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1. “Democratic” foundations and principles of European integration.

Nobody can argue that the creation of the basis for further cooperation in Europe in the late 1940s was a direct consequence of the Second World War, the roots of which might have lain in the undemocratic principles of the aggressor countries. The European Economic Community, although created as the answer to the success of the Coal and Steel Treaty (1951) with the main goal of expanding the cooperation to other economy sectors, did then highlight its commitment to democracy and the rule of law stating in the Treaty Establishing the European Community (1957) Art. 103u. that “community policy in this area [development cooperation] shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms”. This commitment was further included into the Treaty on European Union (1992) Art. 177(2) and was also accompanied by a reference to the development and consolidation of democracy as the objective of the Union’s common foreign and security policy (Art. 11(1)). A reference to the principle of democracy can be also found in the next legal documents – Amsterdam Treaty (1997), Charter of Fundamental Rights (2002) and Treaty Establishing a Constitution for Europe (2003), the latter referring to democratic values not only in the values of the member states of the EU but also to the external actions of the EU. The Article III-292 states that promotion of democracy should, among other values, inspire the EU’s action on the international scene.

These strong legal foundations of the EU today lead to a couple of considerations. First, democratic principles have always accompanied the economic goals of the European project, not only being the common value within the Community but also being the basis for the EU’s external actions. Second, democracy promotion has been legally put at the heart of any EU foreign engagement.

2. European democracy promotion strategy in the Mediterranean Partnership Countries (MPCs). Why democracy promotion?

The evolution of the EU into a globally unique institution in democracy promotion has taken place not only due to its legal basis. These documents were only a reflection of deeper factors that contributed to the EU’s engagement and development of democracy promotion strategy.

Morlino¹ (2003) identifies five internal and five external factors which have prompted the EU to undertake democracy promotion. Among internal factors he enumerates: (1) the after-war pursuit of peace-building based on Western-democratic values; (2) evolution from an emphasis on economic cooperation to a political one; (3) military weakness; (4) EU's membership incentive; (5) well developed organizational capacity. External factors include different sources of experience for the Community: (1) 1970s and 1980s Greece, Spain and Portugal; (2) 1980s and 1990s post-Soviet bloc; (3) geopolitical location of Europe; (4) colonial history of key EU member states and finally (5) EU's assertion of having a global identity as a "community of values". As a result of all the factors mentioned and other sources of the EU's involvement in the global promotion of democracy the Community has been engaging in different world regions in order to disseminate the values of democratic political systems.

3. The Euro–Mediterranean Partnership Process until 2002.

However while the commitment to the promotion of democracy was deeply rooted in the EU's initiative towards CEECs, ACP states and Latin America it was thoroughly absent from the 1991 EU's Renovated Mediterranean Policy. This state of affairs was also present in the Barcelona Process formally started in November 1995. Signed on the 27th of November 1995 the Barcelona Declaration, despite the formal commitment of the parties to the development of rule of law and democracy, civilian freedoms and respect for human rights, was seen as vague, tentative and subject to many limitations, compared with the detailed timetables for economic liberalisation. Moreover, the EU's tardiness in imposing formal frames of political liberalisation was reinforced by the principle of non-intervention ensuring each partner the right "to choose and freely develop its own political, socio-cultural, economic and judicial system".²

The reasons standing behind the Barcelona Declaration's and Euro-Mediterranean Process' weak democratic solutions are varied and require further description.

Firstly, the European governments were afraid of the short-term results of the political liberalisation in the Med region and cautioned, however without any clear evidence, against stronger migratory pressures from the Arab countries. Therefore, despite the firm conviction

¹ L. Morlino, "Democrazie e Democratizzazioni", Bologna 2003.

² Barcelona Declaration, signed on the 27.11.1995.

of policy-makers that political liberalisation was necessary, the governments decided to play “the long game” in which political changes would be only discreetly suggested.

Secondly, the EU’s approach towards Med partners must be seen as a result of inner European bargains between southern and northern member states. The extent to which democracy promotion would be included in the Euro-Med process was the derivative of the northern countries acceptance of a new aid funding for the region. After the Schengen Agreement and Amsterdam Treaty the issue of immigration pressures became a common European concern and caused northern countries’ diminished insistence on harder political change within the EMP; however the critical pressure in relation to democracy promotion coming from the Mediterranean Forum³ was seen by other MS as undermining the EMP.

Thirdly, the weakness of the EMP process in the formulation of the democratic changes requirements came also from the business environment. The pressures of the main investors on initiating changes within internal governance structures, transparency of customs procedures, rising levels of corruption rather than political sphere were very influential in encouraging policy-makers to forget about political requirements. The private sector argued even that politicization of human rights and democracy could create new obstacles to good governance matters. Despite the fact that investors successively recognized that good governance was not only a technical but mostly political issue, the overall pressure from the private sector for democratisation was very weak.

