The EU Neighbourhood and Comparative Modernisation

Ľubica Debnárová, Věra Řiháčková, Silvia Colombo and Luke March

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Abstract

This paper analyses the European Union and its member states' role in promoting democracy and human rights in its neighbourhood. The key research question is whether the European Union lives up to its rhetoric and in practice prefers multilateral to bilateral activities. The paper operates with three scenarios of possible EU action: multilateral action, bilateral action, and non-action. We present three case studies that examine the EU's involvement in providing stability and democracy in the different regions of its neighbourhood – Bosnia and Herzegovina, Moldova and Morocco. Within the broad agenda of human rights and democracy support, the case studies focus on two issues: prohibition of inhuman treatment and support for political pluralism. We focus on both political and donor coordination within the EU (the internal dimension) and with other international actors (external dimension). In conclusion, the paper shows how the EU contributes (or not) to effective multilateralism in democracy and human rights promotion in the neighbouring countries asserting that, for various reasons, the effective multileral approach is rarely used by the EU in order to achieve its defined policy goals.

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List of Acronyms

AEI	Alliance for European Integration
ALDE	Alliance of Liberals and Democrats for Europe
BiH	Bosnia and Herzegovina
BMENA	Broader Middle East and North Africa Initiative
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CFSP	Common Foreign and Security Policy
CIDA	Canadian International Development Agency
CIS	Commonwealth of Independent States
CoE	Council of Europe
CSOs	Civil Society Organisations
DCF	Donor Coordination Forum
DEI	Directorate for European Integration
DFID	Department for International Development
DIS	Decentralised Implementation System of EU Assistance programme
DME	Donor Mapping Exercise
DPA	Dayton/Paris Peace Accords
EaP	Eastern Partnership
EBRD	European Bank for Reconstruction and Development
EC	European Commission
ECHO	European Community Humanitarian Office
ECHR	European Court of Human Rights
EDIS	Extended Decentralisation Implementation System
EEAS	European External Action Service
EIB	European Investment Bank
EIDHR	European Instrument for Democracy and Human Rights
EMHRN	Euro-Mediterranean Human Rights Network
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
EP	European Parliament
EPP	European People's Party
EU	European Union
EUBAM	European Union Border Assistance Mission
EUFOR ALTHEA	European Union Force Althea
EUMAP	European Union-Moldova Action Plan
FBiH	Federation of Bosnia and Herzegovina
FDIs	Foreign Direct Investments
GUE/NGL	European United Left/Nordic Green Left
HRDs	Human Right Defenders
HR/EUSR	High Representative/European Union Special Representative
IBRD	International Bank for Reconstruction and Development
ICTY	International Criminal Tribunal for the former Yugoslavia
IDA	International Development Association
IFC	International Finance Corporation
IFIs	International Financial Institutions
IMF	International Monetary Fund
INDH	Initiative Nationale du Dévéloppement Humain/National Human Development Initiative
IPA	Instrument for Pre-accession Assistance
IRI	International Republican Institute
MENA	Middle East and North Africa
MEPI	Middle East Partnership Initiative

MFAI	Macro-Financial Assistance Instrument
MoFT	Ministry of Finance and Treasury of Bosnia and Herzegovina
NDI	National Democratic Institute
NED	National Endowment for Democracy
NGOs	Non-governmental Organisations
NIP	National Indicative Programme
ODIHR	Office for Democratic Institutions and Human Rights
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PCA	Partnership and Cooperation Agreement
PIC	Peace Implementation Council
PJD	Parti de la Justice et du Développement/Justice and Development Party
PMR	Pridnesdrovskaya Moldavskaya Respublika/Dnestr Moldovan Republic
POGAR	Programme on Governance in the Arab Region
PPCD	Partidul Popular Creştin Democrat/Christian Democratic People's Party
PRP	Priority Reconstruction Programme
RS	Republika Srpska
SAA	Stabilization and Association Agreement
SAP	Stabilization and Association Process
SB	Steering Board
SCAC	Service de Coopération et d'Action Culturelle
SCIA	Sector for the Coordination of International Economic Aid
SFOR	Stabilization Force in Bosnia and Herzegovina
SIDA	Swedish International Development Cooperation Agency
TACIS	Technical Assistance to the Commonwealth of Independent States
TEU	Treaty on European Union
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNRC	United Nations Resident Coordinator's Office
US	United States
USAID	United States Agency for International Development

The EU Neighbourhood and Comparative Modernisation

Introduction

The commitment to multilateralism is declared as a defining principle of the EU's external policy (European Commission 2003a: 3) and is reflected in virtually all key documents, agreements, umbrella policies like the European Neighbourhood Policy (ENP), financial instruments of external action, and in joint declarations with its partners (European Commussion 2004a; Council of the European Union 2007; 2008b). Multilateralism is a natural selection for the European Union's external activities. When the EU promotes multilateralism, it actually promotes itself, because '[its] own model of integration is the most advanced form of multilateralism' (Vasconcelos 2008: 18; see also Weiss and Řiháčková 2010).

The key research question of this paper is whether the European Union lives up to its rhetoric and in reality prefers to deliver jointly with other actors (multilateral approach) when imposing democratic and human rights norms and when actively supporting compliance with these norms both via political and financial tools. The paper presents three scenarios of possible EU action: multilateral, bilateral, and non-action. Multilateral action is understood as promoting and actively coordinating cooperation with international organizations (for example Council of Europe, Organisation for Security and Cooperation in Europe, OSCE) and other crucial actors (the US), applying global rules (for example various international conventions), advocating for regional cooperation and forging mixed fora with non-state actors in order to deliver on the goals and objectives defined by the EU. Bilateral action is understood as EU-third country/EU-third country's civil society dialogue on human rights and democratisation where the EU acts as a unitary actor. The non-action scenario covers those situations where the EU lacks a common position and the member states act on their own.

Despite many academic articles and scholarly efforts to define multilateralism, there is no single definition of the term that is widely accepted (Weiss and Řiháčková 2010). In this paper, the definition of multilateralism stems from the previous research within the MERCURY project framework. Multilateralism is understood as 'three or more actors engaging in voluntary and (more or less) institutionalized international cooperation governed by norms and principles, with rules that apply (more or less) equally to all' (Bouchard and Peterson 2010: 21), when a certain level of institutionalized cooperation is assumed and the cooperation is not restricted to the state actors (Bouchard and Peterson 2010; Klein *et al* 2010).

The paper analyses the European Union and its member states' role in promoting democracy and human rights in its neighbourhood from the multilateral perspective, as this is a declared area of primary interest in providing stability and democracy. It consists of three case studies – Bosnia and Herzegovina, Moldova and Morocco. These countries fall within different types of EU neighbouring regions – the Western Balkans, ENP East and ENP South, and thus allow for an analysis of EU approaches to a prospective candidate country where an EU commitment to the full EU membership was granted at the 2003 Thessaloniki European Council (Bosnia and Herzegovina), to a country involved in the Eastern Partnership (and with distant membership potential) that currently serves as an example of 'good pupil' and 'ENP and EaP success story' (Moldova), and to a country that is not going to join the EU but enjoys specific relations with the EU under the roof of ENP South (Morocco). Out of the broad range of human rights and democracy support agenda, the case studies focus on two issues: prohibition of inhuman treatment and support to political pluralism analysing both political and donor coordination within the EU (internal dimension), and with other international actors (external dimension). The aim is not to directly compare the case studies, but to show how the EU is acting to promote the selected issues, how it approaches different types of countries and to assess whether those different types of relations in the EU neighbourhood can be considered as 'effective multilateralisms'.[2]

Human rights and democracy support are objectives of EU's Common Foreign and Security Policy anchored in Article 11 of the consolidated Treaty on European Union (TEU)[3]. Apart from trying to mainstream these objectives into bilateral relations with third countries in its neighbourhood via different types of agreements (Stabilization and Association Agreements, Partnership and Cooperation Agreements, and so on), the EU has also developed financial instruments which channel support in the field of human rights and democracy to the third countries, out of which the European Instrument for Democracy and Human Rights (EIDHR), supporting the local as well as European civil society organisations in the third countries, is considered unique in its design (see for example Řiháčková 2010).

Even though human rights are guarded by several international covenants, treaties and declarations, the actual adherence to their provisions at a domestic level in the

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[2] Effective multilateralism is understood here as an ability to deliver jointly with other actors on the goals and objectives defined in given policy area by the EU, not as the concept of 'effective multilateralism' introduced by the European Security Strategy as the ultimate goal of international system building when the international relations are carried out within the framework of the UN Charter through international organizations, regimes, and treaties that are 'ready to act when their rules are broken' (European Council 2003: 9; Weiss and Řiháčková 2010).

[3] The Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy, the objectives of which shall be: [to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms] (Consolidated Versions of the Treaty on European Union and of the Treaty Establishing the European Community 2006: Title V, Art. 11).

neighbouring countries remains mostly difficult and weak. In order to better advance the policy on human rights in its external relations, the EU adopted a set of guidelines[4] that are not legally binding; they are adopted at the level of the EU foreign ministers and as such they send a strong political signal to its partners, describe EU priorities and provide for practical implementation tools. While the EU attempts to include the human rights issues into all meetings and discussions with third countries (mainstreaming) and ensures that a reference to human rights is included in programming discussions and in country strategy papers, in some cases the only forums for discussing the issue are the Human Rights Dialogues, involving not only state authorities but also the civil society.[5] The objectives of the human rights dialogues vary from one country to another and are defined on a case-by-case basis, and are also widely criticised, namely by the local civil society in the third countries, for not delivering on established goals.[6] EU Guidelines on Torture and other cruel, inhuman or degrading treatment or punishment adopted in 2001 and reviewed for the last time in 2008, are underlining the political commitment to carry out an action in prevention and eradication of torture and ill-treatment, and to support rehabilitation of torture victims. The activities within the framework of the guidelines are complementary to the EU efforts within the UN framework for combating torture (Optional Protocol to the UN Convention against Torture) and also involve raising individual cases of ill-treatment in the third countries.

In the field of democracy support and democratic pluralism the Council Conclusions on Democracy Support in the EU's External Relations and its Agenda for Action adopted in November 2009 provide a base for work on better coherence, complementarity and coordination throughout the full range of actions across foreign and development policy, and go well beyond earlier, more general policy statements in various strategic documents. In these Conclusions (Towards Increased Coherence and Effectiveness), the EU recognizes the broad range of tools at its disposal to support democracy in external

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[4] EU guidelines on: Death penalty (2008), Torture and other cruel, inhuman or degrading treatment or punishment (2008), Human Rights Dialogues with third countries (2009), Children and armed conflict (2008), Human Rights Defenders (2008), Promotion and Protection of the Rights of the Child (2008), Violence against women and girls and combating all forms of discrimination against them (2008), International Humanitarian Law (2009). See http://eeas.europa.eu/human_rights/guidelines/index_en.htm (accessed 16 August 2011).

[5] '[T]he European Union may decide to initiate a human rights-specific dialogue with a particular third country. Decisions of that kind will be taken in accordance with certain criteria, while maintaining the degree of pragmatism and flexibility required for such a task' (EEAS 2008: 5).

[6] These objectives may include: discussing questions of mutual interest and enhancing cooperation on human rights inter alia, in multinational fora such as the United Nations; registering the concern felt by the EU at the human rights situation in the country concerned, information gathering and endeavouring to improve the human rights situation in that country; signing, ratification and implementation of international human rights instruments, cooperation with international human rights procedures and mechanisms, combating the death penalty, combating torture, combating all forms of discrimination, children's rights, and in particular those of children in armed conflicts, women's rights, freedom of expression, the role of civil society and the protection of human rights defenders, international cooperation in the field of justice, in particular with the International Criminal Court, promotion of the processes of democratisation and good governance, the rule of law and the prevention of conflict (EEAS 2008: 5-6).

relations, including the support to political pluralism that is widely understood as a support to diverse civil society. It commits itself to enhance coherence between different actors and the existing instruments (thematic and geographical) both at headquarters level and at country level and thus to improve the consistency and effectiveness of democracy support in EU external relations. As the first step in the implementation, the Council approved the list of pilot countries[7] in December 2010. The Council Conclusions set out the primary task to the European Commission, as the implementing body, but the High Representative for Foreign Affairs and Security Policy, the European External Action Service (EEAS) and not the least the EU member states, including their individual diplomatic missions in the third countries, are assigned an important role in coordination and complementarity of actions. The output of this exercise should also serve to improve coordination with other international actors and states, allowing for the achievement of better synergies and thus strengthening the multilateral approach that should dominate its external actions, according to the declared aims and objectives of the Union.

