 (14 % of Spanish ODA).³⁶

The Spanish initiative for an Alliance of Civilizations, drawn up by the Zapatero government as a counter-terrorism measure in the aftermath of the 2004 Madrid bombings, was picked up by the UN and developed into a mechanism of intercultural dialogue. Activities in the fields of youth, media, education and migration were aimed at countering extremism and radicalisation, but had no aspiration or discernible link to fostering political reform. More recently, the French initiative to overhaul and revitalise the Barcelona Process via a “Union for the Mediterranean”, in principle approved by the Council in March 2008 and to be further developed under the French EU Presidency³⁷, is likely to shape debates and draw up political attention in the Mediterranean in the second half of 2008. While as of April 2008, there was much talk but no concrete concept on the table, French government representatives assured that the new Union would be essentially non-political, with co-operation in decidedly economical and technical matters, essentially “avoiding the deadlock of the Barcelona Process”. Analysts agree that the French President’s hope was precisely not to “promote the principles of the rule of law and democracy in the Maghreb, but that it will facilitate trade”.³⁸ Not surprisingly, the Moroccan government promptly assured its support.³⁹

In 2003 Morocco was the first ENP partner country to agree to the establishment of a ‘subcommittee on human rights, democratisation and governance’ to the EU-Moroccan Association Council. The subcommittee, which held its second annual meeting in November 2007, provides the main institutional structure for EU-Moroccan dialogue in this domain. According to European diplomats, the subcommittee meetings are considerably more open and explicit than official discourse, with the second having been more frank and “relaxed” than the first. The meetings have led to a number of additional commitments on the Moroccan side, including lifting some reservations against a number of international conventions and protocols, and reportedly have increased mutual trust among the parties, which diplomats judged just as important as concrete commitments.

In closed committees such as the EU-Morocco Association Committee and the Subcommittee on Human Rights, Democratisation and Governance, EU representatives do stress the need for in-depth political reform that makes elections meaningful, and explicitly encourage the Moroccan authorities to undertake structural reform to this end. However, it is at least doubtful to what extent such demands will bear fruit if they are mainly expressed in closed bilateral committees. To some European diplomats this is above all a matter of tactics due to the diplomatic delicacy of such demands, while to others it is an expression of a lack of interest on the part of the EU to give greater priority to in-depth democratisation in Morocco. Again to others demands for reform may be stepped up when a longer process of successful and constructive co-operation has led to a relationship of mutual trust. Some also stressed the Moroccan administration’s own need to mature in a learning process of a traditional society heading towards modernity.

The November 2007 subcommittee meeting focused on judicial cooperation and included representatives from EU institutions, several Moroccan ministries as well as some representatives from the Moroccan Consultative Council for Human Rights (CCDH). Most tellingly, while all member states had been invited to attend, only representatives from the Mediterranean EU states and the UK found their way to the meeting. The Northern European countries, supposedly known as most committed to democratic reforms, were conspicuously absent (except the Netherlands, represented by an intern). After the meeting, several EU and member states representatives expressed astonishment over the presence of the CCDH as a non-governmental “counterweight” and their open and far-reaching criticism of the Moroccan government, which was seen as a proof of the genuineness of the Moroccan regime’s democratic commitment. Others, however, rather cautiously suspected that the admittance of the CCDH, a de facto government-controlled body, as well as the criticisms mentioned were not likely to have been any surprise or even

³⁴ National Indicative Programmes for Morocco, 2002-2004, 2005-2006, 2007-2010.

³⁵ DgCiD: ‘La Coopération de la France avec le Maroc, Evaluation Partenariaire Maroc-Française (1995-2005)’, May 2007.

³⁶ Moreover, in 2007, a number of institutional twinning projects were launched by the Commission, including one on good local governance (in cooperation with the French Ministry of Interior).

³⁷ Council of the European Union: Presidency Conclusions, Brussels 13/14 March, 2008.

³⁸ Michaela Wiegel: ‘Sarkozy’s Devalued “Diplomacy of Values”’, Frankfurter Allgemeine Zeitung / Qantara.de, 2007.

