Democracy Promotion in the European Neighbourhood Policy

the case of Morocco

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ABSTRACT

Contrary to European Union (EU) rhetoric on the importance of democracy promotion, security considerations have always been prioritised over democratisation in its relations with the Southern Mediterranean. In a review of the European Neighbourhood Policy after the Lisbon Treaty and the Arab Spring in 2011, the EU pleaded again to give full attention to democracy considerations. This research paper investigates whether democracy promotion in the ENP towards Morocco has undergone any change since the review of the policy, both in substance and importance. A comparative analysis of European democracy support before and after 2011 in Morocco based on policy reports, financial allocations and conditionality mechanisms reveals that socio-economic conditions are the main focus of EU democracy promotion in Morocco, while most changes can be found in an increased support of civil society. However, the EU seems to repeat its previous behaviour by again prioritising security over democratisation.

LIST OF ABBREVIATIONS

AP: Action plan

CAT: Convention against Torture

CEDAW: Convention on the Elimination of all forms of Discrimination against Women

CFSP: Common Foreign and Security Policy

CSF: Civil Society Facility

CSO: Civil Society Organisation

DCFTA: Deep and Comprehensive Free Trade Agreement

EEAS: European External Action Service

EED: European Endowment for Democracy

EIDHR : European Instrument for Human Rights and Democracy

EMP: Euro-Mediterranean Partnership

ENP : European Neighbourhood Policy

ENI: European Neighbourhood Instrument

ENPI : European Neighbourhood and Partnership Instrument

EU : European Union

GCC : Gulf Cooperation Council

GF: Governance Facility

GONGO: Government Organised Non-Governmental Organisation

ICAPED: International Convention for the protection of All Persons against Enforced Disappearance

ICCPR: International Convention on Civil and Political Rights

MEDA: Mesures d'Accompagnement

PJD: Party of Justice and Development

PR: Progress Report

TEU : Treaty of the European Union

TFEU: Treaty on the Functioning of the European Union

SPRING: Support for Partnership, Reforms and Inclusive Growth

UN: United Nations

UNCAC : United Nations Convention against Corruption

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1. INTRODUCTION

The self-immolation of Mohamed Bouazizi in December 2010 triggered historic changes in the Southern Mediterranean. Long-established dictatorships were confronted with widespread anti-government uprisings. The sudden call for more inclusion in economic and political life, better governance and strengthened civil liberties challenged and in some cases overthrew Arab authoritarian regimes in a wave of popular protests.

Although the uprisings occurred in the European Union's (EU) backyard, the EU's reaction has been heavily criticised for being too cautious, too slow and too weak. Preoccupied at the highest level with the Eurozone crisis, in the middle of establishing a new diplomatic service, influenced by the idea of Arab exceptionalism and with divergent positions among its member states, the Union's initial response was indeed everything but proactive, coherent and effective. While the protests in Tunisia started on 17 December 2010, the first official reaction did not appear until 10 January 2011: High Representative Catherine Ashton and European Commissioner for Enlargement and European Neighbourhood Stefan Füle expressed their concern over the violence, called for restraint in the use of force and the release of detained activists while adding that cooperation with the Tunisian government would continue.[1] A couple of days later, Ben Ali was ousted. Only after his departure, the EU expressed its 'support and recognition to the Tunisian people and their democratic aspirations'.[2]

The European reaction to the events in Egypt and the uprisings elsewhere came faster, but could not hide the fact that long-standing alliances with Arab dictators were only switched after it became clear that the regimes would collapse.[3]

The very cautious EU reaction is surprising. External democracy promotion is a long-established component of the EU's external action, anchored in the EU-treaties since the Treaty of Maastricht (1992). This has also influenced the agenda towards the so-called

[1] European Commission, MEMO/11/12.
Some EU member states even went further than that. France for example proposed to dispatch security forces to the Tunisian regime to 'resolve the situation' there. (Marshall, 2013).
[2] European Union, A 016/11.
[3] Biscop, 2011.

'Southern Mediterranean'. Relations between the EU and this region are as old as the EU itself and were for a long time characterised by a sole economic focus. This changed with the start of the Barcelona Process in 1995 when democracy was for the first time part of EU-Southern Mediterranean relations, after which it took an even more prominent position in the European Neighbourhood Policy (ENP) launched in 2004.[4] Moreover, one of the main aims of the Lisbon Treaty (2009) was to provide the EU with the necessary tools to become a credible global player. And, as Stefan Füle pointed out, the neighbourhood is the best place for the EU to start when aspiring to acquire this global role:

> [I]f the EU wants to become a credible global player, it should start from its Neighbourhood. In the months and years to come, we must demonstrate our capacity to act convincingly in our Neighbourhood, using all the instruments and opportunities for joined-up action offered by the Lisbon Treaty.[5] (Stefan Füle, 2010)

Nonetheless, when the Arab protests started, the Southern Mediterranean was as authoritarian as before and the Union did not act as a 'credible global player'. A more comprehensive and long-term response came on 25 May 2011 in the form of a review of the ENP. High expectations were raised, stressing the novelty of the reviewed policy and the central role reserved for democracy promotion:

> The EU needs to respond with determination and ambition, through a new approach to the ENP, drawing the right lessons from our experience so far and addressing the challenges of a fast-changing neighbourhood.[6] (Stefan Füle, 2011)

> What we are launching today is a new approach. A partnership between peoples aimed at promoting and supporting the

[4] Baracani, 2004, p. 12.
[5] European Commission, SPEECH 10/594.
[6] European Commission, IP/11/643.

> development of deep democracy and economic prosperity in our neighbourhood.[7] (Catherine Ashton, 2011)

However, there are reasons to doubt about the novelty of the new approach and especially about the centrality of the place democracy will effectively take in the reviewed ENP.

First, The EU's policy towards the Southern Mediterranean has always faced the dilemma of following a value-driven approach pursuing democratisation or a security-driven approach emphasising cooperation and dialogue with the authoritarian regimes. In the past, the EU has regularly been criticised for prioritising security concerns while only paying regular lip service to democracy promotion.[8] In this sense, the Arab Spring made it painfully clear how a decade of European democracy promotion in the region had not led to any significant democratisation. This has also been acknowledged by the Union itself. At the launch of the new ENP, both Füle and Ashton admitted that previous EU policies had mistakenly neglected the democratisation aspect.[9]

Second, it is not the first time the EU acknowledges the lack of sincere democracy promotion in its past policies, renews its Mediterranean policy and pleads to put democracy promotion more central. When introducing the ENP in 2004, the EU heralded it as an important change in its policies, which would address previous deficiencies and enhance the effectiveness, especially with regard to democracy promotion. However, the underpinning logic, instruments and prioritisation of security issues of the ENP turned out to be very similar to the old Barcelona Process.[10]

On the other hand, there are also hopeful signs that the reviewed ENP could indeed lead to a meaningful change regarding democracy promotion. The Lisbon Treaty has introduced important innovations touching on the ENP, the failure of previous Mediterranean policies has never been displayed so obviously, and regime changes in

[7] Ibidem.
[8] Malmvig, 2004, p. 22; Tassinari and Holm, 2010, pp. 6-9; Grant, 2011, p. 4.
[9] European Commission, SPEECH/11/130 and MEMO/11/918.
[10] Malmvig, 2004, p. 2; Tassinari and Holm, 2010, p. 5; Tocci and Cassarino, 2011, p. 2.

the Arab world almost leave the Union with no other choice than to profoundly adjust its policy.

On top of the question of whether or not the new ENP constitutes real change regarding democracy promotion comes a second question regarding its actual substance. Despite the growing importance of democracy support in the EU's external actions, its actual substance remains unclear. Previous attempts to come up with a 'European Consensus on Democracy' have failed and recent policy documents do not elaborate on the content of what should be supported.[11] While democracy support is being mainstreamed more and more throughout its external policies, the EU did not succeed in defining its actual substance.

Surprisingly, the same applies to academic research in this area. The international dimension of democratisation has long been missing in democratisation studies, until a gradual increase in scholarly attention to external democracy promotion in the 1990s.[12] As noted by Brown and Kauffman, academic research in international democratisation studies followed the practice: it only became significant after democracy promotion became a central component of the foreign policy of the main western powers.[13] This also explains the boost in research during the 2000s, especially after the US invasion of Iraq.[14] In Middle Eastern Studies, it was waiting for a democratisation focus until the 1990s, when it simultaneously developed with the emerging attention to external democracy promotion. It was indeed mainly policy-related: recommending the West how to 'help promote the democratisation process' in the Middle East.[15] Studies of the 1990s were characterised by a strong belief in a worldwide transition towards democracy, also in North Africa. This changed during the 2000s, as it appeared to many that the Arab world had missed its rendez-vous with modernity, focusing instead on the resilience and lasting success of authoritarianism in the region. However, the Arab Spring brutally smashed the existing theories, dividing democratisation scholars on the Middle East into two camps: one group acknowledging that democracy had finally

[11] Pribyla, 2013, e-mail.
[12] Beichelt, 2012, p. 1.
[13] Brown and Kauffman, 2011, p. 241.
[14] Burnell, 2013, p. 266.
[15] Niblock, 1998, p. 221.

arrived in the Arab world and that the debate on Arab authoritarian resilience had become obsolete, while the other stressing the continuity of authoritarianism in the region.[16]

Attention to European democracy promotion also followed policy practice: since democracy promotion was included in the EU's policies, a steady stream of research has developed. It often touches also on the debate of the Union being a normative or realist actor in its external policies, with increasing attention going to the latter.[17] An important amount of this literature focused on the use of conditionality, especially towards Eastern Europe, while far less attention has been paid to democratisation of existing EU members.[18] In an issue of the European Foreign Affairs Review especially focusing on European external democracy promotion, Anne Wetzel and Jan Orbie give an excellent overview of the status quaestionis of academic literature. Two strands of literature have emerged, the first focusing on the impact and effectiveness of EU democracy promotion in third countries, while the second focused on the EU as a democracy promoter itself, analysing its instruments and strategies in particular. They indicate the gap that exists in the substance of European democracy promotion, explaining that research has not come further than making a rough distinction between a 'limited' and 'broad' notion of democracy promotion, while most of these claims still have to be tested empirically.[19] The entire issue has been dedicated to the substance of European democracy promotion in various regions (up to 2011), and forms the kick-start of further research in the field. From the variety of studies, three general observations could be made. First, there has been less of a focus on free and fair elections than previous literature suggested. Second, European democracy promotion often puts more emphasis on improving the circumstances that could indirectly lead to more democracy – as civil society, a well-functioning state apparatus and better socio-economic conditions – than on core

[16] Valbjorn, 2013.
[17] Cavatorta and Durac, 2011, p. 4.
[18] Simmons, 2011, p. 135.
[19] Orbie and Wetzel, 2011(a), p. 566.

democracy issues such as accountability, and third, the link between both of them is not made very clear by the Union.[20]

Thus, interest in this field of research has been gradually growing recently. This master thesis focuses on European democracy promotion in the ENP towards Morocco, thereby expanding and providing an update on the previous research conducted in the field by Richard Gillespie, Elena Baracani, Kristina Kausch and Vicky Reynaert. Although the case study is enriching in its own right, it is meant to contribute to this emerging debate by introducing new empirical data that can be used in larger comparative studies on EU democracy promotion in its neighbourhood and beyond. In order to achieve this, the research is conducted in a way that is conducive to comparative studies, using the research framework introduced by Orbie and Wetzel in the before-mentioned issue of the European Foreign Affairs Review.

The analysis in this master thesis examines if the reviewed ENP towards Morocco after the Lisbon Treaty and the Arab Spring is indeed a 'new response to a changing neighbourhood' regarding democracy promotion. In order to give a comprehensive answer while addressing the existing gap in academic literature, the research is divided into two sub-questions. First, was there a shift in content of democracy promotion in the ENP towards Morocco? Second, have democracy considerations grown more important in the ENP towards Morocco?

Various reasons make Morocco the best option for this case study. Obviously, the country has been heavily influenced by the recent uprisings in the region, but in contrast to its republican neighbours, this did not lead to a regime change. This could make it easier for the EU to continue its policy in line with past practices. Secondly, Morocco is the country in the Southern Mediterranean that is most oriented towards the EU and where the Union has the highest leverage. One could argue that, when Füle states that the neighbourhood is the area where the EU is best placed to become a credible global player in the world, Morocco can be considered the best case in the Southern Mediterranean for EU external democracy promotion. As a consequence of the highly

[20] Orbie and Wetzel, 2011(b), pp. 722-723.

developed relations between Morocco and the EU, it is also the case where the ENP has evolved the furthest. In 2008, Morocco has been granted the Advanced Status as the only country in the Southern Mediterranean this far, while the country is also a frontrunner in the field of drafting Action Plans, the Mobility Partnership, the Deep and Comprehensive Free Trade Agreement etc. Morocco is also generally seen as having the best human rights and democracy record in the region, and improvements were introduced in the 2011 constitutional review. However, there are still major issues to be addressed in the field of democratisation, especially when it comes to the accountability of decision-making and decision-makers.

The methodology used to answer the question for change will be a qualitative comparative within-case-study, with democracy promotion as the dependent variable. The case – democracy promotion in the ENP towards Morocco – will be divided into two sub-cases, separated by time: before and after the review of the ENP. This entails that democracy promotion in the ENP towards Morocco between 2004 and 2010 – the before-case – will be analysed providing the answer to a fixed pattern of questions, covering the content of EU democracy promotion, the allocation of financial resources and the mechanism of conditionality. It will consequently be compared to a similar analysis of democracy promotion in the ENP towards Morocco between 2011 and 2013 – the after-case. The transition between the two cases is made in 2011, the moment when the EU openly acknowledged the flaws regarding democracy promotion in its past policies and launched its reviewed neighbourhood policy. The review process had already been initiated in 2010 following the Lisbon Treaty, in line with the general aim of the EU to improve coherence and effectiveness of its democracy promotion.[21] The sudden outburst of the Arab Spring in the middle of this process had a major influence by openly displaying the structural shortcomings regarding democracy support in previous policies.

The research is not meant to establish a direct causal relationship between the Lisbon Treaty/Arab Spring and the possible changes introduced in the reviewed ENP. I believe the Lisbon Treaty has been an important trigger to review the ENP with the aim of more

[21] Ville, 2013, interview.

effectiveness and coherence, while the Arab Spring heavily influenced the process, especially regarding the democracy-component. However, other influences cannot be excluded. The covered time-span is limited by the relatively short existence of the ENP, which makes the establishment of a causal relationship even less obvious.[22] It should also be taken into account that there is a difference in time-span between the two sub-cases: the after-research is supported by less data than the before-research. Nevertheless, as already indicated, thanks to the fact that Morocco is a frontrunner in the Southern neighbourhood policy, important new key documents have already been agreed on, making the research possible and worthwhile. Finally it should be noted that the focus lies solely on the level of European policy-making. Only the EU-level is taken into account and the research does not include the implementation or actual effect this policy achieves in Morocco, as it is too early to properly assess this. The analysis is based mainly on original documents: strategy papers, action plans, progress reports and financial allocations, supplemented with information from interviews with EU officials and existing academic research.

The first part of the thesis (chapter two) introduces the research framework and concepts on which the comparative research is based, and is followed by the 'before-research'. This is further divided into three parts: a detailed analysis of European policy documents, followed by the allocation of financial resources and an analysis of the use of conditionality.

Chapter three will delve in more detail into the innovations of the Lisbon Treaty regarding the ENP, both with regard to the new treaty base that affects the EU's relations with its neighbours and the institutional changes that touch on the ENP. The second part of this chapter will introduce the effects of the Arab Spring on EU policy towards the Southern Mediterranean, after which the particular events in Morocco are covered and the consequences these had on the democracy situation in the country.

Finally, chapter four contains the after-research, again subdivided into an analysis of the policy documents, financial resources and conditionality. The results of the before- and after-analysis are compared and form the basis of the conclusion in chapter five.

[22] George and Bennett, 2004, p. 166

2. DEMOCRACY IN THE ENP BEFORE 2011

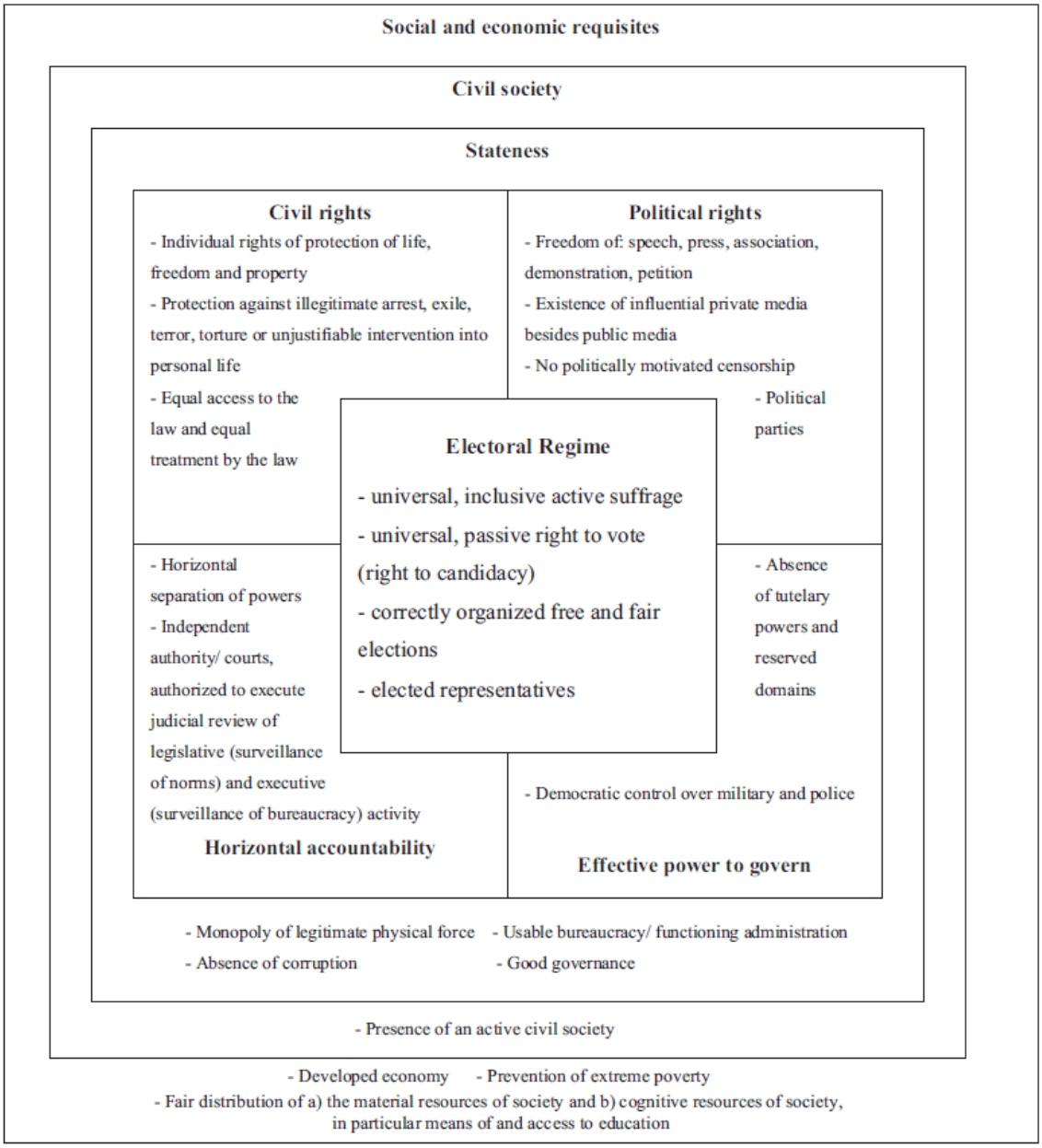
This chapter contains the first part of the case-study, analysing the content and importance of democracy promotion in the ENP towards Morocco during the period 2004-2010. First the research framework will be introduced, followed by the analysis based mainly on primary data: the Country Reports and Action Plans, European Neighbourhood Progress Reports, strategy papers, national indicative plans of the European Neighbourhood Partnership Instrument and EIDHR-indicators.

As indicated in the introduction, the research is based on the framework of Orbie and Wetzel, which subdivides democracy in partial regimes, designed for a more accurate assessment of the substance of external European democracy promotion (figure 1).[1]

Central in the scheme is the electoral regime. Its function of making the access to public power positions dependent on the results of open and competitive elections is crucial for democracies and distinguishes them from autocracies. Together with equal political rights, the electoral regime embodies the essence of vertical accountability. The regime has four elements: universal active suffrage (the right to vote), universal passive right to vote (the right to run for office), free and fair elections and elected representatives.[2]
Closest linked to this is the regime covering political rights. It encompasses the right to political communication and organisation and thus freedom of speech and press, the existence of influential private media, no politically motivated censorship, freedom of association, demonstration and petition and the right to political parties. These rights and freedoms allow the development of an independent public arena and are a prerequisite for a strong political and civil society.[3]

[1] Orbie and Wetzel, 2011(a), pp. 574-576.
[2] Merkel, 2004, p. 5.
[3] Idem, p. 7.

