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## *EU External Policy, Examples of Democracy Promotion in Tunisia and Morocco*

### *Introduction*

As a result of the last enlargement the EU has become a democracy promoter developing a series of instruments that allowed a direct action with the implementation of the political conditionality; in the aftermath of the Eastern Enlargement the EU established the Neighbourhood Policy, ENP, in order to replicate the successful strategy of democracy promotion with the newly countries at the borders. After the enlargement, thus, the EU clearly became a democracy promotion international actor and the new challenges, nowadays, are those countries without membership perspective of the Union.

The paper proposes to analyse the effectiveness of the EU external governance in promoting its own model of democracy using the variables of the methodological approach provided by Levitsky and Way in their work on the International dimension of regime change, namely the linkages to the EU and the EU leverage.

The choice to extend the Europeanization study, mostly linked to the members states and the accession countries, to the Neighbourhood is due to the objective of studying whether and under which conditions the EU is able to induce domestic changes in the absence of a membership perspective, that is considered to be the main tool for domestic compliance.

The research question therefore is to evaluate if the ENP instruments are able to induce domestic changes that conduct to more internal democratization, to evaluate the European Union's potential and main limits in promoting democracy without the main carrot, i.e.

membership perspective, that allowed the Central and Eastern countries to great efforts during the enlargement process.

Regarding the empirical analysis the paper will focus on two countries of Maghreb, namely Morocco and Tunisia. Those two case studies represent on one side two most similar cases for the objective of comparison and, on the other, are two stories of success for what concern internal stabilization.

Therefore, focusing on these stories of success for what concerns internal democratic process, together with the variables provided by the theoretical approach of Lewitsky and Way this paper will test the hypothesis of the EU's potential in promoting democratic values through economic linkages toward non candidate countries.

The paper is composed of a first part in which the theoretical framework will be explained. Europeanization of third countries is not characterised by a *grande theorie* therefore an introduction on the main EU integration theories will be provided.

A second part is dedicated to the description of the European Union and the activity of democracy promotion demonstrating why the EU can be defined a democracy promotion actor

The Third section deals with the operational part of the paper, with the analysis of the independent variables, i.e. Linkages and Leverage, this will provide the first hypothesis on whether the EU is able to exert more impact and under which conditions.

The last section is dedicated to the analysis of the dependent variables, in other words the main reforms and developments made by Tunisia and Morocco as a response of the requests made by Brussels.

The empirical part will to pay attention to the causal relation between the EU requests and the domestic developments, this aspect will be highlighted in the conclusive chapter that will also provide a brief conclusion on the EU impact in promoting democracy in Tunisia and Morocco under the umbrella normative frame of the ENP.

It is important to underline, at this stage, that the concept of Democracy is a wide one and consists of many different policy aspects. To define Democracy is therefore an important task for the purpose of this research notwithstanding all different shades in which scholars have categorised the concept of Democracy. The question is thus to see what is to be understood as Democracy that is promoted on the ENP territories.

For the purpose of this study, when dealing with EU Democracy promotion, the research will rely on the EU concept of democratic values that laid the foundations for democracy promotion in the accession countries and nowadays within the ENP, those democratic values expressed in the Copenhagen Criteria form the EU's normative identity, provided by the European Commission's Action Plans and Progress Reports, in particular focusing on the chapters on Democracy *stricto sensu*, Rule of Law and Human Rights.

### *What is "Europeanization"*

In order to find a definition of the theoretical framework that will be used as a lens for the analyses of the impact of the EU on the Mediterranean countries selected as case studies in this research, i.e. Tunisia and Morocco, this paper will introduce a clear explanation of what is Europeanization, on which theories of European integration stands, from when particular period scholars started to take into consideration this aspect and under which conditions the "European turn" happened in scholarly works.

We can state that Europeanization is a brand new understanding of the process of European integration; starting from the nineties, in fact, there was a clear need to describe and explain EU integration in a different manner, in a way that shifted from the classical approaches.

The Grand Theory of European Integration stands on Neofunctionalism and the consequent Intergovernmentalism paradigm that characterized the scene of the regional integration studies in the aftermath of the Second World War.

Neofunctionalism is described by Rosamond as a pluralist theory and early neofunctionalists imagined to transplant the pluralist polity from the national to the supranational level, Neofunctionalism was, thus, built around the assessment that an international society of states can acquire the procedural characteristics of a domestic political system (Rosamond, 2000). According to the theory that originated from the assumptions of Haas, the founder father of Neofunctionalism, the benefits of integration, in fact, would become apparent to domestically located interest groups who would lobby their governments accordingly since integration would be promising to serve their material interests and the spill over effect would be an increase in support for the integration emanating from national political systems.

But at a certain point in the journey of the European Integration the principle of Supranationalism was reshaped by the pivotal figure of Charles de Gaulle and his nationalist insurgence, after the advent of the fifth French Republic in 1958 the fundamental premises of the integration experienced so far were renegotiated in favour of the member states and the principle of Intergovernmentalism was finally introduced.

Charles De Gaulle, according to Haas, represented something more than mere nationalists interests but his policy, for certain, underlined that there were some “lacks” in Haas theoretical formulation. That was the *momentum* for the appearance of the Intergovernmentalism critique of the Neofunctionalism assumptions, this new road was opened by Hoffmann and his emphasis on the importance of the national interests. He gave, therefore, importance to the domestic bases of interests and this allowed him to be the first representative of the “domestic politics approach to integration” (Rosamond, 2000). Hoffmann complaint against Neofunctionalism was that “the emphasis on the process led to a certain neglect of the context, or at least to a view of the context that may have been too selective”. Historical Institutionalists such as Pierson, interested in the political development of the European integration, argued that the Intergovernmentalist approach that focused mainly on the member states and their national interests was a poor perspective that was not able to truly understand phenomenon that actually happened at the sovranational level. Pierson therefore, in his work “The Path to European Integration, a Historical Institutional Perspective” underlined how the analysis needed to be shifted to the sovranational level and in particular to the historical developments over time rather than a simpler snapshot perspective.

Neofuntionalism and the consequent, as defined by Schmitter, Neo-Neofunctionalism is thus a political theory of integration that asks not whether “artificial” barriers are being reduced but “what kind of strategy politically relevant actors are likely to adopt in a given context” (Schmitter, 2002). What Schmitter underlines in its revision of the Neofunctionalism theory of EU integration is the fact that several elements that appeared in the integration process from the nineties were not taken into consideration by the past Integration theories. For example the impact of Enlargement and the entry of new member states that imposed changes in the decision making rules and informal practices.

The Neofunctionalism did not take into account the external context surrounding the regional integration as well as the other regional and international organizations, the European Court of Justice or the European agencies and institutions that developed through the integration.

Through this lens we can understand the background from which a new approach of theorising European Integration sprang.

The Europeanization theory stands on those two perspectives and thus it represents a “third step” in the EU Integration theory (Caporaso, 2007). Europeanization, in fact, takes from the Neofunctionalism the concept of “uploading” domestic societal preferences which “give birth to the various institutions and policies built at the EU level” (Graziano and Vink, 2008), on the other hand Europeanization adopted the focus on the domestic state-related sources of European decision making and “their consequences on the nature of EU institutions and policies” from the Intergovernmentalism approach. In other words Europeanization seems to correct the problem of Neofunctionalism, described by Webb in 1983, of the tight association of that model with the community method (Rosamond, 2000) and to consider instead the “exogenous context” of Integration as prioritized by Hoffmann in his critique.

The Europeanization research agenda started with the focus on certain European policies, what Graziano and Vink defined as the “classic” European policies like the Environmental policy, Transport policy and Cohesion policy. The interest of the scholars was to determine the domestic implementation of those policies and, from the early 2000s, other policy where the EU had less weight were investigated like Social and Refugee policy (Graziano and Vink, 2008).

As reported by Borzel the ever-growing transfer of competences to the EU fostered the interests of the scholars in calling the EU integration theory back-in in order to use those theories for investigate how the European integration process transformed the domestic institutions.

The “Europeanization turn” had another acceleration in terms of analytical tool after the big-bang Enlargement process of 2004, in fact as Borzel argues “the Eastern Enlargement created an unique opportunity to test the various approaches that had emerged to account for the conditions and causal mechanisms through which the EU triggers domestic change” (Borzel, 2010), what scholars could now analyse was the domestic impact and the Transformative Power of the *Acquis Communautaire*.

As Sedelmeier argues the domestic impact of the EU is not confined, as one may think, mainly to the member states but it also happens when the EU became engaged to an “unprecedented extent in a regular monitoring and assessment” (Sedelmeier, 2011) of the adjustment efforts of the candidate countries. In other words if the nineties paved the way with the formalization

of a coherent and comprehensive EU external action, the big-bang Enlargement created the theoretical environment that introduced the concept of Europeanization.

When considering Europeanization academics relates to the question of the domestic impact produced by the EU on member states, candidate countries but also on those countries beyond the EU borders. More deeply Europeanization beyond the borders is conceived to be the promotion of a certain model, a model represented by the EU that can be summarised in “regionally integrated system of liberal democracies” (Shimmelfenning, 2007), it is this model that the EU tends to promote in the Neighbourhood countries in order to create an environment that mirrors the European norms, values and institutions and this is functional to the objective of security but also to the aim of reducing adaptation and information costs. What really distinguish Europeanization from a pure European integration perspective is the focus on the domestic impact. Europeanization takes origin from the debate over the regional integration and adds a new dimension of investigation which is the overcoming of the European orientation of the already mentioned integration theory and its focuses primarily on a new “target” which is the domestic level (Graziano, 2011). The theoretical efforts of Europeanization is thus to bring the domestic paradigm into the analysis of European integration process, by doing so Europeanization will explain the domestic impact of a certain European policy. This different perspective of analysis, that enables to measure the “transformative power” of the EU, even outside its borders, needs a structured approach of research. As Vink and Graziano put in their work “Europeanization as a new Research Agenda” there is the need to start from the domestic level, analyse how policies or institutions are formed at the EU level and then determine the effects of political challenges and pressures exerted by the diffusion of European integration at the domestic level; this is the so called “Bottom-up-down” design which is probably the only guarantee for a due consideration of the European factor and how actually European policies, rules and norms are affecting the domestic political system.