³⁹ Maghreb Arabe Presse: ‘Morocco to strongly adhere to Mr. Sarkozy’s Mediterranean Union Initiative’, 06/07/2007.

inconvenience to the Moroccan authorities, thereby echoing analysts' widespread assumption that the *Makhzen* follows a strategic line to circumvent genuine reform.⁴⁰ One EC diplomat admitted that there was controversy within the Commission and among member states representatives over the degree to which such and other moves formed part of a deliberate strategy by the Moroccan leadership to present itself towards Europe in a certain light (with diplomats' judgements of this assumption ranging from "Machiavellian" to "taken for granted").

Whatever the degree of the *Makhzen's* genuine commitment, the subcommittee potentially provides both a forum for true and open exchange and a fig leaf arena (for both sides) to raise democracy concerns only where nobody can hear them. The possibility of having dialogue on the more delicate issues of democratisation at a non-political level and behind closed doors was stated to be the very "raison d'être" of the subcommittee, as it was considered a "learning exercise" which was "better than no talk at all". Commission staff also reported how some of their more genuinely reform-minded Moroccan interlocutors had during negotiations argued they would not be able to 'sell' certain reform demands to their Ministry at home, so the parties had agreed to "not risk the process and keep it in mind for the subcommittee". A 'talking club' behind closed doors which failed to produce tangible results but provided both the EU and the Moroccan regime with a democratic gloss, however, would undermine the very objective of the subcommittee.

The Moroccan leadership, keen on further integration with the EU, sees the ENP as a step towards the 'advanced status' it has long been calling for, which includes the option of a new contractual framework. Significant steps for Morocco's further political integration with the EU have already taken place in a number of areas, including a proposal made to Morocco to align itself on a case-by-case basis with EU Common Foreign and Security Policy (CFSP) statements, and the participation of Moroccan troops in the EU operation ALTHEA in Bosnia and Herzegovina. Preparatory mechanisms for negotiations on the 'advanced status' have been set up by the EU-Moroccan Association Council of 23 July 2007, and Commissioner Ferrero-Waldner announced the setting up of an ad-hoc working group to elaborate the details, with an agreement hoping to be finalised under the French EU Presidency. The ambition of further integration with the EU gives the EU additional leverage over Morocco to include concrete measures, modes of implementation, actors, and deadlines in a reviewed Action Plan, and eventually in a new contractual agreement (both to be treated at the next Association Council under the auspices of the French EU Presidency in summer 2008). In early December 2007, the Commission recognised the need for improvement of ENP, and envisaged a roll-over of Action Plans in 2008 "with no change in substance" but focusing on implementation of existing commitments.⁴¹

6. EU development assistance for democracy

The European Commission has been funding democracy-related projects through a number of different budget lines. Democracy-relevant measures in Morocco have largely been funded via MEDA/European Neighbourhood and Partnership Instrument (ENPI), the funds of which are negotiated with and channelled through governmental bodies. On a much lower scale, the European Instrument for Democracy and Human Rights (EIDHR)⁴² has been funding projects that are implemented directly by Moroccan NGOs or international organisations.

Between 2003 and 2006, the EIDHR funded NGO micro-projects in Morocco with a volume of 2 million €. Annual EIDHR funding increased (see table), but still remained very low in relative terms, representing only 2 per cent of Commission funding to Morocco. Most of the micro-projects financed via the EIDHR had a funding volume around 100.000€, and the beneficiaries were Moroccan NGOs, though some of them not fully independent from the government. EIDHR micro-projects in Morocco 2005-2007 focused on participation/citizenship, good governance, human rights culture, reconciliation, rights of women, children and handicapped, and media.