1. The concept of liberal democracy



Source: Orbie and Wetzel, 2011 (a).

Essential in the third regime – civil rights – is the rule of law, the core of which lies in basic constitutional rights, protecting citizens against the state. [4] The basic constitutional rights included in this regime are the right to life, protection against illegitimate arrest, exile and torture. For this analysis, women's rights and minority rights are added, as the treatment of a large share – in the case of women more than half – of the population as

[4] Ibidem.

inferior to the other part impedes a successful and meaningful democracy. Finally, a good functioning court system guaranteeing equal access and equality before the law is indispensable. Not all human rights are included in this category. European human rights promotion covers a broad range of human rights, not all of which directly relate to democracy promotion. For example the protection of the rights of migrants, reproductive rights, the integration of people with disabilities into the workplace, are – although very important in itself – not directly linked to democracy promotion in third countries.

Horizontal accountability constitutes the fourth regime. It means that 'elected authorities are surveyed by a network of relatively autonomous institutions and can be pinned down to constitutionally defined, lawful action'.[5] Democracy requires autonomous legislative, executive and judiciary bodies, characterised on the one hand by a clear separation of powers and on the other hand empowered with the possibility to check each other reciprocally, without dominating or interfering in each other's sphere.[6] In the assessment of this regime, a distinction will be made between activities in support of a judiciary that effectively increase the independence of the judiciary – and thus improve the horizontal accountability – from those supporting judicial reform (for example case-load management), which are covered by the civil rights regime.[7]

The last component in the research framework is the effective power to govern for democratically elected officials. The idea behind this regime is that political decision-making lies with the elected representatives, while actors not subject to democratic accountability do not hold decision-making power.[8]

Together, these regimes are the defining components of liberal democracies. However, democracies do not exist in vacuums. Apart from interactions between the different 'internal regimes', democracies are embedded in an environmental context that can support and stabilize them or lead to the destabilisation of democracy. Figure 1 reveals the three most influencing external context conditions that shape the environment of democracies: stateness, civil society and the socio-economic context.

[5] Idem, p. 8.
[6] Idem, p. 9.
[7] Orbie and Wetzel, 2011(b), p. 712.
[8] Orbie and Wetzel, 2011(a), p. 575.

Stateness is on the one hand the ability of the state to pursue the monopoly of legitimate physical force and clear defined external borders and on the other hand a capable administration, characterised by good governance and the absence of corruption. Academic literature usually refers to stateness as a pre-condition for democratisation, as there is a strong correlation between both factors.[9] Nonetheless, there is no direct causality between the strengthening of stateness and an increase in the level of democracy.[10] As evidenced by the existence of strong authoritarian regimes, a stronger state in itself is no guarantee for more democratisation.[11] In short, an 'intact state with a functioning administration' is an important, but external condition in democracy promotion.[12] However, a problem arises with regard to good governance, as there is no general accepted definition and the EU itself does not provide in one either. The term 'good governance' originates in the World Bank report in 1989 on sustainable growth in Africa, referred to as a "structural necessity for market reform" and has since evolved in later World Bank publications and been taken over and adjusted by other organisations as for example the UN High Commissioner for Human Rights (UNHCHR). The UNHCHR attributes five key components to the concept: transparency, responsibility, accountability, participation and responsiveness. The EU issued in 2001 a white book on governance, attributing on its turn five components to the concept, slightly different from those set out by the UNHCHR: openness, participation, accountability, effectiveness and coherence.[13] However, the white book was meant for internal European governance, and not to define good governance in external democracy promotion. In the 2000 Cotonou Agreement the EU tries for the first time to define good governance meant for external promotion:

> [*G*]ood governance is the transparent and accountable management of human, natural, economic and financial resources for the purpose of equitable and sustainable development. It entails clear decision-making procedures at the

[9] Barrios and Ahamed, 2010, p. 4.
[10] Bratton and Chang, 2006, p. 1072.
[11] Barrios and Ahamed, 2010, p. 5.
[12] Orbie and Wetzel, 2011(a), p. 576.
[13] European Commission, 2001, p. 10.

> level of public authorities, transparent and accountable institutions, the primacy of the rule of law in the management of resources and capacity building for elaborating and implementing measures aiming in particular to preventing and combating corruption[14] (Cotonou Agreement, article 9.3)

In the 2006 European Consensus on Development, the EU further elaborates on the concept. It acknowledges the need for a pragmatic approach, which is based on the specific context of the country. Good governance includes in this document areas "such as anti-corruption, public sector reform, access to justice and reform of the judicial system".[15] This shows very clearly the interrelatedness between different concepts as good governance, the rule of law and democracy.

The second external context condition is civil society. A well-developed, autonomous civil society can be a blessing for democracy, as it fulfils a lot of positive functions: protecting individuals vis-à-vis the state by securing negative rights of freedom, linking societal and state spheres together, accumulating social capital and pursuing civil virtues and interests,…[16] Although a case can be made to include EU promotion of the civil society in its entirety, this analysis only covers the political civil society. Previous research pointed out that although the EU has put a lot of emphasis on civil society in its external policy, it often served other interests than democracy promotion.[17] Specifically in the case of European democracy promotion in the Southern Mediterranean, support for civil society was often aimed at non-democratic objectives as market-based reforms.[18] Thus, in order to obtain a more precise idea of how the EU specifically tries to trigger democratic reform in Morocco, the focus will only be on the political civil society.

The last external condition is the socio-economic context, providing in the necessary economic development and capability to sustain democracies. The relationship between

[14] European Union and members of the ACP states, 2000, p. 316.
[15] European Union, 2005, p. 25.
[16] Merkel, 2004, p. 14-17.
[17] Orbie and Wetzel, 2011(b), p. 715.
[18] Reynaert, 2011, p. 633.

socio-economic development and political democracy has been subject of many studies since Seymour Lipset's statement in 1959 that socio-economic development tends to bring about stable democracies. Although the academic debate is still ongoing, the inclusion of socio-economic support in the external democracy framework is highly relevant, as the EU itself makes the link between economic and political reform[19] (see chapter 3).

The before/after research is based on these regimes and contextual factors, to give an answer on the question if the ENP towards Morocco includes the promotion of the following elements:

- electoral regime
- political rights
- civil rights
- horizontal accountability
- effective power to govern

- stateness
- civil society
- socio-economic support

The analysis for the period 2004-2010 will include the 2004 Country Report in which the Commission gives a basic overview of the country's situation and outlines the areas where reform is necessary. Based on this Country Report, an Action Plan was agreed upon in the same year by both the European Union and Morocco, spelling out the political and economic reforms that should be pursued, divided among actions on the short and medium term and marking those actions that are a priority. Also the subsequent Progress Reports will be included in the research. These are available in 2006, 2008, 2009 and 2010, describing the progress Morocco has made in the indicated areas of reform. The reports oblige the Commission to keep up a process of consistent

[19] Balfour, p. 28.

objective reviews while being useful tools to praise and shame partner countries for their (lack of) reforms.[20]

The analysis will allow to determine which type of democracy promotion the EU pursues. Orbie and Wetzel distinguish five types:[21]

- *Externally embedded liberal democracy promotion* (broad agenda): besides the five partial regimes, the EU also significantly supports the advancement of the external conditions.
- *Liberal democracy promotion* (full agenda): the EU mainly promotes the five partial regimes of liberal democracy.
- *Partial liberal democracy promotion* (narrow agenda): the EU mainly promotes some partial regimes while it neglects others.
- *External conditions democracy promotion* (shallow agenda): the EU mainly supports the advancement of the external conditions.
- *No liberal democracy promotion*: there are no activities related to the support of any partial regime or context condition.

To give an answer on the second sub-question, if the importance of democracy promotion in the ENP towards Morocco has grown since the Lisbon Treaty and Arab Spring, two more indicators will be used: resource allocation and conditionality. The resource allocation will not only allow to see whether or not there has been an increase in financial assistance but also to verify if the EU's financial support corresponds with the goals set in the ENP documents or if there is a discrepancy between rhetoric and financial support.

Conditionality has been defined as a 'bargaining process between the democracy promoting agency and a target state',[22] in which actors exchange information, threats and promises in order to maximise their utility. It is part of a huge academic debate, dividing advocates and opponents on issues as general desirability, effectiveness, preferences for positive or negative conditionality,… and some authors advocate for the

[20] Judith, 2006, p. 17.
[21] Orbie and Wetzel, 2011(a), p. 577.
[22] Schimmelfennig and Sedelmeier, 2005.

total abandonment of conditionality in favour of other democracy promotion tools as for example the governance model described by Lavenex and Schimmelfennig.[23] However, conditionality is since its inception an important feature of the ENP. A study by Reinhard in 2010 on the use of conditionality for democracy promotion by the EU gives a very complete overview of the conditions that have an influence on the effectiveness of conditionality. The first and most generally acknowledged condition is the attractiveness of the incentive(s). In the case of Morocco, the prospect of membership is not applicable, therefore, there is a need for other convincing incentives. The second condition is credibility. If Morocco knows that the EU is not able or willing to apply the conditionality, the effect will be null. Besides this, credibility also requires clear, measurable criteria and evaluation mechanisms. Low adoption costs are the third condition. The advantage for Morocco in the form of incentives must be worth more than the adoption costs accompanying democratisation. Fourth, the lack of alternatives to gain the promised incentives influences the effectiveness of conditionality. If it is possible to gain the incentives without democratisation, in a way that involves lower adoption costs, conditionality will not have the required results. A fifth important feature is the need for asymmetry in the negotiations between the European Union and Morocco in favour of the first. This results on the one hand from a lack of alternatives at the side of Morocco and on the other hand requires from the EU not to have serious interests in Morocco that would be harmed in case conditionality is applied. Finally, conditionality only works effectively when the interests of important stakeholders and veto players are not harmed. If democratisation is against the vital interests of important actors, compliance will be considerably weakened due to higher adoption costs for the government.

This leads to the following additional questions:

- How many financial resources are allocated for democracy promotion in Morocco?
- How is the conditionality designed? (incentives, credibility, adoption costs, vital interests, alternatives and asymmetry)

[23] Lavenex and Schimmelfennig, 2011.

What follows is the before-research, subdivided in the document analysis, financial allocation and conditionality.

SUBSTANCE OF DEMOCRACY PROMOTION 2004-2010

ELECTORAL REGIME

The ENP Country Report on Morocco in 2004 does assess the situation of the electoral regime, paying attention to all four elements under the regime. The focus lay on the most recent elections (2002), which were reported to be largely free and fair. Regarding the active right to vote, the report deplores the "relatively poor" voter turnout of around 50 % although no mention is made of the reasons for this. Apart from further comments on the characteristics of the political system in Morocco, a special reference is made to the passive right to vote for women, as the low female participation in politics is a serious impediment for the achievement of a truly universal passive right to vote. The report informs over the evolution of political rights of women, mentioning that for the first time some "patchy" steps are taken to address the problem.

Although the Report shows some shortcomings especially regarding voter turnout and the political participation of women, the EU-Morocco Action Plan does not include any reference to the electoral regime.

Progress Reports pick up the thread again. In 2008 and 2010 (the reports following on election years) some words are spend on the different components of the electoral regime. Generally, the balance is positive, especially regarding the acceptance of international election observers, the level of transparency and some new regulations improving the electoral campaign. Nonetheless, some irregularities are mentioned and the need for a clear juridical framework for electoral observation is spelled out. Touching on the universality of the active right to vote, the same Progress Reports bring up again the low voter turnout. The reports also refer to progress made in the field of the passive right to vote of women, through a new election code including among others a national list for women, which substantially increased the amount of female representatives.

2. Promotion of electoral regime components in the ENP towards Morocco, 2004-2010.

	free and fair elections	universal active right to vote	universal passive right to vote
CR 2004	- largely free and fair	- poor voter turnout	- for the first time measures are taken to improve women participation, but need for improvement
AP 2004	- no reference	- no reference	- no reference
PR 2006	- inapplicable	- inapplicable	- progress made
PR 2008	- positive but need for a clear juridical framework	- high amount of absenteeism and blank votes	- progress made
PR 2009	- inapplicable	- inapplicable	- progress made
PR 2010	- positive but need for a clear juridical framework	- higher participation than before	- progress made

Source: author (based on the cited documents)

POLITICAL RIGHTS

Attention is also paid to political rights in the Country Report. Morocco's multi-party system is introduced and the recognition of the principle of freedom of association and thought, expression and assembly in the Constitution is mentioned. Reference is also made to an improvement of the freedom of association and assembly through recent legislation that simplifies the rules and increases the transparency of forming and dissolving associations. However, the report notes that this does not correspond with the practice, where prior authorisation from the Ministry of Interior is still necessary for public meetings, allowing for the prohibition of demonstrations based on 'disruption of public order'. Concerning the freedom of speech, the report concludes that this has been significantly freer more recently. However, important remarks are made on the fact that certain offenses are not clearly defined (e.g. an "attack on Islam, on the institution of the monarchy or on territorial integrity") and that journalists crossing these lines face prison sentences.

The Action Plan requires action on some of these proposals, but without priority. On the short term, Morocco should ensure the implementation of the law on freedom of association and assembly and support the liberalisation of the audio-visual media in the country. Moreover, the parties commit themselves to exchange experience and know-how regarding the development of a new press code and a regulatory framework for

political parties (again on short term).

The subsequent reports observe progress in the liberalisation of the audio-visual media and the adoption of a new legislative framework for political parties. However, they note that Morocco did not adopt a new press code abolishing among others prison sentences for journalists, did not apply the – relatively liberal – association legislation in a uniform way (thereby particularly affecting human rights defenders related to the topic of the Western Sahara) and used disproportionate force by the police in dispersing demonstrations.

3. Promotion of political rights components in the ENP towards Morocco, 2004-2010.

	speech and press	association and assembly	Liberal media	political parties
CR 2004	- constitutional recognition freedom of speech; - major restrictions on press freedom; - criminal and even prison sentences for journalists; - not clearly defined offenses;	- constitutional recognition freedom of association and assembly; - implementation lags behind; - ILO Convention not ratified;	- no reference	- multi-party system
AP 2004	**action (ST):** - exchange experience and know-how on development new press code	**action (ST):** - implementation existing legislation	**action (ST):** - support liberalisation audio-visual media	**action (ST):** - exchange experience and know-how on development of regulatory framework for political parties
PR 2006	- no progress in press code	- no progress	- progress	- new framework adopted
PR 2008	- no progress	- no progress	- progress	- no reference
PR 2009	- no progress	- no progress	- no reference	- no reference
PR 2010	- no progress	- no progress	- no reference	- no reference

Source: author (based on the cited documents)

CIVIL RIGHTS

The Country Report raises the issue of the lack of ratification of the first protocol to the International Covenant on Civil and Political Rights (ICCPR) and the optional protocol to the Convention against Torture (CAT). Also the lack of ratification of the second Optional Protocol to the ICCPR is brought up, in the meantime confirming that Morocco has a moratorium on the execution of the death penalty since 1993. The report

notes that torture is a criminal offence in Morocco, but that the definition of torture is not conform to CAT (of which Morocco is a state party) and some torture acts do consequently not fall under criminal law. Moreover, despite its prohibition, torture still takes place, mostly in cases of arbitrary arrest linked to investigations into terrorism. Regarding women's rights, the report applauds positive steps as the reform of the Code of Personal Status (Moudawana or Family Code), which introduces improvements in women's rights in areas as marriage, divorce, property and inheritance. It also welcomes the ratification of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the prohibition of domestic violence in the general provisions of the criminal code. However, the report notes serious shortcomings too: Morocco did not sign the Optional Protocol to CEDAW and has reservations regarding the status of women, divorce and nationality. Moreover, the criminalisation of domestic violence is not included in legislation and the report is cautious on the real effect the reform of the Moudawana will have in practice. Finally, a short overview of the court system is included and measures taken by Morocco to improve access to justice and progress made towards are mentioned.

The Action Plan takes up several of these issues. Legislative reform and the application of human rights provisions are – although very vague – a priority action. Furthermore, actions to be taken on short term are a review of opt-outs to international human rights conventions, accession to their optional protocols, reform of domestic legislation conform to the conventions and the adoption of a definition of torture in compliance with CAT. Actions to promote and protect the rights of women include the implementation of the Moudawana, the fight against discrimination and the promotion of the socio-economic role of women. Finally, Morocco is also asked to improve the access to justice and law through simplifying judicial procedures, shortening their length, enforcing judgements and improving legal assistance.

Subsequent reports note the lack of progress regarding the first Optional Protocol to the ICCPR and the death penalty. On the other hand, there has been progress in the field of the protection against torture, disappearances and arbitrary arrests. In 2005, Morocco lifted some of its reservations to CAT, brought its definition of torture in line with

international agreements and criminalised torture. In practice, this led to the prosecution in 2007 of 17 security agents, which indicates a commitment of the government to improve its record. Also the invitation for a visit of the UN Working Group on Enforced and Involuntary Disappearances shows the Moroccan commitment in the field of political rights, although this has not been mentioned in the Progress Report.

In the field of women's rights, the reports recognize the efforts done by the government, but deplore the lack of implementation of the Moudawana, the continuing violence against women and the fact that reservations in CEDAW have not been lifted. In contrast, important progress was made in the field of the rights of the Berber population. While not included in the Action Plan, every Report makes mention of progress, while only in 2008 a critical note is made on the difficulties of some Berber groups to achieve registration.

The court system is the field where Morocco made the most effort. Progress has been made primarily to ensure a better access to justice through the simplification of judicial procedures and a reduction of the delay, online systems, new legislation and a better access to legislation,... However, in 2009 the judiciary still faces major problems, not being able to properly guarantee the protection of citizen's rights, therefore the report approves that judicial reform remains one of the main priorities for the king and government, among others with the set-up of a 2008-2012 action plan of the Ministry of Justice.

4. Promotion of civil rights components in the ENP towards Morocco, 2004-2010.

	first Protocol to ICCPR	death penalty	torture, disappearance, arbitrary arrests	women's rights	efficient court system
CR 04	- not ratified	- moratorium, not abolished	- no ratification optional protocol to CAT; - Definition of torture not conform to UN Convention; - torture & arbitrary arrests still happen;	- reform Moudawana; - ratification CEDAW, however important reservations remain and no ratification Optional Protocol;	- neutral overview court system and recognition positive measures
AP 04	**Action (ST and MT):** - examine the possibility of accession to the optional protocols to the international human rights conventions to which Morocco is party		**Action (ST):** - bring definition of torture in criminal law in line with the one in CAT	**Action:** - implement Moudawana; - combat discrimination; - improve socio-econ role of women;	**Action (MT):** - improve access
PR 06	- intention to ratify	- national debate, but no progress	- some reservations lifted in CAT; - definition brought in line with UN Convention; - long sentences on criminalisation of torture ;	- commission established to lift the country's reservations against CEDAW;	- progress
PR 08	- no progress	- no progress	- signing ICAPED; - no progress on Optional Protocol to CAT;	- important efforts to reduce violence against women; - busy with draft law against violence against women; - no progress with CEDAW; - implementation Moudawana remains difficult;	- progress
PR 09	- no progress	- no progress	- no progress	- efforts to reduce violence against women continue, but in reality violence increases; - no progress with CEDAW or implementation Moudawana;	- judiciary still faces major problems; - launch 2008-2012 action plan of Ministry of Justice;
PR 10	- no progress	- no progress	- no reference	- no progress	- progress

Source: author (based on the cited documents)

HORIZONTAL ACCOUNTABILITY

The 2004 Country Report notes that the separation of powers is enshrined in the Constitution, but that this does not correspond with the practice, as the king 'retains a significant number of executive prerogatives and exerts a certain amount of legislative power'. Regarding checks and balances, the report observes the powers of scrutiny of both Houses of Parliament over the government and the fact that the government is answerable to both Parliament and king. In the field of the judiciary, its independence and the power to check the other bodies, the Constitution is brought up again as it indicates the guarantee of the independence of judges. The report also notes that moves are underway to ensure the impartiality of the judges. Finally, the report touches on the lack of power of the Parliament. Despite the importance of horizontal accountability for democracy and despite the fact that the 2004 country report demonstrates significant weaknesses in this field, the Action Plan of 2004 makes no mention of it. Also Progress Reports do not pay a lot of attention on this regime. In 2009, for the first time mention is made of the lack of progress in the field of the separation of powers and the independence of the judiciary, repeated in the report of 2010, both referring to the recommendations of the Moroccan truth commission (l'Instance Équité et reconciliation) to enhance democracy in this field.