The subsequent source of the failure of democracy promotion within the first 7 years of the Barcelona process is its “unconditional” character. As underlined by many authors, one of the main sources of remarkable democratic transition in CEEC states was the conditionality of the enlargement process in the form of the Copenhagen criteria, which referred strongly to political measures. This could not be the case in EMP as these countries do not have a membership perspective. However, the Med process is often criticized for not imposing any conditionality of financial aid in relation to the democratic shortfalls. As Youngs argued: “There was no consideration of suspending MEDA funds on political grounds, this contrasting with the EU’s willingness to withhold parcels of aid where economic reforms failed to materialize”.⁴

The Barcelona Process was formulated upon the assumption of spill-over from market reforms to political liberalisation. This assumption was based on two premises: (1) that

³ Consisting of Algeria, Egypt, France, Greece, Italy, Morocco, Portugal, Spain, Tunisia and Turkey.

⁴ Youngs R., “The EU and Democracy Promotion in Mediterranean: A New or Disingenuous Strategy?”, 2002, available at: www.liv.ac.uk

economic instability in the region was seen to be inimical to generating democratic changes and (2) that economic successes would enable the elites to collect enough power to press for implementing political reforms. Both these sources of assumption were strongly criticized for their vagueness. It was imputed to the former that the asymmetric economic impact of the Barcelona Process may aggravate radicalism among Islamist groups for the unequal treatment of different EMP countries. As far as the second is concerned, in order to advance in preparation for FTA, the governments selected companies from their own networks of support and therefore did not cause the spill-over effect (in case of Tunisia, Syria and Egypt with Morocco being an exception). In addition, the EU itself weakened the spill-over effect by not opening up its agricultural and textile markets in due time. Moreover, the potential effect was also diminished due to the type of European FDI flowing into Med countries. Not only did they remain on very low level, but their presence in areas such as energy and communications infrastructure provided state elites with greater support and frustrated expectations of them turning to political changes.

The priority given to supporting economic changes was reflected in the allocation of financial resources for the region. Only 0.3% of all the European aid funds were spent on democracy issues, compared to about two hundred times more money given to economic reforms. This allocation was the worst, in terms of democracy promotion, of all European initiatives (in the ACP countries 21%, in Latin America 17%), and was less than 1 euro per capita in all Mediterranean states. Moreover the quality of projects funded confirmed the weakness of real genuine strategy towards the region. Until 1999 only 16 out of 290 NGO projects concerned reform of state institutions, 22 were classified directly as aimed at building democracy, compared with 77 going to civil society. In its funding strategy the Commission, although a supporter of the bottom-up approach, also rejected top-down democracy assistance, which resulted in its shying away from funding projects opposed by Mediterranean governments. The EU's support was therefore very narrow, giving no funds to groups such as professional associations, syndicates, teaching circles, neighbourhood organizations or craft groups – potential sources of Arab democratic reform pressure. In fact, Mediterranean governments had a lot of say when it came to the decisions on selecting projects.

The EU's tentative approach towards democracy promotion in frame of EMP of late 1990s and early 2000 was caused by the uncertainty of its own goals in the region. As a result it is appropriate to judge the first 7 years of the EMP process as unsuccessful as far as democratic reforms are concerned. The EU's refraining from more courageous steps towards open

discussion on political changes might have contributed to the fact the Mediterranean came to perceive democratisation as unnecessary prerequisite for further cooperation with the EU.

4. European Neighbourhood Policy towards MPCs.

The tone and intensity of the EU's commitment to the promotion of democracy in its neighbourhood changed in March 2003 when "Wider Europe"⁵ was adopted. Here it was clearly stated, as opposed to the earlier conviction, that: "Democracy, pluralism, respect for human rights, civil liberties, the rule of law and core labour standards are all essential prerequisites for political stability, as well as for peaceful and sustained social and economic development. ...Yet political reform in the majority of the countries of the Mediterranean has not progressed as quickly as desired".⁶ Further commitment of the Council confirmed the EU's changed approach⁷. Further steps were soon taken – on the 12th of May 2004 the Commission produced a Strategy Paper and seven Country reports (among them MPCs – Israel, Jordan, Morocco, Palestinian Authority and Tunisia) as a basis for further progress in the form of Action Plans signed with each individual country. Action Plans, firstly, did include genuine requirements of political reforms in Med countries. They covered precisely defined laws to be implemented; changes in existing laws; enhancing powers of local governments; ensuring the civilian freedoms; and were divided into short and medium-term actions.

ENP is seen as a shift in how the EU perceives democracy promotion amongst its neighbours. Although it still relies on rather institutional, top-down model of reform, some changes have been recognized, which will be the subject of the following chapter.

5. Understanding Arab reforms.

Introducing political reforms in the whole Arab world has become one of the most often-repeated themes since September 2001 among both political elites inside the regimes and outside the MENA countries, in particular in the US. Amy Hawthorne (2004)⁸ however does not see in this fact a wholly new stage in Arab politics but rather an evolution of an already-existing liberalising trend. The pursuit of political reforms in the Arab world has been present

⁵ Communication on „Wider Europe Neighbourhood: A New framework for relations with our Eastern and Southern Neighbours” (COM(2003)) 104 final, 11.03.2003.

⁶ Ibid., p.7

⁷ GAER Conclusions on Wider Europe – New Neighbourhood, p.1

⁸ Hawthorne A., "Political Reform in the Arab World: a New Era?" in: *Daily Star*, July 7th, 2003

for the whole 20th century and was in most cases the regime leaders' way of bolstering their credentials (Hawthorne, p. 4).