The latest development in this field is represented by the joint Communication for "A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean" issued by the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy on 8 March 2011 and the new European Neighbourhood Policy presented in another Communication under the title "A new response to a changing Neighbourhood" in May 2011. The former provides a response to the momentous changes currently underway in the Southern Mediterranean. It aims at building a new partnership with the respective countries based on a targeted support for democratic transformation and institution-building, a stronger partnership with the people and sustainable and inclusive economic development. The latter document represents the culmination of a comprehensive review of the ENP, launched in 2010 in response to the adoption of the Lisbon Treaty as a reflection on the future implementation of the ENP.

The renewed ENP seeks not only to provide support to the partners' transition process to 'deep democracy' but it further emphasises the need to build a partnership with societies by complementing EU engagement at state level with a much closer contact with non-governmental organisations. It therefore makes proposals for the reinforcement of the EU's support to civil society organisations (CSOs) in the neighbourhood and commits to help non-state actors develop their advocacy capacity, increase their ability to monitor reform and participate effectively in implementing, monitoring and evaluating EU programmes, and establishes a dedicated Civil Society Facility for this end. It also proposes

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[7] Moldova – for Eastern Neighbourhood, Kyrgyzstan – for Central Asia, Lebanon – for Southern Neighbourhood, Ghana, Benin and Solomon Islands – for ACP, Bolivia – for Latin America, Mongolia, Philippines, Indonesia and Maldives – in Asia.

the creation of a European Endowment for Democracy aimed at helping political actors striving for democratic change in their countries (especially political parties, non-registered NGOs or trade unions and other social partners) and at bringing greater consistency to the efforts of the EU, its Member States and other actors already active in this field.

In both Communications the EU reaffirms its vow to enhance co-ordination between the EU and its Member States in order to provide a more coherent and effective use of assets and capabilities as well as to co-operate closely with other partners, both important regional players and international institutions (especially International Financial Institutions, IFIs) in supporting democratic change and economic and social development in the region (for example in the form of joint programming, joint co-operation initiatives and co-financing programmes and projects).

Bosnia and Herzegovina - a Complex Web of International Actors: Coordination but Limited Multilateralism

Bosnia and Herzegovina (BiH) has been on a transition to democracy trajectory since the end of the Cold War, with its development severely derailed by the 1992-1995 war that led to a difficult process of state-building largely shaped by the international community, including the EU. The current political configuration is the heritage of the Dayton/Paris Peace Accords (DPA) that ended the conflict in December 1995. It is extremely fragmented at all levels of governance, with two constituent entities – the ethnic Serb homogenous Republika Srpska (RS) and the ethnic Muslim and Croat heterogeneous Federation of Bosnia and Herzegovina (FBiH), and with three constituent peoples – Bosniak, Serbs and Croats, that are given primacy over individual citizenship.[8] All in all, there are fourteen distinct governments (and constitutions) with their own legislative powers and a high degree of autonomy that enjoy extensive ethnic veto power over the decisions taken at the federal level. The federal state is being compromised by such a structure and it is no wonder that the process of building its authority and power, pushed by the international community and especially by the EU, has been 'painful and time-consuming' (Fagan 2010: 80).

Despite a complicated power web of BiH political actors, the analysts (for example Fagan 2010; Žagar 2010; Davidson 2009) largely agree the real political power and influence rests with the international community. The Office of the High Representative (OHR) was established in 1995 in order to oversee the implementation of the DPA as a

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[8] In addition, Brčko District was established as a self-governing administrative unit under the BiH state in 1999. The FBiH is further divided into cantons.

temporary measure, but has remained in place since.[9] The Peace Implementation Council (PIC) comprised of 55 countries and agencies oversees the work of OHR through its executive arm – the Steering Board (SB)[10]. The EU is currently central to the system; it was already stipulated in the DPA that the High Representative (HR) is to be a citizen of an EU state selected by the PIC. In February 2002, the EU Council decided the next HR would also have the role of the European Union Special Representative in BiH (EUSR), creating thus a double-hatted post where the responsibility for DPA oversight and preparations for the EU rapprochement and accession merged. At the 1997 Bonn PIC meeting, the powers of the HR were redefined; from then on, the representative of the international community enjoyed strong executive powers (known as the 'Bonn powers'), including issuing binding decisions, passing laws and removing BiH elected office holders or managers of the state-owned companies from their posts.

The EU's role and power in the country has been constantly growing since the post-war period, shifting from DPA implementation to the preparation for EU membership. The commitment started with launching the Stabilization and Association Process (SAP) in 1999 and continued with recognizing the Western Balkan countries as potential EU candidates in Feira in 2000 and Thessaloniki in 2003. The requirements for the implementation of the EU norms and part of the *acquis* were embodied in the 2003 European Commission Feasibility Study and the EU Road Map. Although some conditions stipulated in these documents were not met, the European Commission recommended opening the negotiations on the Stabilization and Association Agreement (SAA) in October 2005 with the official launch of the talks taking place only a month later in Sarajevo. Furthermore, the EU also took over from the NATO Stabilization Force (SFOR) in December 2004, creating the EUFOR Althea mission comprised originally of 7.000 troops, and in 2003 the EU Police Mission took over from the UN International Police Task Force.

The conditionality of potential EU membership has not been sufficient in solving a number of acute problems of BiH. Several times the ethnic tensions have proved to be stronger than the EU's carrots and the EU has been hesitant to use a stick. As a result, weak compromises have been adopted, such as in case of the constitutional and police reform in 2007, or no agreement was reached at all, such as following the 2009 European

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[9] A deadline for its closure was originally set for June 2007, and then prolonged for 12 months. The PIC meeting in February 2008 made OHR closure dependent on BiH having met certain criteria and objectives. The planned phase-out mechanism of the Bonn powers and handing over some of them to EUSR has been a divisive factor among the EU member states until very recently, and still is among the EU and other international actors and states. The final decision has not been taken so far.
[10] The SB is composed of Canada, France, Germany, Italy, Japan, Russia, United Kingdom, United States, EU Presidency, European Commission, and Turkey (representing the Organisation of the Islamic Conference).

Court of Human Rights' ruling on discriminatory character of BiH's constitution and electoral law.[11]

The Prohibition of Inhuman Treatment and Political Pluralism

Political Level – Internal

The main elements of international human rights law have been incorporated into Bosnia and Herzegovina's legal system.[12] However, their implementation and enforcement remains uneven. Bosnia and Herzegovina's full compliance with the European Convention on Human Rights is still lacking. In 2010, a total of 658 new applications were made to the European Court of Human Rights (ECHR). As of January 2011, the ECHR issued in total 14 judgements finding that Bosnia and Herzegovina has violated the European Convention on Human Rights, and 1315 cases were pending before the Court for a judicial formation (ECHR 2010: 1; 2011: 20).

The protracted political crisis in BiH has continued to stall the necessary reforms in other areas related to human rights as well. There has been mixed progress on war crimes accountability, safeguards in national security expulsions, support and assistance for refugees and displaced persons, treatment of ethnic and religious minorities, harassment of human rights defenders and independent journalists, as well as on addressing the rights of women, children, people with disabilities and other vulnerable groups.

Human rights and democracy promotion, among other principles, are firmly embedded in the SAA between the EU and BiH and form an integral part of the reform priorities of the European Partnership adopted by the Council of the European Union in February 2008 (see Council of the European Union 2008c). The European Commission regularly monitors and assesses the situation in its annual strategy document on EU enlargement and the BiH progress report. Furthermore, the EU Heads of Missions in BiH adopted two local strategies to facilitate the implementation of EU guidelines in Bosnia and Herzegovina: Local EU strategy on the implementation of the EU Guidelines on Human Rights Defenders in Bosnia and Herzegovina (October 2010) and Local EU strategy for the

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[11] The European Court of Human Rights, in the *Sejdić and Finci v. Bosnia Herzegovina* case, ruled that the exclusion of members of smaller communities (such as the Jews and Roma), those from ethnically mixed background and those who do not wish to declare themselves members of the three main groups from running for the highest offices of state (the Presidency and the upper house of the parliament), that are restricted to the members of BiH's three main constituent peoples (the Serbs, Croats and Bosniaks), amounted to unlawful discrimination.

[12] Bosnia and Herzegovina has ratified all the major UN and international conventions on human rights. Furthermore, the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols are clearly entrenched in the Constitution of Bosnia and Herzegovina which guarantees the supremacy of this convention over national legislation. For a full list of UN and international human rights conventions ratified by BiH see 'List of Multilateral Treaties Deposited with the Secretary-General', available at: http://treaties.un.org/pages/DB.aspx?path=DB/MTDSG/page1_en.xml&menu=MTDSG (accessed 16 August 2011); and 'Complete list of the Council of Europe's treaties', available at: http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG (accessed 16 August 2011).

implementation of EU guidelines on violence against women and girls and combating all forms of discrimination against them (January 2011).

In support of human right defenders (HRDs) an EU Liaison Officer was appointed and two HR contact points (in the political and operational sections) were established among the staff of the EU Delegation in BiH. Moreover, a meeting with the local HRDs was organized under the auspices of the Spanish Presidency in May 2010 and monthly meetings of the NGO Council of Bosnia and Herzegovina, a network consisting of around 100 international and national non-governmental organizations and observers (such as EUSR/OHR, EU Delegation, OSCE, USAID, UNHCR) and various BiH government institutions and ministries, are held in the EU Delegation premises with the active participation of the EU Delegation representatives (EU Heads of Mission 2010).

Various practical and operational actions have been made by the EU institutions in BiH in support of women's rights and combating and eliminating all forms of violence and discrimination against women. Apart from adopting the local strategy, the EU has financed numerous projects in BiH in support of women who were victims of sexual violence and rape during the war and to promote equal opportunities and socio-economic empowerment of vulnerable groups such as women victims of war. The EU Delegation to BiH together with EUSR/OHR was involved in drafting of the 2009 Anti-discrimination law and supporting the adoption of a fully-fledged Law on Witness Protection Programme and the full implementation of the National War Crime Strategy.

In line with the general EU approach, support for democratic pluralism is mostly understood as support for a diverse socio-political milieu in BiH, with civil society playing a key role. Within the context of pervasive ethnic distrust and lack of incentives for cross-ethnic political and societal cooperation, the NGOs are considered the only viable vehicles for delivering. The record of democratic pluralism support in BiH is, however, mixed; the terms civil society and NGOs are used interchangeably in the country, and the civil society does not encompass or represent the ordinary citizens of the country (Kikic 2008). The NGOs established themselves as the actors promoting and strengthening democratic development but at the same time have been enjoying access to generous funding; meanwhile the BiH citizens are not very much involved in civic participation and democratization of the country and suspect the NGOs to be serving their own, not the community's, interests. The lack of coordination between democracy promoters and local organisations was also seen as a significant obstacle and some local actors complained that donors had a tendency to design democracy projects without soliciting local input. Despite recent efforts at improving coordination, the consensus is that there is still a lot of work to be done in this area (Sebastian 2010a).

