

Annex

From the EMP to the ENP: New European pressure for democratisation?

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Table 1: The European Neighbourhood Policy (ENP)

GEOGRAPHIC COVERAGE	Eastern Europe	Belarus, Moldova and Ukraine	
	Southern Mediterranean	Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestinian Authority, Syria, Tunisia	
	Southern Caucasus	Armenia, Azerbaijan, Georgia	
OBJECTIVES	<ol style="list-style-type: none"> strengthening stability, security and well-being for EU member states and neighbouring countries, preventing the emergence of new dividing lines between the enlarged EU and its neighbours. 		
WHAT IS OFFERED	Short term: Reinforced political, security, economic and cultural cooperation (through 11 incentives)	<ol style="list-style-type: none"> Extension of the internal market and regulatory structures; Preferential trading relations and market opening; Perspective for lawful migration and movement of persons; Intensified cooperation to prevent and combat common security threats; Greater EU political involvement in conflict prevention and crisis management; Greater efforts to promote human rights, further cultural cooperation and enhance mutual understanding; Integration into transport, energy and telecommunications networks and the European research area; New instruments for investment promotion and protection; Support for integration into the global trading system; Enhanced assistance, better tailored to needs; New sources of finance; 	
	Long term:	Some economic and political integration	
WHAT IS ASKED	Commitment to common values in the following fields:	democracy	
		rule of law	
		Good governance	
		respect for human rights (including minority rights)	
		promotion of good neighbourly relations	
		principles of market economy, free trade, sustainable development and poverty reduction	
		essential aspects of the EU' s external action (the fight against terrorism and the proliferation of weapons of mass destruction, as well as abidance by international law and efforts to achieve conflict resolution)	
INSTRUMENTS	Short term:	Action Plans	
	Long term:	European Neighbourhood Agreements	
ACTION PLANS	Guiding principles:	Joint ownership	
		Differentiation	
	Two broad priority areas:	Commitments to shared values and to certain objectives of foreign and security policy	strengthening democracy and the rule of law, the reform of the judiciary and the fight against corruption and organised crime;
			respect of human rights and fundamental freedoms (including freedom of media and expression), rights of minorities and children, gender equality, trade union rights and other core labour standards, and fight against the practice of torture and prevention of ill-treatment;
			support for the development of civil society;
			and cooperation with the International Criminal Court;
		Commitments which will bring partner countries closer to the EU	the fight against terrorism and proliferation of weapons of mass destruction, as well as abidance by international law and efforts to achieve conflict resolution.
			political dialogue and reform;
			trade and economic reform;
			equitable socio-economic development;
Progress monitoring	In the bodies established by the Partnership and Cooperation Agreements or Association Agreements. The Commission will report periodically on progress accomplished.	justice and home affairs;	
		connecting the neighbourhood (energy, transport, environment, information society, environment, research and development);	
		people-to people contacts	

Table 2: Next democratic challenges for Morocco (source: International Monitors)

1. Respect for the principle of the separation of powers:	- increase Parliament powers
	- transform elections in a sincere means of political representation instead of a mechanism to co-opt the elite
	- make political parties fulfil the function of political representation instead of playing the game of patronage politics with the interior ministry
	- real guarantee of the independence, universal accessibility, and legal accountability of the judiciary
2. Human rights and fundamental freedoms protection:	- make the constitution stipulate that Moroccan citizens are entitled to inalienable human rights
	- respect Morocco's commitment to international human rights conventions (new terrorist law, adopted after the Casablanca terrorist attacks)
	- protect from the use of torture and mistreatment (detainees and Sahrawi militants)
	- fight the trafficking of human beings
	- make reference in Moroccan law to equality between men and women in civil matters or with respect to education, work and health
	- remove discriminative provisions against women from the Statutes of Public Services
	- protect adequately - in the penal code - against domestic rape, violence and murders
	- remove legal discrimination against the Berbers
3. Corruption:	- full guarantee of freedom of expression, assembly, association and religion
	- fight against corruption

Table 3: MEDA commitments for Morocco (Euro million)

MEDA I					MEDA II							ENPI
1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
30	-	235	219	172	160.6	120	122	142.7				