The greater pressures on political transformation in the Arab world, including Med countries, came from two sources. External ones included in particular the US plans to make the democratic transformation of the MENA a cornerstone of their war against terrorism. This was clearly seen in the introduction of "forward strategy for freedom" reflecting an evident shift in US policy and replacing the former unquestioning support for authoritarian regimes. New instruments were launched including the Middle East Partnership Initiative (December 2002) and Broader MENA Initiative of June 2004.

These activities, accompanied by strong media coverage delivering pro-democratic news, were greeted by Arab governments in two different ways. One was characterized by scorn towards Washington's recasting itself as a saviour and democratic model while representing the totally opposite stance in practice. Second, a deeper level was represented by political elites which, emboldened by US initiatives, found the courage to voice their opinions publicly. Another level of the US engagement in the Arab world concerned the war in Iraq which, as Hawthorne argues, added to the reform ferment, but not as the Bush administration had predicted. On the one hand it exposed Arab governments to new challenges from citizenry, on the other hand however it gave space for governments to present themselves internationally as reform supporters, as was the case in Egypt and Jordan.⁹

External factors would not have been sufficient to start a debate on democratic liberalisation if it had not been for strong internal pressures. After 9/11 Arab governments realized that security measures were not enough to face the terrorism danger and therefore many of them started discussion on a more open political scene. The need for reforms was enhanced by the internal economic situation with high unemployment rates, poor education system adjustment to the global economy's requirements, low levels of FDI and other socioeconomic factors. Moreover the UNDP's Arab Human Development Report was highly critical and reflected the necessity of more genuine reforms. The willingness of some Arab governments to liberalise their political systems can be also attributed to the late 1990s injection of new blood into the leaderships in Morocco, Jordan, Syria and Bahrain. Young leaders, at least in the beginning, made clear commitments to the rhetoric of reforms. However as will be shown, it was very limited. A final internal factor reinforcing the idea of reforms can be seen in changing trends

⁹ Jordan King decided to react activity of the Parliament and held elections in 2003, Egyptian leader pushed a package of modest political reforms

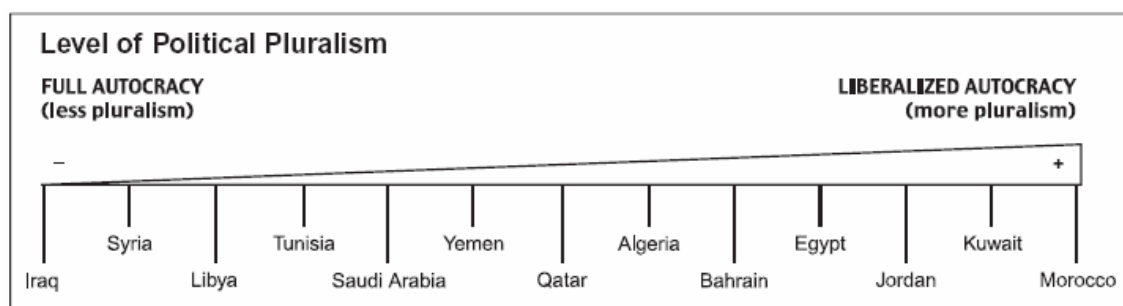
among the Islamist movements – mainly the Muslim Brotherhood – and them becoming more open to democratic changes.

6. Liberalised autocracies of the Med region – susceptibility to political reforms.

To understand the mechanism of current reforms to the political systems one has to become familiarized with the concept of liberalised autocratic systems in most of the Med countries. This kind of system can be placed between full autocratic regimes, in which there are no citizen freedoms and no openness for political competition; and full democracy which covers among others things free, fair, equal and regular elections, respect for human rights, civilian freedoms and accountability of the authorities. Liberal autocracy tolerates and promotes some level of political openness, introducing competitive elections, universal suffrage, enhanced women’s’ rights and civilian freedoms while at the same time ensuring that the final say belongs to the ruling apparatus.

In his essay “Liberalisation versus Democracy” Daniel Brumberg locates the following Arab states – including 7 covered by the ENP – on the “level of political pluralism” scale.

Table 1. Political pluralism in some of the Med countries.



Source: Brumberg D., “Liberalisation Versus Democracy: Understanding Arab Political Reform”, 2003

Conclusions taken from the simple graph lead to the comment that most of the Med states covered by the ENP can be characterized as liberalised autocracies and therefore it is easier for them to sustain liberalisation strategies.

According to Brumberg, typical for liberalised autocracies’ attitude towards reforms includes implementing:

- Partial legitimacy and national reconciliation: This means moderate toleration of opposition movements, introducing free elections, state-managed political

liberalisation i.e. partial reforms by the top-down model, which as a result brings benefits to the regimes.

- Partial reform of civil society laws and organizations: Promotion of new and small NGOs, which are still under the state control and allowing them to provide some services but in parallel putting limitations upon them e.g. restrictions of foreign funds,
- Partial reform of economies: Promotion of FDI inflows, partial privatisation, still leaving many fields of business in state hands.
- Partial reforms of Parliaments and Electoral Systems: Allowing for free elections and party participation while at the same time leaving a very weak position for the legislative authority, having no control over the executive and being exposed to the leader's ability to suspend it constitutionally. Brumberg refers to that as the rule *by* law, rather than rule *of* law, meaning that the legal acts are always in accordance with the leader's will, which gives him the constitutional right to manipulate them.