EIDHR Allocations to Morocco (€)

2004	2005	2006	2007
1.000.000	1.025.000	950.000	1.231.291

Allocations for Micro-Projects. Source: European Commission

The initiatives financed via the EIDHR funding scheme proved their relevance especially in the run-up to the legislative elections in September 2007, prior to which several EIDHR-funded initiatives promoted citizenship and voter participation. Crucially, the EIDHR provided support to the first domestic NGO electoral observation commission through the training of 3000 facilitators in electoral monitoring and reporting, and institutional support. The NGO commission published a well-publicised report which found wide domestic and international attention, and which denounced irregularities in the electoral process and clearly linked the low voter turnout to the need for deeper structural political reforms.⁴³ While the direct channelling of funds through local NGOs makes the EIDHR a powerful tool to counter-balance the Moroccan regime's top-down reforms, the low EIDHR funding levels substantially halt the instrument's positive potential.

MEDA / ENPI funds to Morocco have been substantially higher; however, a very low share of these funds was earmarked for governance and human rights. Moreover, with projects being channelled through government bodies, these are unlikely to contribute to a real bottom-up

⁴⁰ See also Marina Ottaway / Michele Dunne: 'Incumbent Regimes and the "King's Dilemma" in the Arab World: Promise and Threat of Managed Reform', Carnegie Endowment for International Peace, December 2007.

⁴¹ Communication from the Commission: 'A Strong European Neighbourhood Policy', 05/12/2007, COM(2007) 774.

⁴² Formerly European Initiative for Democracy and Human Rights (EIDHR), the only explicit EU democracy promotion instrument which allows for NGO funding without prior government clearance.

⁴³ Collectif Associatif pour l'Observation des Elections: 'Rapport préliminaire d'observation des élections du 7 Septembre 2007', http://www.forumalternatives.org/IMG/pdf_Rapp_preliminaire-confpresse_FR-10-09-07-3.pdf

reform process. Total MEDA allocations compared to funds dedicated to ‘(governance and) human rights’ developed as follows:

MEDA / ENPI Allocations to Morocco, 2002-2010 (€)

	2002-2004	2005-2006	2007-2010
Total	426m	275m	654m
Governance and Human Rights	n.a.	5m	28m
Percentage	n.a.	2 %	4,28 %

Source: National Indicative Programmes for Morocco 2002-2004, 2005-2006, 2007-2010

In 2005-06, projects were aimed at the support of the national action plan on human rights (2m€), and support of the reparations to victims of human rights violations forming part of the national reconciliation process (3m€). In both cases, beneficiaries were partly government-controlled NGOs (CCDH and CDIFDH). For the period 2007-2010, total ENPI (replacing MEDA as of 1 January 2007) allocations of 654m€ made Morocco the biggest receiver of EU funds in the region. The 28m€ earmarked for ‘governance and human rights’ will be used as support for the ministry of justice (20m€), for support to the implementation of the IER recommendations with a focus on the creation of public archives (8m€).

In addition to community programmes, member states have also been pursuing efforts to promote democracy, governance or human rights in Morocco.⁴⁴ While the Commission and France alone provided about two-thirds of total Moroccan Official Development Assistance (ODA), followed at some distance by Spain and Germany, the share of funds used to promote democracy and human rights has been strikingly low, especially in the case of France, which provides one-third of Moroccan ODA but dedicates hardly any of it to governance projects. Generally, bilateral funding from member states dedicated to specific democracy programmes was negligible, and most did not even undertake any explicitly democracy-related activities in Morocco (often reflecting a low level of bilateral engagement with Morocco and the MENA region in general).⁴⁵ The Southern EU member states with the traditionally closest political and economical linkages to Morocco were also the most reluctant to engage in active democracy promotion

⁴⁴ European donors run a range of different aid categories and budget lines under which democracy is being promoted more or less explicitly, which makes a direct comparison of quantitative democracy assistance difficult. In some cases, democracy, human rights, gender and other broad issues are established as cross-cutting or transversal funding themes, and/or do not have a proper budget line, thus making it difficult to extract the exact amount a donor has been spent in this area.