Table 4: ENP Report on Morocco (2004) – Democracy and Rule of Law Shortcomings

DEMOCRACY and the RULE OF LAW
(1) Not respect for the principle of the separation of powers
(2) Limited parliament powers
(3) Weakness of political parties
(4) Ensure the impartiality of judges and improve access to justice
(5) Poor administrative capacity
(6) Corruption

Table 5: ENP Report on Morocco – Human Rights and Fundamental Freedoms Shortcomings

HUMAN RIGHTS and FUNDAMENTAL FREEDOMS
(1) Unequal implementation of human rights legislation
(2) Lack of ratification of some international human rights protection instruments
(3) Partial implementation of the October 2002 two new laws concerning the right of association
(4) Legislative limits to the freedom of the press
(5) Definition of torture in the criminal law not in conformity with the UN Convention
(6) Discrimination against women
(7) Non-compliance with child labour laws
(8) Limits to the rights to form and join trade unions for certain categories of workers
(9) Not recognition of the Berber speaking community's cultural and linguistic rights

Table 6: ENP Action Plan for Morocco (2004) – Democracy and Rule of Law Priorities

DEMOCRACY and the RULE OF LAW	
(1) Consolidate the administrative bodies controlling the democratic practice and the rule of law	<p>SHORT TERM:</p> <ul style="list-style-type: none"> - exchange of experiences and expertises in the framework of the evolution of the regulation on the political parties - strengthen the administrative capacity through the implementation of the law on the motivation of the administrative decisions - go on in the decentralisation efforts and strengthen the competences of the local entities on the basis of the new charter on territory <p>MEDIUM TERM:</p> <ul style="list-style-type: none"> - control the implementation of the reform of local entities
(2) increase the efforts to facilitate access to justice and to rights	<ul style="list-style-type: none"> - simplify judicial procedures, reduce the length of trials and execution of sentences and improving the legal aid system - support the family sections of the courts of first instance to implement the new provisions of the new family code - support for the children justice in order to implement the reforms of the new code of penal procedure - implement the national plan for the modernization of the prison system - training of judges - implement the programme Meda “modernization of the judicial system in Morocco”
(3) cooperation in fighting against corruption	<p>SHORT TERM:</p> <ul style="list-style-type: none"> - follow the conclusions of the committee “justice and security” - exchange of information on the legislations and on international instruments - support the adoption of the UN Convention measures and international cooperation <p>MEDIUM TERM:</p> <ul style="list-style-type: none"> - strengthening and support the implementation of the national anti-corruption strategy

Table 7: ENP Action Plan for Morocco – Human Rights and Fundamental Freedoms Priorities

<p>(1) Ensure a human rights and fundamental freedoms protection in line with the international norms</p>	<p>SHORT TERM:</p> <ul style="list-style-type: none"> - Start discussions in the committed on “human rights, democratization and governance” - Examine the possibility to withdraw the reservations to the international conventions on human rights - Continue to implement through legislation the international provisions on human rights - Take into consideration the possibility to sign the optional protocols to international conventions on human rights - Bring to an end the national action plan on human rights and support its implementation - Strengthen dialogue on human rights issues at all levels - Promote the cultural and linguistic rights of all Moroccan citizens. - Reform the penal legislation in order to introduce a definition of torture in conformity with the United Nations Convention Against Torture
<p>(2) Freedom of association and expression</p>	<ul style="list-style-type: none"> - Ensure the implementation of the law on the right of association and assembly, in line with the provision of the ICCPR - Exchange of experience and expertise in the framework of the evolution of the Press Code - Support the new law on the liberalization of the audio video and cooperation in this sector
<p>(3) Strengthen the promotion and protection of the rights of women and children</p>	<ul style="list-style-type: none"> - Implement the recent reforms of the family code - Fight against women discriminations and violence, in conformity with the ad hoc United Nation convention - Consolidation of the children rights in line with the ad hoc international convention - Promote the women role in the economic and social progress - Protection of pregnant women at work
<p>(4) Guarantee fundamental social rights</p>	<ul style="list-style-type: none"> - Start a dialogue on fundamental social rights in order to identify main challenges and the possible solutions