These all restrictions to the reforming path of state systems bear long-term costs for all liberalised autocracies. These are as follows: (1) an ideologically fragmented civil society and weak political society; (2) giving capitalism a bad name; (3) reinforcing Islamist Power, nurturing civil conflicts; and (4) the trap of a "transition to nowhere". The size of these costs varies from country to country and depends on different factors such as the longevity of the liberalised autocracy, size of population, level of economic crisis, rate of political survival and regime type. Basing on these measures Brumberg distinguishes two types of states, depending on the democracy promotion strategy type that suits them:

1. Morocco (together with Qatar, Bahrain and Kuwait): potential candidates for moving beyond liberalisation toward democracy;
2. Algeria, Egypt, Jordan: candidates for a more incremental approach, meaning slower process of opening to democracy.

7. Which go first ? – economic versus political reforms.

In the same period of time MENA countries have been subject to of two correlated processes. While the rest of the world has for nearly two decades experienced economic growth, Med countries have faced economic stagnation. In the same time democracy has spread in some world regions such as: Latin America, Central and Eastern Europe and Asia; leaving the

MENA region aside. This exceptional phenomenon of countries resistant both to economic and political reforms has borne enquiries into mutual correlation and a sequence of different types of changes to be introduced. Namely: does the linkage between economic and political reforms assume any pre-conditionality? Which of them ought to be introduced first?

The above questions have been addressed differently in different periods, depending on the experience represented by countries under reforms. From the 1970s until the early 1990s researchers were unanimous that economic reforms should precede democratisation as authoritarian regimes, not prone to changes due to lack of elections, are more able to have a long-term view on the economy and therefore are more willing to introduce sometimes painful changes. Examples can be found in South Korea, Chile and Singapore. The shift in this kind of perception came by the mid-1990s, when new CEECs transformed their systems to democracy and were able to conduct comprehensive economic reforms, while those under authoritarian regimes (Ukraine, Belarus) did not. This all has discredited the “economic first” model to the advantage of the “political first” one, however this is still questioned by many authors.

Eva Bellin (2004) concludes this analysis arguing that regime type is too blunt a variable to predict the mechanism questioned. Instead, she pointed out other factors determining potential economic success: institutional endowment (effective bureaucracy, party system); leadership; level of crisis; power of organized interests; international context; and the country’s international clout. Her arguments bear important lessons for the MENA region: that democracy is not a necessary precondition for economic reforms, however some measures of political liberalisation are imperative. She claims: “Authoritarian regimes in the MENA region must be persuaded to shift from a strategy of political survival based on discretionary patronage to a strategy based on successful developmentalism”.

The question of whether economic liberalisation is a precondition of political change should be investigated separately. Some political scientists discredited the importance of economic variables for the transition towards democracy,¹⁰ underlining the significance of other factors such as leadership, institutional arrangements, and others. Eva Bellin¹¹ concurs with this view, arguing that institutional variables were the first reason for MENA countries’ failure to catch the third wave of democratic transition. Therefore, the economic situation bears differences, as far as democracy development in the MENA region is concerned. She finds the reasons in

¹⁰ Haggard and Kaufman, “Economic Adjustment,” 320.

¹¹ Bellin E., “The Political-Economic Conundrum: The Affinity of Economic and Political Reform in the Middle East and North Africa”, 2004

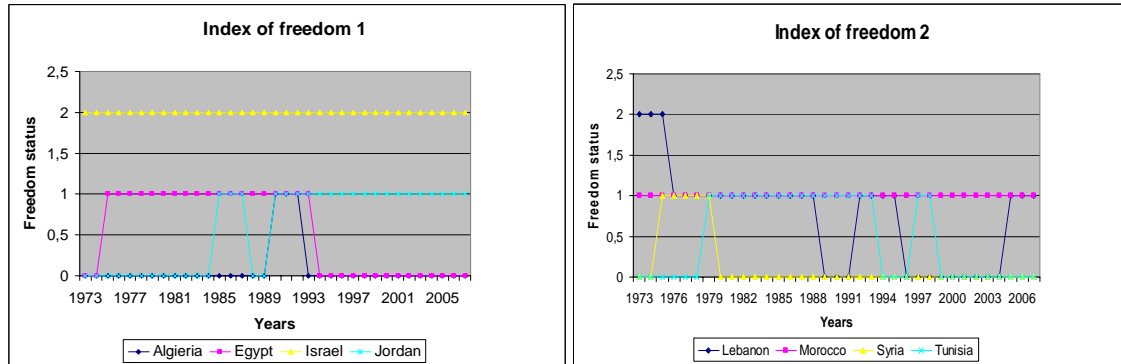
different fields. Firstly, economic development brings private sector capital and organized working class voices to the scene and since they perceive the state as hostile to their interests they may become a strong group of agents of democratisation. Secondly, as the findings show, the concept of democracy survival strongly correlates with per capita GNP. A country reaching the threshold of \$4200 has a better chance of surviving, while there has been no single democratic state with per capita \$6,050 that ever collapsed.¹² This does not mean any economic determinism of democracy but it clearly shows the simple correlation between the two. The linkage between per capita GNP and democracy has been attributed to many reasons, among them better education, “greasing the wheel” of conflicts, and the larger size of the middle class. In the case of MENA countries, economic development could not only be linked with democratisation but even with the initiation of democracy. Belin shows an interesting correlation between the economic situation and one of the staunchest obstacles to democratisation; the spread of Islamist radicalism. She claims that even though the causes of radicalism cannot be reduced only to the economic (unemployment rates, stagnating living standards), they promote its spread. Therefore, addressing them could be a way of diminishing the problem.