5. Promotion of horizontal accountability in the ENP towards Morocco, 2004-2010.

	separation of powers	checks and balances	legislative power	independent judiciary
CR 04	- guaranteed in constitution, not so in practice	- Parliament has power of scrutiny over government; - government answerable to both parliament and king;	- limited powers	- guaranteed in constitution
AP 04	- no reference	- no reference	- no reference	- no reference
PR 06	- no reference	- no reference	- no reference	- no reference
PR 08	- no reference	- intervention of the Constitutional Council regarding electoral law provisions; - law adopted to establish a High Court to judge members of government for crimes outside function;	- no reference	- no reference
PR 09	- no progress	- no reference	- no reference	- no progress
PR 10	- no progress	- no reference	- no reference	- no progress

Source: author (based on the cited documents)

EFFECTIVE POWER TO GOVERN

Another domain that is hardly referred to in the neighbourhood policy towards Morocco between 2004-2010 is the 'effective power to govern'. Despite descriptions in the 2004 Country Report of the existence of sovereign ministries[24] and the fact that several important actors in the decision-making process (the king, the Prime Minister and other government members) are not exposed to the electoral process, no mention of this regime has been made in the Action Plan or Progress Reports except for one referral to efforts reducing local tutelage.

6. Promotion of the effective power to govern in the ENP towards Morocco, 2004-2010.

	power lays with elected representatives	not elected actors: no decision-making power
CR 2004	- sovereign ministries	- king as a not elected actor is in the centre of the power - Prime Minister is appointed by the King; - other government members are appointed by the King, on recommendation of the Prime Minister;
AP 2004	- no reference	- no reference
PR 2006	- no reference	- no reference
PR 2008	- no reference	- no reference
PR 2009	- efforts have been made to reduce tutelage on local level	- no reference
PR 2010	- no reference	- no reference

Source: author (based on the cited documents)

STATENESS

In the case of Morocco, stateness is linked with the Western Sahara conflict, a 38-year-old dispute over the self-determination of the Western Sahara. Secondly, stateness includes an effective administration and bureaucracy, transparency and accountability and a lack of corruption on national, regional and local level. The judicial part that has been attributed to good governance has already been included in the civil-rights regime, as a direct component of democracy promotion.

The only direct mentioning of the Western Sahara conflict is made in the Country Report of 2004, where the conflict and its humanitarian consequences are briefly

[24] Ministries headed by people chosen by the king and exempt of parliamentary involvement. These are the Foreign Ministry, the Ministry of the Interior, the Ministry of Islamic Affairs and the Ministry of Defence.

described. Neither in the Action Plan, nor in subsequent Progress Reports is the conflict brought up. Other elements included in the 2004 country report are the administration and bureaucracy, decentralisation and corruption. The report deplores the poor administrative capacity of Morocco, in which the civil service is based on seniority instead of skills or performance. Furthermore, reference is made to past efforts of the government to tackle the issue of corruption and increase administrative transparency and recognizes the Moroccan cooperation with anti-corruption activities of UN Development Programme and the World Bank. Morocco ranks 70th of the 133 countries included in the Transparency International ranking, which the report points out as one of the main causes of economic backwardness. Finally, the report notes the moves made by Morocco to decentralise and strengthen in the meantime the local government.

The 2004 Action Plan gives considerably attention to stateness. Actions to be considered on the short term are the consolidation of administrative bodies that are responsible for enforcing respect for democracy and the rule of law, including the strengthening of the administration and the continuation of decentralisation efforts. Other actions are situated in the field of corruption: there should be a follow-up on the conclusions of the justice and security sub-committee, an exchange of information on respective laws and international instruments, assistance in the application of the measures provided for in the UN Convention against Corruption (UNCAC) and international cooperation. On mid-term, Morocco should ensure the implementation of local authority reform and strengthen and support the implementation of a national anti-corruption strategy. The large amount of attention given to this context factor is extended in the Progress Reports. Especially corruption is addressed: efforts of Morocco are recognised, but the reports stress the worrying situation in practice and the need for more effective measures. Regarding decentralisation, regionalisation and local government, the reports approve the further moves accomplished in these fields and call for a more clear strategy. Finally, the least attention in the reports goes to the effectiveness of the administration and bureaucracy, which is only mentioned in the reports of 2006 and 2008, taking note of the (rather limited) progress.

7. Promotion of stateness in the ENP towards Morocco, 2004-2010.

	Western Sahara	corruption and transparency	decentralisation and local government	effective administration and bureaucracy
CR 2004	- concise overview of the conflict	- high level of corruption; - recognition previous efforts and cooperation with WB and UNDP anti-corruption activities; - draft law to bring national legislation in line with UNCAC; - no ratification UNCAC; initiatives to increase administrative transparency;	- moves to decentralisation and strengthening local government	- poor administrative capacity
AP 2004	- no reference	**Action (ST):** - follow-up conclusions justice and security sub-committee; - exchange information on laws and international instruments; - assist in the implementation of measures of the UN Convention and engage in international cooperation ; **Action (MT):** - strengthen and support implementation national anti-corruption strategy	**Action (ST):** - continue decentralisation efforts **Action (MT):** - ensure implementation local authority reform	**Action (ST):** - strengthen and consolidate administration
PR 2006	- no reference	- adoption national anti-corruption law; - no ratification UNCAC;	- continuing efforts	- busy with reform to enhance efficiency, more efforts necessary
PR 2008	- no reference	- ratification UNCAC; - legislative and institutional measures/progress, however corruption remains a huge issue and more progress is needed;	- progress, but lack of a clear strategy	- modernisation local fiscal system, but very limited capacities
PR 2009	- no reference	- further reforms, however corruption level has worsened and more efforts are needed	- start of national regionalisation; - progress in reinforcement local government;	- no reference
PR 2010	- no reference	- further reforms, however corruption level has worsened, more efforts are needed	- establishment 'Commission Consultative de la Régionalisation'	- no reference

Source: author (based on the cited documents)

CIVIL SOCIETY

The Country Report in 2004 also includes references to the Moroccan civil society. It observes the growth of a more active and dynamic civil society. Furthermore, references are made to civil society promotion through the Euro-Med programmes and the European Initiative for Democracy and Human Rights (EIDHR). The 2004 Action Plan lists four actions under the heading 'step up and facilitate the development of civil society networks'. First, Morocco is required to pursue the implementation of new legislation on associations, in order to strengthen civil society. Second, organisations for the defence of citizens' social, political, economic and environmental rights should be encouraged. Third, local and regional initiatives to develop international cooperation activities should also be encouraged. Fourth, Morocco should promote projects that facilitate the access of civil society to new information and communication technologies.

Progress Reports are remarkably silent on the issue, with the exception of 2008.

8. Promotion of political civil society in the ENP towards Morocco, 2004-2010.

	political civil society
CR 2004	- civil society more and more active; - references to Euro-Med Programmes and EIDHR;
AP 2004	**Actions:** - new legislation on associations; - encourage the defence of citizen's socio-economic and political rights and the environment; - encourage local and regional initiatives to develop international cooperation activities; - promote better access to new information and communication technologies;
PR 2006	- no reference
PR 2008	- progress with draft law on associations; - training strategy for civil society; - consultation process about the Action Plan by the European Commission;
PR 2009	- no reference
PR 2010	- no reference

Source: author (based on the cited documents)

The EU has always had an uneasy relationship with the Moroccan civil society. In Morocco, the civil society is grossly divided over two ideologies: liberal secularism and Islamism. Although the latter group is far more numerous than the first, the EU almost solely cooperates with liberal civil society groups, which share the European values and are closest related to its ideology. Its refusal to accept North African Islamists as

reliable partners in dialogue rests on the perception of political Islam as a security challenge rather than an opportunity for democracy.[25] This results in anomalies as the EU being more vocal against the imprisonment of one high-profile liberal activist than about arbitrary arrests of thousands of Islamists sympathizers.[26] Thus, despite the popularity of Islamism, despite the fact that the Islamist civil society represents the majority of Moroccans and despite the fact that Islamists in Morocco are among the most credible opposition actors,[27] the EU sticks with its support for liberal civil society.[28]

SOCIO-ECONOMIC CONDITIONS

In her contribution to the European Foreign Policy Review dedicated to European external democracy promotion, Vicky Reynaert states that the focus of the EU towards the Southern Mediterranean has mainly been on the economic dimension.[29] The 2004 Country Report, Action Plan and subsequent Progress Reports confirm this observation. Whereas the previous regimes and context conditions have been introduced under the heading 'political dialogues and reform', socio-economic development has a section of its own, going into a detailed description of all components that will contribute to the goal of preventing new dividing lines between the EU and its neighbourhood. The whole third section of the 2004 Country Report is dedicated to the economic and social situation in Morocco. It describes the macro-economic situation and social outlook, goes on with structural reforms and accomplished progress towards a functioning and competitive market economy, includes a section on trade, market and regulatory reform and finalizes with descriptions of the transport sector, energy, information society and research and innovation. The 2004 Action Plan further confirms this picture. It states as principle objective that the Action Plan is meant to bring Morocco's economic and social structures in line with those of the EU and support policies and measures that contribute to the long-term objective of sustainable development as the promotion of growth, employment, social cohesion, poverty reduction and environmental protection.

[25] Cavatorta, 2009, p. 23.
[26] Youngs, 2006, pp. 5-6.
[27] Dimitrovova, 2009, p. 4-5.
[28] Cavatorta, 2009, p. 24.
[29] Reynaert, 2011, pp. 627-628.

Socio-economic development ranks high among the priority actions of the Action Plan, with objectives as the negotiation of an agreement on liberalising trade in services, the development of a climate conducive to foreign direct investment, growth and sustainable development, cooperation in social policy (mainly to reduce poverty and create jobs) and support for education, research and information technology. Other actions are situated in the broad fields of economic and social reform and trade market and regulatory reform and often include the adaptation of Moroccan legislation to the European acquis. Subsequently, between 2006 and 2010, every Progress Report dedicated a similar amount of attention as the 2004 documents.

FINANCIAL RESOURCE ALLOCATION 2004-2010

Different financial instruments have been established in the past to channel European financial resources towards Morocco. After the four bilateral financial protocols between 1976 and 1996, the MEDA Programme was approved in the framework of the Euro-Mediterranean Partnership in 1996. It was a policy-guided instrument to achieve the long-term objectives of the Euro-Mediterranean Partnership agenda (the Barcelona Process) and supported both bilateral and regional projects. Morocco was the main beneficiary of these funds and received a total aid of €1.6 billion over the period 1995-2006.[30] Although the EMP agenda covered three sectors – political stability and democracy, a Euro-Mediterranean free trade area and socio-economic cooperation – the overall focus was clearly on economy.[31]

From 2007 on, the main source for financial support to Morocco was the European Neighbourhood and Partnership Programme (ENPI). This geographical instrument was established to support the objectives of the ENP: strengthening the prosperity, stability and security of Europe's neighbourhood to avoid new dividing lines between the EU and its direct neighbours.[32] The total amount allocated to ENP partner countries under the ENPI for the period 2007-2010 was €5.8 billion, of which €716.6 million to Morocco. This was distributed through different programmes: national programmes are

[30] This can be compared to a Moroccan GDP of $65,637 billion in 2006 alone, which was twice as much as the GDP in 1995. (The World Bank, 2013)
[31] Natorski, 2008, pp. 5-21.
[32] European Commission (e).

carried out through budget support and technical assistance, while supra-national programmes are delivered through regional support, inter-regional programmes, cross-border cooperation, Neighbourhood Investment Facility, Support for Improvement in Government and Management and the Governance Facility. The latter has been introduced to reward countries that made the most progress in implementing the (broadly defined) governance aspects of the Action Plans. The extra funding came on top of the national allocations, to further support key elements of the Action Plan.[33] It was originally meant to be called the 'Democracy Facility', but the name was changed and indicators for its allocation include besides democracy, respect for human rights and the rule of law also governance in migration issues and economic, regulatory and social governance. In 2007, Morocco was one of the first two countries benefitting from this extra financial attribution.[34]

A second source of financial support for Morocco is the (global) thematic instruments. The European Instrument for Democracy and Human Rights (EIDHR), succeeding in 2006 the previous European Initiative for Democracy and Human Rights is – as the name makes quite clear – an instrument meant to "contribute to the development and consolidation of democracy and the rule of law, and respect for all human rights and fundamental freedoms, within the framework of the Community's policy (…) and consistent with the EU's foreign policy as a whole".[35] What makes the EIDHR entirely different from the geographic instruments is the fact that it can support civil society and even non-legal entities without the agreement of the governments of third countries. EIDHR is used to complement geographic instruments, with the opportunity to give priority to more sensitive issues targeted by Civil Society Organisations (CSOs) that are difficult to achieve with the government itself. The total budget of the EIDHR for the period 2007-2013 is €1.1 billion. Other thematic instruments are the Instrument for Nuclear Safety Co-operation, the Instrument for Stability (to reduce threats related to the spread of weapons of mass destruction and terrorism) and other thematic programmes in the framework of development cooperation.

[33] European Commission, 2006(a), p.1.
[34] EL-Kharraz, 2008, pp. 6-9.
[35] European Commission, C(2010) 2432, p. 5.

To complete the overview, Morocco has also the possibility to receive long-term loans from the European Investment Bank (via the EIB's Facility for Euro-Mediterranean Investment and Partnership and Macro-Financial Assistance in the form of grants or loans.

A closer look to ENPI financial support to Morocco in the period 2007-2010 (table 9) immediately reveals that the vast majority of ENPI is allocated to external democracy conditions, while literally none of the support goes to core democracy regimes.

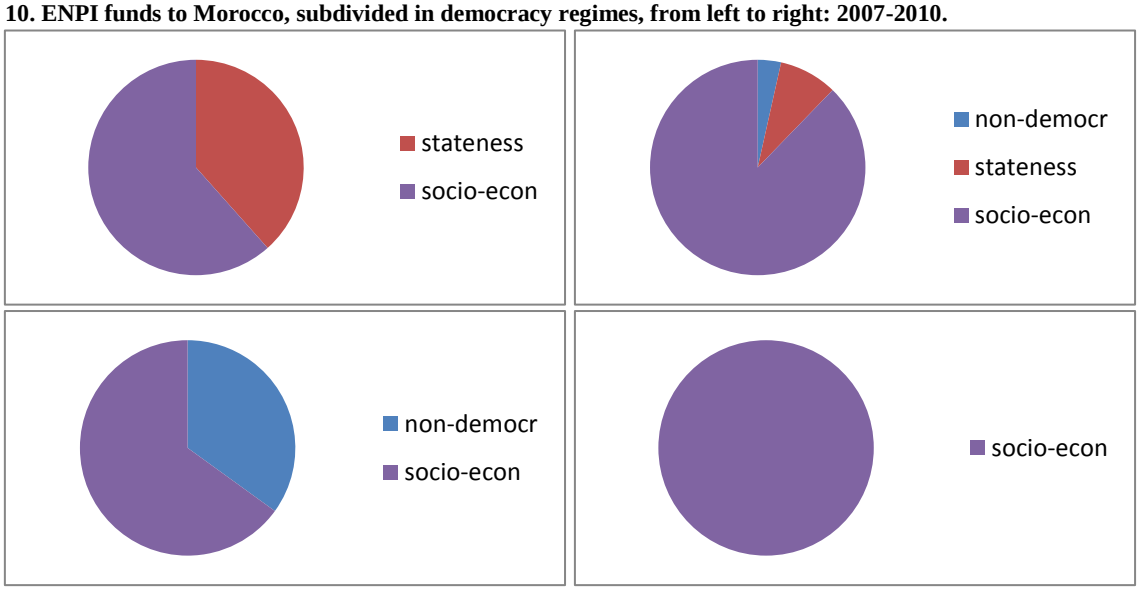
9. ENPI 2007-2010, in million euro.

ENPI	2007	2008	2009	2010
Total ENPI budget	1397,6	1417,6	1481,6	1544
ENPI to Morocco: core democracy regimes	0	0	0	0
ENPI to Morocco: external conditions	190	220,6	93	155
ENPI to Morocco: non-democracy	0	8	50	0
Total ENPI Morocco	190	228,6	143	155

Source: author (based on annual reports EuropeAid)

A further subdivision of the budget shows that the bulk goes to socio-economic factors. Of course, the category 'socio-economic conditions' is very broad and this partly explains why it covers so many projects. While 'hard economy' makes up for almost half of it, projects related to health and education each count for around 20%. While the ENPI is meant to support the ENP-objectives and the ENP indeed mainly focuses on external conditions, it is still striking that none of the core democracy regimes is supported by the ENPI. This despite the fact that the ENPI is a policy-driven instrument and thus supposed to support all ENP objectives.

10. ENPI funds to Morocco, subdivided in democracy regimes, from left to right: 2007-2010.

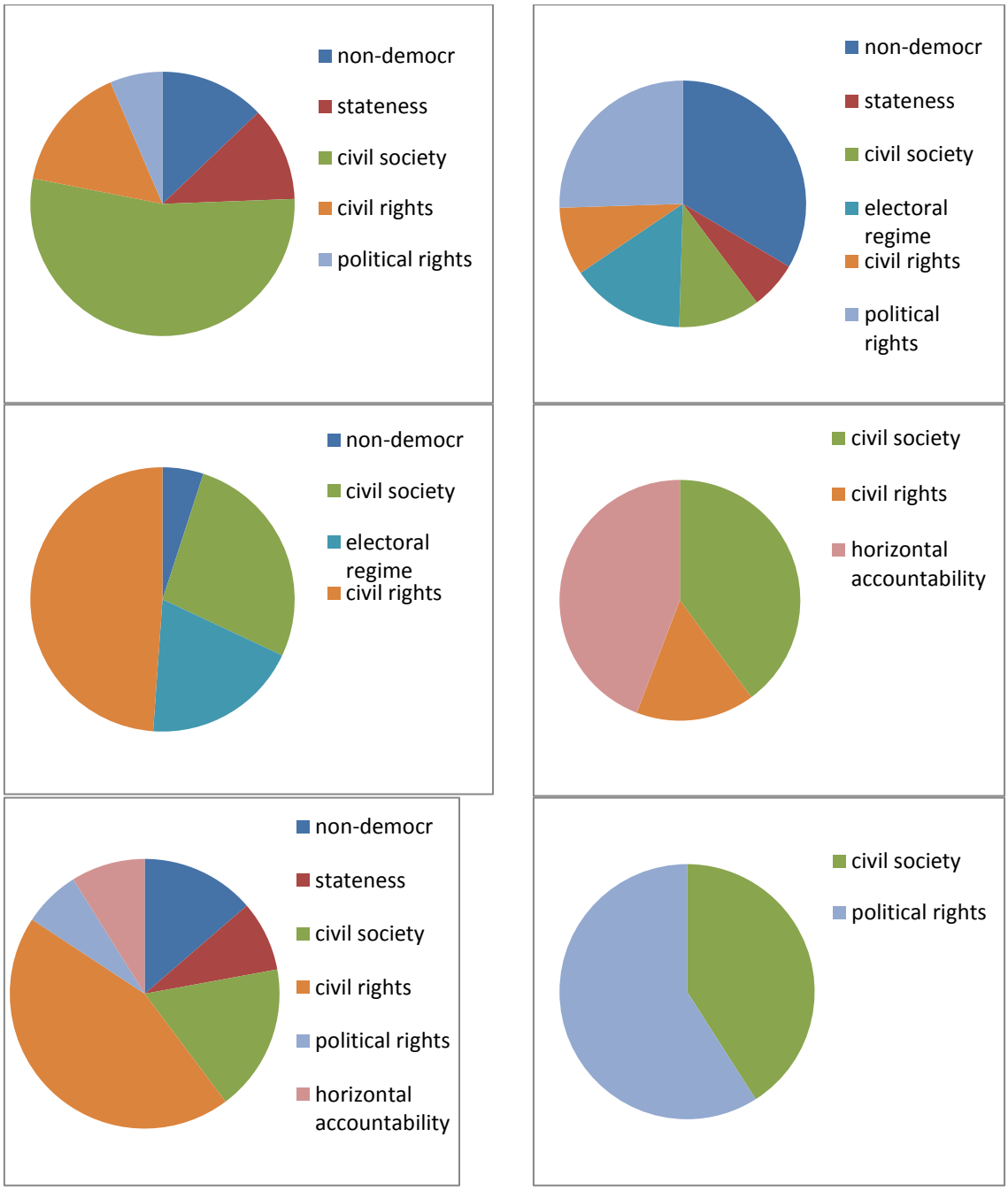


Source: author (based on annual reports EuropeAid)

The focus on economic development in EU democracy promotion towards the Southern Mediterranean before the review of the ENP has already been described and criticised by many observers. Reynaert identifies two main reasons for this. First, economic development and interdependence in the Southern Mediterranean is in the long term in the EU's interests: according to the EU, this will benefit the European economy and lead to more stability at its borders. Second, the focus on (socio-)economic liberalisation is based on a belief in the modernisation theory: the idea that economic development directly leads to democratisation, a belief that directly relates to the EU's own background of regional integration.[36] However, in the case of the Southern Mediterranean many doubts have been raised towards the application of this theory and the democratisation impact of the EU's mainly economic support (see chapter 3).