Donor Level – Internal

The EU has gradually become the leading donor to BiH, surpassing the US. Since 1991 it has provided financial aid through various channels: the European Commission's Humanitarian Aid Office (ECHO) between 1991 and 2000, the pre-accession programmes OBNOVA and PHARE in 1996-2000, and the streamlined Community Assistance for Reconstruction, Development and Stabilisation (CARDS) between 2001 and 2006. In total, BiH received more than € 2.6 billion from 1991 to 2006 (European Commission Delegation to Bosnia and Herzegovina 2006: 22-23). Since 2007 BiH has received EU financial aid under the Instrument for Pre-accession Assistance (IPA) that replaced the former pre-accession instruments. So far Bosnia and Herzegovina has benefited from more than € 295 million from IPA and in the period of 2007-2013 could receive more than € 660 million worth of assistance (see European Commission 2009a; Daviddi 2011).

The EU assistance is gradually increasing every year (this trend is expected to be maintained until 2013) but its allocations have showed a growing disparity between funds allocated to institution-building and socioeconomic development on the one hand and democratic stabilisation on the other. Even though democratic stabilisation received significant resources under CARDS programme in the first years, the allocations had a decreasing trend.[13] Civil society and the media were mostly overlooked, receiving only € 5 million from 2001-2006, whereas the return of refugees, for example, received € 91.5 million during the same period (Sebastian 2010a: 5-6). IPA funding has followed a similar pattern, though its focus is on supporting institution-building and European standards, with allocations to political requirements and European standards decreasing and the allocations for economic requirements increasing significantly.[14] Funds dedicated to supporting the country's meeting political criteria focused mainly on strengthening the judiciary and its institutions, law enforcement, constitutional and police reform, while civil society has been somewhat peripheral receiving only 3.73% of total allocations in 2009.[15] However, around € 1.2 million each year has been allocated to BiH through EIDHR in support of civil society development, activities of the sector in the promotion of human rights and democracy and

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[13] Funding to democratic stabilisation dropped from € 37.5 million in 2001 to € 2.9 million in 2006. Furthermore, allocations for democratic stabilisation have been mostly devoted to refugee return (Sebastian 2010a: 5-6).
[14] Political requirements amounted to 26% of total allocations in 2007, 34.46% in 2008 and 19.25% in 2009 with an indicative allocation for 2010 amounting to 32%. The allocation for European standards amounted to 43.2% in 2007, 44.26% in 2008, 18.01% in 2009 and 8.44% in 2010. Allocations for economic requirements amounted to 24.1% in 2007, 19.25% in 2008, 59% in 2009 and 52% in 2010. Data: compiled by authors using IPA figures from the National Programmes for BiH for the years 2007-2010, available at: http://ec.europa.eu/enlargement/potential-candidates/bosnia_and_herzegovina/financial-assistance/index_en.htm (accessed 20 August 2011).
[15] Data: compiled by authors using IPA figures from the National Programmes for BiH for the years 2007-2010, available at: http://ec.europa.eu/enlargement/potential-candidates/bosnia_and_herzegovina/financial-assistance/index_en.htm (accessed 20 August 2011).

to facilitate the partnership between the civil society sector and municipal governments (EU Heads of Mission 2010: 4).

Alongside EU institutions, several EU states have been large donors to Bosnia and Herzegovina (including in the democracy and human rights field), especially Spain, Sweden, Austria, Germany, the Netherlands, the UK, Italy, and Portugal, as well as the new EU member states, mainly the Czech Republic, Slovenia, Hungary and Slovakia. However, some EU member states, namely the UK, Spain, the Netherlands and Austria, are phasing out bilateral support and will continue to support and assist BiH through the EU and other multilateral agencies.[16] This indicates the increasing visibility of the EU as the major donor actor.

To increase the effectiveness and efficiency of assistance, the European Commission and EU member states ensure coordination of their respective assistance programmes, mainly through coordination meetings on programming and assistance implementation held in the context of the IPA Committees. Coordination also involves regular consultations and frequent exchanges of relevant information during the different phases of the assistance cycle, in particular at field level.

Currently, the implementation, management, monitoring, evaluation, and reporting of EU IPA assistance to BiH is supervised by the European Commission through DG Enlargement and EU Delegation in BiH. However, as the responsibility of governing EU assistance programmes intended for the country is one of the obligations of Bosnia and Herzegovina in the process of accession to the EU, the future EU assistance to BiH and the responsibility for the realization of individual phases of programme/project cycles will be gradually decentralized and transferred from the Commission or the Delegation to BiH institutions. A Decentralised Implementation System (DIS) of EU Assistance programme management will be established, with the ultimate aim of full or expanded decentralisation (EDIS). The EU Delegation supports local institutions, such as the Directorate for European Integration (DEI), its Division for EU Assistance Coordination and the Ministry of Finance and Treasury, in their involvement in the planning and programming process of EU assistance, as well as in their donor coordination efforts. BiH has commenced activities to implement the DIS as well, mainly through introducing new responsibilities for BiH institutions.

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[16] The UK closed down its DFID BiH Office within the British Embassy in Bosnia and Herzegovina on February 11, 2011. Spain ceased its operations and closed the AECID Technical Office of Cooperation with the Balkans on March 31, 2011. Also the Netherlands reduced the number of partner countries it supports directly in 2011 and Austria is preparing to phase out direct bilateral support by 2014.

Political Level - External

Human rights situation and the process of democratisation in BiH are monitored and regularly assessed by several international organizations and their institutions[17]. Notwithstanding their reports and recommendations, the progress has been mixed and BiH has failed to meet several of its obligations.

The European Court of Human Rights pointed to the most blatant discrimination in 2009, criticising the Dayton-based BiH Constitution's concept of three main constituent peoples and the resulting limitations for high office holders. The international community, by ensuring the implementation of the civilian aspects of the DPA through the PIC, was supposed to guarantee human rights, but serious attempts to change the constitution only began in 2005 and so far have not produced any change. The BiH authorities have failed to amend the constitution in line with the Court's ruling. Though the Western European countries and the US are increasingly pushing for the needed constitutional reforms, including changes to the ethnic-based structure of politics, the country is in a political deadlock and according to many in its worst crisis since the war.

One of the main reasons for the international community's failure to push through constitutional reform has been disagreement among the international community, and within EU member states as well, on the future set up of the political system in the country and on the question of closure of the Office of the High Representative of the international community in Bosnia and Herzegovina. The US opposed the idea of closure without having a clear post-OHR strategy and until recently the EU member states were divided on the issue as well. A couple of scenarios were aired by different actors (Sebastian 2011); out of them, the most likely seems to be the closure of OHR and merger of the EU Delegation with EUSR office, with the new body being equipped with a specific "toolbox" of powers.[18] Whether this scenario materializes, however, depends on the negotiations between the EU and the US that have to be concluded before the PIC November meeting, most notably whether the US recognises the envisaged competencies sufficient for effectively responding to the situation in the country, especially to the secession tendencies of Bosnian Serbs leadership (Sebastian 2011).

Moreover, the international community has not been united on other issues either, such as the extension of the mandate of international judges and prosecutors working at

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[17] For example the UN's Office of the High Commissioner for Human Rights, Committee against Torture, the Optional Protocol to the Convention against Torture (OPCAT) Subcommittee on Prevention of Torture, the UN Human Rights Council (through the Universal Periodic Review), Council of Europe and its institutions (Commissioner for Human Rights, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Commission for Democracy through Law or Venice Commission, the Directorate General of Human Rights and Legal Affairs of the Council of Europe), OSCE/ODIHR, OSCE Mission in BiH and others.

[18] This might include the possibility to withhold EU funds, power to issue travel bans and to remove the politicians with critical views on the EU accession process, and the possibility to freeze assets in the EU.

the Court of Bosnia and Herzegovina[19] or the police reform. In particular, the police reform's failure was caused, to some extent, by Russian efforts to undermine Western attempts to build a viable government in the country.[20] Russia disagrees with the EU on how long the international community should continue to exercise control over Bosnia's legislation and politics and it has also opposed EU-backed constitutional reforms at strengthening the national authorities.

Turkey is an actor that is becoming increasingly engaged in the Western Balkans and BiH in particular. Making use of its rich historical and cultural heritage from the Ottoman reign over the Balkans, the Erdogan government has initiated a pro-active foreign policy in the region and played an important integrative role in the process of ethnic reconciliation and peace-building amongst the ethnic groups in the Western Balkans. Through soft diplomatic initiatives Turkey managed to achieve constructive and concrete solutions and compromises.[21] Furthermore, it strengthened its new foreign policy with dynamic and increasing economic investments. Turkey has thus filled a diplomatic vacuum and strengthened its position as a regional leader, indispensable for achieving compromise decisions (Brljavac 2011).

Donor Level – External

The 1990s war in Bosnia and Herzegovina left the country in economic ruins.[22] Thanks to the international community's efforts to physically and politically reconstruct the country, Bosnia and Herzegovina has become the recipient of one of the most extensive post-conflict aid packages. The US$ 4.5 billion committed to BiH during the five-year Priority Reconstruction Programme (PRP) represents one of the largest per capita assistance

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[19] The OHR decided to extend their mandate after the BiH's parliament failed to adopt the related legislation. However, an agreement could only be reached on extending war crimes, not organized crime and corruption personnel (see Bassuener and Weber 2010: 6-7). By the end of 2012, the Court of BiH should be fully equipped to work without international support (The Registry of the Court and the Prosecutor's Office of BiH 2010: 10).

[20] During the 2007-2008 attempts at police reform Russia encouraged local politicians to oppose Western plans with the aim to undermine Western influence in the Balkans and to discredit the EU as a unified foreign policy actor. This position was influenced by the clash between Russia and the West over the future of Kosovo. Moscow would have probably opposed police reforms in BiH anyway, but the police reform crisis would probably have not reached the proportions it did without the Kosovo first bringing tensions between Russia and the West (Valasek 2009). However, part of the blame for the police reform failure lies with the EU's lack of support for the OHR and its own conditionality that linked the signing of the SAA with BiH with the creation of a unified police force. EU member states, fearing a complete loss of influence, proceeded with the signing of the SAA with the BiH government, even though the main parts of the police reform proposals were blocked and only a weak compromise on police reform was adopted, downgrading thus EU's original conditionality (Valasek 2009: 4-5).

[21] Turkey initiated a number of diplomatic meetings and tri-partite Balkan summits with Serbia and BiH with the aim of contributing to peace and regional stability. Following several meetings between Turkish and Serbian officials in March 2010 the Serbian parliament passed a resolution apologizing for failing to prevent the Srebrenica massacre of about 8000 Bosniak men and boys. The tri-partite meetings proved useful not only as a means of reconciliation; they are also important for setting up a problem-solving model for the region (see Brljavac 2011).

[22] By the end of 1995 BiH's output had fallen to just 10-30 percent of the pre-war level and GDP had collapsed to less than US$500 per capita (20% of its pre-war level). The destructions costs in Sarajevo alone amounted to €14 billion (The World Bank 2009b).

programs (of about US$ 1400 per person) (The World Bank Group 1999).[23] This financial package was central to the quick and successful reconstruction of BiH's basic infrastructure and services. In the first years after the war, donor aid was focused mainly on providing immediate humanitarian and reconstruction assistance, economic revival and debt relief, while asistance to institution-building, technical assistance and capacity building was initially less prioritized.[24] Attention turned to the issue of democracy, governance and institution building only from 2000 onwards, as Bosnia and Herzegovina initiated the transition from a post-conflict country to a potential candidate for EU integration.

Apart from the EU, which dedicated to BiH more than € 2.6 billion from 1991-2006 and more than € 295 million since 2007 through its programmes, a significant amount of assistance was provided to BiH by the US and the World Bank. Since 1995, the US has provided over US$ 1.5 billion to BiH (USAID 2010) and the World Bank has committed over US$ 1.1 billion during the reconstruction phase till 2002 (The World Bank 2009a). Among others, the UNDP BiH Country Office has delivered more than US$ 227 million of assistance since 1996, including the US$ 143 million delivered through its various human development programmes from 2001-2009 (EBRD 2010).