As it was shown above there is no evident proof that economic or political reforms are preconditions for each other. A country must neither become a democracy in order to liberalise its economy, nor must it introduce economic liberalisation in order to open its political space. However the correlation between the two does exist and indicates that economic liberalisation leads naturally to the political openness, but the former demands already some level of political liberalisation. Therefore the next section will deal with political system changes already introduced and to be implemented in two of the most advanced MPCs in terms of political openness – Jordan and Morocco).

¹² See: Adam Przeworski, Michael Alvarez, Jose Cheibub, and Fernando Limongi, “Democracy and Development”, New York, 2000

8. Domestic political reforms.

The situation in MENA countries covered by the ENP is differs in terms of political freedoms over the last 30 years. Graph 1 presents the level of freedom indexes in the period 1973-2006 for 8 of the MPCs.



Source: Freedom House Index, 2006

Most of them are classified by Freedom House as “partly free” states. In the analysed period countries like Jordan (turquoise colour on the left graph) advanced from the 0-level and had some ups and downs, which reflected concrete changes on political scene (see below). Other states such as Morocco do not seem to undertake any freeing reforms as the pink line on the right side has been horizontal since 1973. Despite this Morocco, as it will be shown, did implement democratic reforms. These two countries are subject of the deeper analyses.

A. Jordan.

Jordanian political reforms introduced to date are, despite their substance and straightforward politically open character, delusive in their real motivation and aims. Although, as the Freedom House indexes show, Jordan is now recognized as partly free state, compared to the late 1980s when it was assessed as not free, the partial opening of the political space did not serve to transfer power to the elected institutions and therefore did not result in democratic change, as will be shown.

The Jordanian political system, a constitutional monarchy, must be seen in correlation with the state’s history which, rich in regional conflicts and numerous coup attempts, let the monarch stay in power due to his manoeuvres in political measures. Since the early 1920s Abdullah I consolidated his rule by building a coalition with tribal leaders and at the same time shifting the electoral balance from urban to rural areas, citizens of which are more loyal to the king. The problem has remained until now and caused the situation of under-

representation of urban population (for example, one seat in the lower house of Parliament represents 85,728 people of urban Amman and 19,691 of rural Tafila). The constitution of 1952, despite its democratic provisions, is very vague in this respect. The king appoints the prime minister and the cabinet which is not accountable to the elected legislative. Members of the upper house (Senate) of the parliament are also appointed by the king and because Senate approves laws passed by the only elected institution – lower house – it leaves no real space for opposition voices. The position of the king has also been historically strengthened due to successes in resolving serious regional conflicts. At the same time political reforms served the royal rulers to temper the domestic situation, as was the case in 1957 when the activity of political parties was forbidden after a number of coup attempts, and when martial law was declared after 1967 Arab – Israeli war. Moreover, in 1968 the Parliament was dissolved and its activity suspended for more than two decades. Successively the role of security and intelligence services has increased, which contributed to suppression of political activity.

King's Hussein political reforms of late 1980s and early 1990s were a consequence of the declining economic situation, caused also by decline in the US support, which in result undermined the credentials of the monarch. In this situation the king decided for partial political openness. This covered allowing parliamentary elections in 1989, the first for 21 years; restoration of the political parties; and liberalisation of the Press and Publication Law in 1993. However, as soon as he saw an opportunity to win back US financial support during the Madrid Conference, he started undermining the earlier democratisation path. In August 1993 a new electoral law was implemented. The so-called "one-person, one-vote" system allowed voters to choose only one candidate from the district, which bolstered tribal candidates and weakened political parties. This step strongly reduced Islamist Action Front MPs' participation in the parliament¹³ and enabled Jordan to ratify the peace treaty with Israel in October 1994. In 1997 new restrictions were put on the press law however by 1999, owing to the firm stance of the High Court of Justice, the law was liberalised.

Arrival of the Hussein's young son Abdullah to the throne bore new hopes concerning political changes, which initially were announced by the monarch himself. However the young monarch prioritized economic reforms over political ones, which resulted in the Jordan's new program with the IMF, its entry into the WTO in 2000, and the Free Trade Agreement with the USA in 2001. Moreover, the Jordanian regime succeeded in domestic economic reforms, such as partial privatisation, however still strictly controlled by the palace,

¹³ 22 in 1989 comparing to 16 in 1993, and 12 independent comparing to 6.

setting up Qualified Industrial Zones with the goal of increasing FDI, passing new laws concerning intellectual property and antitrust regulations.