[36] Lazarou, 2010, p. 21; Reynaert, 2011, p. 637.

11. EIDHR towards Morocco, subdivided in democracy regimes, from left to right: 2005-2010.



Source: author (based on EIDHR Compendia)

A very different picture is given by the EIDHR (figure 11). Civil society support is a central focus, but the instrument supports a much more diverse range of projects and also covers the core democracy regimes. Civil and political rights are well represented, with the bulk of grants under civil rights going to the promotion of the rights of women. More rare are grants related to the electoral regime and horizontal accountability and no

support has been given in the field of the effective power to govern. This confirms the picture sketched by the ENP Action Plan and Progress Reports. The attention to core democracy regimes is a welcome addition to the ENPI. However, in perspective to the budget allocated under the ENPI to Morocco, the EIDHR is quite negligible.

12. Comparison ENPI – EIDHR towards Morocco 2007-2010, in million euro.

	2007	2008	2009	2010
ENPI	190	228,6	143	155
EIDHR	1,04	0,5	1,5	0,5

Source: author (based on annual reports of EuropeAid)

CONDITIONALITY 2004-2010

A central element in the ENP is conditionality. The EU offers closer political and economic relations in return for reforms in the areas of democracy, human rights, good governance, the rule of law and market reform.[37] The ENP Strategy Paper of 2004 clearly indicates that progress in the bilateral relations is conditioned by the partner country's commitment to shared values and their willingness to implement the mutually agreed priorities.[38] This ex-ante conditionality by making deeper relations conditional on the reforms outlined in the Action Plans is supplemented by an ex-post conditionality in the form of the possibility for the EU to suspend ENPI assistance if Morocco does not observe the principles of democracy, human rights,…[39] However, criticism has been raised on the effectiveness of conditionality in the ENP in the Southern Mediterranean. The following section will provide an overview of the different factors at stake.

INCENTIVES

As Morocco is the only country that received a clear 'no' on its request for EU-membership, the biggest carrot is not applicable and Morocco fell under Prodi's slogan 'everything but institutions'[40]. In its 2003 communication, the Commission made this more concrete by listing the offers in the form of 'extension of the internal market and

[37] Stroetges, 2013.
[38] European Commission, COM(2004) 373, p. 3.
[39] Mocanu, 2010, p. 44.
[40] European Commission, SPEECH/02/619.

regulatory structures' and 'preferential trading relations and market opening' while also referring to the four freedoms.[41] More specific regarding Morocco, the incentives have been listed in the 2004 Action Plan. In exchange for the fulfilment of the asked reforms, the EU offers increased financial support, deeper political, trade and economic relations, a stake in the internal market, the reduction of trade barriers, technical assistance and twinning schemes, cooperation in sub-committees, gradual access to Community programmes and a constructive dialogue on visa. In the longer term, the Action Plan mentions the possibility of a new contractual relationship in the form of a European Neighbourhood Agreement. The most attractive incentives for Morocco are the financial support, market access and mobility.

MEDA-funding to Morocco did not significantly increase after the establishment of the ENP in 2004, but did so from 2007 onwards with the new ENPI. The original proposal of the Commission to 'match the ambitions of the ENP with adequate financial and technical support' has been seriously weakened by the member states in the Council and the resulting amount of money was a disappointment,[42] especially when compared to the financial transfers coming from other actors as for example France.[43] The same happened regarding market integration: the strong proposal of the Commission was seriously downgraded by especially the southern member states out of fear for their own economy.[44] This meant that the most promising incentive in this field, reducing trade barriers for agricultural goods, was largely excluded,[45] as was the case with those for textiles, chemicals and steel.[46] Thus, despite promises, incentives in the domain of trade remained restricted in those areas that were most important for Morocco. Also the fact that a stake in the internal market can only be achieved through legislative approximation to the European acquis is problematic as it is a high threshold for a country without the prospect of membership.[47] Regarding the free movement of people, one of the biggest incentives the EU has to offer, the same pattern emerged. While the

[41] European Commission, COM(2003) 104, p. 10-11.
[42] Del Sarto and Schumacher, 2005, p. 31.
[43] Stroetges, 2013.
[44] Del Sarto and Schumacher, 2005, p. 32; Pearce, 2007, p. 17.
[45] In the 2004 Action Plan, agriculture is only mentioned as a part of environmental policy.
[46] Tovias, 2010, p. 4.
[47] Stroetges, 2013.

Commission proposal in 2003 indicated that the EU should be open to examine the wider application of visa free regimes,[48] in practice this gradually disappeared from the agenda.[49] The wording in the Action Plan – establishing a constructive dialogue on visa issues between the EU and Morocco, including the examination of visa facilitation in compliance with the acquis – could hardly be vaguer and less promising.

Finally, also the Governance Facility specifically established as an extra incentive for governments to go along with reforms, offers a disappointing low amount of money: €28 million euro is for the Moroccan government a negligible amount to convince to reform.[50]

CREDIBILITY

In order for conditionality to be effective, a minimum of credibility is necessary. This requires clear objectives, concrete timeframes, benchmarks and evaluation criteria, a strong link between what is asked and what is offered and the willingness and possibility for the EU to use it. Regarding conditionality in the ENP, all of these requirements are missing. The suspension clause has never been used by the EU in the Southern Mediterranean and acts more as a symbolic gesture than a real conditionality threat. The suspension of assistance to Morocco needs to be approved by a qualified majority in the Council, while a suspension of the whole Association Agreement requires unanimity,[51] an almost impossible threshold for such a sensitive issue. Furthermore, the required actions are mostly too vague and broad to be properly assessed,[52] and they lack a clear timeframe, benchmarks, evaluation criteria or monitoring mechanisms. Moreover, the link between what is offered and what is asked is not very convincing. The financial support of ENPI was set in a seven-year budget cycle. This gave the impression that most of the money would be spend anyway, irrespective of the actions of receiving countries, while only very small amounts distributed through the Governance Facility were set aside to reward 'unspecified

[48] European Commission, COM(2003) 104, p. 10-11.
[49] Del Sarto and Schumacher, 2005, p. 31.
[50] El-Kharraz, 2008, p. 28.
[51] Baracani, 2005, p. 1.
[52] For example the priority action 'pursue legislative reform and apply international human rights provisions', does not go into detail on which legislation should be reformed or which provisions should be applied.

general progress'.[53] In a briefing paper for the European Parliament, Laure Delcour confirms the lack of a strong link between the so-called policy-driven ENPI and the objectives of the ENP: this inconsistency reflects the perceived clash between the EU trying to defend its values and its strategic interests at the same time.[54] Moreover, what certainly undermined the EU credibility in the ENP towards Morocco was its lack of application of conditionality, granting Morocco the advanced status in 2008 without the fulfilment of meaningful democratic reforms. The Advanced Status exists of a further intensification of bilateral diplomatic and trade relations, while the main benefits for Morocco lay in a further boost in the economy and the fact that the country is chosen as the EU's closest partner in the Mediterranean.[55]

ADOPTION COSTS AND VITAL INTERESTS

Another impediment for the success of conditionality are the high adoption costs democratisation implies for the Moroccan regime. Complying would automatically mean the loss of power for those that have to carry out the reforms, which – except for some cosmetic changes on the democratic surface – is very unlikely to happen unless the EU has some very powerful incentives to offer.[56] Moreover, apart from the core regime itself, Morocco has an elite firmly relying on patronage systems in business, security and politics: the Makhzen[57]. They form an informal governance structure made up by the palace and its clients and dictating and controlling politics in Morocco.[58] Political and economic reform totally contradicts with their interests. [59]

There are also vital interests at stake for important actors in the decision-making process at the European side: the member states, especially France, Spain and Italy. Vital interests are situated in the field of migration, anti-terrorism and energy, combined with a fear for political Islam. Despite the rhetoric of the European Union on the importance

[53] Grant, 2011, p. 10 ; El-Kharraz, 2008, p. 28.
[54] Delcour, 2013, p. 2.
[55] Kausch, 2010, pp. 1-2.
[56] Thépaut, 2011, p. 14; Pearce, 2007, p. 29-30; Schimmelfennig, 2005, p. 3.
[57] Makhzen is the term used for the royal entourage and elite personally loyal to the king. Its composition has changed over the course of history, but does not include Parliament, nor the vast majority of elected officials. (Mulderich, 2013, p.2.)
[58] Kausch, 2010, pp. 10-11.
[59] Kausch, 2013, p. 32.

of democracy at its southern shores, some member states seem to prefer the pursuit of stability and friendship with the authoritarian regimes, as this was perceived as the best means to achieve these interests. Consequently, there are numerous examples of how Southern member states cooperated with the Southern Mediterranean regimes without any consideration towards human rights and democracy. The pressure exerted by Spain on the request of Egypt to reformulate the closing statement of the Council of the European Union in April 2010 with respect to human rights language is only one of the many examples in which these states tried to avoid naming and shaming the practices of the regimes.[60] A very appealing example is the cooperation on the readmission of unauthorised persons between states at the two sides of the Mediterranean. While Italy was well aware of the inhuman conditions imposed on readmitted persons in Libya, in 2009 the country reinforced its cooperation and tried to intercept migrants in international waters in order to send them back to Libya. Human rights and democracy considerations were clearly of minor importance when vital interests as migration were at stake.[61] Another classic example of this sidelining of democracy considerations was the Union for the Mediterranean (UfM), an initiative of Sarkozy to revive the Barcelona process in 2007. The logic behind this UfM was to promote further cooperation in areas such as energy, transport, infrastructure and the environment, without any political conditionality. The electoral successes of Islamists throughout the region in 2005-2006 certainly contributed to the European embrace of authoritarian, but pro-western, regimes.[62]

ALTERNATIVES

The Neighbourhood Policy is designed as such that compliance with the Action plan is – if it would be properly applied – the only way to gain the incentives outlined above. But even in that case, the ENP asks for a broad range of reforms, which means it is possible to pick and choose among the various actions. It provides in the possibility for Morocco to fulfil those actions that were convenient for the regime (e.g. related to trade)

[60] El Fegiery, 2010, p. 4.
[61] Tocci and Cassarino, 2011, p. 8.
[62] Idem, p. 6.

while not complying with democracy requirements and still provide an overall sufficient record.[63]

ASYMMETRY

The relation between the EU and Morocco is definitely asymmetrical in the advantage of the EU as Kausch's research on the EU's leverage in its Southern Neighbourhood reveals. The Moroccan economy shows an overwhelming and lasting export dependence on the European market.[64] Moreover, Official Development Aid (ODA), tourism, Foreign Direct Investment and remittances account for an important share in the Moroccan budget and GDP.[65] Politically, Morocco has made a clear strategic choice for Europe, proof of which are among others the country's application for EU-membership and the high level of institutional integration. This significantly enhances the EU leverage in Morocco.[66]

However, the dependency is not totally one-sided. The EU is heavily dependent on Morocco regarding migration issues and wants to increase cooperation in the fields of counter-terrorism and border security. There are also areas with mutual dependency as energy and fisheries. The importance the Union attributes to these issues enables Morocco to use this as a leverage in their dealings with the EU.[67]

CONCLUSION

Out of this research, the conclusion can be made that European democracy promotion towards Morocco in the period 2004-2010 was characterised by a shallow agenda, with a clear focus on the external conditions. Despite the presence of democratic shortcomings in the 2004 Country Report, the ENP did not require any significant action of Morocco in the fields of the electoral regime, horizontal accountability or the effective power to govern. This is a clear flaw for its credibility: while being aware of the situation, the EU avoided in this way some of the most important aspects of

[63] Thépaut, 2011, p. 14.
[64] In 2010 and 2011, exports to the EU accounted for respectively 59% and 56% of Morocco's total exports, while only 1% of European export goes to Morocco. (Kausch, 2013, p. 14).
[65] Kausch, 2013, pp. 13-24.
[66] Idem, pp. 24-26.
[67] Hollis, 2012, p. 93.

democracy and focused instead on 'easier' issues such as civil and political rights legislation.

On the other hand, socio-economic development has been the focus, both in ENP documents as in financial contribution. Stateness follows on a distance, also receiving considerable attention in both documents and financial resources, although not comparable to the amount of socio-economic conditions. Civil Society is also part of the ENP. Although there is not a lot of attention in the progress reports, the action plan is clear and requires measures from Morocco. Moreover, via the EIDHR funds, the civil society receives financial support, even though modest in size. Of course, this is mainly allocated to the 'liberal' civil society, excluding thereby the bulk of Moroccan civil society organisations.

The focus on strengthening stateness as part of democracy promotion in authoritarian regimes while not addressing accountability mechanisms receives a lot of – justified – criticism, as it contributes to a better state's capacity and thus helps consolidating the authoritarian regime instead of working towards the establishment of a more democratic regime type.[68]

The importance of European democracy promotion in the neighbourhood policy towards Morocco during the period 2004-2010 was quite marginal, due to a variety of reasons. Despite the fact that Morocco made a clear choice for the EU in its external relations and was thus more receptive for conditionality than other countries in the region, the design of conditionality in the first years of the ENP was not convincing, in a way that some even wondered whether the EU sincerely wanted democracy in Morocco.[69] Due to disagreement among the member states and out of fear for own interests, the ENP ended up to be an unconvincing offer: enough to get Morocco so far as to reform in some non-sensitive areas, but insufficient to compensate the high adoption costs that would follow real democratisation. The inadequate financial instruments, lack of credibility and design of conditionality as a toolbox allowing the regime to avoid reform in key areas further weaken the conditionality. More

[68] Youngs, 2006, p. 3.
[69] For example Cavatorta, Chari, Kritzinger, Youngs,...

importantly, this perception of the EU not taking external democracy promotion in Morocco (and by extension the Southern Mediterranean) also reigned in the partner countries and seriously harmed the EU's credibility. The European response on the Hamas victory in Palestine (2006) only further contributed to this.[70]

Thus, the ENP did not contribute to democratisation in Morocco, but rather triggered some cosmetic political reforms while cooperating with an authoritarian regime that remained strongly in power. Kausch and Youngs concluded that the EU moved 'from aspiring to foster democratic governance to supporting more efficient decision-making'.[71] Moreover, despite this lack of progress, in 2008 Morocco was granted the 'Advanced Status', yet another flaw to the ENP's credibility.

[70] Youngs, 2006, p. 3.
[71] Kausch and Youngs, 2009, p. 970.

3. THE LISBON TREATY, ARAB SPRING AND THE EUROPEAN NEIGHBOURHOOD POLICY

The analysis in chapter three revealed several weaknesses in the 'old' neighbourhood policy. The ENP had been established in the wake of the European enlargement in 2004, to deal with the new boundaries in the East. Only later has the Southern Mediterranean been added to the policy, while also the methodology of the ENP is based on the enlargement process.[1] But the Southern Mediterranean provides a whole different context than countries involved in the enlargement process and the Eastern Neighbourhood and the ENP failed to book results in the field of democracy. In the period 2009-2011, two major events had a profound influence on the ENP and the relations between the EU and its partner countries in the Southern Mediterranean in general: the European Union adopted the Lisbon Treaty, while the Arab Spring led to huge changes in its Southern Mediterranean partner countries. This chapter will first cover the ENP-related changes introduced by the Lisbon Treaty. The second part will introduce the Arab Spring and its influence on certain long-standing paradigms, which supported the EU policy towards the region. Finally, the exceptional situation in Morocco will be dealt with, paying attention to the particular course the Arab Spring took in the country and its outcomes on democracy.

LISBON TREATY

The Lisbon Treaty has entered into force on 1 December 2009 and introduced important changes, some of which affected the Neighbourhood Policy.

1. A NEW TREATY BASE FOR RELATIONS WITH NEIGHBOURS

The Lisbon Treaty provides for the first time in a specific treaty base for the ENP. Before Lisbon, the ENP was based on different policy instruments gathered together from across the three pillars. Article 8 of the Treaty of the European Union (TEU) makes an end to this patchy situation and offers a new legal basis.

[1] Kelley, 2006, pp. 32-34.

> 1. The Union shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation.
>
> 2. For the purposes of paragraph 1, the Union may conclude specific agreements with the countries concerned. These agreements may contain reciprocal rights and obligations as well as the possibility of undertaking activities jointly. Their implementation shall be the subject of periodic consultation.[2] (Treaty on European Union (Lisbon Treaty), article 8)

Both the content and the place of the article stress the importance the EU attributes to its relations with its neighbourhood. Article 8 lists in Title 1 of the Treaty of the European Union (TEU) among the Common Provisions – the Union's foundational values, principles and basic objectives – and indicates in a very symbolic way the strong commitment of the Union towards these countries.[3] Moreover, ranking among the Common Provisions also means that the special relations with its neighbours should be mainstreamed in all EU policies and allows the Union to develop an all-encompassing policy. In this way, the Treaty avoided the neighbourhood relations to be affected by the – formally abolished, but still influencing – pillar structure.[4] This has a huge potential to improve the consistency of the ENP.[5]

From a legal perspective, the added value of article 8 is questionable, as the 'specific agreements' which will now be established or modified on the basis of art. 8(2) TEU, could also be established under the more broad article 217 TFEU:[6]

> The Union may conclude with one or more third countries or international organisations agreements establishing an

[2] European Union, 2007, p. 144.
[3] Van Elsuwege and Petrov, 2011, pp. 3-7.
[4] Hillion, 2013, p. 2.
[5] Idem, pp. 2 and 4.
[6] Van Elsuwege and Petrov, 2011, p. 36.

> association involving reciprocal rights and obligations, common action and special procedure.[7] (Treaty on European Union (Lisbon Treaty), art. 217 TFEU)

Article 218 TFEU then further elaborates on the decision-making procedure, requiring unanimity in the Council and the consent of the European Parliament.[8]

Content-wise, the priority of neighbourhood relations for the Union is also stressed, marking the relationships with neighbouring countries as 'special'. The article incorporates the principle of conditionality that characterises the neighbourhood policy indicating two conditions to be respected: the relationship should be 'based on cooperation' and has to be 'founded on the values of the Union'. The first condition seems rather obvious, as the conclusion of international agreements inherently requires the consent and thus cooperation of both parties. However, the wording can also be interpreted as excluding a form of internal association, thus the formal participation of partner states in EU institutions.[9] More surprising, however, is the terminology 'values of the Union', which stands in sharp contrast with the previous terminology used in the neighbourhood policy, where reference was made to 'shared or common' values. Hereby, the Lisbon Treaty displays the normative power the EU wants to exert in the region.[10] The concerned values are outlined in article 2 TEU: respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. To counterbalance the perception this might give – that the EU tries to unilaterally impose its conditions on the partner countries – article 8(2) includes the principle of joint ownership and 'reciprocal rights and obligations'.

However, the conditionality in the article has partly been undone by the first part: "The Union *shall* develop a special relationship" (emphasis added). This means a clear

[7] European Union, 2007, p. 14.
[8] Hanf, 2012, p. 113.
[9] Idem, p. 115.
[10] Hillion, 2013, p. 3.

obligation for the EU to develop relationships, regardless the situation in the partner country.[11] Only in extreme cases as nowadays Syria, this obligation will not do.

2. INSTITUTIONAL CHANGES AFFECTING THE ENP

One of the principle objectives of the Lisbon Treaty was to increase the consistency and coherence of the European Union's actions in external policies and to allow the Union to become a more important global player. Subsequently, the Lisbon Treaty introduced some major changes in the field of Common Foreign and Security Policy (CFSP) that have an influence on the Neighbourhood Policy.