While there was a steady upward trend in external assistance from 1995, reaching its peak in 1999, a sharp downturn in aid followed due to the Kosovo crisis. In order to improve the efficiency of the decreasing development cooperation resources available to BiH, the Donor Coordination Forum (DCF) was established in December 2005 by 17 of the major donor agencies and financial institutions in BiH (including the EU, USAID, the World Bank, Japan) as a semiformal platform for information exchange among these organizations and between the organizations and the BiH Government.[25] The DFC also started collecting and synthetizing accurate figures on assistance in BiH through the Donor Mapping Exercise (DME). Until 2008, cooperation among the DFC members was coordinated by the UNDP, that also prepared the Donor Mapping Reports and together with the UN Resident Coordinator's (UNRC) Office hosted the DFC Secretariat. As of January 2009, the responsibility for the management of the DCF Secretariat was transferred to the Sector for the Coordination of International Economic Aid (SCIA) within the BiH Ministry of Finance and Treasury (MoFT)[26] as a concrete step to advance BiH Government's

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[23] Other sources indicate a total of US$ 5.1 billion (The World Bank 2009b). According to the IMF data US$ 3.7 billion were allocated by 48 countries and 14 international organizations from 1996 to 1999 (IMF 2005).
[24] This is reflected by the disbursement of the US$ 4.2 billion collected by several donor conferences chaired by IDA together with the EU. About 54% of the overall PRP disbursements were allocated to the area of reconstruction, 20% to economic development and only about 16% to institution building and policy reform (The World Bank Group 1999).
[25] Presently the DCF has 20 members and meets on a quarterly basis with the chair rotating among the members.
[26] SCIA was established in October 2008 with the mandate to coordinate international assistance to BiH (except EU assistance that is coordinated by DEI). With continued support from UNRC/UNDP, it is responsible for the

ownership over its own development and better oversight of donor activities in the country. In addition, the BiH government has taken other concrete measures towards strengthening the overall system of international aid management, such as the signing of the Paris Declaration on Aid Effectiveness in December 2009. Steps have been taken to set up a new aid coordination architecture, including the establishment of aid coordination desks in other ministries and institutions, and sectoral donor meetings are being organized and coordinated by BiH institutions.

However, donor coordination differs substantially in each of the sub-sectors of the Governance and Institution Building Sector, with regular quarterly meetings being organized in the area of Legal and Judicial Reform and Public Administration Reform, while in the Civil Society and Human Rights sub-sectors only informal ad-hoc coordination and project-based bilateral meetings take place. Overall, the BiH Government's capacity to effectively perform aid coordination functions still needs to be strengthened. The EU, a major donor in the Governance and Institution Building Sector, cooperates closely with other international donors operating in the area. The coordination of assistance between EU institutions and EU member states in the context of the IPA Committees is extended to the International Financial Institutions (IFIs) and other EU and non-EU donors.[27] The EU has long been a key source of funding for the UN human rights programme all around the world, including BiH (see OHCHR 2009; 2010), and a major donor to the International Criminal Tribunal for the former Yugoslavia (ICTY) Outreach Programme dedicated to communicating the work and relevance of the Tribunal to the public of the countries of the former Yugoslavia. The EU has also provided funding to the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) in Western Balkans, as well as to projects implemented by UNDP and UNICEF in BiH.

Since 1993 the EU has cooperated closely with the Council of Europe (CoE) through country-specific as well as regional and multilateral thematic Joint Programmes.[28] In the Western Balkans, Joint Programmes aim to support the promotion of democratic stability and peace, the participation of these countries in the EU's SAP, and thus facilitate closer association and integration with the EU. So far, BiH has participated in several regional and

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organization of the DCF's quarterly meetings, which are now co-chaired by MoFT/SCIA, carrying out the Donor Mapping Exercise and providing technical support to the Forum's members.

[27] Since 2007 coordination meetings with the IFIs are organised on a regular basis (approximately twice a year) under the IFIs Advisory Group consisting of representatives from the European Commission, World Bank Group (IBRD/IFC), EBRD, EIB, the Council of Europe Development Bank, the Regional Cooperation Council (successor to the Stability Pact), Nordic Investment Bank, Nordic Environment Finance Corporation, and the Black Sea Trade and Development Bank.

[28] Joint Programmes are implemented by the CoE and funded jointly by CoE and the EU, mainly through EIDHR, but also IPA and ENPI fuding. In some cases the funding is shared on a 50-50 basis, in others the EC contributes with more resources. In the last five years the average EU/CoE co-financing ratio was 82/18 (Council of Europe 2011a).

multilateral thematic joint programmes and seven country-specific programmes worth of € 4.9 million have also been implemented in the country.[29]

Overall, the EU is cooperating with all the relevant institutions operating in the area. However, the EU mostly provides funding and leaves the implementation and management of the joint co-operation activities to the respective partners. This suggests that the EU recognizes the strategic relevance of the partners as well as their capabilities and reliability in carrying out the activities, but largely gives up control over funding and thus compliance with its own political objectives.

Coordination but Still Limited Multilateralism

Within the complex web of actors operating in BiH, the EU has a central position with an enormous pre-accession agenda to be tackled and substantive coercive power. While it has been quite successful, together with its international partners, in transferring the international human rights (and other legal) norms and in the field of donor coordination, its ability to facilitate a concerted effort and influence the domestic political processes in order to assure compliance with these norms or impose political conditions in line with the EU goals has been disputed, and its actions in many instances have not delivered the desired outcome. As a result, the EU has been gradually losing appeal and credibility, with the accession process itself becoming a divisive issue in local political life (with the Serbs, for example, opposed to following-up the process at the expense of their territorial and political autonomy). In order to move ahead, the EU needs to devise a clear reform strategy as part of an enhanced EU presence on the ground and outline a comprehensive roadmap for required changes with the backing of international actors, including defining a clear position on the future presence of the international community in BiH. This can, however, prove difficult, as there are diverging opinions with even its closest partners like the US, not to mention the fact that the lack of EU initiative brings about competition from others (Turkey) which undermines the EU's ability to set the terms of the process without their involvement. Enhanced coordination with these actors (namely Turkey and Russia) is thus necessary to the successful implementation of the reform agenda, but is still largely missing.

The EU's ability to act multilaterally in an effective manner in order to support and deliver on its own objectives has been hampered many times by its internal coordination problems, the diverging positions of EU member states and other key EU players (EU institutions); the EU's own inability to strengthen its delegation in BiH, for example, and to equip a new head with adequate authority and powers to vigorously and constructively

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[29] See http://www.jp.coe.int/default.asp (accessed 20 August 2011).

pursue the policy goals within the given framework can serve as an example.[30] A need to cope with the new post-Lisbon institutional milieu has limited the EU's ability to provide leadership within the international community present in the country. On several occasions, the EU's inability to stand firm on its own conditions and its lack of commitment also contributed to general deterioration of the situation in Bosnia and Herzegovina.

At the level of donor coordination, the multilateral framework seems to be operational and able to deliver effective division of labour among the international actors. The EU as the largest donor is again central to the system. Two problematic issues, however, have to be mentioned. First, effective multilateralism in this field is often understood as transfer of funds to the international organisations that follow similar objectives as the EU, i.e. to the Council of Europe, OSCE, and various UN bodies (ICTY, OHCHR). In these cases, the EU either provides institutional support (ICTY) or creates joint programmes and facilities. Within the joint programmes and facilities, a steering board is usually created that convenes once or twice per year, but the EU, in fact, transfers all management and implementation powers to its partners by not exercising full control over the projects and actions implemented. These projects are often criticized as costly and with limited impact (Kikic 2008; Fagan 2010). Second, an over-reliance on the civil society in some of the policy areas; in the area of donors' support to a diverse socio-political milieu in BiH, the civil society is assigned a key role, and the NGOs[31] are considered the only viable vehicles for reaching out to the citizenry and for overcoming the ethnic cleavages. The results are, however, mixed as civic participation and citizens' engagement in social and political life has been constantly declining (see Fagan 2010).

Moldova - The Belated Emergence of an Unequal Relationship

Moldova is an archetypal weak state, often unable to operate effectively within its own borders, let alone outside them. It is one of the poorest states, not just in Europe but the entire former Soviet Union. A significant contributory factor has been internal regional and ethnic divisions: opposing Moldovan independence from the USSR, the region of Transnistria east of the Nistru (Dnestr) river separated in 1990 and declared itself the 'Dnestr Moldovan Republic' (Pridnesdrovskaya Moldavskaya Respublika or PMR). The PMR's *de facto* independence after 1992 not only deprived Moldova of most of its industrial infrastructure, but created a 'frozen conflict' which turned Moldova into a 'net consumer of security even after 20 years of independence' (Litra and Berbeca 2011: 244): the PMR became a zone of authoritarian lawlessness and regional tension that finally attracted the

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[30] That is supposed to change with the recent nomination of Peter Sørensen as Head of the EU Delegation and EU Special Representative in Bosnia and Herzegovina.
[31] In BiH the terms civil society and NGOs are used interchangeably (see Kikic 2008).

international community's attention.

As regards democratisation, this legacy is far from entirely negative, however. Whereas internal divisions mean that Moldova can manage little domestic impetus towards democracy without the help of external actors, it has similarly lacked sustained impetus towards outright authoritarianism (for example March and Herd 2006; Way 2002). In the early 1990s Moldova was even regarded as a regional model of democracy, in part because its initial post-independence elites identified themselves firmly with both Romania and the West and sought European inspiration to the degree that ex-President Lucinschi saw Moldova as having a 'European constitution, not a Moldovan one' (quoted in Kennedy 2010: 516). Even after Moldova returned to the Russian orbit in the mid-1990s, it remained relatively pluralist and indeed it is 'the only CIS (Commonwealth of Independent States) state where every single transition of power … has taken place peacefully after contested elections, rather than through staged successions or a coloured revolution' (European Commission 2009c: 5).

By 1999, European integration officially became Moldova's main foreign policy priority. In 2003, even the previously pro-Russian Party of Communists of the Republic of Moldova (who governed from 2001-2009) re-oriented itself towards Europe. Geographically, culturally, and even politically, Moldova is a European state, and 'it is sufficiently straightforward that there are no grounds in the EU Treaty to reject Moldova' (Verdun and Chira 2008: 35). Moldova's problem has consistently been its practical implementation of European norms and, perhaps more significantly, how to get its European vocation recognized by the EU itself.

Indeed, the EU was barely engaged in Moldova in the 1990s (the only EU state even to have an embassy there before 2000 was Germany) and left other international organizations to do the running – for example the UNDP took the lead in development aid from 1992; the Council of Europe (which Moldova joined in 1995, becoming the first CIS state to do so) led the monitoring of Moldova's democratic procedures; the US (primarily via the OSCE) was heavily involved in negotiating a solution to the Transnistrian conflict after 1993. However, these organisations have paled in significance compared with Russia's in the security, economic and political spheres. Moldova long remained dependent on Russian energy and trade (although the EU increasingly became Moldova's dominant trading partner after the 2004 Eastern enlargement). *Volens nolens*, the majority of the Moldovan elite continued to regard Russia as Moldova's essential partner; a fact cemented by Moldova joining the Russia-led CIS in 1994. Privately, Moldovan officials came to regret this decision, seeing it as signifying to the EU that Moldova was an 'Eastern' state, part of Russia's privileged sphere of interests. Yet Moldova remains unwilling to leave the CIS without a compensatory membership perspective from the EU, in case this needlessly

antagonizes Russia. Symptomatically, Moldova was the last CIS state with which the EU started negotiations on the partnership and co-operation agreement (PCA), which facilitated political, economic and cultural dialogue; these negotiations were only continued on Moldovan insistence (Danii and Mascauteanu 2011). The PCA was signed in 1994 and implemented only in 1998, facilitating the Technical Aid Programme to the CIS (TACIS), which provided financial/technical support for institutional, legal and administrative reforms, largely in the economic and social realms. Mutual engagement increased in the early 2000s as Romania prepared for eventual EU membership, meaning that Moldova would soon abut the EU's external border, and could be included in the European Neighbourhood Policy (ENP), with the EU-Moldova Action Plan (EUMAP) approved in December 2004. Like the PCA and TACIS, the ENP was explicitly aimed at 'providing the EU the means to deepen bilateral relations with these countries' (European Commission 2011), with Action Plans negotiated directly between the Commission and the relevant government, and outlining a number of steps by which Moldova was to adopt EU norms in the interests of sharing 'everything but institutions', although the EU was 'eager to maintain that the policy [was] multilateral in terms of its design' (Gänzle 2009: 715).

