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## The unavoidable power of the military in Mauritania

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The last five years in the Islamic Republic of Mauritania brought about many changes, including two *coup d'états* and two presidential elections. Shedding light on this troubled political cycle requires that we look back in Mauritanian history. Two significant political patterns must be highlighted here.

First, from the French colonial administration to the current government, rulers of Mauritania have constantly displayed high anxieties *vis-à-vis* any form of political opposition, including democratic opposition. As a foreign force occupying what is now Mauritania, French colonial administrators were always looking for 'seditious' or 'subversive' groups and individuals. To temper nationalist pressures after World War II, the French government decided that each of its colonial territories

would elect its own local assembly. In Mauritania, the local assembly was quickly controlled by one party, the *Union Progressiste Mauritanienne*, a coalition of ruling families, notables, and civil servants, very strongly supported by local French administrators.

When the country became independent in 1960, this ruling coalition soon imposed a one-party rule. With no formal opposition allowed, President Mukhtar Ould Daddah and his *Parti du Peuple Mauritanien* ruled the country for 18 years, using a combination of repression and cooptation against opponents, though admittedly resorting to less violence than other governments at the time (Morocco, Zaire, etc.). Unsurprisingly, the military regime which ousted Ould Daddah after 1978 perpetuated this pattern of hegemonic rule. The 1989-1991 wave of violent repression against ethnic minorities (Haalpulaaren, Sooninke and Wolof), during which hundreds of people were killed and about 80,000 expelled from the country, epitomized this intolerance towards dissent voices.

The political reforms implemented in 1991 were democratic, at least officially, and meant to open up the political space. In reality however, Colonel Ould Taya, and his party, the *Parti Républicain Démocratique et Renouveau*, enjoyed a *de facto* monopoly of power, leaving almost

no substantial space for opposition groups. The situation improved to some extent during the short regime of Sidi Ould Cheikh Abdellahi (2007-2008). But he was ousted by a military *coup* barely fifteen months after his election, thereby reminding all political actors that civil political opposition has a long way to go.

This first dominant political feature of Mauritania is closely connected to a second one: the political prominence of the military. This institution became a factor in the mid-1970s, when President Ould Daddah decided to join Morocco in a war against the Polisario Front. In less than three years, from 1975 to 1978, the size of the army increased from approximately 2,000 to 18,000 troops. Ould Daddah quickly paid the price of his strategic miscalculations during the war and was ousted in 1978 through the first *coup d'état* of the country's history. Since then, the military controls the country's political system, though under different guises.

As said above, the democratic reforms of 1991 that ended thirteen years of uninterrupted military rule did not alter the balance of power; Colonel Ould Taya was in full control over the country's political life. In 2005, his closest collaborators, Colonel Ely Ould Mohamed Vall and Colonel Mohamed Ould Abdel Aziz staged a *coup* against him. The new

military junta pledged to bring democracy back; it organized local, legislative and presidential elections. Unwilling to lose control of the political scene, the military ensured that the candidate whom it had chosen, Sidi Ould Cheikh Abdellahi, won the presidency (April 2007). His military tutors, however, stayed close: Mohamed Ould Abdel Aziz was appointed as the President's personal military chief of staff. Following a series of political mistakes by Ould Cheikh Abdellahi, including that of distancing himself from his military patrons, Mohamed Ould Abdel Aziz (now a General) immediately ousted him (August of 2008) and organized a presidential election which he won in the summer of 2009 with 52% of the votes, amidst accusations of fraud; his closest rival could not get more than 19% of the votes.

Paradoxically, the military's dominance is reinforced by the current presence of security threats. In Mauritania, since 2005, acts of violence by 'Islamists' (such as Al-Qaeda in the Islamic Maghreb) have regularly made the headlines. This has translated into more diplomatic and financial support for the Mauritanian military. Given the prominence of the military, relations among key officers usually determine where the country goes. For the moment, the degree of acrimony among rival factions of military officers, and their complex business and tribal ramifications, is difficult to evaluate (as is the extent to which this type of rivalry plays into the issue of 'radical Islamism'). So far, General Ould Abdel Aziz has been able to maintain some balance among divergent interest groups in and around the army. However, as a *coup* maker himself, he is well aware that every single change of head of state in Mauritania occurred through a *coup d'état* (with the exception of Colonel Ould Mohamed Vall's resignation before the election of Ould Cheikh Abdellahi in 2007). This does not fare very well for substantial democratic changes, however.

## Democracy and EU Association in Bin Ali's Tunisia: Where to?

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Tunis, like other Maghribi capitals, seems to recede further into oblivion. Political excitement when Narcissist Gaddafi is holding his tongue seems to be singularly uninteresting. The real political kitchen where things seem to be concocted and heated is in the Arab Gulf, Levant, Gaza and surroundings, Egypt where El-Baradei and the Muslim Brotherhood are teaming up to road-map post-Mubarak politics, and Sudan, which may be only six months away from losing the south and the birth of a new African state.

If the elite in Tunis is oblivious to what happens outside its Mediterranean shores, the world seems not to be totally indifferent in return. Barack Obama's recent mention of Tunisia in the same breathe as countries topping the black list of press censorship and absence of freedom must have shaken, and no doubt angered, the rulers. No news from Tunis is good news. But when the only news is about absence of freedom, rulers must take notice. There is little rulers can do against the Americans. Obama is not George W. Bush; and the US is not France. The Tunisians never hesitate to use France's status as the country's former colonial power as an axe to grind, rejecting even the mildest criticism against press freedom or freedoms in general. There is little these rulers can do except not comment and hope silence guarantees return to normalcy: the usual *modus operandi* that whatever rot may be building in the Kingdom of Denmark should be met with silence.