⁴⁵ EU member states’ aid activities in Morocco focus on : Germany – sustainable development; environment and natural resources; water; Austria – agriculture; environment; Belgium – water; vocational training; agriculture; health; infrastructure; research; Spain – health; basic social infrastructure; training; urban rehabilitation; agriculture; tourism; France – public sector modernisation; private sector development; vocational training; social development; basic infrastructure; Italy – SMEs; job creation; infrastructure; basic social services; United Kingdom – human rights; good governance; equality of the sexes; Sweden – civil society; human rights; Finland – civil society. Source: European Commission, ENPI Strategy Paper Morocco 2007-2013.

bilaterally, thus largely leaving the promotion of democracy to the Commission.⁴⁶

France is Morocco’s largest trading partner and biggest aid donor, and Morocco is France’s largest ODA recipient.⁴⁷ Not surprisingly, King Mohammed VI’s first visit abroad after succeeding to the throne in 2000 led him to Paris. Total French bilateral ODA to Morocco during the last decade remained relatively stable at an average level of 188m€ per annum since 1999 (159m€ in 2005). However, hardly any of this has been specifically dedicated to democracy. Reflecting France’s low priority on political aid in general (1 per cent of total French ODA⁴⁸), in the sectoral breakdown of French ODA to Morocco, ‘governance’ was not an aid category in its own right but included in the category ‘transversal sectors’. French ODA has focused on development of the productive sector (31%), education (25%), infrastructure (24%), water management (7%), while ‘transversal sectors’ (including governance) accounted for 13%. This included, apart from governance, cultural diversity, the promotion of French language and culture, co-development, and ‘triangular cooperation’.⁴⁹ The few activities undertaken under the heading of ‘governance’ were not necessarily aimed at promoting democracy, including programmes on modernisation of public administration, decentralisation, and modernisation of justice, but also at land management and domestic security.⁵⁰ A detailed breakdown of French funding for governance projects in Morocco was not available.

Spain’s traditionally close relationship with Morocco became (after a rather frosty period under the Aznar government) decidedly friendly again under Zapatero. Spanish bilateral ODA to Morocco increased from around 30m€ in 2003 to 70m€ in 2006, and total spending on the Development Assistance Committee (DAC) defined sector of ‘Government and Civil Society’ almost tripled from 2005 to 2006 (to 6.5m€). Under its own, narrower sectoral aid category ‘democratic governance, citizen participation and institutional development’, however, Spain spent only 2 per cent of ODA.⁵¹ Activities under the latter heading included in 2005-2006 technical modernisation and institutional capacity building, including modernisation of the justice system (2m€ over 2005-08) decentralisation (620.000€ over 2004-2006), and money laundering (30.000€ in 2006). Some additional amounts have been spent on institutional capacity building of NGOs, especially social and women’s organisations.⁵²

⁴⁶ Other donors active in Morocco include the United States, Japan, the World Bank, the Islamic Development Bank, the African Development Bank, various UN agencies (Unicef, UNDP, WFP, UNFPA, FAO and WHO).

⁴⁷ Official Development Assistance (ODA) excluding debt reduction.

⁴⁸ See ‘France’ in R. Youngs (ed): ‘Survey of European Democracy Promotion Policies 2000-2006’, FRIDE, May 2006, available at www.frde.org

⁴⁹ Direction générale de la Coopération internationale et du Développement (DgCID): ‘La Coopération de la France avec le Maroc. Evaluation Partenariale Maroc-Française (1995-2005)’, May 2007.

⁵⁰ Ibid

⁵¹ AECI / Embajada de España en Marruecos: ‘Memoria de la Cooperación Española en Marruecos 2005-2006’.

⁵² Ibid

In summary, total EU funding to Morocco earmarked for democracy projects increased during recent years, but still remained disproportionately low compared with overall ODA levels, reflecting the weak position of the promotion of democracy in EU and especially member states' political priorities towards Morocco. Commission NGO funding via the EIDHR was useful and relevant, but also disproportionately low and decidedly underfunded, contradicting the European Parliament's November 2007 assessment that civil society support was key to the success of ENP, "regardless of the degree of willingness of partner countries' governments to cooperate".⁵³ MEDA/ENPI funds were substantially higher, but these were channelled through government bodies and programmes were aimed at modernisation rather than democratisation. Member states' bilateral commitments were negligible, and this gap was particularly striking in the cases of France and Spain, the member states most closely tied to Morocco by history, geography, development cooperation and trade.