First, the European Council has become a formal institution of the Union and a president of the European Council was appointed, which would also 'ensure the external representation of the Union on issues concerning the CFSP, without prejudice to the powers of the High Representative'.[12] Further, the post of 'High Representative of the Union for Foreign Affairs and Security Policy' has been created. He, or in this case she, has as ultimate goal to ensure consistency in EU external relations and combines different positions: President of the Foreign Affairs Council[13] and Vice-President of the European Commission, in which she takes up the functions of the External Affairs Commissioner and coordinates aspects of external action. Furthermore, the High Representative 'conducts' the Union's Common Foreign and Security Policy and represents the Union in these matters.[14] Meanwhile, the representation of the EU in the CFSP domain by the rotating presidency is repealed. The High Representative receives the assistance of the newly created European External Action Service (EEAS), which has been established in 2010 by Council Decision 2010/427/EU. The EEAS is formed of personnel coming from the Commission, the Council Secretariat and through secondments from the member states and assists the High Representative in her tasks. It is based on Managing Directorates, of which two directors are dealing with the neighbourhood: one for the East and the other for 'North Africa, the Middle East, Arabian Peninsula, Iran and Iraq. Due to constraints in the budget, the EEAS units

[11] Blockmans, 2011, p.116; Hillion, 2013, p. 3.
[12] European Union, 2007, art. 15 (6) TEU.
[13] While the Political and Security Committee and most other preparatory bodies of the Council dealing with CFSP matters are chaired by a representative of the External Action Service
[14] Bono, 2011, pp. 21-24.

supporting those two Directors have been merged and personnel has been reduced, which means one single unit now serves two Directors with diverging preferences and interests. This might run counter to the general aim of the Lisbon Treaty to enhance coherence and coordination. The unit's work focuses on three issues: the philosophy of the ENP, regulatory affairs and financial policy, thereby closely cooperating with the European Commission, Member States, European Parliament and civil society. The preparation of the thematic funds as the EIDHR and the implementation of the programs remain the responsibility of the Commission.

At the inauguration of the new Commission in 2010, portfolios and functions have been reorganised. Stefan Füle became European Commissioner for Enlargement and European Neighbourhood Policy, bringing together the two policy domains, while the ENP before had been managed by DG Relex (External Relations). However, Commission officials working on the ENP have been moved to the EEAS. This means that the EEAS ENP unit functions de facto as Füle's service, while the High Representative deals with the neighbourhood only when major crises erupt.[15] Finally, it is up to the Union Delegations to represent the EU in third countries and international organisations by 'contributing to formulating and implementing the common approach', under the authority of the High Representative.[16]

Clearly, the institutions most relevant for the ENP are the Commission and the EEAS. The role of the European Parliament is limited to giving its consent for international agreements, while it can also be influencing through the organisation of public debates and its contribution to consensus-building within the Union. However, probably the most influencing instrument the European Parliament has, is its approval for the draft budget for the Multiannual Financial Framework. Here, the Parliament is a natural ally of the EEAS pushing the EU to do more in the area of its neighbourhood and is in favour for the allocation of a higher budget for the neighbourhood.[17]

Nonetheless, despite these institutional changes, the final decision-makers on crucial issues in the ENP are still the member states, with the requirement of unanimity in the

[15] Kostanyan, 2013, pp. 1-2, 5.
[16] European Centre for Development Policy Management, 2010, p. 7-8.
[17] Kostanyan, 2013, p. 6.

Council. In establishing the neighbourhood policy, the EEAS and Commission have to cooperate closely with the member states, for which the primary fora (for relations with the Southern Mediterranean) are the Mashreq/Maghreb working groups, the Political and Security Committee and higher up COREPER and the Council of Foreign Affairs. This will remain a major obstacle in the ENP as the Lisbon Treaty obviously did not change member states' diverging preferences and interests. Dependant on the issue, member states can be very supportive or very restrictive towards the EEAS. In areas where the EEAS' position converges with that of the Commission, they have a stronger position and can push harder to convince member states. On the other hand, when the EEAS stands alone, its position towards member states is considerably weakened. Such an area of particular difficult cooperation exists for example in the relation between the EEAS and DG Home Affairs,[18] as the latter leans more towards the member states.[19]

ARAB SPRING

At the other side of the Mediterranean, mass protests introduced major change in various forms throughout the Arab world. While differences are manifold among the Arab countries, similar root causes have been attributed to the protests in general. A poor economic situation resulting from the failure of the traditional social contract during the 1990s – implying a minimum economic safety net in return for a certain degree of loyalty to the regime[20] – and an inadequate economic response of the state coincided with a low agricultural productivity, increased food insecurity, an ongoing population growth, a degeneration of job quality and a high level of youth unemployment. It led to poverty, an increasing income gap and poor economic prospects, further worsened by the global financial crisis.[21] On top of this grim economic situation came the fact that the Arab population had no say in policymaking and governments remained unaccountable for the negative impact their economic reforms had on society. Decades of political repression and a high amount of corruption

[18] DG Home Affairs covers among others policies in the field of immigration and Asylum and is thus highly relevant for EU-Morocco relations.
[19] Kostanyan, 2013, p. 3.
[20] Harders, 2011, pp. 20-21.
[21] ILO and UNDP, 2012, pp. 18-24.

further fuelled the dissent feelings.[22] Finally, a relative young population, the existence of social media and a changing attitude of the regimes towards human rights rhetoric also attributed to the uprisings.

Except for initiating tremendous changes in the Arab world, the uprisings were also very important in bringing down paradigms held in the rest of the world. It contradicted the notion of Arab exceptionalism: the idea that the Arab world was not reconcilable with democracy was generally accepted as a fact and supported by numerous academic explanations, referring to religion, history, political culture and oil economics.[23] However, the wave of popular protests since early 2011 proved them wrong by challenging and in some cases overthrowing those seemingly robust Arab authoritarian regimes.

More indirectly, the rapid initial successes of the uprisings illustrated the fact that the Arab world had been far from any democratisation in the period up to 2011, disposing the failure of the EU's democracy promotion in the region and undermining two of the premises this was based on. The first was the conviction that economic reform would automatically lead to democratisation. In the case of the Southern Mediterranean many doubts have been raised towards the application of this theory and the democratisation impact of the EU's economic support, already long before the creation of the ENP. According to Tsourapas, the claim that democratisation will follow economic liberalisation rests on three basic assumptions: it will do so through the creation of a reform-oriented middle class, through the establishment of a private sector and through support of local actors.[24] While Tsourapas applied this to Egypt and concluded that the economic liberalisation process did not lead to any of these results, the same can be said about Morocco. Instead of achieving an emerging middle class profiting from the accumulation of wealth and power in the country, economic liberalisation in Morocco led to the concentration of the country's capital in the hands of a limited number of Moroccan investors and major foreign groups. As a consequence of the speed with which privatisations were carried out and the tight control over the economic

[22] Beck and Hüser, 2013, pp. 3-4.
[23] Cofman-Wittes, Huntington, Fox and Fish, Stepan and Robertson, to name a few.
[24] Tsourapas, 2009.

transformation process by the state and especially the Palace, privatisation contributed to the wealth and economic power of the existing elites.[25] Second, the creation of a strong private sector in Morocco did not lead to 'less state', but rather to the opposite. A shift of elite patronage networks towards the private sector ensured that the public authorities remained central actors in the economy, which consequently provided them with new sources of wealth, strengthening their position.[26] Third, the liberalisation process has not been supported by a broad local approval. Groups[27] across the Southern Mediterranean strongly rejected economic liberalisation, which was perceived as imposed by foreign powers and leading to more economic inequality.[28] Moreover, the lack of transparency in international economic agreements and the lack of local ownership run counter to democratisation and further marginalise the Moroccan representative institutions.

In short, after decades of European support to Morocco, the country remained as poor and authoritarian as ever before.[29]

A second European paradigm that fell to the Arab uprisings was that real democratisation would lead to instability, threatening the security of the EU in the form of a major influx of illegal immigration and an increase in organised crime and militant Islamism. The EU was particularly afraid of the latter, as it perceived the advance of Islamists – as the main opposition force – towards power as a dangerous path which could result in Western-unfriendly regimes, safe havens for terrorists, a decline in individual liberties and democracy, an impediment for the integration of Muslims in Europe etc.[30] It led to the well-known security-democracy dilemma and the European prioritisation of security concerns over values in the Southern Mediterranean.[31] Indicators of this attitude towards Morocco are given by Francesco Cavatorta: while democracy promotion expects a certain support to more democratic proponents of a

[25] Catusse, 2009, pp. 191-194.
[26] Volpi, 2004, p. 149; Guazzone and Pioppi, 2009, p. 5.
[27] In Morocco, opposition against the Western ideology of 'free' markets is mainly in the hands of the leftist Moroccan Association for Human Rights and the Islamist Justice and Charity Party. (Dimitrovova, 2009, pp. 11-12)
[28] Wickham, 2004, p. 1-3; Kinda, 2012.
[29] Cavatorta et alii, 2008, p. 10.
[30] Idem, p. 9; Bicchi, 2009 ; Ormanci, 1998, pp. 12-13.
[31] Malmvig, 2004, p. 22; Tassinari and Holm, 2010, pp. 6-9.

largely undemocratic regime, European aid was given to or through the Moroccan government. Moreover, European cooperation attributed a higher international legitimacy to the Moroccan government. An excessive example of this cooperation is the EU's praise for "positive developments" in Morocco, referring to new legislation regarding individual liberties, in a time when the entire international community criticised the country for a rise in torture and ill-treatment after the 2003 terrorist attack.[32]

The uprisings in the Arab world displayed this prioritisation by exposing that steps towards democratisation in the region happened *despite* and not *thanks to* European democracy promotion. It pushed the Union towards reflection on its policies and admitting previous mistakes, leading to a reviewed European Neighbourhood Policy, which will be analysed in more detail in chapter four.

THE ARAB SPRING IN MOROCCO

The 'Arab Spring' profoundly changed the MENA region, leading to different outcomes across the Arab world. Thomas Demmelhuber distinguished the Arab countries in five groups, based on a definition of a regime as going beyond an actor-centred understanding, including vertical and horizontal power relations.[33] Tunisia and Egypt form the first group: two countries where the uprisings have led to regime change. Second is Yemen, where change took place within the regime through external intervention of the GCC. Third, in Libya and Syria the protests led to a full-scale civil war, successful toppling the Kadhafi regime in Libya, while still ongoing in Syria. The fourth group distinguished by Demmelhuber is characterised by authoritarian durability. It includes in particular Algeria, but also Lebanon and Iraq can be categorised in this group, as the Arab Spring did not lead to mass protests in these countries.

In contrast to its Arab republican neighbours, Morocco did not encounter uprisings of a similar magnitude and the regime remained stable in place. Mass protests took place, but diminished after the promise of constitutional revisions. Hence, Morocco followed the path of the other Arab monarchies – the fifth group – seemingly resilient for the

[32] Cavatorta et alii, 2008, pp. 6-8.
[33] Demmelhuber and Kaunert, 2012-2013.

scenario of regime change.[34] This has led to the emergence of a new debate on the perceived "monarchy-republic"-gap, in which one side predicts a soon collapse of the monarchies too, while the other group of scholars focuses on explaining the exceptionalism of the Arab monarchies.[35]

Legitimacy is one of the most recurrent explanations[36] cited for the different path of the monarchies. Religion, history, the relation between the monarchical ruler and state- and nation-building, and patronage-systems all contribute to a high legitimacy and popularity of the monarch in Arab culture.

The Moroccan king claims to be the descendant of the Prophet Mohammed, constitutionally addressed as the 'Commander of the Faithful'. Historically seen, the position of the king is far from self-evident. Morocco was traditionally ruled by a sultan with restricted political powers in a decentralised, tribal landscape and surrounded by the ruling class, the makhzen (see also page 37).[37] Under French colonial rule, the position of the sultan was preserved and the government centralised to unprecedented levels, thereby strengthening the position of the makhzen. Morocco's independence in 1956 marked the beginning of a long power struggle between the king (the previous sultan) and Morocco's political parties. The struggle was settled in the 1962 Constitution in favour of a strong authority of the king. King Mohammed VI's descent from the Alaouite dynasty, which rules the territory since the 17th century, and the fact that the state and nation of Morocco have been built after and around the existence of the king contribute to the historic legitimacy of the Moroccan monarchy. 400-year-old institutional dynasticism and patronage systems also added to its resilience, as it can rely on a strongly established elite that fears losing wealth and status in the case of drastic reforms and regime change: the makhzen. However, not everyone agrees with this argumentation. Sean Yom argued in 2012 that the whole 'legitimacy-argument' is based on ethnocentrism and circular argumentation. Deducting regime legitimacy from

[34] Demmelhuber, 2013(b).
Of course, other country categorisations based on the course of the Arab uprisings have been made. However, due to their exceptionalism in this regard, monarchies are always set apart as a separate group.
[35] Demmelhuber, 2013(a).
[36] The following overview is based on different articles and academic studies. The most prominent were Yom, Keyman, Williamsen, and Daadaoui in 2012 and Ben Abdallah El Alaoui and Vidino in 2013.
[37] Daadaouidi, 2010, p. 4.

the absence of revolution is an argumentation that applies to every regime and only stands until the day of its collapse (as was the case with the Arab Republics).

Other explanations for Arab monarchy exceptionalism include the fact that monarchies have a broader range of tools they can rely on when facing protests. Constitutionally accredited with more or less unchecked powers in a pluralist system, the Moroccan king operates from above the tribal, ethnic or religious divisions within the state and is able to balance, manipulate and control cleavages. When facing trouble, the king can more easily deflect popular anger to scapegoats in the government, hold elections and allow political competition, while firmly remaining in power and staying away from the field of political contestation. Moreover, by allowing gradual reforms and a minimum of consultation for political parties, it seems more laudable for the opposition to pursue their interests from within the existing system. This strengthens the divide-and-rule powers of the palace.

Definitely an advantage for the Gulf monarchies has also been their wealth. Spending billions of dollars on salary increases, development programs, job creation and even cash grants helped to distract the population from revolting. Morocco does not dispose of similar oil reserves and faces chronic fiscal difficulties, but the state could and can benefit from petro-monarchies aid.[38] Regional solidarity among the Arab monarchies also included military back-up as was the case with the intervention of the Gulf Cooperation Council in Bahrain.

Finally, also the international framework is a relevant factor. Unlike the Arab republics, the monarchies could trust on continuous and unambiguous international support from different angles as for example the United States. Similarly, Morocco can rely on a strong back up of France, its previous colonizer and a reliable supporter of Moroccan stability. However, one could argue here that this was also true for the Tunisian regime, where the strong ties with France did not lead to authoritarian durability.

While all monarchs in the Arab world are still firmly in power, a distinction is often made between the Gulf monarchies on the one side and Morocco and Jordan on the

[38] Yom, 2012.

other, indicating that explanations for stability apply more to the Gulf, while Morocco and Jordan have more in common with the Arab Republics.[39] And indeed, although not comparable to its republican neighbours, Morocco did receive its part of the protests. Political activists launched a Facebook debate in a group called "Freedom and Democracy Now", which challenged the large constitutional prerogatives of the king. A nationwide non-violent protest took place on February 20th, granting its name to the pro-democracy movement: the February 20th Movement for Change. Approximately 150.000-200.000 Moroccans filled the streets on February 20th for multiple and diverging reasons. The movement brought together individuals and groups from different angles and with different ideological positions and demands, united only in their opposition to authoritarian rule. They expressed their frustration over unemployment and increasing socio-economic inequality, demanded access to social welfare services, education, housing and political reforms in the form of a more democratic constitution based on popular sovereignty, an independent judiciary and the separation of powers. They called for freedom of press, more transparency, a clear separation between business and politics and an end to corruption. However, protests did not question the existence of the monarchy as such, asking for a constitutional monarchy in which 'the king reigns but does not rule'.[40] King Mohammed's response came quickly. The day after 20 February 2011, he announced the creation of an Economic and Social Council to conduct studies on the establishment of a new social charter. This was followed by the announcement to establish the National Human Rights Council, replacing the previous Consultative Council on Human Rights. Three weeks of protests later, the king promised in his famous 9 March speech early elections and far-reaching democratic constitutional reforms, which would grant greater freedoms and a redistribution of power. The set of 20 constitutional reforms designed to establish a new constitution was approved on July 1st in a popular referendum with 98.41% of the votes (and a voter turnout of 73%) despite a boycott of the opposition. The referendum was followed by new elections in November 2011, which resulted in a historic victory of the Islamist Party of Justice and Development (PJD), winning 107 seats out of a total

[39] Demmelhuber, 2013(b).
[40] Dennison et alii, 2011, p. 6; Arieff, 2012, p. 3.

of 395. Subsequently, the leader of the PJD, Abdellilah Benkirane took the function of Prime Minister, heading a coalition government that also comprised the nationalist conservative party Istiqlal (60/395), the centrist Popular Movement and the smaller, leftist Party of Progress and Socialism. It is the first time in Moroccan history that an Islamist Party joins the government.[41] However, a major U-turn should not be expected from this. Party politics in Morocco are illustrative of the ways in which the Monarchy has been able to maintain its central position: by suppression and even more by co-optation. Morocco's most popular movement, the Justice and Charity Movement, is banned (although largely tolerated) by the regime. Opposition parties that are allowed in Parliament are obliged to work closely with the palace on important issues and are soon co-opted by the regime. Since its foundation, the PJD sought a gradualist approach. Instead of rejecting the existing political reality, the PJD accepted the position of the king and was determined to play by the rules set by the regime, in sharp contrast to the Justice and Charity Movement.[42] The PJD won the elections with promises of good governance and anti-corruption and achieved certain reforms,[43] but the course of events confirms the picture of a party co-opted by the regime. Even those members in the PJD previously supportive of dissent voices and the February 20 Movement have abandoned any form of criticism on the system. This is best captured in the words of Benkirane in December 2011 when asked about the appointment of an opponent of the PJD as royal advisor: "I am forming the new government in a country whose head of state is king Mohamed VI, he is my boss. It is not my business how the head of state, who is my boss, manages his royal court".[44]

The new Constitution was enacted on 29 July 2011 and was drafted by a royal commission for constitutional reforms. It failed to launch a nationwide debate or engage important actors as political parties and civil society on key aspects of the draft text, due to a strict time limit and the major influence of Mohammed Moatassim, a close advisor to the King.[45] This section will give a short overview of the main changes introduced in

[41] Arieff, 2012, p. 2.
[42] Asfa, 2011.
[43] Lindsey, 2013.
[44] Errazouki, 2012.
[45] Madani et alli, 2012, pp. 6, 15-16.

the new constitution that are related to the different regimes of the democracy framework.

In light of the electoral regime, the universal active and passive right to vote has been extended and now covers also Moroccans living abroad (art. 17) and the right to present petitions has been added on top of the political rights already included in the old constitution (art. 15). More progress has been made in the field of civil rights: the constitution adds the right to life, security of person, physical or moral integrity, protection of privacy (art. 20-24), presumption of innocence, fair trial and access to justice (art. 118-123), while Amazigh (Berber) is recognised as an official language (art. 5). However, many of the rights for the first time included in the constitution are without content or comprise internal contradictions. For example the right to life is listed, but not accompanied by the abolition of the death penalty, and the equality between men and women is included, but 'with respect for the provisions of (…) the permanent characteristics of the kingdom' (art. 19).[46] Moreover, no conditions and procedures are included to challenge legislation before a Constitutional Court. Finally, certain rights are to be defined and regulated by legislation, which have the possibility to seriously restrict their scope. It is common in Morocco that rights and freedoms included in the constitution afterwards become useless due to restrictive legislation, while other laws are simply not promulgated.[47] One of the big challenges regarding the Constitution now will thus be the implementation of the constitution, both in legislation and reality.

As promised by the king on the 9th of March, the new constitution includes indeed more accountability. However, the position of the king remained untouched (art. 41-59). He maintains the power to appoint the head of government, although from now on this person has to be chosen 'from within the political party arriving ahead in the elections'. The king also appoints the members of government 'on proposal of the head of government'. The 2011 government formation has shown that this is far from a formality. The palace pushed its preferences through and objected to a number of

[46] Ruchti, 2011.
[47] Madani et alii, 2012, pp. 21-22.

candidates proposed by the head of government. Furthermore, the king retains the power to dismiss members of government (after 'consultation' of the head of government), he is the only one who can terminate the services of government, he can dissolve the parliament and appoints ambassadors. He also presides over the Council of Ministers, the Security Council, the Superior Council of Magistrates, the Council of the Ulama, cabinet meetings, etc. Important legislative powers result from the king's Royal decrees. These have a legal status above the law and constitutional text. Also the king's speeches are an important source of political value. The constitution grants the king the right to address the nation and parliament, while these messages cannot be subjected to any debate (art. 52). The speeches have become the primary reference for political parties and government.[48] Finally, the king remains Commander of the Faithful and Supreme Commander and Chief of Staff of the Royal Armed Forces and can exercise emergency powers without prior legislative approval. In short, under the new constitution the king has not given up any of his prerogatives, remains immune for both vertical and horizontal accountability, has de facto veto power over all executive and legislative decisions and remains dominant in the field of the judiciary.