### *Intervening Variables*

In order to analyse the domestic impact of the EU towards the Mediterranean countries the research identifies other non-EU actors that may exert some kind of influence in the democratization process and thus interfere with the EU impact.

As Pridham argues the international aspect plays an important role in the democratization process even if it changes accordingly to the geopolitical areas. It might even be misleading not to consider the international dimension as a relevant aspect when studying the democratization of third countries and that the international dimension could be considered as a “concomitant factor” compared to the domestic one.

According to Baracani the presence of an alternative from the EU can be considered an essential “context variable” (Baracani, 2008) because it measures the vulnerability of a country in relation to the external pressures.

The intervener actors, thus, exert some kind of pressure to the country that would affect the impact of the EU domestically; those actors can not only be international but also regional or even domestic legacies with a past historical dimension.

In this sense Schmitter underlines that the regional context is the most efficient in terms of affecting the democratic process because of the cultural and geographical proximity and of the tight legacies of the neighbourhood countries, he also argues that the degree of interference of a certain international context on a country varies accordingly to the dimension of the nation-state, the geostrategic position and its economic dependence towards international financial flux.

### *The Islamic Variable*

When considering the study cases of Morocco and Tunisia the first non EU actor to take into consideration is the entity of the relation between secularism and religion. Islam is, in fact, a key element to take into consideration because it has always been used as an explanatory factor in analysing the failure or the partial breakdown of the democratic process in the Maghreb and Middle East.

Andrea Teti finds that the myth of despotism linked to the Islamic religion in the Western discourse descends from the identification of the missed transition in the Ottoman Empire and in the successive nation states of an age of “Enlightenment” and thus of the secularization of the States, this “lack” interfered with the process of democratization.

Even in countries such as Morocco, where some political reforms were established, still remain some limitation to the political participation because of the interference of various forces related to the Ulema, the Islamic scholars of the Islamic law “Sharia”. The main element,

in the analysis of the importance of the Islamic religion, is the relation between Islam and Democracy and the “postulate of their incompatibility” (Teti, 2006), the idea of Sadowski of “neo-orientalism” according to which Islam may foster anti democratic processes is still present, but the reality of the political life in Muslims states is more complex.

Islam, *per se*, can not be used to explain the persistence of certain authoritarian phenomenon, what is needed, instead, as Teti argues is to investigate specific political and historical context in which those phenomenon appeared, Islam therefore can not be used as the ultimate explanatory element of the difficulty of the democratic process in the Maghreb and Middle East, instead the Islamists presence in the modern politic of Maghreb became, after the Arab Springs, an intervening actor in fostering the democratic process.

Islam, in fact, experienced three major turning points that demonstrate the ability to change and to adapt to the new political challenges.

The establishment of the movement “Muslim Brotherhood” by Hassan al-Banna in 1928, seeking a social and moral freedom for the Islamic world.

The Islamic Revolution of Iran in 1979 represents another turning point in the history of Islam because it was the first time since the end of the Ottoman Empire that a State was governed by the Islamic law. The third turning point is the advent of the Arab Spring, according to Khalil al-Anani, this movements meant for the Islamic parties that the historical debate whether Islam and Democracy were incompatible became irrelevant.

In the case of Tunisia Islamic forces represent today an important aspect for democracy promotion in opposition to the last three decades when Islamic and fundamentalist parties were considered threats to the stability of the government. The exemplar case of Tunisia and the story of the most important Islamic party “Ennahada” and its incredible come back at the elections of October 2011 goes in this way. According to Cavatorta and Merone, Ennahada went through a “moderation through inclusion” (Cavatorta and Merone, 2013), it means that after decades of exclusion from the government the radical and anti systemic party started to re-elaborate its policy rethinking how “political Islam could contribute to the development of the country”.

The case of the transformation of Ennahada can point to a significant trend within political Islam in a time when democratization processes are taking place in the Arab World. It demonstrates that religious political actors, perceived in the past decades to be adverse to liberal rights because of the ideological rigidity, today may bring benefits to democratization.



In Morocco the traditional Islamic Party of Justice and Development, PJD, won the vast majority of seats in the parliamentary elections of October 2011 and inserted itself in that remarkable change of the Islamic parties after the Arab Spring.

PJD, as well as Ennahada, stays away from religious “absolutism”, adopting a more pragmatic position and political discourse. Before the Arab Spring, in fact, terms like *democracy* or *elections* were profane to Islamists, in Tunisia and Morocco the new progressive Islamists parties, thus, are more inclined to respect individual freedoms.

Ennahada party leaders have recently stressed that they respect women’s right and today, 42 out of 49 women in the Tunisian Constituent Assembly are members of Ennahada. In this sense PJD also showed full respect and commitment to individual rights and freedoms; Abdelilah Benkirane, Morocco’s first Islamist prime minister, declared women’s freedom of dress and expression, in 2005 PJD encouraged a new family code, the Mudawwana, in order to give women more rights.

Regarding the aspect of Foreign Policy the great change in the Islamic parties is seen in the renewed interest in the USA and EU, considered today necessary in fostering the democracies of both Tunisia and Morocco.

In conclusion, the Islamic political parties are, *de facto*, an Intervening factor for what concern the democratization of Tunisia and Morocco, both in the historical sense that they obstructed the democratic process because it was considered intrinsically opposite of the moral values of Islam and also in the post Arab Spring sense, where the Islamic parties in Tunisia and Morocco experimented a moderation journey and today are the main supporters for the democratization of their countries.

Islam thus, in the sense of political moderate Islamic parties, is an intervening factor because it represents an “alternative” for the democratization process to the external pressure of the EU.

### *The Context non-EU Variable*

Other two actors, with strong legacies with the Maghreb, may be considered to be intervening factors in the process of democratization.

Tunisia and Morocco are part of a relevant geostrategic region called the Maghreb in which the West has strong interests that go from keeping the energy supplies accessible, liberalization of the economic order to satisfy the needs of international capital, to restrict migration and have a support for the peace process between Israel and Palestine, but this arrangements used to confine democracy to the background. According to some scholars France and the US face a dilemma when they deal with this area, those two countries are, in fact, the two most important international non-EU partners (considering France as to act in a bilateral way and not as a member of the EU).

Tunisia, in November 1987 saw a “medical coup” (Cavatorta, 2010) conducted by Ben Ali that overturned the founding father of the modern and independent Tunisia, Habib Bourgiba, after thirty years of power. At the beginning Ben Ali was welcomed as a liberator also because of his attempts to start a real political pluralism, the first bid in the whole Maghreb, with the formalization of political parties, a free press and the limitation of the Security apparatus. Therefore, one year after the coup, all the political parties signed a pact in order to uphold the democratic principles and to leave the religion out from the political sphere. The presidential elections of 1989, however, are seen as an attempt of Ben Ali to sabotage the democratic process, a “project” actually completed only in 1991 with the authoritarian turn. The evidence proving that the sabotage of democracy had already started in 1989 is that Ben Ali was elected with 99,2% and his party took all the parliamentary seats. In response of this bid France and the US welcomed Ben Ali and its anti-Islamic campaign even though the Islamic Tunisian party did not advocate a violent overthrow of the regime being, instead, moderate in its positions. As Cavatorta underlines, the fear of Islam was just a cover that Ben Ali and both France and the US used to allow him to get a strong grip on power and so to set those economic reforms that gave advantage to Western enterprises and political elite.

Tunisia was the first country to experience the protests that came from the civil society referred to with the name of “Arab Spring”, the Tunisian personal revolution is called “the Jasmine Revolution” and started with protests over the socio-economic conditions and corruption that eventually lead to demanding the resignation of president Ben Ali that, in 2011 had already transformed Tunisia in a non democratic and neo-patrimonial regime. The protests sprung from the civil society and in particularly from the young people that organized with the social media the manifestations, strangely the protests did not start from the Islamic political opposition of Ben Ali.

Morocco, since the independence in 1956, lived in a political absolutism and a constant violation of human rights. During the Cold War King Hassan II anchored the country to the west camp and in exchange benefited of its benevolence, also thanks to the persecution of the left movements led by the government. The ferocity of the Moroccan regime was eventually tested in 1990 with the so called "Bread riots", a series of violent protests of the civil society over the cost of bread that forced the government to annul a 30% price hike linked to the soar of global grain price. As a result of the violent response to the riots the King was called for some political reforms in a democratic sense in order to lead the country to political pluralism, but the reform designed by the King was aimed to implement slowly the changes to avoid that the left movements and the Islamic party could take advantage from it.

Only in 1998 the King appointed, after open elections, a socialist as prime minister: Abderrahmane Yousoufi.

King Hassan II died in March 1999 and much trust was put in his son, King Mohamed VI for a new pluralist beginning of Morocco. In reality the political liberation was only used to regain a strict control on power.

The United States have strong interest in the Maghreb and in particular in recent years the main objective of countering the Islamic terrorism was accompanied by the will to tackle its main causes: the lack of democracy, socioeconomic conditions, educations and the absence of vibrant civil societies in the region (Zoubir, 2008).

For what concern the relation between Tunisia and the US, since the independence in 1956 Tunisia was on the list of friend countries of the United States thanks to its pro western stance. Tunisia is still today an active member of the Trans Saharan Counterterrorism Partnership along with Morocco and other Saharian countries. In order to decrease the US criticism on the lack of Human Rights, Tunisian authorities usually consolidated the military cooperation and played the Israeli card, by doing so the "regime's repressive and anti-democratic measures elicit little criticism from its US ally" (Daguzan, 2011).

Morocco is also considered to be a traditionally Western ally, always described by the American policy makers as an example of an Islamic democracy, American officials designated Morocco, under Mohammed VI, a major non-NATO ally (3ème session du dialogue strategique). After the Islamist terrorist attacks in Casablanca and Marrakesh in May 2003 both the international community and Morocco were strongly engaged in the fight against the Islamic terrorism and today Morocco is a member of the anti-Daech coalition and is a leader in the efforts to preventing young people to join the foreign fighters group (3ème session du

dialogue strategique). Americans thus appreciate the will of Morocco to fight against the Islamic forces while institutionalizing a moderate Islam.