7. Conclusion and policy recommendations

How 'serious' the EU is about promoting democracy in Morocco and elsewhere is above all determined by the position democracy promotion holds in the ranking of European governments' strategic priorities and interests towards the country in question. In Morocco, the mix of contrasting interests has meant that EU member states have largely left the active promotion of democracy to the Commission, and have made no secret of the fact that democracy ranks far behind a large number of other priorities in their relations with Morocco. The Commission has made a valuable effort to assist the process of liberalisation led by the Moroccan government in the framework of ENP, but systematic support to genuine democratisation remains yet to be introduced in EU policies towards Morocco.

The switch of strategy in the Southern Mediterranean in recent years, the increasing subtlety and sophistication of the strategies of the North African political elite to preserve authoritarian rule in the face of increasing pressure for democratisation, has not yet translated into a meaningful adaptation of EU policies. Compared to other MENA states, Morocco is no doubt a shining island of liberalism, with open, violent repression largely confined to the past. Regardless, it remains a semi-authoritarian façade democracy whose leaders are proficient in playing off both Europe's naiveté and relative lack of interest in democratisation to preserve their political and economic privileges. Aware of its strategic significance for many European interests, part of the Moroccan leadership appears successfully to nurse the country's image as the leader of democratic reform and pole of stability in the region. So far the EU has failed to exploit

the additional leverage it is given through this Moroccan strategic interest. Morocco's long-standing demand for a '*statut avancé*' in its relations with the EU, which is supposed to become concrete in 2008, provides a crossroads at which the EU must carefully adapt its policies to the requirements of dealing with the increasingly subtle and complex political reality of a semi-authoritarian partner. This includes a greater sophistication of tactical considerations which requires a clearer understanding of Morocco's informal political economy and the way decisions are taken outside the formal rules and political institutions Europeans take for granted.⁵⁴

Europe will not contribute to genuine democratisation in Morocco if it does not ask for it. Close political and economic relations, Morocco's keen interest in enhanced integration, and the existing frameworks of co-operation give the EU enough leverage and occasion to press for a genuine democracy in Morocco. The ENP and Morocco's aspirations for an 'advanced status' provide a particularly favourable setting for this. Member states (and particularly France under its upcoming EU Presidency), while largely refraining from pro-actively contributing to democratisation bilaterally, can back respective EU policies while enjoying diplomatic cover, and at least refrain from bilateral moves that directly or indirectly harm Moroccan democracy interests.

If truly serious about promoting democracy and human rights in Morocco, the EU must:

1. Specify the Action Plan: The revision of Action Plans in 2008 is an opportunity to enhance the Plan's potential to contribute to democratisation in a meaningful way. For this, the Action Plan should be specified to introduce, for each objective and measure under the democracy-relevant chapters, information regarding concrete implementation steps and mechanisms, timeframes, actors, budget, and measurable criteria for the evaluation of progress. Moreover, a transparent evaluation process should be prescribed that includes fully independent civil society. Alternatively, the *statut avancé* as a new contractual framework could be designed accordingly.

2. Use the conditionality potential of 'advanced status': Making advanced demands to an advanced partner in a new contractual framework, including a coherent set of basic systemic reforms, concrete measures, actors, deadlines, and evaluation criteria, will be essential in the EU's negotiations for an advanced status agreement with Morocco. In November 2007, the European Parliament stressed with regard to the Southern Mediterranean that "human rights clauses implementation mechanisms need to be included in the next-generation accords that will

⁵³ European Parliament: 'Strengthening the European Neighbourhood Policy', 15 November 2007 (2007/2088(INI)).

⁵⁴ See also Bradford Dillman: 'The European Union and Democratization in Morocco', in Paul J. Kubicek: *The European Union and Democratization*, Routledge, 2003.

be signed between the EU and countries in the region”.⁵⁵ Granting ‘advanced status’ to an advanced partner who demonstrates its maturity by committing to an advanced level of democratisation, defined by concrete benchmarks, could provide a strong boost for the currently tame ENP’s potential as a model framework for democratisation through integration where EU membership is not an option. Reaching a strong new agreement with Morocco also gains importance against the background that this will be the first of a new generation of ENP framework agreements, which require a substantial raise of maturity, commitment and integration if ENP is to remain credible.