On the other hand, the new constitution did enhance the power of Parliament, gave it new tools for government oversight and broadened the domain of law covered by the Parliament. The Chamber of Representatives has been given more pre-eminence vis-à-vis the Chamber of Councillors and provisions have been included to improve the coordination between both. The opposition has also improved its position in the political scene: recognised by the constitution as 'an essential component of both chambers. It participates in the functions of legislation and oversight' (art. 60). The opposition received access to public finances, more tools to exercise its oversight role, air time… Finally, some compositional changes have been introduced in the Parliament in an attempt to increase Parliament's image.[49] Nevertheless, the Parliament still camps with major weaknesses not addressed in the Constitution: it is subordinated to the government and king and some important sectors still escape Parliamentary supervision. Moreover, the institution suffers from a lack of transparency, a severe image crisis

[48] Madani et alii, 2012, p. 26-28.
[49] Idem, p. 41.

among the Moroccan population, a lack of human and material resources and an electoral system that does not favour the emergence of a strong parliamentary majority.[50]

Main novelties in the other partial democracy regimes are the constitutionalisation of the Council of Government and its power to dissolve the Chamber of Representatives (art. 92). However, the distinction between the Council of Government (presided over by the Head of Government) and the Council of Ministers (presided over by the king) remains (art. 48), with veto power of the latter over all decisions of the Council of Government. Provisions are also added to ensure a better implementation of the independence of the judiciary (art. 107-112). Finally, the new constitution provides in changes in the field of decentralisation. Morocco is described as a unitary state with a decentralised territorial organisation at three levels (art. 1). From 2011 onwards, the representative Councils at the highest level – the regions – must be elected by direct universal suffrage (art. 135).

The constitutional reform was a palace-led process from the beginning until the end. The commission of experts writing it was appointed by the king and both the commission itself as the consultative body was presided over advisors to the king. Moreover, the appointments of the palace and total lack of transparency side-lined Parliament, opposition groups and civil society, although they were invited to submit proposals to the consultative body.[51] The way the king handled the uprisings in Morocco are in line with a longer tradition of the Moroccan monarchy:[52] through introducing palace-led reforms which do not touch on the king's power and through co-optation of the opposition (in this case the PJD), the king maintained his grip on power and avoided an escalation of the protests.[53]

The reforms clearly did not fulfil the expectations of all Moroccans. In the run-up to the referendum, the Moroccan society was divided in two camps: many Moroccans were satisfied with the proposed reforms and contributed to the large majority with which the

[50] Idem, p. 7.
[51] Ottaway, 2011.
[52] Hamid, 2007.
[53] Sadiki, 2012.

referendum passed and also the largest political parties approved of it. In contrast, the 20 February movement, Justice and Charity Movement, political parties as the Vanguard Party and the Unified Socialist Party, unions and individuals called for a boycott, criticizing the constitution for being 'granted' by the king, reproducing powerless institutions and monarchical absolutism while introducing only minor, cosmetic reforms.[54] Protests are still ongoing (although on a lower scale). Protestors are criticizing the constitution, while in the meantime expressing frustration over an underperforming economy, high unemployment and subsidy reforms carried out by the new government.[55] Moreover, contrary to the general perception, the Moroccan government makes more and more use of violence to disperse the protests.[56]

While the Moroccan public was divided over the reforms and protests were ongoing, the international community was far less critical and warmly welcomed the new constitution. The EU (but also the US, Council of Europe,…) applauded the king's initiative even before the referendum took place, embracing it as a significant step and a clear commitment to democracy and respect for human rights, touching on key elements of reform and modernisation, in line with the ambitions of the Advanced Status.[57] Similarly, the EU member states applauded the "exemplary" reforms and congratulated the king's commitment to reform.[58] Thus, even after the Arab Spring and despite the rather limited reforms, Morocco remains treated by the EU as a 'shining example of reform'[59] among Arab countries.

CONCLUSION

The Lisbon Treaty and the Arab Spring were two separate, almost simultaneous events, with an important impact on the EU's policies towards the region and leading to a review process of the ENP. The Lisbon Treaty was very promising, indicating relations with neighbouring countries as a clear priority and providing in tools to act more

[54] Belkeziz, 2012, pp. 36-37.
[55] Khan and Milbert, 2013; Siham, 2013.
[56] Charlton, 2012.
[57] European Commission, MEMO/11/424.
[58] Moroccan American Centre for Policy, 2011.
[59] Kausch, 2012, pp. 165-166.

coherent and effective. However, the potential of the Lisbon Treaty in boosting relations with the Southern Mediterranean has eventually been overtaken by the Arab Spring-events.[60] In a more radical and decisive way, they undermined the basic assumptions on which the European policy towards the region was based: the underlying idea that it was in the EU's interest to support the Southern Mediterranean dictatorships, as they were predictable, able to manage migration flows, keep radical Islamism down and retain the stability of the region and the conviction that in the longer run economic growth would lead to more political openness within these regimes. Similarly, they displayed the gap between EU rhetoric on the importance of democracy promotion and the prioritisation of security concerns in reality. While these criticisms on EU policy were not new, the Arab Spring functioned as an important wake-up call for European policy-makers. However, although admitting its failure and pleading for change in the general Neighbourhood policy, the Union did not seem to alter its position towards Morocco, still treating it as a 'model of change' for the entire region. This tempers the expectations for a profound change in EU relations with Morocco.

[60] It would be wrong however, to assume that the new ENP was a sudden and out of the blue reaction on the Lisbon Treaty and the Arab Spring. The review of the ENP reflects the broader direction of EU foreign policy: a pursuit of more coherence in its external policies and more effectiveness of its democracy promotion. This can be seen through different policy documents as the Council Conclusions of 9 October 2000 on the effectiveness of the Union's external action, the European Security Strategy of 2003, the Council Conclusions of 17 November 2009 on Democracy Support in the EU's external relations and the accompanying Agenda for Action.

4. DEMOCRACY IN THE ENP SINCE 2011

The next chapter will first introduce the main characteristics of the reviewed ENP. This is followed by a detailed analysis, based on the same structure and elements as the before-research: a document analysis, financial resources and the conditionality mechanism. The chapter will conclude with an evaluation of the results, in comparison to those of chapter two.

On 4 February 2011, the European Council underlined the Union's determination to lend its 'full support to the transition processes [in the Southern Mediterranean] towards democratic governance, pluralism, improved opportunities for economic prosperity and social inclusion, and strengthened regional stability'.[1] This was followed on 28 February with speeches of two important players of the Union. High Representative Catherine Ashton outlined the principles of what would be the Union's long-term response. First, she acknowledged that the 'old stability' premise did not work. It should be replaced by a pursuit of a new and comprehensive 'sustainable stability', including political and economic aspects. Second, the Union should provide more effective support to the region, based on shared principles, collaboration and local ownership. A fundamental review of the ENP would be the focus, making it more ambitious and more political, with a greater emphasis on institution-building and civil society, and more differentiation and more positive conditionality. Third, local ownership should be central: the transitions are and have to be led by the populations themselves. The role of the Union should be modest and confined to support.[2] Ashton introduced here the core principles of the 'new' ENP: deep democracy, inclusive and sustainable growth, the 'more for more' principle and differentiation. Deep democracy is understood by the EU to include a broad range of aspects: besides a democratic constitution and free and fair elections, it encompasses an independent judiciary, free press, a dynamic civil society and 'other characteristics of a mature functioning democracy'.[3] Moreover, in its communication, the Union makes clear that democracy cannot take root without

[1] European Council, EUCO 2/1/11, p. 15.
[2] European Union, A 069/11, p. 2.
[3] European Commission, MEMO/11/918.

sustainable economic growth and development.[4] This stands in contrast to the previous paradigm that political reform would automatically follow economic development. Commissioner Stefan Füle brought a similar message. He started with a mea culpa on the 'short-termism' of previous policies towards the region, deploring that the EU had not been vocal enough in defending human rights and local democratic forces in the region, based on the assumption that authoritarian regimes were a guarantee of stability. He continued with identifying possible initiatives in various policy fields of the Commission towards the 'new' Southern Mediterranean, introducing what would later be known as the 'three M's': Money, Mobility and Market access.[5]

These principles and proposals have been further elaborated in two joint communications from the European Commission and the EEAS: the 'Partnership for democracy and shared prosperity' (8 March 2011) and 'A new response to a changing neighbourhood' (25 May 2011). Research conducted by Andrea Teti in 2012 confirmed that all key statements by the Union since 2011 regarding the Southern Neighbourhood emphasised the innovative nature of the new ENP, specifically regarding democracy support.[6]

SUBSTANCE OF DEMOCRACY PROMOTION 2011-2013

The policy documents used in the following analysis are the progress reports on Morocco of 2011, 2012 and 2013 and the new Action Plan for 2013-2017. The 2004 Action Plan was meant to end in 2010 and negotiations on a successor were in full progress when the Arab Spring broke out. This interrupted the process, and it was waiting for the new Constitution and elections before negotiations were resumed at the end of 2011. Late 2012, the draft Action Plan was finished (the first Action Plan in the Maghreb under the reviewed ENP to be concluded). The Action Plan has been approved by the European Commission and the High Representative, but still needs to be adopted by the Council of the European Union and by the EU-Morocco Association Council (expected in November 2013). Thus, the document used in the analysis is not the final

[4] Ibidem.
[5] European Commission, SPEECH/11/130.
[6] Teti, 2013, p. 63.

version, but no future changes in content are expected. The draft is the result of a long negotiation process between Morocco and the different EU institutions: the Commission, the High Representative and also the EU member states have been extensively consulted throughout the process. Moreover, although it is formally still a proposal, both parties agreed to anticipate the final result and the Action Plan is already applied on an interim basis.[7] The 114 pages long proposal is divided into five parts, of which the actual Action Plan is further subdivided into two main parts: 'Towards a space of shared values' and 'Towards a common economic space'. Obviously, it is the first part that contains the heading 'Democracy, Rule of Law and Governance', a quite extensive list of all actions mutually agreed on. Very important is also Annex III: the priority actions. As the name makes clear, this annex repeats a smaller number of actions that are identified as a priority, be it on the short term (to be realised before the end of 2014) or on the long term (to be realised before the end of 2017). Moreover, the list indicates the overarching domain and objectives of the actions, includes indicators and contains support mechanisms of the EU, from twinning projects to financial support. What follows is the second part of the research, the 'after-research', in which the reviewed ENP will be analysed according to the same model as outlined in chapter two: the core democracy regimes (electoral regime, political and civil rights, horizontal accountability and the effective power to govern) and contextual conditions (stateness, civil society and socio-economic support).

ELECTORAL REGIME

"Free, honest and transparent elections constitute the foundation of the legitimacy of domestic representation". It is the first sentence of article 11 of the new Moroccan constitution, an article that was not yet part of the 1996 constitution and also includes a reference to electoral observation.

The 2012 report welcomes the legislation already promulgated by Morocco in this field and the organisation of electoral observation, to which the Union sent seven electoral experts. The report is positive about the Parliamentary elections of November 2011, but recommendations were made aiming at a better electoral framework: e.g. a longer

[7] Buda, 2013, interview.

campaign period, the announcement of the results in terms of votes and the participation of women. The 2013 Progress Report notes consequently that progress in this field had not been among the priorities of the government. The Action Plan includes two non-priority actions[8] to be pursued in the field of free and fair elections: a very general 'seek democratic reforms conform to international norms', supplemented by the promulgation of legislation in the field of election observation. Progress Reports are silent on both the active and passive right to vote and do not mention the electoral boycott of the main opposition movements in 2011 or the many invalid and protest ballots. Related to this, the Action Plan does ask for measures to increase the general level of electoral participation and improve the active and passive right to vote for both women and Moroccans living abroad, although not as a priority. While the latter has been introduced in the constitution, it has yet to be enacted into law.

13. Promotion of electoral regime components in the ENP towards Morocco, 2011-2013.

	free and fair elections	active right to vote	passive right to vote
PR 2011	- no reference	- no reference	- no reference
PR 2012	- correctly organised elections; - relevant legislation passed; - civil society observation and EU election observation mission with several recommendations to improve the electoral framework;	- no reference	- no reference
PR 2013	- electoral framework was no priority	- no reference	- no reference
AP 2013	**no priority:** - seek democratic elections conforming to international norms; - establish legislation for election observation, in cooperation with civil society;	**no priority:** - increase electoral participation through increased registration; - take measures to improve gender equality and include Moroccans living abroad;	**no priority:** - take measures to improve gender equality and include Moroccans living abroad

Source: author (based on the cited documents)

[8] Actions not included in the priority list attached in Annex III.

POLITICAL RIGHTS

Two of the four categories listed under political rights are very prominent: the right to communication and organisation. The observations are quite negative: all three Progress Reports mention restrictions against the freedom of expression, press, freedom of association and assembly, occasionally noting repression, intimidation, violence and arbitrary arrests during political manifestations and even the ban on certain foreign written press. A thorny issue in the category speech and press is the much-needed reform of the press code, which was already included in the 2004 Action Plan, but has not been carried out since. It is readopted in the new Action Plan as a short-term priority, together with an extensive list of non-priority actions. A similar pattern emerges regarding the right to association and assembly: the implementation of existing legislation is already on the agenda since 2004, but without any progress. In contrast to the attention going to the first two categories, the existence of influential private media is not included in any of the Progress Reports. However, the 2013 Action Plan demands reforms to increase pluralism and the independence of the media, while adding some non-priority actions to reinforce the role of the High Authority of the Audio-visual Communication and join relevant international conventions. Finally, political parties are only mentioned once and very shortly in the Action Plan, asking for the consolidation of their role as a mid-term priority.

14. Promotion of political rights in the ENP towards Morocco, 2011-2013.

	speech and press	association and assembly	liberal media	political parties
PR 11	- several restrictive measures against media noted; - still restrictions to freedom of expression; - draft press code revoked and national dialogue launched for reform press code;	- restrictions to freedom of association; - objections against registration new associations and refusals to allow manifestations; - amendments proposed by civil society not adopted yet;	- no reference	- no reference
PR 12	- no progress; - still repression and intimidation;	- practical difficulties for implementation remain; - police violence and arbitrary arrests;	- no reference	- no reference
PR 13	- no progress; - still repression, intimidation and bans;	- practical difficulties remain; - police violence and arbitrary arrests;	- no reference	- no reference
AP 13	**short term priority:** - adopt a new press code **no priority:** - establish the right to petition and legislative proposal; - reinforce guarantees for the freedom of expression; - apply effective auto-regulation for the press; - complete the establishment of the National Press Council; - provide access to information held by the public administration; - establish mechanisms of mediation for press crimes;	**short term priority:** - apply existing legislation of the freedom of association; - amend legislation on manifestations according to the public demand;	**mid-term priority:** - carry out reforms to increase pluralism and independence of the media **no priority:** - reinforce the role of the High Authority of the Audio-visual Com-munication to promote liberalisation and pluralism; - join relevant conventions;	**mid-term priority:** - consolidate the role and capabilities of (…) political parties (…)

Source: author (based on the cited documents)

CIVIL RIGHTS

Besides the specific civil rights included in the framework, the Progress Reports welcome the Universal Periodic Review (UPR) carried out in Morocco, in which the country accepted most recommendations. The Reports also notes that the implementation of the recommendations accepted by Morocco lacks behind and deplores the fact that Morocco did not accept most recommendations in the field of women's rights, nor regarding the Rome Statute of the International Criminal Court.

More specific, the Progress Reports note the lack of progress in the field of the first Optional Protocol to the ICCPR and the abolition of the death penalty, two issues that come back in the Action Plan, but without priority and the latter in a rather soft way. Most positive are the reports about progress made in the field of torture. Morocco adopted in 2011 the Optional Protocol to the CAT and invited the UN rapporteur on torture, who received free access to all places. However, the reports remain critical, adding that despite these commitments and a gradual decline, torture still takes place in Morocco. In addition, the reports mention the total lack of progress regarding disappearances and arbitrary arrests. Morocco has signed the International Convention for the Protection of All Persons from Enforced Disappearance (ICAPED) in 2007, but has since not proceeded to the ratification. This is taken up in the Action Plan.

15. Promotion of civil rights (1) in the ENP towards Morocco, 2011-2013.

	1st protocol ICCPR	death penalty	torture, disappearance, arbitrary arrest
PR 2011	- no progress	- no progress	- no ratification of the CAT Optional Protocol and reservations still in place; - still busy with ratification of ICAPED;
PR 2012	- no progress	- no progress	- adoption of the Optional Protocol to CAT; - no progress regarding ICAPED;
PR 2013	- no reference	- no progress	- visit of the UN rapporteur on torture: decline in torture
AP 2013	**no priority:** - accede to the first Optional Protocol of the ICCPR	**no priority:** - keep the moratorium and go towards abolition	**no priority:** - accede to the Optional Protocol of CAT; - ratify ICAPED;

Source: author (based on the cited documents)

In 2011, Morocco withdrew its reservations to the Optional Protocol to CEDAW. However, some statements were retained, indicating that the withdrawal should be done in parallel with the harmonisation of domestic law. And this is the problem: no progress has been made at the domestic level. Whereas Morocco is busy with the draft of legislation against violence against women since 2007, the law did not pass yet.

The Action Plan is very extensive on women's rights, in short-term, mid-term and non-priority actions. CEDAW is still on top, with the requirement to implement the Convention and accede to its Optional Protocol. The short-term priorities also include actions for gender equality and – again – legislation against domestic violence and violence against women. On the mid-term, the implementation of mechanisms for the protection of women's rights is asked for.

Meanwhile, Progress Reports also take note of the positive evolution in the field of the rights of Amazigh, welcoming the constitutional recognition of Amazigh as an official language.

Finally, another ENP priority remains very present in the period after 2011: the consolidation of an efficient court system. Progress Reports emphasise the necessity of reform, while welcoming the 'substantial' reforms in the justice sector announced by the new constitution and the establishment of a High Authority to proceed with the justice reform. However, the 2013 report deplores the lack of available funds and the delay in the elaboration of an operational strategy. The latter concern is adopted as a short-term priority in the Action Plan, while on the mid-term Morocco should adopt legislative norms, improve judicial training and modernize its judiciary through the simplification and amelioration of judicial procedures. Non-priority actions include an overall increase of access to justice and the guarantee of a fair trial.

16. Promotion of civil rights (2) in the ENP towards Morocco, 2011-2013.

	women's rights	efficient court system
PR 2011	- no progress regarding CEDAW or draft law against violence against women and implementation of the Family Code; - adoption of the agenda for equality 2010-2015 for the promotion of the role of women in economic, social and political development;	- justice reform highly necessary
PR 2012	- reservations to CEDAW withdrawn; - no progress in law against violence against women;	- new constitution: announced substantial reforms regarding access to justice
PR 2013	- related recommendations UPR not subscribed; - no progress in law against violence against women;	- establishment of a High Authority of the national dialogue on the reform of the judiciary; - no funds available and delay in the elaboration of an operational strategy;
AP 2013	**short-term priority:** - implement CEDAW and accede to Optional Protocol; - establish the Authority for parity; - complete legislative framework against violence against women and domestic violence; **mid-term priority:** - implement mechanisms for the protection of women's rights **no priority:** - implement the 'agenda for equality 2011-2015'; - implement conclusions of the Committee on women's rights of the Euro-Mediterranean Parliamentary Assembly on the role of women in society; - improve the implementation of the family code; - establish a family solidarity fund; - apply equality measures in the Labour Code; - promote gender equality in public functions;	**short-term priority:** - adopt a strategy to reform the justice sector; **mid-term priority:** - adopt appropriate legislative norms (penal code); - modernize judiciary; - improve judicial training; **no priority:** - increase access; - guarantee the right to a fair process and presumption of innocence;

Source: author (based on the cited documents)

HORIZONTAL ACCOUNTABILITY

Again, the separation of powers is not really a central concern in the ENP, except for a small note in the 2011 and Report. However, this is not translated into the Action Plan.

Regarding the legislative, the increased role of the House of Representatives introduced with the new constitution is praised. Attention is also paid to the parliamentary debate, which gained more dynamism after some of the changes made in the constitution, but still suffers from absenteeism. Contrary to the lack of reference in the 2004 Action Plan, the 2013 Plan includes actions in this field: it requires very generally the consolidation of the role and capabilities of the Parliament and the reinforcement of parliamentary opposition.

The independence of the judiciary is a much-discussed subject. The 2011 Report is very critical on the situation, followed by the approval of the reforms introduced by the new constitution and the launch of a national dialogue in 2012. The reinforcement of the independence of the judiciary reached the Action Plan as a mid-term priority, while additional measures as the establishment of the 'Conseil Supérieur du pouvoir judiciaire' and the statute of the judiciary were included as non-priority.