The relations between Morocco and the US are still today of military support and aid for the protection of the borders and to fight the Islamic terrorism. But the Moroccan officials tended not to let the US interfere too much in the internal affairs, according to Zoubir the monarchy is apprehensive about US support for Moroccan NGOs and the relation with the PJD but this “moderate” Islamic party, despite the US support, is not willing to normalize its relations with Israel.

As Zoubir finds the United States, during the Algerian crisis, military supported Tunisia and Morocco for security reasons. In other words it is possible to summarize that the interest of the United States in Morocco and Tunisia is to promote the “moderate” Islamist parties that are considered not threatening the US interests like the free access to Oil and natural gas and the support for Israel, however the problem with the presence of the US in the region and its relation with the Islamist forces is the position toward Israel. In fact, even the more moderate Islamist parties are critical of the US position toward Hamas, considered as a terrorist organization and not as a movement of resistance. According to Zoubir, because of this dilemma the US lowered its demand for genuine democratization, preferring to co-opt the “moderate” Islamism that do not threaten US interests.

In a PEW survey of May 2011 on the US favorability in the Muslim World it is found that the rise of pro-democracy movements has not led to an improvement in America’s image in the region (PEW Research Center, May 2011), the research also highlighted that the enthusiasm for democracy displayed by protestors in Tunisia and Morocco is consistent and democracy is viewed as the best form of government and publics in many Muslim countries increasingly believe that a democratic government rather than a strong leader is the best way to solve problems. With such a state of facts it is hard to see how the US can have a positive influence in the region if they continue to prefer stability over real democracy.

For what concerns the relation of France with the ex colonies of the Maghreb there are few structural factors to take into consideration: the presence in France of a large Maghrebi minority that has affected French policies towards the region, the Human Rights factor is also pivotal because in order to maintain a “special relation” and because of its actions during the colonial past France is very reluctant to address the question of human rights in both Tunisia and Morocco. In the case of Tunisia, in fact, the French Foreign Minister did not disapprove

the Bourguiba's repression or the Ben Ali's prison system (Daguzan, 2008). In Morocco, in the same way, nothing has been said about the regime illicit arrests and violence over the political oppositions. The only attempt was the one of Mitterand who raised the case of the opposition trade union leader, Abraham Serfaty, and the Cadets involved in the coup against the King, Hassain II, in 1971 (Daguzan, 2008). It follows that the Maghrebi policy of France is linked to the historical path and the importance of the *Francophonie* policy and there is an evident tolerance of the Human Rights abuses.

Considering the relations of Tunisia and Morocco with France we have to underline the fact that the Mediterranean has always been a French affair and France considered the Maghreb States a "private playing field" (Daguzan, 2011).

In the case of Tunisia, during Ben Ali presidency, France renewed the connection with the former colony in particular in the economic stance with an agreement on the elimination of trade barriers for manufactures, the political dimension of this agreement regarded the promise Tunisia made to speed up the political liberalization, but the relation between Ben Ali and France were not that good as the former Tunisian president was considered to be an US ally thanks to Ben Ali support for Israel and the peace process.

After the resignation of Ben Ali in 2011 and, as a whole, in the aftermath of the Jasmine Revolution, France acted with prudence toward Tunisia. Only in 2012, in fact, the foreign minister Alain Juppé visited the country, proposing to the new elected representatives of Ennhada a "partnership of equals to equals" (Juppé, LePoint, 2012), and he proposed to condition the aid of France toward Tunisia to the respect of democracy and of the Rule of Law.

The political liberations of the 90s allowed the crown of Morocco to regain a firm hold on power and with France with a strong assistance, but the French hopes for a true democratization, in particular after Hassan's death and the succession of Mohammed VI, have been sacrificed in the name of stability. After the failure of the already cited socialist Prime Minister, Yousoufi, to pull Morocco out of economic stagnation now the Islamists represent the main political forces and in particular the PJD party.

The relation between Morocco and France continue both on the economic and diplomatic side even though the relations were particularly good during the presidency of Pompidou and D'Estaing also thanks to the Pompidou's foreign minister, Michel Jobert, who was born in Morocco. During the Mitterand's era the relations were ruined because of the agitations of the French organizations for the defence of human rights in consequence of several severe episodes of violations from the Moroccan monarch, i.e the discovery of the secret Tazmamart

prison holding political opponents. With the election of Chirac the relation changed because the president had close relationship with King Hassan II, after his death the personal relations with son, Mohammed VI, were not as tight and the ties slowly strained. Despite the fact that the French maneuvers with Morocco were diminished still few bilateral treaties were signed for security and defence cooperation as well as trade, language promotion (*Francophonie*) and culture. A thorny point for Morocco is the Western Sahara dispute, the crisis began under the D'Estaing presidency and in that occasion France was a fervent military and diplomatic ally of both Morocco and Mauritania, today the official position of France toward that dispute is neutral and the solution must be found within the UN framework, only Spain recognized the "illegal" occupation of Morocco in the Western Sahara.

### *EU and Democracy Promotion*

Albeit the history of an European democracy promotion action is rather recent compared to the whole European integration process, there are some evidence in the literature to assess that this is a consolidated practice nowadays. Indeed, in the original founding treaties of the EU there was no mention of "democracy" and it was only in 1962, when the European Parliament approved the Birkelbach report, that, for the first time, the necessary political conditions were established for membership and also association status of the European Community. The 70s and the 80s were characterized by the Declaration on Democracy at the Copenhagen Summit and, most notably, by the accession of Greece, Spain and Portugal, three ex authoritarian regimes at the heart of Europe. It was in this important enlargement that, to the EC membership, was attached the condition of democracy; as underlined by Kubicek in his work "The European Union and Democratization" the scholar considered that particular accession the first real example of EC democracy promotion, but according to Baracani the way in which this enlargement was held proves that the EU became a democracy promotion actor more by accident then by "design" (Baracani, 2010). Since the 1991 Development Council resolution, that first committed the EU to place the promotion of democracy and human rights more systematically at the heart of its foreign policy, the EU has made great efforts in order to "equip itself for implementing this declared objective" (Gillespie and Youngs, 2002).

A structural and formal discourse around democracy, therefore, appeared with the signing of the Maastricht Treaty in 1992 and, with the creation of the EU, democracy and its consolidation became one of the core objective of CFSP. After that, in 1993, the Copenhagen Criteria formally established the condition of democracy for the Central and Eastern Europe. In the post-Maastricht integration acceleration the EU established a number of new instruments namely Common Positions, Common Strategies, the High Representative for the Common Foreign and Security Policy, the use of Special Envoys and all those instruments helped to increase the EU's unity on the international stage with the perceived need for a more effective support for democratic norms.

The Lisbon Treaty did not add much to the governance aspect of democracy promotion, albeit an innovative normative supplement was added in Art. 49 of the TEU where two democratic values, human dignity and equality, were inserted in the Treaty underlining that any European state wishing to apply to become a member of the EU should not only respect those values but also be committed to promote them (Baracani, 2010).

Notwithstanding these developments many criticisms were held to the EU's limited capacities as a coherent international actor, as Gillespie and Youngs underline the institutional changes introduced by the Treaty on the European Union in 1993, foreign policy coordination had not become notably more effective, in particular it was the absence of any significant common European security and defence competence that widely held to undermine the EU's general diplomatic weight (Gillespie and Youngs, 2002).

On the other side, though, a *Sui Generis* foreign policy was actually being established with the perspective of the Eastern Enlargement, in fact, the EU Governance had to establish different tools in order to enable the ex Soviet countries to make highly costly reforms for the accession. The Enlargement policy is an important means to take into account in order to understand the ENP; Enlargement, as Karen Smith argues, has had and will have a very large impact on the EU because it increases the EU's global weight but also because it was also with this policy that the EC put off the prospect of adopting a "concentric circles" approach (Smith, 2011).

An interesting contribution in the study of the EU democracy promotion is the one provided by Lavenex and Schimmelfennig in their work "EU external governance", they underline how the democratization of the EU is characterized by the governance approach and it concentrates on changes in rules and practices within each policy sectors concerned and those changes happen as a consequence of the exposure to the EU Acquis, thus the

vehicles of policy transfer are transgovernmental networks rather than intergovernmental negotiations (Lavenex and Schimmelfennig, 2009). According to the two scholars in defining the EU external Governance as the extension of internal rules and policies beyond formal membership in the attempt to transfer EU's rule to third countries, i.e. Enlargement Policy, the EU showed the magnetic force of the EU's Integration and of EU's Transformative Power.

As a result of the last enlargement the EU has become, at all purposes, a democracy promoter developing a series of instruments that allowed a direct action with the implementation of the political conditionality; but the new challenges, after the enlargement, where those connected to the dilemma about how to deal with the "Wider Europe" at the borders. In the aftermath of the Eastern enlargement, therefore, the EU established the Neighbourhood Policy (ENP) in order to replicate the successful strategy of democracy promotion with the newly countries at the borders. After the Enlargement, thus, the EU clearly became a democracy promotion international actor facing new challenges, namely those countries without membership perspective of the Union.

According to Pavehouse, in fact, the added value of the EU vis-à-vis other international organizations that promote democracy is its "democratic density", in other words the level of democracy between its members. Dimitrova and Pridham underline that the EU, compared to the Council of Europe or NATO, is "a system of governance that covers an increasingly large number of policy areas and affects all aspects of the governance of its member states", they also assert that the success of the EU in democratizing the post-communist states showed how an "integration pattern" has emerged as an example of a successful and unique democracy promotion model.

We can consider the ENP as the ultimate level of democracy promotion legal framework in the integration process of the EU. In fact, in the late 1990s, the EU moved beyond the formal democratic criteria initially formulated of liberal democratic constitutions, provision of accountability, free elections and prevalence of pro-democracy parties (Dimitrova and Pridham, 2004), establishing new political criteria included, for example, the dependence of the judiciary. It is with the treaty of Amsterdam that the EU, eventually, recognise democracy as one of the common values of its member states, with the Treaty of Nice a further step was made with reference on Democracy, Rule of Law and the Respect of Human Rights and again with the Treaty establishing a Constitution for Europe, signed in 2004, that reiterates that the Union is founded on the values of respect of Human Dignity, Freedom, Democracy, Equality, Rule of Law and respect of Human Rights (Art.2) and in Title V it is asserted that "The Union



action on the international scene shall be guided by the principle which have inspired its own creation [...] and which it seeks to advance in the wider world” (Art 193, title V, Chapter I on Provisions having general application).