3. Maximise the potential of the Governance Facility:

An entirely relativist EU approach to progress assessment of democratic standards in its Neighbourhood can be to the detriment of democratisation efforts in more advanced partner countries like Morocco, as the softening light of flattering regional comparison invites the regimes to stick to a minimalist approach to democratisation. A healthier balance of relative and absolute progress assessment is therefore crucial. The allocation of Governance Facility funds as a reward for relative ‘advance’ and blurred ‘progress’ also indirectly supports the ‘lesser evil’ notion of a purely relative view on Morocco, while neglecting domestic shortcomings to the benefit of the incumbent ruling elite. To avoid such a domestic backfiring effect of the well-intended Governance Facility, and at the same time to enhance the positive signalling effect of the instrument, specific rewards should be tied to specific accomplishments. Measurable benchmarks should be developed along the list of governance indicators outlined in the Commission’s document on the implementation of the Governance Facility.⁵⁶ Moreover, a significant increase in Governance Facility funds, the involvement of non-governmental actors in the allocation decision, and full transparency regarding the allocation process, including publication of the detailed grounds of assessment, would further enhance the visibility and credibility of the award, and maximise its positive signalling effect across the region.

4. Increase NGO-channelled funds: The palace’s gatekeeper function within a carefully steered top-down approach to political reform implies that in terms of external support for Moroccan democracy, intergovernmental cooperation must be paralleled by direct support to civil society democratisation efforts. The total independence of both NGOs and the selection and allocation process from the government is crucial if these measures are to have an impact in terms of genuine democratisation, instead of serving as a counter-productive democratic PR vehicle for the incumbent elite. Funds for the EIDHR should therefore substantially be stepped up.

5. Enhanced democratic substance in aid programmes and statements:

While a partnership-based approach is surely more promising in the case of Morocco, constructiveness must not be mixed up with ambiguous stances with regard to the EU’s values and objectives. The EU must enhance the depth and weight (including financial) of democratic substance in political aid programmes and official statements. Technical and efficiency programmes do little to bring about democratisation. Programmes focusing on governance must ensure that they do not support a decidedly apolitical approach of modernisation but actually contribute to genuine democracy. Public statements on Morocco may focus on praise of achievements but should also systematically mention remaining challenges, and above all refrain from flattering flawed reforms or elections.

⁵⁵ European Parliament: ‘Strengthening the European Neighbourhood Policy’, 15 November 2007 (2007/2088(INI)).

⁵⁶ EC non-paper ‘Principles for the implementation of a Governance Facility under ENPI’, 22.02.2008.

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Annex 1:

ENP Action Plan for Morocco: Priority Objectives and Measures regarding Democracy and the Rule of Law, Human Rights and Fundamental Freedoms

Objective	Measures
<i>Democracy and the Rule of Law</i>	
1.) Consolidate the administrative bodies responsible for reinforcing respect for democracy and the rule of law	<p><i>Short term:</i></p> <ul style="list-style-type: none"> • Exchange of 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 National Planning Charter. <p><i>Medium term:</i></p> <ul style="list-style-type: none"> • Ensure implementation of local authority reform.
2.) Step up efforts to facilitate access to justice and the law	<ul style="list-style-type: none"> • 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 prisoner's rights, • Training of judges and other court staff, • Continue the MEDA programme on "modernising law courts in Morocco".
3.) Cooperation in tackling corruption	<p><i>Short term:</i></p> <ul style="list-style-type: none"> • 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. <p><i>Medium term:</i></p> <ul style="list-style-type: none"> • 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.
<i>Human Rights and Fundamental Freedoms</i>	
4.) Ensure the protection of human rights and fundamental freedoms according to international standards	<p><i>Short term:</i></p> <ul style="list-style-type: none"> • Start discussions within the subcommittee on human rights, democratisation and good 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, • 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 the 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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.

Source: ENP Action Plan for Morocco

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