The EUMAP brought an immediate increase in the EU's previously-absent 'actorness' - in 2005 the Commission opened a diplomatic mission, appointed an EU representative for the settlement of the Transnistrian conflict, and began talks on conflict settlement via the 'Five-Plus-Two' format (Moldova and Transnistria as parties to the conflict, Russia, Ukraine and the OSCE as intermediaries, and the US and EU as observers). Despite EUMAP's bilateral emphasis, the 'Five-Plus-Two' format was clearly multilateral. Nevertheless, the format proved inadequate – Transnistria pulled out altogether in March 2006 and formal talks have not been re-opened (although resumption is promised for late 2011). A more successful multilateral initiative, however, was the Border Assistance Mission (EUBAM), which introduced a new customs regime (between Moldova and Ukraine) that policed Transnistria's Eastern border, helped to combat fraud and created border infrastructure projects to enhance links between Transnistria and Moldova. EUBAM was the most successful and most generously sponsored project under the EUMAP.

By 2008, the EUMAP and PCA expired, but were prolonged indefinitely pending a new agreement. At this stage, Moldova was regarded as one of the ENP's front-runners, although this was a relatively rather than absolutely strong achievement. In general, rule adoption in the ENP has been far weaker than rule implementation (Freyburg *et al* 2009). However, Moldova remained significantly behind Ukraine and with a larger number of implementation problems – caused in large part by a lack of domestic institutional capacity and lack of consistent political will from the Communist government, who tended to adopt European rhetoric primarily for electoral reasons and to baulk at measures which

fundamentally undermined their own power (Buscaneanu 2008). Indeed, concerns over the Communists' authoritarian leanings led to deterioration in EU-Moldova relations in 2008-2009. Only after the more avowedly pro-European 'Alliance for European Integration (AEI) took office in September 2009 did relations substantially improve, with a new Association Agreement promised for 2011 and the EU noting 'very positive dynamics' in relations' (European Commission 2010). Nevertheless, a domestic political crisis, meaning that Moldova has only had an interim president since April 2009 despite repeat elections, has contributed to continuing implementation problems.

However, the Moldovan side did not regard the EU as blameless (a view shared by government, civil society and independent analysts). Not only was EUMAP regarded as offering insufficient incentives for Moldova's declared European vocation: 'conditionality without *finalité*' (Danii and Mascauteanu 2011: 99) but as essentially a unilateral process, imposing rights and obligations mainly on Moldova and not the EU (Gheorghiu 2005). For instance, the Moldovan negotiation team claimed that (partly owing to a short time frame and translation issues), the negotiation process was not inclusive and Moldova had only limited input into Commission proposals (Niemann and de Wekker 2010). This led to a lack of EU consideration of the genuine needs of Moldovan political and economic development. For instance, Moldova removed visas for EU citizens in 2007, but still awaits a reciprocal liberalization by the EU.

More substantially, the EUMAP was regarded as not entailing sufficient commitment from the EU to offset the tangible Russian influence in the region, leaving Moldova with 'enormous problems of how to steer its European integration without any prospect of integration, and how to resist a far more assertive Russia's realpolitik' (Korostoleva 2010: 1281). In particular, Russia responded to the Communists' European switch by excluding Moldovan food and wine products from its market in 2006; the EU made no demonstrable steps to help Moldova re-orientate its trade, leading to enormous frustration and economic damage (Bechev and Nicolaïdis 2010). There were concerns that the EU prioritized good relations with Russia over issues such as the Transnistrian conflict and promised only abstract gains in response to the concrete benefits promised by Russia (for example energy concessions, foreign investment). This led to Moldova (and indeed Ukraine) feeling cheated, disempowered and supporting Dov Lynch's view that '[Russia] makes offers we can't refuse, the EU makes offers we can't understand' **(**Lynch 2005: 11; Popescu and Wilson 2009: 27). By 2008, the Communist government was actively re-orienting itself towards Russia.

The ENP itself is widely considered to be unsuccessful to date (59% of experts polled by the Centre for European Policy Studies in 2010 said it had 'little or no impact') (Emerson 2010: 1). The Eastern Partnership policy initiated in 2008 was prompted in part

by this discontent, particularly in the region itself. The EaP is far more explicitly multilateral in intention; not only does it finally at least acknowledge the specific character of the Eastern neighbours, but it promises more engagement, joint ownership and regional initiatives. It remains too early to judge the EaP definitively, not least because (in Moldova's case) the Association Agreement that will explicitly incorporate the EaP's four thematic platforms (democracy, good governance and stability; economic integration and convergence with EU sector policies; energy security; contacts between people) remains to be completed. Nevertheless, there are significant reasons to doubt EaP's effectiveness; critics have argued that it repeats the ENP's Eurocentric vision of 'partnership', with principal tensions over hegemony versus partnership (the asymmetry of EU power politics in the relations with neighbours), conditionality versus ownership (the logic of coercion and order versus that of consent and equality) and bilateralism versus multilateralism (with an emphasis on regional co-operation potentially vitiated by hegemonic EU conditionality) (Bechev and Nicolaïdis 2010). Above all, it remains unclear whether the European members of the EaP can ever be satisfied with accession-minus, even if it is now (allegedly) 'EU Accession minus 1%' (Füle 2010).

To sum up, the overall process of the EU-Moldova relationship has moved from a bare-minimal bilateral engagement (the 1990s), an increasingly targeted and complex bilateral programme (mid-2000s) to an increasingly multilateral format (post-2008). However, a substantial body of criticism regards the EU's rhetoric as concealing a consistent unilateralism of policy and process that has undermined mutual trust in the whole procedure. From this perspective, the EU's policy is neither multilateral nor effective, and in no way 'effective multilateralism'. What does the evidence from our two policy realms indicate?

The Prohibition of Inhuman Treatment and Political Pluralism

Political Level - Internal

Moldova has a poor human rights record – despite ratifying the European Convention on Human Rights in 1997, in 2010, 945 applications were registered by the European Court on Human Rights and 20 judgments were delivered in violation of at least one human right guaranteed by the European Convention (Council of Europe 2011b). There is a general consensus within the EU that Moldova still has much to do in this area - a consensus that underpins increasing co-ordination. The Commission directly engaged with this under the ENP: demanding that Moldova '[e]nsure respect of human rights and fundamental freedoms, including the rights of persons belonging to national minorities, in line with international and European standards' (European Commission 2005).

Generally, other EU actors have not much wavered from the Commission's line except in degree. As is traditional, the EP tends to be more vocal about human rights and democratisation issues, and this increased in early 2000s because of links between the then principal anti-communist opposition the Christian Democratic People's Party (PPCD) and the EPP group in the EP (as well as with pro-Romanian circles in Washington). Since the demise of this party (it lost its parliamentary seats in 2009), more critical positions have been heard from the ALDE group (which has links with the anti-communist Liberal Party and Our Moldova Alliance). Conversely, the Party of the European Left and its European parliamentary affiliate the GUE/NGL have resolutely supported the Communists' position.

There is little evidence that the EU's direct engagement has yet substantially improved human rights. There have been notable achievements, for example the abolition of the death penalty (2008), initiation of reform of the Interior Ministry (2010) and the adoption of several international conventions (for example the UN Convention concerning the Rights of Persons with Disabilities). In 2010, the CoE ceased monitoring Moldova in terms of religious freedom and a new legal framework guaranteeing the freedom of expression was enforced. Nevertheless, in October 2009 the UN Committee for Human Rights signalled lasting failures in areas such as improving conditions in detention facilities, pre-trial terms, people-trafficking, judicial independence, participation of women in decision-making organs and discrimination of Roma (UN 2009).

Moreover, that the EU has its own internal co-ordination problems was graphically revealed during Moldova's post-election crisis in April 2009, when in response to violent public demonstrations, the Communist authorities interned upwards of 300 people without trial (three people died in custody and there were numerous allegations of torture and ill-treatment) and imposed visa restrictions on Romanian nationals (using the baseless justification that Romania had instigated a coup). The EU's response was muddled; some states (for example the Netherlands and Romania) wanted EU sanctions, while others (for example Germany and Poland) wanted to promise Moldova economic aid and logistical help in exchange for measures improving human rights. The EP condemned the Moldovan government and the EU's special representative Kálmán Mizsei visited immediately, but lacked high-level support from EU institutions and member states (Wilson and Popescu 2009). It took two weeks for the then Czech prime minister and Javier Solana, the EU's CFSP High Representative, to visit. In contrast, the Russian President, parliament and foreign ministry offered 'quick, public and unequivocal support' for the crackdown (Ibid.: 19). Eventually, the EU helped broker an amnesty, but arguably much more could have been done, much earlier, to prevent a lasting crisis.

Under the AEI government since September 2009, the visa restrictions were quickly repealed and there appears more domestic and EU political will to overcome the significant

human rights challenges. For instance, a dedicated and regular EU-Republic of Moldova Human Rights Dialogue was launched in March 2010 under the auspices of the Eastern Partnership.

Moldova remains a pluralist state with relatively free and fair elections. According to international democracy audits (for example Freedom House, Economist Intelligence Unit), Moldova is still a front-runner in CIS democratization. However significant problems remain, above all in the manipulation of state resources (for example, bias in the pro-state media), occasional harassment of opposition candidates, opaque voter lists, a weak civil society, the lack of a fully independent judiciary and poor rule of law. Moreover, democracy barely improved and on several indicators significantly deteriorated during the communist government (2001-2009).

Accordingly, the EU has put consistent emphasis on the need for Moldova to respect democracy and good governance. Overall, it is difficult to determine any substantial disagreements within the EU over this agenda – unlike with Russia there are no wildly contrasting views over the nature of the political system and how to deal with it.

As with human rights, the EUMAP aimed to link democratic achievements with international recommendations, above all of the OSCE/ODIHR and the CoE. These recommendations have been beset with implementation problems, and not just from the Moldovan side - for instance, despite the supposed institutionalization of bilateralism in 2005, the first meeting of EU and Moldovan democracy experts only took place in October 2007 (Nieman and de Wekker 2010).

Overall, the record is decidedly mixed: there were some improvements up to 2007 in bringing the electoral and media legislation up to international standards, improving transparency of government and anti-corruption measures. However, after 2007, several of the key initiatives were reversed (for example, the electoral threshold was restored from four to six percent, live broadcasts of parliament initiated in 2005 were ceased, and the authorities harassed several opposition politicians). State proposals to improve the rule of law increased, with most improvements in the transparency of the judicial process (Euromonitor 2010). However, most reforms continued to be rhetorical only and imperfectly implemented, with lasting concerns about delayed examination of cases, corruption, limited judicial independence and political interference. After the marked degradation of democratic institutions in the April 2009 crisis (both parliament and presidency were ransacked), a number of measures have begun to create a more positive dynamic – for instance the electoral code has been changed to lower the electoral barrier to four percent, and remove restrictions on holders of dual citizenship and electoral blocs. The introduction of electronic register of voters planned for 2011 aims to settle lasting problems with the quality of voter rolls. Legal reform is promised, with reform of the Prosecutor's Office and a more

substantial focus on professional training and compliance with international law (Euromonitor 2010).