Apart from the Treaties, in 2003 the European Council adopted the European Security Strategy that provides the conceptual framework for the CFSP, in this text democracy promotion is not merely considered the principal objective of EU external action but the mean by which the EU could pursue its final objectives, namely security, political stability and prosperity of its member states (Baracani, 2010) so the EU becomes a democracy promotion actor in order to promote security, stability and prosperity at its borders.

This paper builds on the theoretical approach provided by Levitsky and Way and their variables used to explain democratization in the international environment.

In order to describe the domestic impact of the EU in promoting democratic reforms, indeed, a first useful approach is to investigate the ties between those two countries and the EU, i.e institutional, economic, trade and social linkages in the legal frame of the ENP. This might seem odd because represents a wider frame of investigation compared to the democracy promotion but, as Baracani states, it is not enough to consider only those specific activities aiming at democracy promotion, “it is necessary to examine what the EU offers the target countries in exchange for the respect for its democratic conditions” (Baracani, 2010).

### *The Independent Variables*

According to the authors, Levitsky and Way, the international dimension, in the post cold war period, operates along two dimension; those are the western leverage or the degree of vulnerability of a country vis-à-vis the external democratic pressure and the linkages to the west, namely the density of ties: economic, political, diplomatic, social, organizational and cross border flows.

What is pivotal in this description is that, according to the authors, “leverage in the absence of linkages has rarely been sufficient to induce democratization, since the end of the cold war” (Levitsky and Way, 2006). While linkage is crucial to the exercise of leverage, this relationship is only important if leverage is actually able to make authoritarian regimes realize that the political cost to authoritarianism is too high. Leverage alone is, according to Levitsky and Way,

barely sufficient to convince authoritarian regimes to democratize and is “most effective when combined with extensive linkage to the West” (Levitsky and Way, 2006). Linkages, in fact, are so important for democratization because they raise the cost of autocratic abuses by increasing the international salience of the country and the likelihood of an international response and, most important, because they boost the number of domestic actors that have interests in adhering to the international norms, or in this case, to the values and norms promoted by the EU. The analysis of Levitsky and Way continues describing that different combinations of leverage and linkages create distinct external environments, in fact whereas leverage and linkages are high, the international factors may play a decisive role, while where leverage and linkages are low domestic factors are more likely to predominate in exerting democratic pressures. Even if it is clear that both leverage and linkages raise the cost for the authoritarian regimes these two variables do so in different manners.

The definition provided by Levitsky and Way of Linkages is “the density of ties and cross-border flows between a particular country and the US, the EU and western dominated multilateral institutions” (Levitsky and Way, 2006). Linkages are an important variable to take into consideration because they boost the international salience towards autocratic abuses and with strong linkages the likelihood to trigger a response from the EU as a consequence of the abuses is higher. The economic linkages, in particular, strengthen the number of firms that are interested in maintaining a high flow of investment with the EU, whereas cultural linkages increase the number of western-educated elite and for them the association with an authoritarian regime implies increased costs. Linkages, therefore, trigger the Socialization method of influence (Morlino and Magen, 2008) enabling the domestic actor to perceive the EU norm as appropriate and legitimate. For those reasons linkages enhance the effectiveness of leverage.

According to the authors different combinations of linkages and leverage create different configurations of the external environment and, thus, the relative influence of domestic and international forces may vary considerably. For the purpose of this research it is useful to summarize the findings of the study as follows:

- Whereas linkages are high and leverage is high the external democratizing pressure is consistent and effective

- Whereas linkages are low and leverage is high the external pressure is intermitted and limited
- Whereas linkages are high and leverage is low the external democratizing pressure is consistent but diffuse
- Whereas linkages are low and leverage is low the external democratizing pressure is expected to be weak.

According to this four ideal-typical configuration provided by Levitsky and Way it will be possible to infer whether the EU pressure is higher in the descriptive analysis that follows.

In order to measure the EU Leverage, i.e. the vulnerability of Tunisia toward the EU, we will rely on the economic weakness, the state dimension and the presence of other democratizing actors, namely the intervening variables. This is due to the fact that, as already underlined in the first part, in the ENP the European positive Conditionality is considered as a very weak instrument because of the absence of a credible membership perspective, therefore it is not possible to rely only on the evaluation of the conditions imposed by the EU in order to measure the vulnerability of the target countries. Tunisian linkages to the EU are, for the purpose of this paper, the economic ties negotiated between Brussels and Tunis in the time frame of the ENP.

### *EU Linkages and Leverage to Tunisia*

The first commercial agreement between Tunisia and the European Economic Community dates back to 1969, followed by a cooperation agreement in 1976. Tunisia was the first country of South Mediterranean to sign the Association Agreement in 1995 and the Action Plan, in the framework of the Neighbourhood Policy, was established in 2005.

For what concern Agricultural and Rural policy area the Commission states that the EU seeks to develop closer relation with Tunisia but not particular bilateral Agreements have been established. For what concern Trade policy area Tunisia is part of the DCFTA, an agreement aiming at improving market access opportunity and the investments, a Sustainability Impact Assessment (SIA) of the DCFTA has been carried out by an independent contractor (European Commission: 2, 2014). For what concern Economic and Financial policy

area even if the last macroeconomic dialogue was held on February 2014 what differs Tunisia from Morocco is that on May 2014 the Parliament and the Council approved the Macro Financial Assistance loans to help Tunisia overcome the severe economic difficulties caused by the political transition and the Commission approved the disbursement of the first tranche of the MFA on 14 April 2015 attaching the condition of reforms to improve the public finance management, to enhance tax equity but also increase tax collection while strengthen banking regulation. (European Commission: 3, 2014)

For what concern the International Affair policy area the negotiation with Tunisia are still on going, on 7 June 2013 a Mobility partnership was concluded and on March 2014 the EU and Tunisia established their Mobility Partnership in order to promote a common and responsible management of existing migratory flows. The EU and Tunisia are thus committed to encourage better integration of Tunisian nationals legally living in the EU (European Commission: 2, 2014).

Tunisia is highly linked to the EU under the Research and Innovation policy area, in the last years many conferences were held in Tunis, especially the last International Conference on Sustainable Water Management that was defined as being “a great success” by the Commission in providing a forum for researchers to exchange on recent developments. FP7 supported EU-Tunisia BILAT project and FETRIC that will strengthen the cooperation in the context of Horizon 2020 (Web Source: Commission: 3). Tunisia is part of the EU project Tempus with 40 projects activated in 2014 and young professionals and students can take part of the Erasmus+ project (European Commission: 3, 2015).

According to the Commission, EU is the first Tunisian Trade partner and in 2014 the total trade amounts were approximately 2.1 billion € (Web Source: Commission: 4); the main EU imports from Tunisia are transport equipment, textile, clothing, fuels and mining products while the EU's exports to Tunisia are mostly transport equipment, fuels and mining products and chemicals. (European Commission: 2, 2015)

<b>Tunisia linkages</b>	Agricultural and Rural policy
	Trade policy
	Mobility Partnership and International Affairs policy
	Educational and cultural policy

	Association Agreement and Action Plan
	DCFTA launch October 2015

Figure 1 – The main linkages of Tunisia to the EU in different Policy areas

The analysis of the linkages is framed in the broad theoretical approach of Levistky and Way and in their assumptions about the relation between Linkages and Leverage, this approach is thus an useful causal mechanism that enables to propose some consideration at this point of the research.

In order to provide the first hypothesis is, therefore, necessary to focus on the aspect of linkages and the EU leverage. As already underlined the positive conditionality aspect of leverage is inconsistent for what concern the countries that are part of the Neighbourhood Policy because it is clearly stated by the Commission that the EU will offer “anything but institutions”.

For this reason, according to the purpose of this research paper I will rely on the aspect of the size of the country, the economic strength and the presence of other regional actor promoting democracy in order to evaluate the Leverage of the EU, i.e. the vulnerability of Tunisia vis-à-vis the European Union.

<b>Tunisia leverage to the EU</b>	€ 2,1 billion of total trade amount with the EU in 2014
	Micro financial Assistance from the EU
	Population of 11 million people
	Total area of 163,610 km <sup>2</sup>

Source – Freedomhouse.org, Trade.eu

### *EU Linkages and leverage to Morocco*

Morocco was included in the European construction process in 1957 being named as a privileged partner in the annex of the Treaty of Rome.

The formal relations with the European Community start in July 1969 when a cooperation commercial agreement was signed. In 1987 King Hassan asked for the European Community membership in name of a continuous orientation of its foreign policy toward Europe but, by contrast, the European Council turned down this request considering Morocco not an European country. After that the EU-Moroccan relations were upgraded thanks to the Euro-

Maghreb Partnership an approach set-up by the Commission in 1992 designed not only to make use of existing instruments but to create new ones with economic, political and social impact (European Commission: 1, 2015). Year 1995 is the turning point in the institutional linkages because with the Barcelona Declaration the Euro-Mediterranean Partnership (EMP) was established.

The legal framework of their relation is the Association Agreement, signed in 1996 and entered into force on 1 March 2000, demonstrating the status of one of the most advanced countries in the region in pursuing a process of democratisation and consolidation of the Rule of Law (European Commission: 1, 2015). As a consequence ten working parties have been set up under the AA including a new subcommittee on “human Rights, democratisation and governance”.

For what concern Agricultural and Rural policy area the Commission seeks to develop close relation with Morocco but not specifically Agreements have been established so far.

For what concern Trade policy area Morocco is linked with the EU under the Trade agreement DCFTA launched in march 2013 in order to bring Moroccan legislation closer to the EU legislation (European Commission: 2, 2013). In addition, EU-Moroccan Agreement on Agricultural and Fisheries products entered into force on 1 October 2012 and they also negotiated an agreement on mutual protection of Geographic indications (Web Source: [eeas.europa.eu/enp](http://eeas.europa.eu/enp)).