The aftermath of the 11/9, collapse of the Palestinian-Israeli peace process and break-up of the war in Iraq brought new restrictions to the Jordan political system, showing the state's susceptibility to regional turmoil. In June 2001 the Parliament was suspended once again and the King, based on the constitutional provisions allowing him to act as a legislative power, issued more than 200 provisional laws that restricted civil liberties such as the right to public meetings and rallies, freedom of expression and association. To turn public attention away from the above-mentioned changes, in the following years the King launched new initiatives indicating the regime's pursuit of modernization. "Jordan First" of October 2002 was introduced to "strengthen the foundations of a pragmatic, democratic state"¹⁴; a new Ministry of Political Development (December 2003) whose vision is to "promote the concept of political development in which all society sectors and its political forces participate [...] characterized by accountability[...]"¹⁵ was created; and the National Agenda of 2006 was prepared to "help to build a strong economy, guarantee basic freedoms and human rights and strengthen democracy and cultural and political pluralism".¹⁶ Although pioneering, all these projects are vague on any concrete liberalised changes to be introduced by the government. Instead, in March 2006 a draft party law was issued and includes amendments setting a higher (200 comparing to current 50) minimal number of founders of parties and imposes new requirements on the members who should come from at least five of twelve Jordan districts. The newest Freedom House Report also emphasizes concerns that recently introduced anti-terrorism legislation will curtail civil liberties.¹⁷

Analysts see three main sources of Jordan's refraining from introducing political liberalisation¹⁸ and as a result, three possible roots of potential pressure for change if the problems are addressed appropriately. Firstly, the prospect of resolving Palestinian-Israeli conflict and the future of war in Iraq. Government officials have argued that fundamental changes to the electoral law cannot be made until the peaceful settlement of the clash. Government opposition derives from its fear of plausible Palestinian demands for the creation of their sovereign state in Jordan and in particular after Hamas' latest victory in the January

¹⁴ www.mfa.gov.jo

¹⁵ www.mopd.gov.jo

¹⁶ www.nationalagenda.jo

¹⁷ www.freedomhouse.org

¹⁸ Choucair J., "Illusive Reform: Jordan's Stubborn Stability", 2006

2006 elections. Moreover, the Amman bombing of November 2005 showed how vulnerable Jordan might be to the conflicts in its neighbourhood. Secondly, there is no strong and united opposition movement which could successfully call for reforms. Civic associations cannot engage into politics, trade unions are not independent, workers' ability to associate is very restricted and professional associations controlled mostly by the Muslim Brotherhood are not institutionalized to counteract government policies appropriately. What is more, political parties, due to long period of their absence, are very weak and fragmented and the only potential candidate is the Islamic Action Front which, because of unfavourable electoral law gained only 17 out of 110 seats in the last elections. The third serious obstacle to reforms is the strong regime support base. Businessmen, clerks and others linked to the palace constitute major backing for the monarch. Possible economic reforms already introduced seem to reduce the level of support, as the short-term outcomes will include dismissals from the administration, limitation of agricultural subsidies, and privatisation.

In this context the role of external actors and in particular the European Union in bringing in political liberalisation should be considered. The Barcelona Process covered Jordan since it signed the Euromed Association Agreement in 1997 (in force since 2002). The document was very skimpy in calls for democratic reforms, rather concentrating on fostering economic relations. The May 2004 Country Report prepared a basis for an Action Plan which covered more concrete EU requirements in terms of political liberalisation, for example a national dialogue on democracy and political life; independent judiciary; freedom of media and expression; and equal treatment of women, dividing them into different duration categories. Moreover, the National Indicative Programme 2007-2010 sets out as a strategic objective supporting Jordan's political reform and allocates the modest sum of 17 millions euro for projects within it. This all shows the EU's evident commitment to the promotion of democracy in Jordan, however its current achievements in introducing or imposing obligation of political reforms have been minimal. Chouair discerns the reasons for the EU's modest shying away from promoting political reforms in other strategic interests. Jordan, as expressed in the Strategic Paper of 2004, is for Europe a "stabilizing and modernizing factor" and therefore, she remarks, it is unrealistic to see any prospects of an EU reasonable change soon. However in the long-run it is the EU's *raison d'état* to have Jordan's open political scene. The most useful tool that the EU has at its disposal is economic assistance and trade relations that have never been made conditional on political reforms in the country. The Association Agreement includes an article allowing for plausible suspension of aid and trade assistance but the provision is ambiguous at the least. Other recommendations would consider

supporting reformist voices in Jordan through direct assistance and placing more efforts on funding independent (not “royal”) NGOs.

More precise recommendations for political reforms to be introduced in Jordan are, among others, as follows:

1. Political Party Law – liberalising the requirements for founding a new party
2. Electoral System Law - reintroducing the previous electoral system of as many votes as seats in the district based on proportional representation,¹⁹ changing the sizes of the districts
3. Freedom of expression – amending Article 150 of the penal code criminalizing certain types of peaceful expression aiming at, for example, criticism of the royal family.
4. Freedom of press and media – incidences of unfair journalists’ imprisonment
5. Freedom of religion – cancellation of law requiring Islamist preachers to get government permission
6. Freedom of assembly – amending the Law on General Assemblies banning public demonstrations without governor authorization
7. Freedom of association – amending law allowing the Ministry of Social Development to manoeuvre when licensing NGO status; retraction of prohibition of NGOs engagement into politics
8. Independent judiciary system, reforms to 2001 temporary law denying right of appeal
9. Enhancing women’s rights concerning inheritance, divorce, child custody