Donor Level - Internal

The EU has gradually become the major donor to Moldova, eclipsing even the US. From 1991–2006 Moldova received €320 million from the EU, mainly through the TACIS and Macro Financial Assistance Instrument (MFAI) programmes (Korostoleva 2010). TACIS envisaged elements of donor co-ordination, but was focused on economic not political issues. Since 2006, the level of funding has dramatically increased. The National Indicative Programme for Moldova (2007–2010) envisioned a budget of €209.7 million from the European Neighbourhood Policy Instrument (ENPI). This was supplemented with other projects to mean that Moldova has become the highest per capita financial recipient of the EaP. Under the EaP this aid will perhaps increase by another €2.1 billion by 2020 (Korostoleva 2010). Much of the funding focus is increasingly political. For example, between €52.4 and €73.4 million of Moldova's ENPI funding was reserved for democracy and good governance in 2007-2010 (25-35 percent of the total budget) (Niemann and de Wekker 2010). In addition, the European Instrument for Democracy and Human Rights (EIDHR) has provided some limited funding (for example €200,000 in 2007) (Korostoleva 2010).

Alongside the EC, several EU states have been large donors to Moldova (including in the democracy and human rights field), above all Sweden (through SIDA), the UK (through DFID), the German government, the Netherlands, Denmark, and an increasing number of post-communist countries like the Czech Republic, Poland, Latvia, Lithuania and Romania. Post 2005, the EC delegation has increasingly sought to co-ordinate activity with both internal and external donors. For example, a Development Partnership Framework was signed between the government and key donors including the EC in May 2006, committing its parties 'to work towards harmonisation of indicators, joint reviews and synchronisation with government budget cycles with a view to reducing transaction costs of assistance to the government', while the EC consulted other donors in preparing its Moldova country strategy (European Commission 2006). The EC's increasing visibility as the major actor in this area is indicated by the closure of the UK's DFID Moldova office in 2011. DFID will now support 'British Embassy programmes and co-operation at the multilateral level with the EU and other donors' (DFID 2011).

Naturally enough, largely the same donors are involved in the human rights and political pluralism fields, with member states like Germany, Sweden and the UK being particularly active in co-ordinating activities. For example, the UK's John Smith Memorial

Trust trains the next generation of CIS leaders in concepts such as good governance and the rule of law and oversees leadership exchanges between the UK and Moldova. As part of the ENPI, the EU has increasingly taken the lead in such democratization projects. For example, since 2008 an EC-sponsored twinning project between the Moldovan, French and Hungarian Parliaments has aimed to strengthen the role of the parliament in the reform process. In 2009, the EC allocated €3 million for projects to promote and monitor compliance with international standards during the April elections (European Commission 2009b).

Political Level - External

Most Western external actors in Moldova tend to sing from the same hymn-sheet of democratization and Europeanisation, relatively close co-ordination of initiatives within the country helped by its small size and interconnected political society. The US and OSCE remain largely focused on the Transnistrian conflict (although the OSCE through its offshoot the ODIHR concentrates on the rule of law, human, minority and language rights as well as elections). The EU's co-operation with these actors was mainly through the suspended multilateral talks on conflict resolution, although informal mediation continues. As a lawless 'black hole', Transnistria has directly affected the human rights climate in Moldova, holding a number of political prisoners, restricting the rights of its inhabitants to vote freely in Moldovan elections and infringing minority rights.

Apart from the US, the only non-EU countries regularly engaged in Moldova are Ukraine and Russia. Ukraine is one example where the EU has had a demonstrable effect. Prior to 2004, Ukraine resolutely supported Russian and Transnistrian positions in conflict resolution (equal status with Moldova under Russian security guarantees); post-2004 (as a result of the pro-Western 'orange revolution'), Ukraine moved towards the Moldovan position of the '3 D's' (democratisation, demilitarisation, and decriminalization) with Transnistria offered the position of subordinate autonomy in a reunified Moldova without Russian troops. Nevertheless, Ukraine has latterly been subsumed by a paralyzing domestic political and economic crisis, and its ability to take a leading role in conflict resolution has diminished.

The sticking point in broader external co-ordination has traditionally been Russia, which has very different conceptions about the region. Not only has Russia been Transnistria's most consistent external political, economic and security sponsor, but it has consistently sought direct influence in Moldova proper (for example by expressing barely-concealed preferences for electoral candidates, alongside moral, media and (probably) financial support). Moscow's differing preferences directly affect human rights, not only

because it devotes far less focus to these in its foreign policy generally, but because its support for Transnistria as Moldova's equal ignores both that Transnistria has just 15 percent of Moldova's territory and that the PMR is a non-democratic regime with far worse human rights than Moldova proper. Moreover, Russia has tended to support a Transnistrian discourse focused on external threats (above all from Romania), which has directly undermined Transnistria's own Europeanisation prospects. Given such external sponsorship, a resolution of the Transnistrian conundrum is impossible without Russia's involvement, and the conflict has suffered from (and been a contribution to) the broader deterioration in the EU-Russia relationship. Since 2007-2008 EU-Russia relations have begun to improve incrementally, but although it has became increasingly apparent that Russia wishes to replace Igor Smirnov's Transnistrian leadership with more pragmatic cadres, there has been little concrete evidence of any lasting shift in Russian policy.

As with human rights issues, Moldova's Western interlocutors support similar democratization themes, even if they do not co-ordinate them directly – for instance in the April 2009 elections, the Commission, Parliament, US State Department and US Senate issued statements emphasizing the need for Moldova to adhere to its international democratic obligations. Once more, it is Russia that has struck the most discordant note – either alone or through the CIS Election Monitoring Organization it has taken diametrically opposite views regarding democratization. For example, it has regularly condoned the Transnistrian elections as free and fair (other international observers regard them as farcical). In 2005, these divergent visions were apparent when the Moldovan government (at time in dispute with Moscow) expelled CIS election observers in an election eventually endorsed by the OSCE. Since April 2009, Russia has essentially supported the then-government's narrative that outside forces had attempted a coup d'etat.

Donor Level – External

As already noted, the EU played second fiddle to external donors such as the CoE and UNDP in the human rights field in the 1990s. Among the largest donors of all were the US (through USAID), the IMF and World Bank, as well as (more opaquely) Russia. Greater EU visibility and co-ordination was evident only with the EUMAP in 2005. The EUMAP explicitly links Moldova's human rights and democracy compliance with the benchmarks of organisations such as the Council of Europe, the ODIHR and UN. For example, it frequently referred to UN instruments, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Not only did this approach embed a certain multilateralism in the process but it 'helped the normativity of EU policy and action *vis-à-vis* Moldova, and thus ensure a certain degree of normative process' (Niemann and

de Wekker 2010: 23).

The EU's near-absence was notable during 2002 mass opposition demonstrations against the government's proposed changes to history teaching and language law. Although the EP issued numerous resolutions calling for observance of human rights and the rule of law, it was the CoE that the Moldovan government eventually called on to broker an agreement. Therefore, the (however flawed) direct intervention by the EU after the 2009 post-election crisis indicates a profound shift in the EU's level of engagement.

From 2007-2010, despite the EU's declared attention towards donor co-ordination, Moldova's civil society criticized the ENPI for the limited policy co-ordination and funding scrutiny instruments available to civil society groups – caused both by the government's unwillingness to involve civil society groups and the EU's tendency to prefer high-level interlocutors (Munteanu *et al* 2009). The NIP for 2011-2013 has explicitly responded to this by noting weaknesses in systematic overall donor co-ordination by the government owing to 'the turbulent political situation and frequent staff changes' and that despite good co-ordination at the sectoral level, the UN had taken the lead in overall monthly donor-to-donor meetings, mainly involving information exchange (European Commission 2009c). Therefore, the EC held consultations with civil society and donor organizations during 2009 and promised to 'encourage linking donor coordination closely to the body in charge of EU integration, and insist that it receives appropriate political backing and adequate staffing' (European Commission 2009c: 34). In addition to the multilateral civil society initiatives envisaged under the EaP, the EP set up a €4 million 'Democracy Support Package' in the wake of the 2009 protests, designed to enhance compliance with CoE and OSCE standards, increase the development of civil society, including in the fields of 'increased respect for human rights, and improvement of the legal and law enforcement environment for human and economic development' (Ibid: 14)

Apart from the EU institutions and members, the US has been the most evident international donor in the political pluralism field. Since 1992, the US, largely through USAID, has prioritized democracy and governance goals, focusing on increasing citizen involvement in local level politics and improving the management capacity of local governments. Moreover, USAID facilitates the International Republican Institute and National Democratic Institute to provide training sessions for young leaders, election monitors and party members (for example the IRI was directly involved in advice to the Communist Party as it sought to modernize its programme in 2005-2006). These programmes often complement EU activity (for example in April 2010, IRI facilitated a parliamentary exchange between Moldovan and Lithuanian MPs to train them on drafting and implementation of EU-standard legislation), while the NDI conducts small-scale projects with Transnistrian NGOs (for example IRI 2011). Through the EUMAP, the EU has

become a major co-ordinator of democracy assistance. For example the aforementioned 2009 EC fund allocation involved a €2 million grant contract with the UNDP to implement an 'Electoral Support to the Republic of Moldova' project, around €0.5 million from EIDHR to create dialogue between civil society and government during the electoral process, and €0.5 million for the Joint EC/CoE programme 'Support to free and fair elections' to improve electoral legislation and practice.

Emerging Multilateralism, Hidden Unilateralism?

Do the above cases corroborate the view that the EU's approach to Moldova has been dominated by bilateralism and even unilateralism rather than an effective multilateralism? Certainly, the EU's approach cannot even be called effective overall; progress has been made in certain areas, but it has been incremental and prone to reversal. Moldova is ultimately neither fundamentally more democratic nor assiduous in its observance of human rights or political pluralism today than before the EU started to monitor its progress in 2005. The clearest change is not the widespread adoption of European norms within Moldova, but that the EU itself has become increasingly popular among Moldovan public opinion. Indeed, whereas it was once fundamentally split over its East-West identity, Moldova is now the only EaP country in which a majority favours further integration with the EU (Popescu and Wilson 2009). Nevertheless, the direct impact of the ENP is hard to demonstrate. It is arguable that even without the ENP Moldova would have undergone some Europeanisation because of the accession of its culturally akin and much larger neighbour Romania. It's not always the procedures involved that appear to be at fault: whereas the multilateral regulation of the Transnistrian conflict is clearly an inadequate conflict-resolution mechanism given that the EU and US are mere observers and Russia and the PMR have demonstrated little interest in supporting negotiation, EUBAM border monitoring has been successful. Moreover, the EUMAP's linking of democratization targets with the demands of international donors such as the CoE and ODIHR arguably allows for a clear and effective form of 'hidden multilateralism' even within a fundamentally bilateral policy process; even though the EU clearly takes a back seat in the monitoring of democratic performance, it delegates authority to the most competent monitoring bodies and reinforces the validity of their criteria.

Overall, whereas 'enhanced bilateralism' and 'enhanced multilateralism' have been used to describe the intensity and the asymmetric character of the EU's cooperation with its neighbours (Lazowski 2008: 1436-1437), it seems more appropriate to see EU's approach towards Moldova until 2008 as 'enhanced unilateralism' – rhetorically bilateral with some hidden multilateralism, that cannot be considered true bilateralism since the partnership

was so unequal. Much of the lack of effectiveness of the EUMAP was caused by a lack of consistent political will within Moldova and a lack of resources and infrastructure. However, arguably bigger problems were caused by the EU's relative lack of engagement, causing a constant cognitive dissonance between the EU's conditionality and Moldova's insistence on its European vocation. The Eastern Partnership finally offers potential to develop a more effective multilateral relationship, with markedly greater EU financial commitments and the EU emerging as the core donor leading a web of good governance projects. However, the EU's insistence on 'accession minus' will not satisfy Moldova's increasingly confident assertion that its accession would mark an EU-plus. The Eastern Partnership can defer this problem, but not indefinitely.