For what concern Economic and Financial policy area, Morocco is tied with the EU with the latest economic dialogue held in November 2014. With the programme “Succeed the Advanced Status” of 180 million €, the EU supports the development of a National Convergence Plan that will help Morocco to take advantage from the potential offered by a possible accession to the EU internal market. Since the entry into force of the treaty of Lisbon the European Parliament has an enhanced role to play in the EU-Morocco partnership thanks to the EU-Morocco Joint Parliamentary Committee.

For what concern the Energy policy area the Commission has signed a 43 million € financing agreement for one on the world’s largest solar energy projects in Morocco. The project aim, according to the Commission, is to shore-up the country’s energy security, diversify its energy sources, cut carbon emission and create jobs. The Commissioner and the Minister of Energy of Morocco met in May 2015 and unveiled three new Euro-Mediterranean Platforms to incentivise dialogue, facilitate partnerships between stakeholders and strengthen cooperation (Web Source: Commission: 1).

For what concern International Affairs policy area on 7 June 2013 EU and Morocco established a Mobility Partnership with the aim, in particular, to strengthen the Migration cooperation. Morocco is especially linked to EU under the Research and Innovation policy area which involves the country in the multi-lateral dialogue platform MedSpring, ERANETMED and had a good trend of participation in FP7, the European Union research and innovation funding programme before Horizon 2020, where the EU contribution amounts at 296 million €. Morocco is also training in order to know and master the tools and founding opportunities of Horizon 2020 (Web Source: Commission: 2). Morocco is engaged in the EU programme Tempus with 40 projects activated in 2014 and Erasmus+ for young professional and students (Web Source: Commission: 2).

According to the Commission EU is Morocco's first trading partner with total trade amounting to approximately 29.25 billion € in 2014. EU imports from Morocco are dominated by three main areas: machinery and transport equipment, textiles and clothing and agricultural products, EU exports to Morocco are dominated by machinery and transport equipment, fuels and metals (Web Source: Commission: 1, 2014).

<b>Morocco leverage to the EU</b>	€ 29,25 billion of total trade amount with the EU in 2014
	Important US trading export
	Population of 33 million people
	Total area of 446,550 km <sup>2</sup>

*Source – Freedomhouse.org, Trade.eu*

As Baracani underlined, the vulnerability of a country can be measured taking into consideration the economic weight and the possibility to rely on an alternative to the EU regional power (Baracani, 2008) and Levitsky and Way stated that whereas the linkages are diffused and when the country is vulnerable to the leverage the external pressure for democratic reforms, in this case the EU, plays a pivotal role (Levitsky and Way, 2006).

In conclusion we can state that Tunisia is more vulnerable to the EU pressure than Morocco but both countries present dense ties with the EU and therefore the EU as a democratization actor might exert some impact in both countries but in a comparison perspective Tunisia is more subjected to the European external pressure for democratization because of its greater vulnerability.

## *Analysis of the Main Developments: the dependent variables*

This part deals with the analysis of the dependent variables, namely all the reforms realized by Tunisia and Morocco in order to respect the values and requests of the European Neighbourhood Policy.

This part of the research is, therefore, of particular importance because in this section the main focus will be to underline the causal relation between the EU pressure and the norm adoption.

According to Morlino and Magen (Morlino and Magen, 2008) the democratic impact happens on more than one level, precisely there are three different level of change: norm adoption, implementation and internalization. What the authors wanted to underline is that, when dealing with the control of the impact, it is not sufficient to rely only on the transposition of a certain norm in the legislation of the target government but it is also the total renovation of the domestic institutions to take into consideration or the creation of new institutions following the external model (i.e. the EU) together with the differentiation of the internal practices. This introduction is needed in order to assert that in this research I will rely only on the first level of change, as underlined by Morlino and Magen, I will, therefore, only focus on the causal relation between the EU requests and the reforms adopted.

For the purpose of this research, given the importance attached to the EU documents as a pivotal source for controlling the EU impact, this last part will focus only on two categories of democracy following the partition provided by the EU based on the Copenhagen Criteria: Democracy and Rule of Law, Human Rights and protection of minorities. Notably I will focus on the main developments, in particular on those mentioned categories, that the two countries made from 2011 to 2015.

In particular, what allows to assert that there is a causal nexus between the reforms and the EU actions is the constant monitoring of the Commission. For this reason the democratic partition chosen is the one provided by the EU.



## *Tunisia*

Since the beginning of the Jasmine Revolution the EU Commission recognised that Tunisia took some important initiatives that contributed to the democratic transition in particular on political reforms, corruption and the abuses perpetuated during the revolution. From an European point of view Tunisia has entered into far-reaching undertakings on Democracy, Good Governance and Human Rights. These undertakings must now be followed up by tangible progress in the future years, as underlined the last Progress Report on Tunisia (European Commission: 3, 2015).

Tunisia has, notably, accepted the establishment of a sub-committee for human rights in the framework of the Association Agreement. The New Constitution adopted in 2014 is considered to provide guarantees on Democracy and Freedom of Association, but in practice a number of factors continue to restrict the development of political pluralism, for instance the way in which political parties are set up as well as the electoral system, which favours the ruling party.

Since 2011 the Commission engaged in providing technical and financial aids in order to support the organization of free and fair elections. Nowadays Tunisia is reported by the Commission to have undertaken a dynamic road of democratization characterised by the adoption of the new Electoral Law and the positive results, in terms of organization and fairness, of the last political elections.

Most notably Tunisia requested the opinion of the Venice Commission on the New Constitution adopted in 2014. The Venice Commission is the advisory body of the Council of Europe that assists requesting countries all over the world on constitutional matter in order to improve the functioning of the democratic institution and therefore the respect of Human Rights. The advisory request sent by Tunisia to a body of the EU clearly represents an important aspect for the purpose of the evaluation of the impact of the EU democracy promotion action. In fact the perception of the EU being an assistant in the consolidation of democracy is clearly inserted in the methodological approach that inspires this research.

## *THE CONSTITUENT ASSEMBLY AND THE NEW CONSTITUTION*

In the Progress Report issued in 2012 by the Commission the EU asked as a priority, in the aftermath of the revolution, the adoption of a new electoral law and the enforcement of the “Instance Publique indépendante” for the organization of the elections (European Commission: 1, 2012). Following the invitation of the Tunisian authorities the EU sent a mission for the monitoring of the election of 2011 for the new Constituent Assembly. According to the expert the new juridical framework was compliant with the international norms in the matter of democratic elections. After the elections Tunisia respected the EU requests with the enforcement of the “Instance Publique indépendante” (ISIE) and also with the creation of the Independent Electoral Commission but still the new electoral law had to be approved.

A successful national dialogue involving most of the political class culminated in January 2014 with the passage of the Constitution, the establishment of a new election commission, and the formation of a politically neutral caretaker government under Prime Minister Mehdi Jomaa (Web Source: Freedom House/Tunisia, 2015). In March, President Moncef Marzouki lifted the state of emergency imposed during the 2011 revolution when the government was pursuing a reinvigorated crackdown on terrorist groups and in May the passage of a new electoral law set the stage for legislative elections in October and a two-round presidential election in November and December.

It is important to focus on the successful relation between the EU and the new Tunisian Constitution and electoral law.

A story of success, in fact, is the one about the request sent by the President of the NCA National Constituent Assembly Mr Mustafa Ben Jaafer to the Council of Europe in order to receive advises for the Constitution drafting process, according to the experts of the Venice Commission “the rapporteurs of the Commission are impressed with the quality of the work of the NCA. They express hope that the several suggestions formulated in the document released today will be of help to the NCA” (Venice Commission, 2013). The New Tunisian Commission resulted to be modern, characterized by universal values such as Human Rights and Fundamental Freedoms and notably new rights like those linked to the environment. The Constitution guarantee equality between women and men and the elaboration process had an inclusive character.

For what concern the new electoral code the EU underlined in the last three years the need for

a new electoral law based on certain important pillars that could conduct to free, inclusive and fair election, for example the establishment already cited of ISIE. Finally, in December 2013 the new electoral code was approved and the EU electoral Observation Mission (MOE) engaged in Tunisia during 2014 had the chance to evaluate the goodness of the new electoral code and prescription on the compulsory registration of the voters before the election. In fact, according to the EU and other international observers, the 2014 legislative and presidential elections were held in a peaceful and tidy environment. According to the EU expert the new juridical framework provided positive democratic elections that met the International Standard, albeit some inconsistencies were underlined by the MOE: the too restrictive electoral campaign and the regime of sanctions connected to the violation of the norms of the electoral financing (Web Source: EEAS, 2014).

### *FREEDOM OF ASSOCIATION*

The EU reported in 2012 that Freedom of Association was strengthened with the adoption of a new law in September 2011 that facilitates the possibility of the establishment of new association, only with a simple declaration, this law also gives the possibility for the International Organization to open the “bureau” in the Tunisian territory (European Commission: 1, 2012). Notably in 2013 the Commission reported that, after the establishment of the law already mentioned, more than 4000 new associations were created giving the chance to the Civil Society to actively participate to public debates on democratic transition of Tunisia (European Commission: 3, 2013).

After this evaluation of good progress the Commission almost stopped to underline the Freedom of Expression issue from the Progress Report on Tunisia and only in 2015, in the aftermath of the approval of the New Constitution, the EU requested the implementation of the rights expressed in the Constitution.

The Commission requested a real reform of the legal instruments and procedures because of still limit respect of fundamental freedoms like Freedom of Expression. The EU request is therefore very mild and today Tunisia still faces a not real enforcement of those rights written in the Constitution.

According to Freedom House in fact, the new constitution guarantees freedoms of opinion, thought, expression, information, and publication but the media continued to face specific obstacles in 2014. Fewer journalists were arrested or convicted on defamation and other

charges than in 2013, but the government did use the legal system to punish independent reporting on security grounds, targeting journalists with Islamist leanings in particular. Criminal cases were brought against the internet users for the contents they posted online. Notably, the blogger Yassine Ayari was tried for “defaming the army” on Facebook after he criticized Defense Minister Ghazi Jeribi and other military leaders (Web Source: Freedom house/Tunisia, 2015).