Jordanian political reform history has shown that whenever any political liberalisation was introduced the right motivating factors behind it were at least different from the willingness of the monarch to delegate and distribute the political power. Therefore, despite being numerous, they have not led to the democratisation of the system. They still lack the basic characteristic of recognizing the source of power in the nation. This might be due to a top-down rather than bottom-up model of imposing the changes which was strictly controlled by the regime to prevent total openness. This was caused by various internal and external factors which place a pivotal role in Jordan’s remaining classified by Freedom House as “partly free” for the past

¹⁹ Deep analysis of necessary reforms of the electoral system are presented in the “Assessment of the Electoral Framework” prepared by Democracy Promoting International in January 2007

15 years. Whether it will advance on the scale of freedom level depends both on its domestic commitment to the reforms and external engagement in the democracy promotion process.

B. Morocco.

Morocco's horizontal line on the "partly free" level seems to suggest that the country's political situation has remained constant and unchanged since the mid 1970s. The reality is nothing of the kind. The reform process of these three decades has brought significant, positive, changes. Human rights have been improved, women's rights have been ensured, party pluralism enacted and bicameral parliament introduced. However these and many other reforms may be perceived also from another perspective. Because they were top-down implemented changes, none of them was stimulating a genuine democratic transformation. The real power of governance has still remained in the king's hands who is constitutionally entitled to dissolve the parliament and government at his will, introduce his own legal acts and appoint the government without taking the elections results into account. This all leaves an open question on whether the to-date reforms have moved the Moroccan political system closer to democracy and if not, what factors could contribute to more courageous steps towards political openness in Morocco.

Morocco gained its independence in 1956 and since the very beginning its monarch, King Mohammed V initiated the process of centralizing power in his hands, sidelining threatening political parties, and developing a strong security apparatus that allowed him to control every sphere of political life in Morocco. After his five-year-reign the power was inherited by his son Hassan II, who ruled for next 38 years. The control he had was the result of a couple of factors. The heritage of a centrally governed state left to him by his father was supplemented by provisions of the first Moroccan Constitution of 1962. The highest law confirmed the king's dominant position in the state, giving him right to nominate and dismiss cabinet at his own will, to dissolve parliament and issue binding legal acts. Furthermore, the king's powers were reinforced by the fact that he was and still is considered to be a descendant of the prophet. Until early 1990s his reign was associated with serious repressions, in particular in the 1960s and 1970s, when thousands of regime opponents were either imprisoned and tortured or even disappeared.

The early 1990s brought a modest hint of changes, caused chiefly by a changing international situation rather than by shift in the King's perception from the previous decades. The 1992 European Parliament refusal of further financial aid packages because of poor records in human rights was a first, and considerable, source of pressure for democratisation. This was

then reinforced by the Algerian war and its possible causes of Moroccan internal instability, as well as by a deteriorating domestic economic situation after a series of droughts which struck the country. This all led to increasing support for Islamist groups and the king's willingness to introduce partial political reforms. They covered four main areas: higher respect for human rights; increasing in the parliament's power; political party life; and curbing corruption. In the field of human rights, the Consultant Council of Human Rights (CCDH) and Ministry of Human Rights were formed, a number of political prisoners was released, major international human rights conventions were ratified and laws denying public demonstrations were liberalised. In 1992 and 1996 constitutional amendments giving a basis for bicameralism were seen by many as a significant step towards an enhanced role of voters. However it was only partially the truth as the higher chamber was indirectly elected by professional organizations and local councils linked closely to the palace. Furthermore, the 1996 constitutional amendments reduced the importance of the right granted to parliament in 1992 to approve the budget by conferring on the king not only the right to veto parliament bills but also to amend them and issue new ones without any parliamentary acceptance.

Another significant change was accomplished in the field of party life. After 1997 elections, instead of turning to the palace parties to form the government, the King requested the leader of the opposition socialist party USFP to form a cabinet. In conditions of increasing Islamist support the USFP agreed to be co-opted and the *alternance* was achieved. It was seen by many outsiders as further strong support of the regime to political openness, however in fact it was still ambiguous. By co-opting of the USFP onto the government side the King did not limit his own powers and therefore the step brought him pure benefits in the form of recognition of the regime as favouring democratic change.

In other fields the King allowed open discussion of to date taboo subjects, in particular corruption, thus initiating the process of changes continued later by his son. Furthermore, the reforms concerned also the civil society issues of women's rights and community associations. Since 1999 they were inherited by 35 –year-old Hassan's son, who became the new king Mohammed VI.

Initial expectations of a possible new era of political change related to the young, modern “king of the poor” were quickly quelled when the monarch turned out to continue the modest top-down path of human rights improvements, fight against corruption and controlled political inclusion, initiated by his father. However these steps were deeper and more courageous. Mohammed VI released an additional number of political prisoners, strengthened the CCDH, and abolished torture. The most significant step was made when the King acknowledged the

government's responsibility for disappearances and other human right abuses and set up in 2003 the Instance Équité et Réconciliation (IER) to review the past 1956-1999 individual cases of abuse and compensate for them. Despite the criticism of its work the IER was an unprecedented institution, all the more so because focused on the King's father's past regime history.