Checks and balances are not directly addressed in the Progress Reports as such, but of course, an increased role for Parliament and an independent judiciary are important aspects of it. The Action Plan also generally asks the consolidation of the role and capabilities of government, parliament, political parties and the Conseil National des Droits de l'Homme (CNDH)[9] and the Mediator,[10] and for the establishment of the Constitutional Court.

[9] An institution established in 2011 to replace the former Conceil Consultatif des Droits de l'Homme. The CNDH has enlarged investigative and monitoring powers and is tasked with launching a national debate on human rights and the issuing of annual reports.

[10] A rights-institution established in 2011 to replace the former Diwan Al Madhalim. The Mediator can carry out investigations, propose disciplinary action, refer cases to the public prosecutor and make recommendations on legal aid.

17. Promotion of horizontal accountability in the ENP towards Morocco, 2011-2013.

	separation of powers	checks and balances	legislative power	independent judiciary
PR 2011	- important, but no progress	- reference in the field of independent judiciary	- no reference	- no progress, remains critical
PR 2012	- no reference	- reference in the field of legislative power and independent judiciary	- increased role for the House of Representatives; - several recent EIDHR projects on reinforcement parliamentary power;	- new constitution: substantial reforms regarding the independence of the judiciary
PR 2013	- division of powers between king and head of government regarding nominations of high functions: in constitution and already implemented	- reference in the field of legislative power and independent judiciary	- parliamentary debate won in dynamism, but still lot of absenteeism	- National dialogue on independent judiciary in progress
AP 2013	- no reference	**mid-term priority:** - consolidate the role and capabilities of Parliament, government, political parties, CNDH and the Mediator - establish the Constitutional Court;	**mid-term priority:** - consolidate the role and capabilities of Parliament **no priority:** - reinforce the role of Parliamentary opposition	**mid-term priority:** - reinforce the independence of the judiciary **no priority:** - establish the 'Conseil Supérieur du pouvoir judiciaire' - review the statute of the judiciary and registry and the legal framework governing legal professions;

Source: author (based on the cited documents)

EFFECTIVE POWER TO GOVERN

The effective power to govern for elected representatives is mentioned only once: the 2012 Report refers to the new division of powers between the king and the head of government. A reinforced position of the Prime Minister vis-à-vis the king equals more power in the hands of elected representatives. In the new constitution, the king has to take into account the choice of the people by appointing someone from the largest party

as the head of government. The same report adds that the king still presides over the Council of Ministers, which means that the bulk of power still lies with the king.

18. Promotion of the effective power to govern in the ENP towards Morocco, 2011-2013.

	power lays with elected representatives	not elected actors: no decision-making power
PR 2011	- no reference	- no reference
PR 2012	- reinforcement of the position of the head of government; - king continues to preside over Council of Ministers;	- no reference
PR 2013	- no reference	- no reference
AP 2013	- no reference	- no reference

Source: author (based on the cited documents)

STATENESS

In none of the Reports nor in the Action Plan any reference is made to the conflict in the Western Sahara. This despite the fact that the Action Plan has an extensive section on the reinforcement of bilateral cooperation in conflict prevention and crisis management, including the development of a partnership for peace and security in Africa and the contribution to UN efforts for conflict resolution.

The common EU position on the Western Sahara is fully in line with that of the UN. Nonetheless, despite the Union's non-recognition of the Moroccan claim on the Western Sahara, the EU does not actively try to find a solution of the conflict, working with the situation as it is. It means that agreements with Morocco (association agreement, fisheries agreements…) also include the Western Sahara. The same holds true for financial support: parts of what has been allocated to Morocco arrive in the Western Sahara. The Western Sahara has been brought up in EU-Moroccan political and human rights dialogues, but the only issues addressed are human rights violations in the area, while the roots of the conflict – the issue of self-determination – is not addressed.[11] This passivity of the EU is regrettable as it is in the advantage of Morocco and makes a solution to the conflict even more unlikely. The EU agreements allow Morocco to make substantial economic gains from the occupation, especially in the area of fisheries. The Union thus creates disincentives for Morocco to let the Western Sahara

[11] Ville, 2013, interview.

go. Moreover, it negatively affects the UN peace process in the occupied zones, as the management of natural resources is still on the negotiation table.[12]

19. Promotion of stateness (1) in the ENP towards Morocco, 2011-2013.

	Western Sahara	corruption and transparency
PR 2011	- no reference	- slight improvement in level of corruption, but remains high; - adoption of a new plan against corruption;
PR 2012	- no reference	- weak progress
PR 2013	- no reference	- measures, but improvement necessary
AP 2013	- no reference	**short-term priority:** - implement protection for whistle-blowers; - reinforce the national instance of probity and fight against corruption; **mid-term priority:** - carry out action plans and adopt a national strategy for the prevention and fight against corruption **no priority:** - implement UN Conventions; - pursue cooperation with the OECD; - update and harmonize legislation; - reinforce public capacities for evaluation of anti-corruption policies; - elaborate risk maps; - reinforce transparency, simplify and dematerialize public administration procedures; -reinforce integrity rules and transparency in public finances management; - reinforce participation of civil society; - support the establishment of centres for legal aid against corruption; - reinforce financial jurisdictions;

Source: author (based on the cited documents)

Corruption and transparency are still a major concern in the ENP after 2011. Progress Reports acknowledge the measures taken by Morocco, but keep stressing the lack of real progress and the room left for improvement. Measures are required on all priority-levels: the implementation of whistle-blower protection ranks highest together with the reinforcement of the national instance of probity and the fight against corruption. On the mid-term the implementation of the Moroccan anti-corruption action plans and the adoption of a national strategy for the prevention of and fight against corruption are expected. Finally, numerous additional non-priority measures are listed related to

[12] Western Sahara Resource Watch, 2013.

international anti-corruption cooperation and national legislation, measures and capacity-building.

The Moroccan decentralisation process is in full progress. The idea behind the demand for decentralisation is that it brings the government closer to its citizens and thereby increases the representation and accountability. However, although it is often described as a technical process, decentralisation involves political choices.[13] In the case of Morocco, the decentralisation process receives a large amount of criticism as it is perceived as a way of tightening the control of the state.[14] The EU did not include this criticism in its reports and continues to ask for a further decentralisation and reinforcement of local governments. Measures asked for in the Action Plan are administrative de-concentration, consolidation of the local authorities, the professionalisation of local services, more local ownership and a better cooperation with European local authorities and the Committee of the Regions.

Finally, also the reforms to strengthen the administration and bureaucracy in general are progressing, mainly in the field of human resources and public finances. Actions expected are the modernisation of public administration, the improvement of equal access and the adoption of the organic law on finances. Also included are a stronger management of complaints, a further modernisation of human resources, simplification of administrative procedures, training for community policies and a better cooperation in matters of public policy.

[13] Barrios and Ahamed, 2010, p. 7.
[14] Madani et alii, 2012, p. 34.

20. Promotion of stateness (2) in the ENP towards Morocco, 2011-2013.

	decentralisation and local government	effective administration/bureaucracy
PR 2011	- progress in regionalisation	- progress in reform efforts
PR 2012	- constitution includes chapter on decentralisation: progress	- progress in reform efforts, but more necessary
PR 2013	- organic law regarding regions not yet adopted	- progress in reform efforts, but more necessary
AP 2013	**no priority:** - implement the process of administrative de-concentration; - implement an advanced regionalisation - reinforce the capacities of local authorities; - simplify and improve local fiscality; encourage partnerships between Moroccan and European local authorities; - reinforce administration accompanying the regionalisation process; - professionalize local services and improve ownership; - encourage cooperation between Moroccan territorial entities and the EU Committee of the Regions;	**mid-term priority:** - modernisation of public administration with the guarantee of equal access; - adoption of the organic law on finances; **no priority:** - reinforce reception, orientation and management of complaints procedures; - modernize the management of human resources; - simplify administrative procedures; - training for community policies; - cooperate in matters of public policy;

Source: author (based on the cited documents)

CIVIL SOCIETY

From the 2012 Report on, Morocco is invited to promote the active participation of the civil society in its policies. This is further included in the Action Plan, asking on mid-term for the reinforcement of consultation bodies to promote the association of civil society in the development, implementation and evaluation of policies in the field. A second demand is the reinforcement of the managerial and organisational capacities of the civil society to be able to interact with national and international public instances. Further in the Action Plan, (under the heading of People-to-People contacts) are more non-priority actions included related to the civil society: the encouragement of exchanges and dialogue between the Moroccan civil society, the EU's civil society and the EU itself, the facilitation of ICT access, an increased role for regional development agencies in the implementation of programs of cooperation, exchange of experience and capacity building of civil society.

21. Promotion of political civil society in the ENP towards Morocco, 2011-2013.

	political civil society
PR 2011	- no direct reference
PR 2012	- Morocco is invited to promote an active participation of the civil society
PR 2013	- Morocco is invited to promote an active role for the civil society, by associating it in the development, implementation and evaluation of policies
AP 2013	**mid-term priority:** - reinforce consultation bodies; - reinforce managerial and organisational capacities of civil society to interact with the national and international public instances; **no priority:** - encourage exchanges between European and Moroccan NGOs; - facilitate access to ICT; - reinforce the role of regional development agencies; - establish a dialogue between the EU and the Moroccan CNDH;

Source: author (based on the cited documents)

In the review of the ENP, the Union pleads to build a partnership with societies. The EU wants to promote media freedom and make financial support more accessible to CSOs through the creation of a Civil Society Facility (CSF) under the ENPI. With €22 million euro for the entire neighbourhood for 2011-2013, this Facility is meant to strengthen civil society and promote their involvement in policy dialogue, create a civil society-friendly environment and support interaction between civil society and government.[15]

In the last decades, there has been a remarkable shift in Morocco's strategy towards CSOs: from oppression towards support and even encouragement of certain kinds of organisations: mainly human rights and women's rights. According to some observers, this fits in a new strategy of the palace to co-opt and control civil society, while externally achieving a positive human rights and democracy image. Public funds available for NGOs are all attributed to those closest to the government (Government Organised NGOs or GONGOs). The reason for the EU to include support for the interaction between CSOs and government in the aims of the CSF is that it wants to support *non*-governmental organisations who engage with the authorities in a constructive way instead of *anti*-government organisations. Also the SPRING-package (see below) supports this civil society-government relation.[16] Therefore, ENPI funding to Moroccan CSOs is channelled through government bodies, and thus ends up with the

[15] EU Neighbourhood Info Centre.
[16] Buda, 2013, interview.

same GONGOs sponsored by the Moroccan government.[17] This is an important indicator that the EU still emphasises (reform through) cooperation, not questioning the legitimacy of the semi-authoritarian regime.

A second new initiative in this field of the Union is the European Endowment for Democracy (EED), established in 2013 as a joint cooperation between the EU and the EU member states. While SPRING support is allocated to governments or to CSOs through government, the EED is meant as a source of funding directed towards activists or organisations trying to enhance democracy in countries that undergo a democratic transition, even if not officially registered. The main advantage of the EED is its flexibility. It allows for a more rapid response from the European side, while there is no need to obtain cooperation from the government of the partner country. However, EU member states seem not very keen to support: until now, only €14 million euro has been allocated, of which almost half comes from the Commission and is thus susceptible to the cumbersome EU regulations. Moreover, member states tend to allocate their contributions to specific countries, further limiting the flexibility of the endowment.[18] The added value of the EED for Morocco in comparison with the existing EIDHR would thus mainly be a consequence of the elimination of the requirement for NGO's to be registered.

Regarding EU support to CSOs, two major criticisms have emerged. First, while the EU assumes that a wide spectrum of CSOs is able to compete for EU financial support, in reality only a few have the capacity to do so in the highly demanding EU bureaucracy. Second, the EU aims to involve CSOs more in its programming, implementation and monitoring. But this remains a weak point. While involvement takes indeed place at the programming level, a large majority of CSOs in the Neighbourhood considers that most of the time effective consultation mechanisms are lacking and CSOs are largely excluded from implementation processes.[19]

[17] Dimitrovova, 2009, p. 7.
[18] Skoba, 2013, pp. 2-4.
[19] Bousac, 2012, p. 17.

The Arab Spring has brought Islamists much more in the forefront in the Southern Mediterranean. In contrast to the negative reactions of the Union towards the victories of Islamists in 2007, the EU now says to be more inclusive towards Islamist movements and political parties, and more contact and dialogue take place with Islamist actors the EU considers to be relevant in the political sphere and/or in the civil society. A good example are the informal contacts that take place with the Party for Justice and Charity, of which the Union wants to know if the movement will remain a charity organisation or evolve into a political party. However, the EU remains careful to whom it gives financial support, strictly asking adherence to universal values.[20]

SOCIO-ECONOMIC CONDITIONS

In line with the old ENP, the new Progress Reports and 2013 Action Plan dedicate a lot of attention to socio-economic rights, in the framework of the establishment of a 'common economic space'. Four sections delve deeper into the different socio-economic fields:

- economic and social reform;
- trade, market and regulatory reform;
- transport, energy, environment, information society, research and development;
- education, training and health;

Most attention is paid to the second part, which also includes a reference to the negotiations on the Deep and Comprehensive Free Trade Agreement (DCFTA).

[20] Buda, 2013, interview; Ville, 2013, interview.

FINANCIAL RESOURCE ALLOCATION 2011-2013

With the notable exception of 2011, when support for women's rights accounted for more than a quarter of the budget, the core democracy regimes are again neglected in ENPI financial assistence. However, there are also remarkable differences between the ENPI allocation in 2011-2013 compared to that of 2007-2010. Within the socio-economic sphere, the focus has shifted from economy (2007-2010) to social projects (2011-2013): education, health, the fight against poverty and also rural-urban inequality.[21] Besides this, stateness remains an important facet in ENPI support.

22. ENPI 2011-2013, in million euro.

ENPI	2011	2012	2013
total ENPI budget	1638	1798,5	1921,7
ENPI to Morocco: core democracy regimes	45	0	0
ENPI to Morocco: external conditions	19	100	200
ENPI to Morocco: multi-sector	91	0	87
ENPI to Morocco: SPRING	0	15	65
ENPI to Morocco: non-democracy	0	37	0
total ENPI Morocco	155	152	352

Source: author (based on annual action programmes and information from EuropeAid)

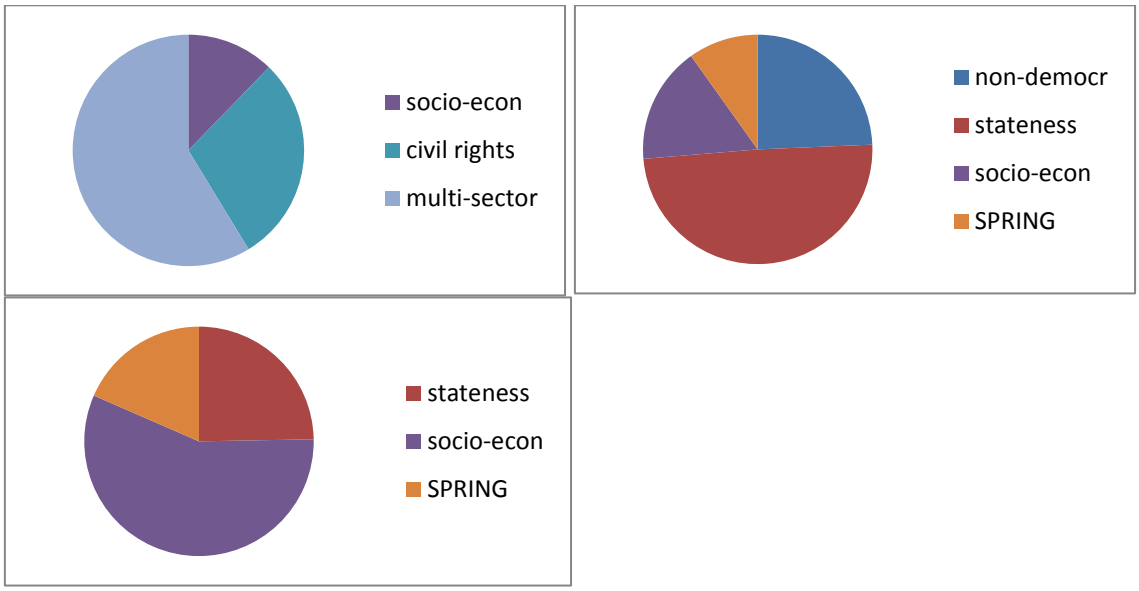
Since 2011, the ENPI also covers the SPRING-package, 'Support for Partnership, Reform and Inclusive Growth', established in support of the more-for-more principle. Allocations under this programme are dependent on the partner country's democratic reform progress. In light of its constitutional reform, Morocco received a considerable part of SPRING. The envelope further confirms the picture of ENPI, supporting projects in the socio-economic field: education, health and agricultural strategy.[22] The additional support under SPRING enhances the conditionality principle: it is not part of the 7-year budget cycle of the ENPI and can thus be employed in direct response to reform.[23] Moreover, the budget increases the incentives offered to partner countries. Other additional funding is provided with the already mentioned Civil Society Facility and European Endowment for Democracy.

The set-up of the EIDHR has not undergone any significant changes since 2011 and

[21] Action Fiches relating to the Annual Action Programmes 2011, 2012 and 2013.
[22] Dupuis, 2013, e-mail.
[23] European Commission (b), 2011, p.4.

precise data for a more thorough analysis of its financial assistence to Morocco in 2011-2013 are not available.

23. ENPI funds to Morocco subdivided in democracy regimes, from left to right: 2011-2013.



Source: author (based on annual action programmes and information from EuropeAid)

On top of these extra funding possibilities, the European Neighbourhood Instrument (ENI, the 2014-2020 successor of the ENPI) will be increased. The original proposal to increase the budget from €11.181 million (2007-2013) to €18.182 million (2014-2020) for the entire neighbourhood has been seriously downgraded by the member states, which are in favour of a small budget framework in these hard economic tidings. The framework is not adopted yet, but currently an increase for the ENI of almost 7% is on the table, while the average increase for external policy figures around 3%.[24] It shows the importance of the Neighbourhood region within the general EU external policy.

[24] Timmermans, 2013, p. 1.

CONDITIONALITY 2011-2013

Despite the many criticisms on the use of conditionality and despite the unwillingness of some EU member states to apply it,[25] conditionality takes a central place in the new ENP.

> Increased EU support to its neighbours is conditional. It will depend on progress in building and consolidating democracy and respect for the rule of law. The more and the faster a country progresses in its internal reforms, the more support it will get from the EU.[26] (European Commission, 2011)

'Deep democracy' is thus to be achieved in the new ENP via conditionality applied through the more-for-more approach. The flip side of this approach is also true: the EU communication on the review of the ENP indicates that the EU will 'reconsider or even reduce funding' in countries where reform has not taken place, thus also applying 'less for less'. This automatically implies more differentiation between the Southern Mediterranean countries.

Not falling under this conditionality principle is the Civil Society Facility, which will be allocated regardless of the reform-mindedness of the governments.

INCENTIVES

The incentives of the reviewed ENP are outlined as follows:

> This enhanced support will come in various forms, including increased funding for social and economic development, (…), greater market access, increased EIB financing in support of investments; and greater facilitation of mobility. (…) They will recognise that meaningful reform comes with significant upfront costs.[27] (European Commission, 2011)

[25] Youngs, 2010(a), p. 4.
[26] European Commission, COM(2011) 303, p. 3.
[27] Ibidem.

These incentives are often referred to as the three M's: more Money, more Market access and more Mobility.

In the section on financial resources 2011-2013, the incentive 'more money' has already been introduced. Besides the increase in financial assistance, the mandate of the European Investment Bank in the Mediterranean was reviewed in 2011, allowing the bank to lend an additional €1 billion on top of the existing €8.7 billion for countries undertaking political reforms. A substantial part of that is attributed to projects in Morocco.

The trade component of the Neighbourhood Policy is the DCFTA, portrayed as an important step in the evolution to the long-term goal of a stake for Morocco in the European internal market. The DCFTA had already been offered in the Eastern Neighbourhood late 2008 and in 2011, the Union extended this offer towards Egypt, Jordan, Morocco and Tunisia. It will fulfil the promise of "more market access" in Morocco, replacing the previous association agreement (which already guaranteed tariff-free trade for many products). Morocco is the first and only Southern Mediterranean country with which negotiations have started already. The agreement will come on top of the previously adopted trade liberalisation in agriculture and the negotiations of a new fisheries agreement, and will provide for a gradual dismantling of trade barriers and a regulatory convergence in areas as services, public procurement, competition, intellectual property rights, the protection of investment and areas as industrial standards and technical regulations, sanitary and phytosanitary measures. In reality, this regulatory "convergence" means the unilateral adoption of the European acquis by the EU's partner countries.[28] The DCFTA negotiations with Morocco are an important signal that the EU is serious with its more-for-more promise, for both Morocco and other countries in the region. The draft version of a Sustainable Impact Assessment conducted by Ecorys indicates substantial advantages for both sides, with on the long run an overall increase of 1.6% in national income for Morocco, a 15% increase in export and 8% in import, thus also resulting in an improved trade balance.[29]

[28] European Commission, 2013(a); European Union, COM(2011) 303.
[29] Ecorys, 2013, p. 10.