### *MEDIA AND FREEDOM OF THE PRESS*

For what concerns media, the Tunisian media environment remained in transition in 2012 following the overthrow of President Zine el-Abidine Ben Ali in early 2011.

As a consequence, the space for media freedom opened considerably under the transitional government, which released jailed journalists, bloggers, and activists and passed a number of measures to promote press freedom during its first year in office. In 2012, however, both government and opposition forces exerted increased the pressure on news content, and journalists faced an uptick in violence (Web Source: Freedomhouse/Tunisia, 2013).

In fact, as underlined by the Commission, if on one side in 2012 Tunisia saw the creation of the “High independent authority for the audiovisual communication” (HAICA), as requested by the EU in the previous years, on the other side no big improvements were undertaken. In fact the Press Code, adopted in 2011, was still not implemented and the HAICA still not adopted. After another request sent by the Commission in the Progress Report of 2013, monitoring progress of year 2012, Tunisia finally achieved some improvements in 2013 with the adoption of the HAICA (European Commission: 3, 2013).

The Tunisian Constitution guarantees the freedom of the press and freedom of Publication; however, the Press Code strictly regulates the exercise of these freedoms through rules governing publication and printing, the setting-up of periodicals, concentration of ownership, circulation of foreign periodicals, subversion and libel.

A step forward was taken when the obligation for a number of copies to be deposited with the authorities prior to publication was abolished. Wide-ranging censorship of the national and international media, newspapers and foreign publications continues under this restrictive legislation. Foreign newspapers and journals and especially their distribution in Tunisia may result in governmental interventions which equal censorship. Nevertheless, the EU Commission barely focused on the issue of the Independence of the press and Freedom of

expression even if it is considered an important step to overcome in the process of democratization, according to Freedom House, in fact, defamation cases continued to be filed against members of the press during the year. In February, journalist Ghazi Mabrouk was charged with “defamation and publishing false news” for an article that revealed poor working conditions in a clothing factory. He faced up to two years in prison if convicted. Also that month, the director of two daily newspapers, Abdel Aziz al-Jaridi, was sentenced to four months in jail following his June 2011 conviction for defaming a news anchor with Qatar’s Al-Jazeera television network (Web Source: Freedom house/Tunisia, 2015).

The Commission started to underline the necessity for the respect of freedom of expression only in the Progress Report issued in 2014 monitoring year 2013. In this document the experts asked the application of the administrative order n. 115 and 116 of the press code, while in 2015 the Commission remained even more vague only requesting the consolidation of the respect of constitutional rights, among which freedom of expression.

## *JUSTICE*

The EU engaged more in requesting some changes in order to provide an effective independence of the Judiciary. Albeit the foundations of an independent Judiciary are laid down in the new Constitution, however, the Supreme Judicial Council and the Public Prosecutor's Office remain heavily under the influence of the Executive. Starting from 2012 the Commission underlined the need to adopt the legislative reforms in order to assure the independence of the Judiciary, in 2013 no results were monitored and, instead, it was underlined how still the magistrates were nominated by the executive power (European Commission: 3, 2013).

According to the EU Commission the principle of *irremovably* has never been established and judges may be transferred at any moment. The Lawyers' Association nevertheless manages to maintain a degree of independence from the Executive even if it cannot always guarantee the rights of defence. However, a number of observers have reported irregularities affecting the independence of the association of magistrates. In 2014 the Commission was still reporting about the need to adopt the constitutional reforms in order to enforce the Rule of Law and the independence of justice, the access to justice and the right of a fair trial.

In the new Constitution, 22 articles establish and guarantee a robust and independent judiciary, and the caretaker government of 2014 was seen as more impartial and constructive in its administration of the Justice Ministry, oversight of the police, and interactions with the

judiciary than its predecessors (Web Source: Freedom house/Tunisia, 2015). However, the degree of judicial strength and independence will depend on legal and political actions taken by the new elected government and its successors. Judicial reform stalled in the run-up to the 2014 elections, with both the organic laws governing reform and the personnel who would implement them to be determined by the new legislature. In one survey, 56% of Tunisians said that they thought the judiciary was corrupt.

It seems, therefore, that the great efforts put by both the EU and Tunisia in the organization of the new elections and the new Constitution obstructed the reforms in the area of the Rule of Law and especially regarding the judiciary.

### *TORTURE*

The EU put great effort in requesting the adoption of the International Conventions on Human Rights and the adherence to the instruments of the Council of Europe. In fact, in 2011 Tunisia adhered to the Rome Statute and the Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention against Torture. Still in 2011 the special delegate of the UN against torture denounced the persistence of abuses committed by agents of security after the downfall of the Ben Ali regime. Therefore the Special delegate of the UN requested the establishment of some reforms in this matter and so in July 2011 the Bureau du Haut Commissaire aux Droits de l'Homme de Nations Unis was created in Tunis. In 2013 the Commission requested the effective implementation of the International Conventions on Human Rights but for what concerns Torture some improvements were actually realised, in fact after the ratification of the Protocol the EU found that the Tunisian authorities were establishing the national mechanism for the prevention of torture. In 2014 the Progress Report issued by the Commission recommended that Tunisia would effectively implement the mechanism for the prevention of Torture and specifically the motion of Law: 2013-43 (European Commission: 4, 2014). This is what the EU requested again in 2015, in particular underlining the need for a better implementation of those mechanisms (European Commission: 3, 2015). Even if Tunisia is the first country of the Maghreb to have established those mechanism of prevention of torture this is still not operational and many cases of degrading actions are currently reported. The EU acted, in this matter, as a supporter of the International Convention relying, in this way, on the International Laws to which the EU is firmly committed.

## *EQUALITY BETWEEN WOMEN AND MEN*

Tunisia has long been praised for relatively progressive social policies, especially in the areas of family law and women's rights. The 2014 constitution guarantees equality before the law for men and women, and the 1956 personal status code giving women same equality with men has remained in force. It grants women equal rights in divorce and children born to Tunisian mothers and foreign fathers are automatically granted citizenship. In 2013 the Commission recognised that the issue on gender equality was deeply discussed in the Constitutional Assembly during 2012, in fact the Tunisian organisation for the equality between women and men feared a degradation of the woman condition in the aftermath of the new Constitution and they denounced the continuous events of violence against women both in the public sphere and in the domestic environment (European Commission: 3, 2013). The EU experts of the Commission underlined that in 2012 Tunisia did not left all the reserves on the Convention on the elimination of all form of discrimination against women (CEDEF). The year after the EU was still requesting improvement in the enforcement of women rights, again on the deposit of the notification of the reserves lifting on the Convention CEDEF (European Commission: 3, 2013).

Violence against women were still reported by the EU together with some promising improvements like the legislative decree that establishes regional delegations of the Ministry of Women Affaires in the 24 regional governments. The EU is, however, only engaged in asking the Tunisian conciliation with the International Standards in this matter.

## *Morocco*

### *THE CONSTITUTION REVISION*

For what concern the Constitution Revision, according to the expert a key element of 2011 was that the New Constitution was adopted with a great majority (98.5%). After the referendum on the new Constitution the parliamentary elections took place (European Commission: 2, 2012). A committee of experts from the EU helped with the electoral observation underlining the need for a longer political campaign, the announcement of the results after the vote and a stronger participation of women. The new government started its works in January 2012 according to the provisions of the new Constitution.

In 2012 the experts of the Commission underlined that, despite the reports of several missions of electoral observation, the National Council of Human Rights (CNDH) issued some recommendations for amendments of the law on electoral observation but this was not listed as a priority for 2012 by the government. Nowadays, for what concerns the adoption of the Constitution, the work is still not complete but some important developments have been made during 2014, especially for what concerns the Constitutional Court and the Court of the Inquiry. In general, in the Progress Report issued by the Commission in 2015 the implementation of the Constitution was still considered not done and the EU asked for an acceleration especially for the purpose of the establishment of a real plan with the civil society, equality between men and women, strengthening of the right of association, meeting and freedom of the press (European Commission: 4, 2015). What the Commission underlined about the half implementation of the Constitution is that the different motions written in the new Constitutional Charter, that assure the respect of fundamental freedoms and respect of Human Rights have to become operational as soon as possible. The request of the EU on an acceleration of the implementation of the Constitution is still waiting for a real fulfilment despite good progress.

#### RIGHT OF FREEDOM OF ASSOCIATION

For what concerns the possibility of assembly and manifestation the experts underlined in the 2012 Progress Report how in Morocco still many abuses were persecuted by the military forces. Albeit the New Constitution allows freedom of association and meetings, there are many difficulties in the application of those norms. In February 2012 the manifestations were allowed in order to let the citizens express their socio-economic claims but many cases of violence were registered between the Police and the citizens, after this accident the “February 20 Movement” was cited as illegal by a Casablanca judge in 2012 (European Commission: 4, 2013). Today Morocco is still not providing the right of manifestation and organization according to Freedom House, even if in 2014 a slightly improvement was reported in the matter of peaceful manifestation (Web Source: Freedom house/Morocco, 2015). The Administration still owns the right to prevent a manifestation if it is considered a problem for the public order. The main issue is that the Authority does not have to provide a clear motivation for the prevention and the Administrative Court takes too much time for the deliberation of a sentence in this matter.



In the particular case of Freedom of Association, in 2012 many Organization of the Civil Society protested against the publication of a list of association that enjoyed public financing and in the Rabat Declaration the Public Organization asked a revision of the right of Freedom of Association. In Sum, according to the Progress Report issued in 2015 by the Commission, in 2014 a slightly improvement was noticed for what concerned freedom of meeting and some manifestations took place in a peaceful manner. The EU expert, however, underlined how some pacifist organizations meetings were repressed and manifestations were prohibited without a clear motivation. The analysis of the state of Freedom of Association and Meeting provided by other observers like Human Right Watch denounce the blocking by the Authorities of gatherings organised by different Human Right Organization in Morocco, despite their legal status, as being against the law and against the provision of the New Constitution (Web Source: [hrv/morocco.org](http://hrv/morocco.org)). On the other side the EU leaves only a vague and blind eyed space for the address of this democratic violation pursued by the Moroccan Authorities.