Mohammed VI's further political reforms concerned mostly women's rights. He completed liberalisation of *Mudawwana*. A new family code raised the minimum marriage age of women from 15 to 18, allowed more equal rights to divorce for women, and restricted polygamy, thus placing Morocco as an example to be followed. The fight against corruption was continued: a Transparency International department was established in the country, newspapers were allowed to inform on the issues of corruption cases and in October 2005 an independent organization to fight corruption was announced to be established (but still does not exist).

To sum up implemented changes to date, one must say they were significant for Arab standards. They transformed Morocco into a more open state and society. However two sources of criticism should be mentioned. One is that there is a difference between written rights of women and their being invoked in court, and the second brings concerns about the realm of genuinely political reforms, i.e. to what extent they led to an open political scene and distribution of powers. In these sources one should find reasons for Morocco's long-lasting "partly free" level of freedom indexes.

There are still prospects and hopes for more concrete democratic changes. According to Ottaway and Riley (2006)²⁰ they should include reforms made in order to:

- restrict power of the monarchy;
- institutionalize the separation of the legislative, judicial, and executive powers;
- allowing elected institutions to play a real role in governance;
- making the judiciary independent;
- revise the press law which still forbids and penalizes anti-regime votes.

Such reforms are not able to come directly from the "top". Ottaway argues that in Morocco such a pressure should come from other political forces, and therefore it is essential for all

²⁰ [Marina S. Ottaway](#), Meredith Riley, "Morocco: From Top-down Reform to Democratic Transition?", 2006

democracy supporters to help the emergence of independent political forces that will neither be suppressed nor co-opted by the king.

However, the issue of what kind of force these should be is very complicated. One possibility is secular parties. Yet the problem is that despite their common agreement on reforms' necessity they are highly fragmented. Furthermore they are "old, tired, and lacking in initiative. They are as much in need of reform as the political system itself".²¹ The biggest of them, Istiqlal and USFP, are part of the government and thus cannot be currently any source of reform pressure. The other possibility is Islamist movements, which in comparison to the secular parties are "young, vigorous but also untried"²². Ottaway sees in the Islamist party – Justice and Development Party (PJD) – the most serious challenge to the King. In the previous elections in 2002 it gained the third biggest number of seats in the lower house. Its role in the post-2007 elections period will depend on the PJD's ability to resist co-option by the palace.

In other words the chance of introducing a bottom-up model of real political reforms, although not impossible, would require the coincidence of a few conditions: results of elections; PJD avoidance of co-option; secular parties' readiness to reorganize; and renewed unification of all parties in exerting pressure on the monarch and his positive response to that. This coincidence, however independent of any power, can be facilitated not only by internal activity but also by both US and EU efforts.

The role of outsiders in the process of democratisation may turn out to be crucial. Yet this role is questioned by both the US and the EU on whether democratisation should be made a priority in their engagement in Morocco. The European documents concerning EU-Moroccan relations clearly emphasize the priority given rather to social and economic issues. The 2007-2010 National Indicative Program allocates its resources for social and economic fields, reserving a modest 10% of the total sum to governance, human rights and institutions. Ottaway sees the EU's role in encouraging the secular parties' leadership to reform their organizations by providing training for political parties, which has already been initiated by the US. At the same time, as 1992 European Parliament decision showed, making financial aid dependent on the progress in real political reforms could bring desirable results.

Morocco's path towards more a open state turned out to be ambiguous. Although the changes introduced in particularly in 90s were numerous, they were strictly controlled by the regime

²¹ Ibidem, p. 11

²² Ibidem, p. 13

and therefore did not serve to delegate real power to directly elected bodies. The King remained in power, while presenting himself as a supporter of political liberalisation. The changes that brought some practical results concerned rather human rights, civil liberties and protecting women. The party system and structure of the authorities is still far behind democratic principles. This leaves possible space for external actors, which should make their assistance to democratic changes more concrete, supporting main bottom powers (opposition parties) – plausible drivers of the reform process.

9. Summing up.

Since its very beginning the European project was based on the principles of democracy. When the internal situation was moderated and the Community was becoming an international actor, democratic principles became the basis of its engagement in different world regions. However, the presence of democracy promotion and its intensity differed depending on the region concerned. The Barcelona Process, which was the initial step of deepening cooperation with the Mediterranean countries of North Africa and Middle East, was expected to include a democracy package. It soon turned out that economic liberalisation became the priority of the subsequently signed documents and political changes were not the subject of any financial aid conditionality. The change in EU's perception of its role in the process came in the early 2000s and together with creation of the European Neighbourhood Policy. Since then more attention was given to democratic reforms, however the biggest portion of the financial aid was still directed to the economic priorities. This paper shed some lights on this criticism of the international actors and their low level of engagement in pushing for political change. However this role must not be perceived apart from the internal situation in the countries concerned.

Both Jordan and Morocco have introduced some positive changes in the direction of democracy. However their significance is smaller if one takes into account the lack of other, more important democratic mechanisms which would enable the real transfer of the power. Both kings are not interested in such a change and therefore the present “top-down” model will have to be replaced by a “bottom-up” one. This however will not happen overnight as the “bottom” is very weak and fragmented. Here the international actors should play their roles according to the needs and conditions inside each individual country presented in this paper.