Morocco - Limited Multilateralism and the Problem of Coordination

The promotion of democracy, human rights and the rule of law is one of the main objectives of the European Union (EU)'s foreign and security policy in the Mediterranean region (Bicchi 2009). A country like Morocco cannot avoid the EU's attempts at democracy promotion. At the same time, other western actors, both governmental and non-governmental, for example, the individual EU member states, the United States and, to a lesser extent Canada, the UN agencies and Western NGOs, have been engaged in democracy promotion in the country in recent years. Thus, the EU does not act in a vacuum but rather in a context in which a number of actors may espouse different approaches to democracy promotion and pursue different policies (the substance) through different means (the methods) (Huber 2008). Some of these approaches, policies and methods tend to be conflicting, thus creating cacophony, while others are devised and implemented with a certain degree of coordination among the actors involved.

In the past decade, Morocco has attracted a great deal of attention from academics and policy-makers alike, who have been interested in illuminating and explaining the successes and shortcomings of its model of political and socio-economic development (see Catusse 2009; Joffé 2009; Kausch 2009; Colombo 2011). The country has been often described as the most liberal in the Middle East and North Africa (MENA) region due to a series of reforms that have been enacted over the past decades. For instance, the end of the reign of the late King Hassan II and the beginning of the new era under Mohammed VI have been marked by some positive advancements in the political sphere, such as the constitutional reforms of 1996 creating a Chamber of Representatives directly elected by universal suffrage, the 'alternance' introduced in 1997, which meant that, for the first time, opposition parties entered the government, the prohibition of torture, the launch of the so-called Equity and Reconciliation Commission to investigate repression during the 'years of

lead', the integration of moderate Islamists, i.e. the Justice and Development Party (PJD), into the official political arena and the reform of the personal status code, Moudawana, to improve the condition of Moroccan women in matters of guardianship, marriage and divorce.

However, the reforms have been piecemeal and have not addressed the main problems of the political system. The party system is fragmented and discredited; elections are welcomed with increasing apathy and cynicism (Tozy 2008); the parliament and the government do not command true power, while the king effectively controls the legislature, the executive and the judiciary, which is not independent; corruption is endemic[32]; human rights abuses, in particular against Sahrawi nationalists and militant Islamists, are widespread and impunity remains an issue[33]; freedom of expression has been subjected to increasing curtailment through the regime's resort to highly sophisticated means, for example, private intermediaries such as advertising companies and distribution channels, to promote or to silence newspapers and other publications (Colombo 2011); the Justice and Charity movement (*Al-Adl wa-l-Ihsan*), a non-violent Islamist organisation, remains outlawed and its members are regularly harassed.

From this brief account, it appears that Morocco is not quite the exemplary reform model that it is often portrayed to be, at least not in terms of democratic reforms. At the same time there have been some positive changes in the country over the last ten years in certain key areas. Although this is mainly the result of internal dynamics, it is not possible to disregard the fact that the international community has played a role in supporting the reform process.

The Prohibition of Inhuman Treatment and Political Pluralism[34]

Political Level – Internal

The EU has been cultivating strong ties with Morocco since the launch of the Euro-Mediterranean Partnership in 1995 when the EU and the North African country signed the Association Agreement which entered into force in 2000. Since then, Morocco has been regarded as a privileged partner in the Maghreb region where the EU is developing more and more bilateral relations to the detriment of regional cooperation and integration (Colombo and Voltolini 2011). Today, the EU channels its democracy promotion efforts in Morocco through the bilateral Action Plan, signed under the framework of the ENP, and its concomitant financial instruments, on the one hand, and the EIDHR, on the other. The

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[32] See Transparency International (2009), *Annual Report 2009*, available at: http://www.transparency.org/publications/annual_report (accessed 5 March 2011).
[33] Author's interview with a human rights activist in Rabat, October 19, 2010.
[34] This section draws extensively from the author's work in Morocco, interviewing local and western officials in October 2010.

Action Plan contains some reference to 'Democracy and the Rule of Law', mainly focusing on the regulatory aspect governing the functioning of the Moroccan political system, the need to streamline corruption and to reform the judiciary, and reference to 'Human Rights and Fundamental Freedoms', including policies regarding freedom of association and assembly (European Commission 2004b).

Many of the advancements in Morocco in the last decade described above have led to an improvement in the human rights situation in the country. However, a number of grey areas still exist. In particular, non-governmental organisations active in the promotion and protection of human rights continue to express concern about the persistence of human rights violations in the country. According to the views presented by a report compiled by the Euro-Mediterranean Human Rights Network (EMHRN), 'the rights to freedoms of association, expression, assembly and protest continue to be restricted in the country, in particular through abusive administrative practices and through the excessive use of police and other forces (EMHRN 2009: 3). The freedom of the press is also often curtailed under the pretext of security reasons. In 2010, two prominent newspapers that had started to play a more open political role, often expressing critical views regarding the monarchy – *Le Journal Hebdomadaire* and *Nichane*, shut down due to an economic boycott that represents a subtler way of controlling the unwelcome expression of alternative views (Colombo 2011). Another area of concern is represented by the fact that the main recommendations made by the Equity and Reconciliation Commission, in particular with respect to the independence of the judiciary, have not been put into practice. To date, no substantive change has been made in the institutional and legislative framework to strengthen the independence of the judiciary, despite the recent promises made by the king of a constitutional revision aimed at strengthening the powers of the judiciary in the face of interference by the monarchy or the executive. These steps were taken in the aftermath of the widespread protests that brought thousands of Moroccan people in the streets of the major cities between February and March 2011.

Concerning the prohibition of inhuman treatment, the EU-Morocco Action Plan specifies that one of the short-term goals that Morocco should aim at is to continue the reform of the national criminal law with a view to introducing a definition of torture in line with that of the UN Convention against Torture that the country signed in 1993. This is a very mild exhortation in light of a problem that is still very acute. Some human rights organisations, such as Amnesty International, have expressed grave concerns about some negative developments observed in Morocco and the Western Sahara in recent years that adamantly contradict Morocco's obligations under the aforementioned Convention against Torture. In fact, there has been a sharp rise in the number of reported cases of torture or ill-treatment, especially in the southern contested region. A further development of concern

has been the promulgation in 2003 of a new law on 'combating terrorism'. In particular, the law extends the legal limits for *garde à vue* (pre-arraignment detention), when detainees are most at risk of torture or ill-treatment.

Against this backdrop, the EU has not taken an active stance and has not fully exploited the opportunities offered by the meetings of the sub-committee for human rights, democracy and governance that have taken place three times since 2006. This is a reflection of the deeply-held view among EU officials and public opinion in general that Morocco is quite advanced in the protection of human rights compared to the standards of the region. The bashful action carried out by the EU Commission, mainly at the declaratory level, is matched by an equally limited engagement of Morocco on the part of the Council of Europe (CoE). The opportunities for cooperation between the kingdom of Morocco and the CoE on issues regarding human rights, fundamental rights and the fight against racism have started to materialise only at the end of the 2000s. In addition to the gradual accession of Morocco to the CoE conventions, such as the European Convention on Human Rights and its Five Protocols, in 2009 the country became a member of the North-South Centre, an autonomous institution of the CoE that is run on the basis of a 'quadrilogue', a term coined to mean the combination of four partners from political institutions and civil society – governments, parliaments, local and regional authorities and NGOs. The Moroccan accession is one of the steps taken to strengthen the dialogue between the EU and the country in the framework of the 'advanced status' negotiated in October 2008.

At the European level, the EU institutions and the Commission in particular, are not the only actors active in Morocco. The member states are also present, working towards the implementation of their foreign policies that are independent from the EU. Since most central and northern European countries tend to look more to the East than to the South, the bulk of the bilateral cooperation between the individual EU member states and Morocco is carried out by France and Spain. Neither country, however, has a strong tradition of democracy and human rights promotion in Morocco (Kausch 2009: 167). Like France, Spain has traditionally put limited emphasis on democracy promotion in conducting its foreign policy in Morocco and in the MENA region more broadly, despite the fact Morocco is of vital importance for Spain, and especially in light of the long and turbulent common history (Vaquer i Fanés and Soler i Lecha 2011). Further, strictly commercial interests are the bases of cooperation with an underlying view that promoting good governance creates better conditions for investments. The Spanish human rights foreign policy has long been based on an ambiguous discourse aimed at cementing the country's leadership in the human rights field, while pursuing 'realist' praxis. This leads to a marked preference for indirect means and multilateral channels to promote the respect for human rights (Feliu

2003: 94-98). The only cases in which a kind of pressure is exerted on Morocco are those related to the Western Sahara. This pressure, however, is channelled mainly through the civil society organisations (CSOs) supporting the cause of the Polisario Front and it manifests itself in a widespread condemnation of the human rights violations committed by the Moroccan authorities against the Sahrawis. On the other hand, the official Spanish discourse opts for a so-called 'constructive dialogue' as an instrument to foster human rights dialogue in Morocco, and mirrors widespread fears of upsetting the relation between the two countries hence its reluctance to place human rights issue on the Spanish-Moroccan bilateral agenda. This trend has been partially reversed under the Socialists.

A partial exception to the lack of interest in Morocco from most central and northern European countries' is Germany, which is active in Morocco through its political foundations linked to German political parties.

Donor Level - Internal

Morocco today is the greatest recipient of EU funds under the European Neighbourhood Policy (ENP). According to the National Indicative Programme 2011-2013, which translates the Action Plan into concrete programmes, governance and human rights cooperation will receive €87.07 million (€8 million for 2007-2010), approximately 15 percent of the total assistance package amounting to €580.5 million (1.2 percent in 2007-2010).[35] The abolition of the death penalty is one of the thematic priorities for assistance under the European Instrument for Democracy and Human Rights (EIDHR). This instrument targets mainly local civil society organisations active in the reform of the judiciary, election observation, the strengthening of the parliament, the fight against corruption and human rights abuses, including political and women's rights and the protection of torture victims.[36] Funds for these actions have amounted to approximately €1 million on a yearly basis over the last five years (Khakee 2010: 3). The new Country-Based Support Scheme of the EIDHR for 2011 has allocated €1.2 million for Morocco. Between 2007 and 2009, the projects aimed at the enhancement of the guarantees Morocco puts in place against inhuman treatment have been manifold, including a two-year initiative for the protection of the rights of the imprisoned and improvement of their detention conditions, which started in 2009; the promotion of the gender approach for the access and respect to human rights in the justice area over 36 months starting at the end of 2009; and torture prevention. Regarding the promotion of political pluralism, the EU implemented a project aimed at strengthening the role of the parliament that till now suffers from total discredit and inability to perform its role.

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[35] See http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/morocco/morocco_en.htm (accessed 5 March 2011).
[36] Author's interview with an EC official in Rabat, October 13, 2010.

Other projects financed in the period 2009-2010 concerned the access to information and transparency, constitutional and legislative reforms, eradication of corruption and capacity-building of the CSOs (EIDHR 2010).

As far as the member states are concerned, France supports good governance, and to a certain extent democratisation, within one of the four areas of 'transversal intervention' of the *Service de Coopération et d'Action Culturelle* (SCAC). This area encompasses activities mainly related to justice, the civil service and decentralisation. These actions are directed at the Moroccan authorities, for example, ministries, *walis* (regional governors), etc. In addition, France also supports human rights NGOs (Khakee 2010: 5). Following the policy turn under the socialists, democracy promotion features among the four priority sectors of Spanish intervention in Morocco, and the actions supported are mainly focused on the reinforcement of social dialogue, empowerment of civil society and the rule of law. Spain is also actively supporting Moroccan decentralisation since it channels most of its assistance to the regions (Fülscher 2008: 2-3). As for Germany, the four main political foundations are, in fact, active in Morocco and working primarily with Moroccan civil society organisations. There seems to be a division of labour among them in terms of the issues they cover, reflecting their respective ideological backgrounds (Khakee 2010: 5). All of them, however, tend to combine democracy promotion actions with support for economic development. Other European countries such as the Netherlands, Sweden and Switzerland have provided support for individual initiatives and projects mostly as part of regional programmes or through their embassies in Rabat.

The western NGOs sector in Morocco continues to expand. Some of these organisations are entirely funded by governments but independently managed, for example, the German foundations and Oxfam-Novib (Netherlands). These NGOs, together with the small ones that are present in the country on an intermittent basis, represent an unorganised and uncoordinated plethora of actors whose objectives and strategies are often difficult to ascertain.