The DCFTA-negotiations are an important incentive for Morocco, not in the least because it plays directly into the economic interests of the Moroccan elite. In this regard, it has a strong conditionality potential: it is attractive, serves the vital interests of stakeholders, has a clear asymmetry and a stronger credibility.[30] Nonetheless, the incentive could be further enhanced if the Union would be clearer in terms of the end goal. The Union portrays the DCFTA's as an important step towards establishing a Euro-Mediterranean economic area: the final goal and incentive. However, this is always accompanied with the words 'long-term goal'. Nowhere has the EU indicated how long this term will be or what the exact preconditions are. Are the Southern Mediterranean countries expected to take over the entire acquis communautaire of the EU as is the case with acceding countries? This would be a very high threshold for countries without the prospect of membership. The question remains open and vague and will probably not be solved in the near future.[31] Moreover, signals from EU member states that keep resisting against every new opening of the European markets are not very promising, not to speak about the European attitude about a possible future free movement of persons.

Increased mobility is the third incentive. EU migration policy under the ENP towards the Southern Mediterranean has been heavily criticised. Despite the 'global approach' rhetoric, which was meant to cover a broad range of issues[32] the EU mainly focused on migration control and the security of its external borders. Cooperation with the Southern Mediterranean's authoritarian leaders was also beneficial for the Arab regimes, as this boosted their international reputation.[33] The Arab Spring forced the EU to rethink its migration policy. A few weeks after the start of the uprisings, the EU proposed a "Dialogue for Migration, Mobility and Security" – including the negotiation of Mobility Partnerships – to Egypt, Tunisia, Libya and Morocco.[34] As was the case with the DCFTA's, Mobility Partnerships are not a new tool, but result from a European policy

[30] For example in its relations with Ukraine, the EU suspended the ratification of the DCFTA because of human rights considerations.
[31] Dreyer, 2012, p. 54.
[32] Such as labour market access schemes, migrant rights and asylum, the nexus between migration and development, reintegration policies, etc.
[33] Cassarino and Lavenex, 2012, p. 1.
[34] Martin, 2012, p. 1.

debate in 2007. With the signing of a Mobility Partnership on 7 June 2013 with the EU, Morocco has become the fifth country to do so and the first in the Southern Mediterranean. The purpose of these partnerships is to commit the partners to cooperation with the EU and its member states to fight illegal migration, while the EU would facilitate legal migration, assist in capacity-building to manage legal migration flows, address the issue of brain drain, promote circular migration and improve short-stay visa procedures.[35] However, since the very start of the Arab uprisings, many signals indicated that the process to a comprehensive agreement would not be easy. To put it softly, the EU member states were not very keen to open up borders and fears for an exodus coming from the unstable situation in Southern countries ran high.

The division of competences between the EU and the member states in the field of migration is highly relevant and stands in the way of a quick and far-reaching mobility offer. While the EU has competence over short-stay visa and readmission, legal migration remains for the member states to decide on. Consequently, the EU proposed a Mobility Partnership, which is only applicable to those EU member states that voluntary engage,[36] non-binding and only allows for a narrow facilitation of migration to the Union.[37]

The aims of the EU-Morocco Mobility Partnership are fourfold:

- a better circulation of short-term stays, regular migration and labour migration
- more cooperation on migration and development
- the fight against irregular migration and human trafficking and the promotion of an efficient readmission policy with respect to the human rights of the concerned persons
- respect for international instruments regarding refugee protection.

In the chapter on 'mobility, regular immigration and integration', cooperation on short-term visas and the launch of negotiations on visa facilitation are indeed included.

[35] Maastricht Graduate School of Governance, 2012, p. 1.
[36] In the Partnership with Morocco, those are France, Spain, Portugal, Italy, Germany, Belgium, The Netherlands, Sweden and the United Kingdom. (Martin, 2012, p. 1.)
[37] Pascouau, 2012, p. 60-61; Fargues and Fandrich, 2012, p. 7

Additionally, it is made very clear that long-term visas are only meant for specific categories: people with the 'right qualifications'. The section on irregular migration starts with the notorious readmission clause and includes border management cooperation. Morocco has already signed readmission agreements with several of the EU member states, but has continuously refused to do so at EU-level, being especially reluctant towards the readmission of irregular non-Moroccans that passed through Morocco in their journey to Europe. However, the EU made clear that visa facilitation without readmission for third-country nationals is not an option.[38] Other parts of the agreement cover the nexus between migration and development, international protection (although the only issue covered here is asylum, for which Morocco should comply with the Geneva Convention) and horizontal initiatives.[39]

The new Partnership thus covers a broad range of issues, but the previous focus on migration control and readmission has been preserved. As democratisation-incentive in the more-for-more, the Mobility Partnership disappoints. The real conditionality upon visa facilitation does not lie in domestic reforms, but on partner countries' commitment to readmission and their effectiveness in the prevention of irregular migration and border management.[40] Moreover, the visa facilitation mentioned is quite narrow, mainly focused on circular migration, while long-term visa are limited to certain groups of persons.

Moreover, besides the failure to provide in additional incentives, the partnership contains more shortcomings and disappointments. Taking into account the current abominable human rights situation that irregular migrants face when trying to reach the EU from/through Morocco or while 'illegally' living in the EU, one could expect the agreement to focus more on this. However, the rights of migrants are not part of the Partnership and the only clear referral to human rights – apart from some general statements – is towards the rights of refugees for asylum. No word on the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and no word on the fact that leaving Morocco without prior authorisation

[38] Forschungsgesellschaft Flucht und Migration, 2013.
[39] European Union, Morocco et alii, 2013.
[40] European Commission, COM(2011) 248, p. 17.

is still a criminal offence in the country, putting persons sent back under a readmission agreement at risk of undesirable treatment.[41] Moreover, the Partnership has also been concluded without prior consultation of the civil society.[42] This stands in sharp contrast with the new EU focus on civil society within the ENP-framework.

CREDIBILITY

The new 2013 Action Plan has made some improvements related to the clarity of the objectives: the matrix in annex III states the objectives more clearly, prioritising in a set timeframe, concretised in indicators and linked to concrete European support programmes. The new Action Plan is also accompanied with a greater flexibility, as it indicates that the priority list can be changed under way by the EU-Morocco Association Council without the necessity of adopting an entire new Plan.[43]

In 2014, the European Neighbourhood Instrument will replace the ENPI and several lessons have been drawn from the previous programme. Nonetheless, the lack of flexibility of the instrument to react to changes on the ground has not been addressed: the ENI will still be set in a seven-year budget cycle with only one mid-term evaluation.[44] On the other hand, the additional support financed through the SPRING Programme does show a greater flexibility, corresponding with its aim of linking support to democratic transformation and economic growth.[45] Positive conditionality has thus been slightly improved with the concretisation of the Action Plan and the application of 'more for more'.

The reviewed ENP also contains a clear reference to negative conditionality:

> The EU will uphold its policy of curtailing relations with governments engaged in violations of human rights and democracy standards, including by making use of targeted

[41] Euro-Mediterranean Human Rights Network, 2012, p. 6.
[42] Ibidem.
[43] European Commission, JOIN(2013) 6, p. 10.
[44] European Commission, COM(2011) 839, pp. 2-4,19 and 27.
[45] European Commission, COM(2011) 6828, p. 1.

> sanctions and other policy measures.[46] (European Commission, 2011)

This has been applied towards Syria, where the EU withdrew all its aid to the government. However, it has no influence at all on the strengthening of credibility of negative conditionality in EU-Morocco relations. Before the Arab Spring, the EU roughly distinguished its southern neighbourhood in forerunners – Egypt, Tunisia, Jordan and Morocco – and second-role countries: Lebanon, Syria, Palestine and Algeria. This division has radically changed due to the Arab Spring and the more recent events in Egypt and Tunisia, but Morocco and Jordan are still considered as front running and have in the current situation nothing to fear from any form of negative conditionality.[47]

ADOPTION COSTS AND VITAL INTERESTS

Not much has changed since the outbreak of the Arab Spring regarding the adoption costs and vital interests. Despite the changes in government and constitution, power in Morocco is still in the hands of the same people, for whom democratisation equals the loss of power.

The EU-side in the meantime has acknowledged the deficiencies in its previous policies that supported cooperation with authoritarian regimes and stability over democratisation and pleaded to change its behaviour. However, the implementation of this rhetoric remains to be seen. The vital interests of the Union and its member states in Morocco remain the same: migration and anti-terrorism on top. The focus of François Hollande on economic cooperation while hailing Morocco's reform path and the attitude of Spanish diplomats arguing that the Arab Spring proves that external pressure is not helpful for democracy [48] are ominous signs of a continuation of the previous prioritisation of stability and cooperation.

ALTERNATIVES

[46] European Commission, COM(2011) 373.
[47] Ville, 2013, interview.
[48] Laurence, 2012; Vaquer, 2012.

There has been an increasing awareness in the EU that the large number of actions included in the Action Plans downgraded conditionality, as it allowed for pick-and-choose by the partner countries. In the new Action Plan, there is a focus on a smaller number of priorities distinguished from the seemingly endless list of actions. While it is thus no longer entirely up to the partner country to decide which reforms to carry out,[49] the priority list is still 14 pages long, downgrading the advantage of prioritisation.

ASYMMETRY

The economic crisis in Europe has had a substantial impact on the Moroccan economy: while in 2009 66% of Moroccan exports had Europe as destination, this decreased to 57.9% in 2012. Morocco has since started a process of geographical diversification of its economy, reaching out to the United States and emerging markets, notably in the Gulf States.[50] So far, EU financial assistance still largely exceeds that of the Gulf. In 2010, support from Spain and France was higher than that from all the Gulf States together the EU remains Morocco's main trading partner and very important for tourism, remittances, etc.[51] Nonetheless, Gulf-assistance has increased dramatically over the past years and is expected to increase further, making it an important factor in the region.

Again, the EU's continuing focus on migration and security issues gives the Moroccan regime a powerful tool to counter EU conditionality and reduces the asymmetry of the Union in Morocco.

CONCLUSION

With the launch of the reviewed ENP, democracy has been earmarked as an important element of EU-Morocco relations and this has been supported with more financial support in the form of the creation of new funds and an increase in the budget of existing funds. Some improvements in the conditionality-mechanism contribute to that: there are more incentives on offer, with clearer objectives. However, the financial and economic crisis and the reluctance of (some) member states to go further in these areas

[49] Maurer, 2013, pp. 102-103 ; European Commission, COM(2011) 373, p. 18.
[50] Ghazzal, 2013.
[51] Kausch, 2013, p. 24; Almezaini, 2012.

have downgraded the original Commission proposals resulting in incentives that fall short of the expectations raised. The budgets allocated to the new funds are rather modest and the Commission's proposal to increase the neighbourhood budget has been seriously diminished by the Council. Also the Mobility Partnership seems less interesting as an incentive to comply with democratisation aspects of the Action Plan, as the EU's leverage here has been downgraded by the security interests pursued.

The adoption costs and vital interests in EU democracy promotion towards Morocco remain problematic. It formed a major impediment in the ENP before the review and since then, not much has changed. In contrast to Tunisia, Egypt and Libya, the king and makhzen are still firmly in power and show no intentions to let democracy considerations change that fact. Moreover, vital interests among EU member states still have great potential to contradict and/or downgrade common European positions on human rights and democracy. The last factor, asymmetry, is a strong factor in favour of EU-leverage. Despite the financial and economic crisis, the process of economic diversification in Morocco, and the increasing role of the Gulf States, the EU is – for the time being – still Morocco's most important economic and political partner.

In general, however, it should be noted that effective international pressure on regimes is often much more valuable than an increase in incentives. According to a research conducted by Richard Youngs in 2010, additional funding or other incentives have a limited potential if not accompanied by an improved credibility.[52] It is in this regard that the absence of any critical note by the EU and its member states towards Morocco outside the Progress Reports is worrisome.

Regarding the content of the ENP after 2011, there are great similarities with the previous period: the after-research still uncovers a shallow agenda with a clear focus on the external regimes. However, certain issues are new and certain nuances have emerged.

Findings on the electoral regime tend to confirm the general picture drawn by Orbie and Wetzel on the basis of the articles in the before mentioned European Foreign Affairs

[52] Youngs, 2010 (b), p. 10.

Review that there is no 'elections-only' reflex, on the contrary, elections have a quite low profile in EU democracy promotion to Morocco. After 2011, the attention to elections has slightly increased, mainly due to the changes introduced in the Moroccan constitution and the possibility for election observation.

Orbie and Wetzel also point at 'the diverging EU focus between political rights and civil rights'.[53] In this before-after research, a refined methodology has been used, only including those human rights that are relevant for democracy promotion and leaving the others out. A quite different picture has emerged. Rather than making the distinction between civil and political rights, there is a discrepancy between women's rights and an efficient judiciary on the one hand and political rights and the remainder of civil rights on the other. Women's rights and a more efficient judiciary have been vigorously promoted in the ENP documents and even supported by financial allocations (an exception among the core democracy regimes). Political rights and the remainder of civil rights have also been included in both action plans and progress reports, but less vigorously and without the financial backing.

According to the 2011 conclusions of Orbie and Wetzel, horizontal accountability figures prominently in EU external democracy promotion. This has not been the case regarding democracy promotion towards Morocco. But here again, methodology can be the reason for the difference. As suggested by Orbie and Wetzel, a distinction is made between efforts to promote a more efficient judiciary and efforts aiming at an increased independence. Horizontal accountability was quasi absent in the ENP before 2011, but received a bit more attention since the review.

Finally, the effective power to govern is not addressed in European democracy promotion towards Morocco, not before the review and neither afterwards.

Despite the great similarity in European support to the core democracy regimes, some shifts have taken place. This is not so much to be attributed to the European review of the ENP, but to the creation of a new Constitution in Morocco. It forms an ideal basis for the EU to ask for reforms based on Morocco's own aspirations. For example, where

[53] Orbie and Wetzel, 2011(b), p. 711.

the EU deplored the limited power of Parliament only sporadically in Progress Reports before the review, the Action Plan now asks for the implementation of the Constitution, which includes an increased role for the House of Representatives. Shifts in content of the ENP policy documents are thus largely to be attributed to the evolution in Moroccan reforms. The protests have set in motion a process ending in the new constitution, which, in turn, influenced the demand in the Action Plan. Even when the substance as such did not undergo a dramatic change, the demands have become more concrete. This pattern will probably remain in the future: when the constitution will be translated into legislation, the EU will proceed with demands on the implementation, on secondary legislation, on contradictions between certain policies, etc.[54]

What does confirm the general picture that emerged in the 2011 European Foreign Affairs Review is the strong focus on external conditions, surpassing by far the core of democracy promotion.[55] Stateness ranks prominently in EU democracy promotion towards Morocco, but not a single word is spent on the Western Sahara conflict. Since 2011, civil society has received a lot more attention, although financial assistance is still mainly allocated towards GONGO's. The European Endowment for Democracy can provide in added value in this field, but it remains to be seen in what extent the Moroccan civil society will benefit from this new instrument. Socio-economic support still takes the most prominent place, while more attention is given to the social aspect of this very broad category.

[54] Buda, 2013, interview.
[55] Idem, p. 714.

5. CONCLUSION

The ENP towards Morocco in these challenging times is a fascinating case study for European democracy promotion. A closer look at its substance reveals a shallow democracy agenda which has on the one hand a clear focus on the external regimes (stateness, civil society and especially socio-economic conditions), while on the other hand also addressing some of the core democracy regimes. Issues that are assigned a high priority are women's rights, anti-corruption, an efficient judiciary and political rights. These were priorities under the 'old' ENP and remained so in the reviewed version. Neglected by the EU in its democracy support are the effective power to govern for elected representatives, horizontal accountability, the remainder of civil rights, the electoral regime and the Western Sahara conflict.

Some nuances have emerged during the last years, mainly linked to new elements in the 2011 Constitution. With the possibility to send election observers, the Union slightly increased its attention to the electoral regime. The EU also asked for a stronger role and capabilities for the Parliament and the parliamentary opposition, government and political parties, acknowledging the importance of horizontal accountability in the democratisation process in Morocco. The position of the king and makhzen, however, remains untouched. Apart from dialogue and the European reporting system, the financial allocations reveal a more black and white picture. Neglecting all core democracy regimes, the budget supporting the ENP – both before and after 2011 – is (with the exception of women's rights in 2011) only attributed to the external regimes. Since 2011 and within these external conditions, more assistance has been attributed to the civil society and socio-economic support focuses more on the social aspect and sustainable growth than before.

In answer to the question whether there has been a shift in the content of democracy support in the ENP towards Morocco, certain nuances can be noted, but the general pattern of shallow democracy promotion has been maintained.

In its communication on the reviewed ENP, the EU stressed the centrality of democracy indicated by the notion of 'deep democracy'. Key thereby was a refined conditionality

through the concept of ‘more for more’: promising more advantages in the field of market, mobility and money in return for more reform. And indeed, Morocco has received more in terms of money, market access and mobility.

Part of the extra financial assistance is allocated according to a commitment to common values, of which Morocco – as ‘best student’ in the region – receives an important share. However, the offer falls short of the original intentions of the European Commission and does not equate the expectations raised. Moreover, the Mobility Partnership makes the (rather narrow) concessions regarding visa facilitation conditional on Morocco’s commitment to tackle illegal migration and concessions in the field of readmission instead of democratisation. This is in line with the very Eurocentric, long-term position of the EU: having asked Morocco for readmission concessions for years without result, and always careful not to open the door too much to immigrants. Finally, the opening of negotiations on the DCFTA is indeed an attractive offer for the Moroccan regime. However, although the offer came in a response to the events in the region, it does not entail a major shift in EU policy towards Morocco. Rather, it is a smooth continuation of the Union’s longstanding focus on market liberalisation, meant to bring the Moroccan economy into the European internal market.

The announcement of the EU to offer more in return for more reform has thus been followed by an increased offer. Nonetheless, the ‘new approach’ has a lot in common with the political conditionality included in the ENP before the review. The main flaw in that approach had been the lack of a proper application. The reviewed ENP and the changed regional context seemed to offer an excellent opportunity to not only refine the concept of conditionality, but also take more care of its application. The very positive language used towards Morocco (and its limited reforms) in recent statements and speeches is an ominous sign for this to happen.

Is the reviewed ENP towards Morocco after the Lisbon Treaty and the Arab Spring then a ‘new response to a changing neighbourhood’ regarding democracy promotion? Not really. There is no fundamental change in substance, nor in importance. Several indications are given that the EU is again leaning towards a prioritisation of security

issues. This becomes clear through the praise the Moroccan king received for its reform plans (even before they were submitted to popular vote), through the unhindered cooperation of the EU with the Moroccan regime, while largely neglecting opposition forces, through the fact that funding for civil society almost entirely goes through the government and thus ends up with GONGOs, through the Mobility Partnership and its focus on security rather than democratisation conditionality or even human rights and finally also through the focus on external democracy conditions instead of the more sensitive issues related to accountability processes. This focus on support to government-oriented civil society, socio-economic liberalisation and the reinforcement of the current state apparatus, does not really contribute to democratisation. On the contrary, it rather reinforces the existing authoritarian structure. The latter is in line with the expectations raised by Wetzel and Orbie: "when the EU has substantial interests in the country and needs cooperation of this country in order to meet its interests, we could expect that the EU's definition of democracy will be more narrow or shallow".[1]

Thus, despite the poor democratic situation in Morocco, the potential for increased coherence and effectiveness that came with the Lisbon Treaty as well as the fundamentally changed regional context, the EU makes the same move to the credibility gap as with the launch of the Barcelona Process in 1995 or the ENP in 2004. It announces a different approach and emphasises the role of democratisation, while afterwards – faced with the same old security-democratisation dilemma – security considerations are largely prioritised over democracy.

This means that if in the near future Morocco encounters large-scale protests with similar convincing power as the recent protests in Tunisia or Egypt, and if these would lead to a democratic leap forward, it would again put the EU in an uncomfortable position. The Union would have to acknowledge that its policies did not contribute to the democratisation process, probably followed by a mea culpa and maybe even a renewed policy towards the Southern Mediterranean. It is the result of a seemingly insurmountable capabilities–expectations gap: while the EU repeatedly creates the

[1] Orbie and Wetzel, 2011 (b), p. 717.

expectation of being able to have an impact on the level of democracy in third countries, it lacks the capabilities to live up to this.

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