#### *THE CODE OF PRESS AND THE MEDIA*

The Progress Report issued by the Commission in 2012 underlined that the right of freedom of expression is inserted in the new Constitution together with the Authority of Regulation but it is not really adopted. In fact even if journalists have the right to express their point of view in a critical manner, there have been several repressive methods and intimidations that are currently reported (European Commission: 2, 2012). In 2012 the EU asked the adoption of a Press Code in order to have a legislation on the laws that deprive freedom. In 2014 the Ministry of Communication submitted a new code for the press as asked by the EU, notably some progress were made after the Commission requests on the adoption of a Press Code. In October 2014, the Ministry of Communication announced three bills: on press and publishing, the status of professional journalists, and the National Press Council. According to the Commission the new code has some good features like the status of Professional Journalist and the National Council for the press, the new code does not allow the privation of freedom for the journalists but still allows sanctions on the penal code (European Commission: 4, 2015). Therefore Journalists are still objects of economic sanctions and repression and censure is still widely allowed.

According to Freedom House, although the bills mark progress toward strengthening press freedom and access to information in Morocco, many of their provisions fall short of

international standards. Morocco nowadays, in the report on Freedom of the Press, is classified 136<sup>th</sup> on a total of 179 countries (Web Source: Freedom House/ Morocco, 2015).

### *JUSTICE REFORM*

From the Progress Report of 2012 the European experts advised Morocco on the need of a Justice Reform in order to respect the Rule of Law and, therefore, to enhance the credibility of the reforms. The EU also asserted to be willing to assist this reform but conditioning the aid to a real strategy and to a project of the Reform with clear objectives (European Commission: 2, 2012).

Starting from 2012 the EU decided to condition the aid for the Reform of Justice to the elaboration of a real strategy, with the establishment of a “*Conseil Supérieur du Pouvoir Judiciaire*” and the new Magistrate Status. In 2012 the Reform of Justice was finally adopted with several decrees published in the Official Bulletin. According to the Commission the Justice Reform has been an important challenge for the Moroccan’s Government. In 2015 great progress were registered by the Commission in order to meet the European requests, in fact a project of norms for the “*Conseil Supérieur du Pouvoir Judiciaire*” was finally adopted and a project on the Status of the Magistrates was approved in the early 2015 (European Commission: 4, 2015).

In Sum, the requests made by the Commission and the conditions attached to the European aid have been met by Morocco and some progress were made in the last three years in terms of Reform of the Judicial system. The EU, noteworthy, in line with the new benchmarks established in the Action Plan 2013-2017 underlines that, for what concerns the 2015 efforts in the area of Justice Reform Morocco should implement in a more effective manner the “*Conseil supérieur du pouvoir judiciaire*”, the civil and penal procedures and the Magistrates Status.

### *CORRUPTION*

Corruption is still today widely considered a critical issue for Morocco. Even if many initiatives have been taken by the Government and the Organizations together with the EU experts for the fight against corruption, the perception of Morocco being a corrupted country is growing in the last years according to the data of Transparency International, ranking

Morocco 80 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index (Web Source: Transparency International).

What is notably to underline for the purpose of this research is, however, the impact of the EU technical aid to the expert committees around Corruption. The "Instance central de prevention de la corruption" (ICPC) received 160,000€ from the EU in order to obtain a technical assistance for the elaboration of a Project of Law for the fight of corruption, this resulted in the publication of several amendments that aggravate the punishment of Magistrates and Public functionaries found guilty of corruption. Despite this success of the EU impact in fighting corruption in Morocco the new project of law adopted in summer 2015 has been criticised by the EU Commission and the local organization, Transparency Maroc, as being regressive vis-à-vis the latter version of the law, while according to the EU the new law project has two main "regressive" problems vis-à-vis the old version: the lack of pre-judicial investigation power and the auto-jurisdiction of the National Instance for the fight against corruption. In 2014 as already mentioned, according to Transparency International, Morocco was ranked 80 out of 175 countries for the perception of corruption and is notable to underline that in 2013 it was ranked 91, thus the general perception of corruption is actually increased. Morocco's Central Authority for the Prevention of Corruption found that 30% of Moroccans had to pay a bribe in order to access medical and health services. Possibly, one of the great impediment for a real eradication of corruption is the King. In fact, as Freedom House found out, is the king's role in the economy, being the greatest stakeholder in public and private firms and one the wealthiest man in North Africa (Forbes) is a structural impediment for the reduction of corruption (Web Source: Freedom House/Morocco, 2015).

### *DEATH PENALTY*

This chapter is quite a successful story in terms of norm approximation. Morocco is still applying a moratorium *de facto* on death penalty matter but in the last three years some changes have been done. In 2012 the EU Commission reported that Morocco did not adhere to the facultative protocol of the International Agreement on Civil and Political Rights that concerns the abolition of death penalty and asked for compliance (European Commission: 2, 2012). In February 2014, however, a network of lawyers gathered in order to intent a legal action against death penalty; this petition was supported by the European Instrument for Democracy and Human Rights (IEDDH). As a response the National Human Rights Council of Morocco (CNDH) hosted, in June 20<sup>th</sup> 2014, a seminar on the death penalty, held in

partnership with the Network of Lawyers against the Death Penalty. The participants, according to the documents issued by the CNDH, urged Morocco to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and abolish the death penalty, stressing that “it is a cruel, inhuman and degrading punishment that violates the most fundamental human rights: the right to life, protected under in the Moroccan constitution” (Web Source: CNDH.ma). In the aftermath of this action the Parliament welcomed, for the first time, a seminar on death penalty and some parliamentary groups, from both the majority and the opposition, agreed on a law proposal for the abolition of death penalty. According to the Commission the proposal for the abolition of Death Penalty is strongly supported by the Coalition Marocaine, the Council and the Network of Lawyers against the Death Penalty, representatives of the Network of Parliamentarians against the Death Penalty and the Moroccan Coalition for the Abolition of the Death Penalty and other civil society stakeholders, lawyers, jurists and artists. However the project reform of the penal code still contain death penalty but it stiffening the conditions for the request of the Capital punishment.

#### *EQUALITY BETWEEN WOMEN AND MEN*

This issue is a story of little success for what concern Morocco. The EU plan for the promotion of equity and equality between men and women, with a budget of 45 million€ was signed in July 2012 (European Commission: 2, 2012). In 2014 a law proposal for the elimination of all discriminations against women was officially deposed, while in February 2014 the Parliament adopted an amendment of the penal code for the abolition of the disposal that allows a man to escape a sentence if he marries the woman victim of the rape. According to the international observer Freedom House the amend of Article 475 of the penal code, which stated that a rapist could escape prosecution if he marries his underage victim, maintains the prison terms but removes the possibility of exoneration (Web Source: Freedom House/Morocco, 2014). Controversy over the exoneration clause had raged since 2012, when 16-year old Amina Filali committed suicide after she was forced to marry her rapist. Human rights and women’s rights activists lauded the amendment, but called for further reform to criminalize violence against women and raise penalties.

Apart from this story of little improvement linked only on the law proposal, in Morocco women still face significant discrimination even if in the 2011 Constitution a progressive view is noticed on the aspect of gender equality. In fact in 2012 the Commission reported that Morocco, despite the removal of all reserves concerning the International Convention on the

elimination of all forms of discrimination against women, CEDEF, had not finalized the project of law for the implementation of the Law on the violence against women and asked for an acceleration of the legislative procedure.

In 2015 the Commission reported that, despite several recall on the need of the adoption of the law approving the facultative protocol of the Convention, it was not yet approved (European Commission: 4, 2015).

### *MIGRATION*

For what concern migrants the abuses of Human Rights are still extensive. In Morocco, in fact, the great issue is about migrants who try to arrive in the north of the country in order to pass through the Strait of Gibraltar. The EU is engaged with Moroccan authorities giving financial support for the Organization working to help sub-saharian migrants. Even if in summer 2014 a new migration policy was launched by the Parliament, the migration flows are too high and the Government efforts to reduce human rights abuses are not sufficient. According to the Report issued by Freedom House on Morocco the EU is “turning a blind eye to Moroccan’s abuses” and the aid is not well directed (Web Source: Freedom House/Morocco, 2013). In 2012 the Progress Report on Morocco issued by the Commission underlined the EU efforts and financial aid for the organizations working with the subsaharina migrants in order to provide access to basic services but the Commission in particular underlined the need for an institutional plan to implement a juridical framework for the refugees. In 2015 the Commission focused on the promising new policy launched in 2013 on migration but reported that the new procedure were not respected “for what concerned the expulsion of irregular migrants arrived in the north of the country” (European Commission: 4, 2015). It seems that only a superficial implementation of the reforms asked by the EU on the migrant and asylum matter has been done by the Moroccan government, continuing to violate human rights during the expulsion of migrants passing through the Moroccan territory. Freedom House reported that in the current situation the government has continued to accept aid from the European Union to stop migrants at the northern border with Ceuta and Melilla, as well as to thwart passage across the Strait of Gibraltar and the passage to the Canary Islands. Efforts by migrants to storm the fences in Ceuta and Melilla continue and Human rights abuses are extensive against the transient population (Web Source: Freedom House/Morocco, 2015

## *Conclusion*

The stories of Tunisia and Morocco can be labelled as consistent for what concern responses to the EU requests even if, for what concern the delays for the implementation of the newly reforms there is not so much evidence of successful achievements. In order to provide more consistent conclusions there is, therefore, the need to provide data with a higher level of disaggregation. Despite the lack of significant data this analysis of relevant documents and media reports provided a useful insight of the reforms made by Tunisia and Morocco

In assessing the role played by the EU in promoting democratic changes in Tunisia and Morocco a first consideration has to be made on the role played by an external body of the EU, for instance the Council of Europe and the Venice Commission.

This is, indeed, a successful story in terms of the Democracy promotion action of the EU and the perception of the European norms and values as being internationally recognised .