Political Level – External

Morocco is actively engaged in the political dialogue that takes place within the Organization for Security and co-operation in Europe (OSCE) and, in particular, in its Mediterranean Partnership for cooperation. This architecture provides six Mediterranean countries with the opportunities to share the OSCE experience on a number of issues, including the promotion of democracy and human rights. In the aftermath of the king's speech of March 2011 outlining the programme of reforms for the country, the representative to the OSCE praised the comprehensive reform initiative announced by the

monarch and underscored the readiness of the OSCE community to share its experience and expertise in democratic reform processes with Morocco, in particular through the Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

Until a decade ago, the United States paid relatively little attention to Morocco and North Africa as a whole. Today, the US it is the largest bilateral donor in terms of democracy promotion with a number of bodies funding and implementing democracy promotion policies, for example USAID, the Middle East Partnership Initiative (MEPI), the National Endowment for Democracy (NED) and the Broader Middle East and North Africa Initiative (BMENA). USAID has worked a lot on technical assistance and training for the Moroccan parliament. One of the most high-profile actions implemented by USAID in Morocco was the work done ahead of the 2007 parliamentary elections. USAID funded the National Democratic Institute for International Affairs (NDI), which has been present in the country since 1998, and the International Republican Institute (IRI) to work with the political parties, including the moderate Islamist PJD. Moroccan civil society has also benefited from the assistance provided by NDI in their actions aimed at encouraging participation in the elections. During the polls, Moroccan authorities invited an international observation mission, headed by NDI, to the country. The results of this mission pointed to the lack of engagement in the political process on the part of the population and thus the need to undertake further reforms aimed at 'enhanc[ing] the power of elected representatives while also increasing the transparency of the system and accountability to the electorate' (NDI 2007; Khakee 2010: 15-16). Special note should be made of the US-sponsored itinerant Forum for the Future organised in the framework of the contested BMENA. The Forum was held in Morocco in 2004 and then again in November 2009 with a view to mobilising Moroccan civil society organisations. However, it has only funded a handful of projects in the country.[37]

Speaking more broadly about the bilateral relations between the United States and Morocco, the extent to which the different American administrations have supported the Moroccan monarchy as their privileged partner in the region should be underscored. For example, in November 2009, during the aforementioned Forum for the Future, the US Secretary of State Hillary Clinton publicly reaffirmed the line of the Obama administration in favour of the Autonomy Plan put forward by Morocco as a solution to the decades-long Western Sahara dispute.

The United Nations is also working on democratisation and governance in Morocco. The Arab Human Development Reports produced by UNDP usually help define the

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[37] For the list of donors see http://www.foundationforfuture.org/en/node/49/menu_id=118 (accessed 5 March 2011).

priorities of the Programme on Governance in the Arab Region (POGAR), which has recently focused on the rule of law, participation and transparency in political procedures.

Donor Level – External

Morocco enjoys a privileged relationship with the United States, with which it signed a free trade agreement in 2004 (which entered into force in 2005). USAID will channel $131.5 million from the USAID/Morocco assistance programme for 2009-2013 to the following sectoral priorities with a specific focus on the youth: reducing barriers to trade and investments, strengthening the education opportunities for the youth and increasing the active participation of citizens to governance. Actions in this sector aim at building the capacity of civil society, political parties and the elected local government with a view to providing a venue for increased citizen participation, particularly by the youth. This is motivated by the fact that those under the age of 25 today represent over 50 percent of Morocco's population.

From the same side of the Atlantic, an important component of the Canadian development assistance to Morocco, the first recipient country in the Maghreb in terms of aid, is 'citizens´ participation'. The Canadian Development Agency (CIDA) works primarily with small, low-profile NGOs, trying to reinforce the dialogue between the state and civil society.

Limited Multilateralism and the Problem of Coordination

Given the limited focus on democracy promotion in the case of most EU member states in relation to Morocco, the policies implemented at the level of the EU institutions tend to overshadow and even make the member states' bilateral efforts redundant (Kausch 2009: 170). One can even argue that most EU member states have been reluctant to engage in democracy promotion on bilateral basis as they have other interests to pursue through their foreign policies in Morocco, i.e. promotion of foreign direct investments (FDIs), control of illegal migration, and security. At the same time the member states usually find the Commission's democratization efforts complementary and conducive to achieving their interests, and in that case they provide necessary diplomatic cover. While it is not possible to speak of an open conflict between the interests and actions of the EU member states and those of the EU institutions, it is possible to pinpoint some tension between them concerning the scope and depth of the actual policies pursued by the EU. Analysing the EU-Morocco Action Plan, the interests and preferences of the member states have likely led to the piecemeal policies aimed at political reform, which amount to selective modernisation, instead of a more coherent strategy that would include the more delicate

aspects at the systemic level. A number of crucial issues, such as the lack of respect for the constitutional principle of the separation of powers, the limited political role of the government and the parliament and the weakness of the political parties, had been identified in the Commission's assessment of the political, social and economic situation in Morocco, but they were not translated into specific objectives within the Action Plan produced the same year (European Commission 2004).

Turning to multilateralism and the EU following and promoting its policies within the multilateral framework, it is striking to observe that coordination, at the political and donor levels, is almost completely absent in Morocco and this seems not to be a problem. As long as the actors do not 'step on the others' toes', there is no need perceived for multilateral coordination since everyone is pursuing their (his or her) own objectives and implementing their (his or her) own policies. An attempt to coordinate most of the major donors was made in 2002; the group gathered involved, among others, the World Bank, UNDP, USAID, the European Commission, EU member states and Canada (Khakee 2010: 13). This donor group initiative established a working group on governance and democracy that was coordinated by UNDP. However, virtually no information exists about the results of this coordination. At an informal level, there is coordination among some international NGOs, such as Oxfam-Novib, and their Moroccan partner organisations on drawing funds from different donors. It is needless to say that the sheer lack of coordination increases the risk of proliferation and duplication of similar actions undertaken by different actors.

Increased coordination between the EU and other international governmental and non-governmental actors would have a positive impact on the developments in the country. A short assessment of the effectiveness (or the lack) of democracy promotion policies in the Moroccan context is useful to pinpoint the areas of weakness and those in which such coordination would be most welcome. The impact of democracy promotion in Morocco can be observed at three different levels: the macro, the meso and the micro level. At the macro level, a wide consensus exists around the fact that the institutional architecture that defines power has not been modified by the policies aimed at democracy promotion pursued by the EU and other external actors. Power is still vested in the king and a number of constitutional amendments that would be required to ensure the separation of powers and the effectiveness of the government's and the parliament's roles have not materialised so far (Colombo 2011). This is connected to the EU's failure to pursue true democratisation and to include among its actions those aimed at overhauling the current institutional and political architectures. At the meso level, a number of positive changes have arguably seen the light of the day. Although, as a result of the lack of coordination and the existence of different priorities, there tends to be no agreement among the international actors about the policies that have produced the best results and their sustainability, two areas stand out quite

prominently as the most successful ones: the expansion of women's rights and the expansion of civil society. However, some shortcomings in the implementation of the new Family Code persist (Colombo 2011), and the support for the *Initiative Nationale du Développement Humain* (INDH), sponsored by the Moroccan government, that promotes the civil society, has led to establishment of new organisations, often created just to tap into funding. The micro level is the weak side of international democracy promotion in Morocco today. Some Moroccan observers lament the absence of grass-roots actions in many domains as far as democracy promotion is concerned, for example, training of local judges or working on issues of access to justice (Khakee 2010: 7). It is also true that most western actors find it difficult to identify relevant partners at this level.

To conclude, the most significant areas in which coordination among the external political actors participating in democracy promotion should be fostered are highlighted: linking democracy promotion policies to other types of development assistance such as to education (Morocco has among the highest illiteracy rate in the Arab world) and political economy (the existence of oligarchies and neo-patrimonialism preventing true democratisation); reflecting on the possibility to include Islamist actors in democracy assistance programmes (their exclusion is a political question concerning the definition of acceptable interlocutors and representation); and framing democracy promotion policies and actions according to the prevalent values in the country (religious and ethnic sensitiveness).

Conclusions

In an effort to analyse the extent to which the EU can effectively use multilateralism in order to achieve its policy goals in its close neighbourhood, the paper focused on two out of the great variety of issues: the prohibition of inhuman treatment and the promotion of political pluralism, with the latter being a very broad category covering freedom of expression, the reform of the judiciary, elections, the strengthening of political parties and the role of civil society. It operated with three scenarios of possible EU action: effective multilateral action, bilateral action, and non-action. The two issues in question were analysed at the level of political and donor coordination within the EU (internal dimension), and in relation to other international actors (external dimension). As the countries selected as case studies – Bosnia and Herzegovina, Moldova and Morocco – fall within different types of the EU neighbouring regions and differ substantially in their level and intensity of relations with the EU, the paper did not attempt to compare the case studies but rather to assess whether the different approaches towards the selected countries and the different types of relations in EU neighbourhood can be considered as 'effective multilateralisms'.

Generally speaking, the paper shows that none of the three scenarios can be applied absolutely on the EU actions in its close neighbourhood; the picture on the ground is usually mixed both in relation to the policy area and type of action. However, for various reasons the effective multileral approach is rarely used by the EU in order to achieve its defined policy goals. The following factors usually prevent the EU from acting effectively within the multilateral framework:

Internal coordination problems (including intra-institutional related to the post-Lisbon milieu) *and diverging positions of the member states*. This issue has clearly demonstrated itself in number of cases - the developments in BiH in relation to the future of the OHR where the dividing line across the international community cut the EU member states into two blocs involving other actors; during Moldova's post-election crisis in April 2009 when the EU's response was muddled, some states (for example the Netherlands and Romania) wanted EU sanctions, while others (for example Germany and Poland) wanted to promise Moldova economic aid and logistical help in exchange for measures improving human rights.

Non-interest of a critical number of the member states in the EU agenda. This lack of interest leads to a piecemeal approach at the EU policy programming level based on the particular interests of handful of the member states. It amounts to selective modernisation and democratisation, instead of a more coherent strategy (Morocco and BiH to certain extent).

Lack of high-level support from the EU institutions and the member states for the activities on the ground. This problem appeared in the case of BiH – police reform and lack of support for the steps taken by the HR/EUSR Miroslav Lajčák. It also was witnessed in the case of Moldova – in a lack of support for EU Special Representative Kalmán Miszei in the aftermath of the April 2009 post-election crisis - when the EU lost its leadership position and damaged its image vis-à-vis the local, as well as international actors.

Competition with other actors or blocs. Such competition occurs when there is either a divisive actor following its own policy goals like in Moldova, where Russia has been always a sticking point in broader external co-ordination due to its very different conceptions about the region, and to some extent in BiH where Russia is also effectively limiting multilateral actions; or an actor seizes the opportunity presented when the lack of EU leadership and initiative is manifest (Turkey in BiH). Also, a broader deterioration of mutual relations (EU-Russia) can have negative spill-over effects on the local agendas.

At the level of donor coordination, the multilateral approach is effectively applied in some of the countries concerned (BiH, Moldova). This scenario obtains when the EU manages to divide the labour and coordinate with its counterparts (OSCE, Council of Europe, the US, USAID, UNDP etc.), as well as with the member states active as donors in

the country even down to the project and evaluation level. However, the EU also often follows a tactic of 'delegating' when claiming to pursue a multilateral approach as a donor, transferring funds and outsourcing the implementation capacities to international organisations that follow similar policy goals (OSCE, Council of Europe). Quite strikingly, at the donor level, the coordination is almost completely absent in Morocco, and this seems not to be a problem. As long as the actors do not 'step on the others' toes', there is no need perceived for multilateral coordination since everyone is pursuing their own objectives and implementing their own policies. An attempt to coordinate most of the major donors was made by gathering major Western donors together but without producing a clear result or follow-up.

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