The President of the NCA National Constituent Assembly, Mr Mustafa Ben Jaafer, requested the advisory body of the Council of Europe about the Tunisian Constitution drafting process. Apart from the conclusion of the Venice Commission, that considered the new Constitution as being modern and respectful of the international recognised Human Rights, democratic values and also new rights like the Environment protection (Venice Commission, 2013), the importance is the act of opinion request *per se*.

Notwithstanding the Council of Europe cannot be considered as being part of the executive branch of the EU it represents, however, the European values and norms magnetism and the successful action in promoting democracy using the Soft Power of the advisory bodies such as the Venice Commission.

The EU assisted Tunisia from the beginning, starting with the importance attached to the new Electoral Law and the new Constitution and the enforcement of the “Instance Publique indépendante”.

Tunisia successfully engaged in this path for the enforcement of the Rule of Law that culminated with the adoption of the new Constitution, the establishment of a new Election Commission, and the formation of a politically neutral caretaker government under Prime Minister Mehdi Jomaa.

In the positive relation between the EU monitoring and requests and the Tunisian norms adoption of the provisions envisioned by the EU for the Rule of Law, an important aspect is the one of the Venice Commission.

What is impressive, though, in the analysis of the EU impact, is that the Commission almost stopped monitoring on the Freedom of Expression issue in Tunisia. Only in 2015 is possible to find in the Progress Report a mention to the need to implement the rights, expressed in the new Constitution, around Freedom of Expression (European Commission: 3, 2015). It seems that nowadays Tunisia has adopted a new and modern Constitution with great potential in terms of the establishment of Democracy, Rule of Law and respect of Human Rights, a new set of norms and values that are in the good way for a real process of democratization but, as in the case of Freedom of Expression, the implementation of those rights is not complete. In the country is reported, both by the EU Commission and by the international observers, that the right of freedom of expression in the field of media, printed press and internet, is not respected and journalists are still the target of governmental punishment. In this sense for what regards the Media, Tunisia established the “High independent authority for the audiovisual communication”, as requested by the EU, but on the other side improvements on the ground were not taken. In fact “defamation” is still widely applied today, especially versus journalistic reportages, in particular against those reporting on the conditions of workers or minorities.

It is possible to conclude that the EU did not act in a coherent manner toward Tunisia for what concerns Freedom of expression and the media, only in a superficial way Tunisia responded to EU requests adopting the new Press Code and establishing the “High independent authority for the audiovisual communication”.

For what concerns Justice the EU strongly engaged in requesting some changes to Tunisia. As already mentioned the new Constitution provides all the requirements the EU asked to the Country, the only issue reported was the delay to enforce the norms and effectively implement them. When in 2012 the Commission asked to adopt the legislative reforms in order to assure the independence of the Judiciary this motion was not listened and, the next year, the Progress Report was still reporting that Magistrates were nominated by the executive power. According to the Commission the reforms concerning the Judicial aspects were suspended in the precarious time frame of the elections of 2014 (European Commission: 3, 2015). The Judicial issue, therefore, suffered from the importance given to the first

democratic election of Tunisia and the entry into force of the new Electoral law and Constitution.

It is possible to conclude that the Tunisian's efforts to meet the requests of the EU for the constitutional reforms as well as those related to the Justice aspect have been met, they represent the will of the new Constitutional Assembly to engage in a democratization path together with the help of the EU and the European instruments for Democracy Promotion.

For what concerns the aspect of Human Rights, in the case of Torture the EU acted more as a mediator in order to let Tunisia meet the international standard. In fact Tunisia adhered to the Rome Statute and the Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention against Torture and the Bureau du Haut Commissaire aux Droits de l'Homme de Nations Unis was created in Tunis in 2011. It is possible to say, then, that Tunisia responded to the EU requests on Torture and after the ratification of the Protocol the EU monitored that Tunisian authorities were establishing the national mechanism for the prevention of torture (European Commission: 4, 2014).

It is clearly thanks to the new Constitution that Tunisia has also been praised for relatively progressive social policies, but it is not only because of the new norms.

In fact, for what concerns equality between women and men the 1956 status code, giving women same equality to men, has remained in force and today is further strengthened by the constitutional law that guarantees the legal gender equality. The EU action on this issue was to further improve an already well established right. In fact in 2012 the Commission experts asked the Tunisian Government to lift all the reserves on the Convention on the elimination of all form of discrimination against women (CEDEF). Eventually the reserves on CEDEF were finally lifted in April 2014 (European Commission: 1, 2012).

For what concern the adoption of the New Constitution, Morocco was positively reported by the EU experts because of the great majority of votes received (98%) assuring, in this way, stable and whole accepted values and principles. Morocco, additionally, was able to make fast improvements with the adoption of a new Constitutional Court and the Court of Inquiry. On the other side the EU frequently reported the delays for a real implementation of the constitutional laws, especially regarding those aspects related to equality between women and men, rights of association, meeting, manifestations and freedom of the press. In fact the current situation reported by the EU is that, despite the new formal constitutional laws that would assure the respect of the Rule of Law in terms of rights of manifestation, association



and gathering, those rights are not actually respected. Morocco, in fact, has made good progress in the last four years on the formal aspect but in practice is not respecting the Rule of Law. What the EU reported is the difficulty in the application and enforcement of the new Laws, the Administration therefore still owns the rights to forbid a public manifestation if it is considered not in line with the public order's standards.

What the EU underlined in the last Country Report was the abuse by the public Authorities of this "right" in order to block manifestations organized by the Civil Society without giving motivations. For what concern the European side since 2011 the Commission reported about the lack of a real implementation of the constitutional law on freedom of association, manifestation and freedom of the press, requesting a real adaptation of those norms with the new benchmark provided in the New Constitution (European Commission: 2, 2012). International observers, like the organization Freedom House, underlined how the EU actually gave a "blind eye" on those Moroccan's violations, namely not applying any type of negative conditionality in response of the monitored abuses (Web Source: Freedom House/Morocco, 2015). In the same way, for what concerns Freedom of the Press, Morocco made some positive changes with the adoption of a new Press Code, as requested by the EU Commission, but on the other side the international observers still report widely violations of the new rules on censorships and freedom of expression. It is possible to infer, hence, that on one side there was the European impact on the new Constitution for what concern the norms adopted in term of Rule of Law, namely the new Constitutional Law, the socio-economic freedoms expressed in the Constitutional Laws and the new Press Code. On the other side the democratization process is still incomplete and the EU is not applying serious Conditionality for the respect of those values that are, albeit noteworthy, inserted in the Constitution.

A story of success around the EU impact is the one of Justice Reform of Morocco.

In fact, in 2012, the Commission decided to condition the aid for the Moroccan's Justice Reform to the establishment of a strategy with clear objectives especially characterized by the establishment of the Magistrate Status and the "Conséil Supérieur du Pouvoir Judiciaire".

In 2015 the Progress Report actually reported the adoption of those two pillars, as requested by the EU (European Commission: 4, 2015); the impact is, thus, evident as a result of a clear European policy, with clear objectives and with the condition of the aid to a strategic plan.

It is possible to label the case of Corruption in Morocco as the prevalence of the Context variable vis-à-vis the EU pressure. In fact the Commission acted in a positive way toward Morocco in order to tackle the issue of Corruption providing financial and technical aid for the

elaboration of a project of law. The new Law, designed in order to aggravate the punishment for the public administration found guilty of corruption, in practice resulted regressive compared to the former one. Therefore Corruption in Morocco is still considered the central issue of Morocco's Rule of Law and the public perception of Corruption is even grown in the last years according to the international survey Transparency International (Web Source: Transparency International). In this case is not possible to accuse the inadequate European action in fighting against corruption, what is necessary is to take into consideration the presence of the context variable, i.e. the King and the King's court. Freedom House underlined how the King is, actually, an impediment for the eradication of corruption in Morocco most notably because of the wealth of the royal family with a stake in most of the public and private firms of the country (Web Source: Freedom House/Morocco, 2015). Moreover, from an US point of view, according to the United States State Department published by Wikileaks we are able to know how the US Embassy in Rabat considered that corruption is prevalent at all levels in the Moroccan Society considering one of the greatest impediment the economic interests of the royal family in all level of the Moroccan's economy (Web Source: The Guardian). A possible solution is to invest in the socialization aspect promoting a culture of honesty and honour that would spread from the Civil Society.

Indeed, for what concerns Human Rights and in particular Death Penalty, the EU worked together with the Civil Society triggering a bottom-up action for the elimination of the capital punishment and the approximation to the international norms on this matter. In fact, the petition for the abrogation of Death Penalty was successfully supported by the EIDHR, European Instrument for Democracy and Human Rights (Web Source: [eidhr.eu/Morocco](http://eidhr.eu/Morocco)). At last, Morocco responded to the European requests in terms of Migration Policy and the EU is still financially contributing to help the organization that work with the migrants arriving in the north of Morocco. Despite the efforts and the norm adopted by the Government the migration issue is still a difficult one and many Human Rights abuses against those trying to arrive to Ceuta and Melilla are frequently reported. For what concerns Equality between women and men Morocco seemed to have responded to the EU requests and financial commitment; in fact the EU plan of 45 million€ signed in 2012 eventually spilled over in a law proposal for the elimination of all discrimination against women and the consequent amendment of the Penal Code for the abolition of the disposal that allows a man to escape a sentence if he marries the woman victim of the rape. But this law amendment did not resulted in a significant improvement of the women condition in Morocco. It is possible to infer,

therefore, that this is a case in which only a superficial improvement was resulted in the aftermath of the EU pressure on Human Rights and even a technical aid has not resulted in the spill over effect of Socialization, remaining only a successful story on the Norm level.

Morocco is therefore on the path of democratization, having registered several adaptations to the EU requests in terms of Democracy, Rule of Law and Human Rights. The democratization impact and the EU Commission efforts in promoting certain values and helping to meet certain international benchmarks is incontrovertible as well as the importance of other variables. In fact, in the reforms analysed, it is possible to evaluate that despite the causal relation between certain EU actions and the Morocco's reforms other forces, whether domestic, regional or international played an active role. This responds to the hypothesis formulated in this research according to which Morocco was reported to be economically linked to the US and France and the domestic presence of the Islamic parties and the King were context variable to take into consideration when dealing with the control of the European democratic impact.

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