But silence is far from what the Americans have in mind of late. Staff in the US embassy in Tunisia, and without a whisper from the usually active and ubiquitous security forces, spoke with representatives of the country's opposition. For three hours Samir Dillou, a human rights lawyer active on the question of prisoners of conscience, and Ziyad Al-Dawlatli, one of the Nahdah party's leaders inside Tunisia, tried to share their assessment of Tunisia's state of affairs with their American interlocutors.

Succession of President Bin Ali was the key question topping the American agenda in Tunis (and no doubt this could be the same for Libya and Algeria). Whether Bin Ali survives until 2014 and the 'who's who' of Tunisian politicians capable of inheriting the mantle of the presidency is a key American concern. In some US quarters, there is a view that the succession could happen before 2014. Unofficially, the US does not look favorably on dynastic rule in Tunisia. What is inevitable is that the Trabelsi family will for some time (given the absence of impartial legal scrutiny) continue to expand their wealth. This may be the trade-off the Trabelsi brothers (especially billionaire Bilhassen Trabelsi) want in return for not coveting the presidential prize. But that may not mean they will not put their economic weight behind someone else such as the President's advisor, Abdelwahab Abdallah (former Foreign Minister), trusted by both Bin Ali and Layla Bin Ali. The key question is determining how ambitious Bin Ali is, and whether a weak female President delivers the kind of political goods – namely stability and a pact with civil society preparing the country for a future without the Bin Ali of the Trabelsi clans – is another question that the Americans, amongst others, are canvassing as the countdown for Bin Ali's departure from power begins in earnest. Of course, Layla may opt out of the race to replace Bin Ali but with her bets placed on one of the younger Trabelsi brothers. She may already be cultivating her young brother Imad Tra-

belsi, the new Mayor of the rich Tunis district of *La Goulette*, to be the dark horse in the race to occupy Carthage. He is reported to be studying to master the art of oratory. But Bin Ali's own son-in-law, Sakhr Al-Matri, has also been the subject of much favor and would give Imad a run for his money in such a race. However, Al-Matri's presidential prospects may be frustrated by a number of factors, namely his contradictions and questionable meteoric rise to power and wealth. He is described within some diplomatic circles as the paradoxical 'spoilt brat' of Tunisian politics: dynastic capitalism and its trappings of wealth and hedonism in one hand, and Islam in the other (Quran Radio, Islamic banking). Amidst the new dynastic and capitalist heavy weights of Tunisia the prospects of Kamel Morjane, the current Foreign Minister, Abdelwahab Abdallah, the former Foreign Minister, or the widely respected Premier, Mohamed Ghannushi, are very difficult to gauge. Whether the dark horse will come from the army remains to be unknown.

Bin Ali has thus far kept the ship of government afloat, knowing how to dispense patronage and wrath equally. He has exceeded all expectations in coming out from the cold and surviving in the fray of Tunisian politics. This impresses those who are asking questions about his departure from Carthage. For instance, how he tamed General Ali Al-Siryati (now in his seventies), the man in charge of Bin Ali's own security since 1987, is impressive. He is one of the very few Tunisians who, if he chose to, could have toppled Bin Ali à la *Mauritannienne*! For now, there is a close watch of the Tunisian scene, as it is once again – like in the last years of Bourguiba – succession time!

The Machiavellians (who give Machiavelli a bad name) in Tunis are for now turning their attention to the negotiation of Tunisia's bid for advanced status within the EU. This could be Bin Ali's last feather in the cap of his presidency. Sweden's EU presidency was not favorable on accounts of the

poor status of human rights in Tunisia. The Spanish presidency has been more sympathetic, and the Belgian take on Tunisia's advanced status as part of the implementation of the EU Association Agreement and Neighborhood Action Plan will be as well. To this end, the same Machiavellians in Tunisia have just introduced a law in Parliament that criminalizes all contacts with foreign parties (and by implication activities, including intellectual) that could be argued to harm the country's economy. This is a bizarre law with no analogue anywhere else. It is intended to prevent any type of pressure lobbying that could potentially scupper the country's accession to the advanced status, which could still be granted by the end of 2010. This law is disastrous for Tunisia and for the EU. There is no need for such a policy when Tunisia boasts of wide support (by many EU member states and statesmen such as Silvio Berlusconi). It only entrenches the view, definitely held by the Americans, that Bin Ali has had enough chance to prove his democratic credentials and has often disappointed. I guess these Tunisian Machiavellians must keep in mind that politics, by EU standards, may have to be separation of morality and politics some of the time but not all of the time. What is needed now from Tunis is some moral courage to put Tunisia on track for advanced status and improved human rights and political reform, away from dynastic temptations. Bin Ali was judicious in signing the Association Agreement with the EU in 1995. To push this process to its most logical conclusion and earn an upgrade, he must guarantee to the EU in no equivocal terms that he is committed to EU standards of good government. Indeed, there are expectations from many sides, within and without Tunisia, that the President's last term opens up opportunities for state-society reconciliation, genuine reform, curbing dynastic politics, corruption, heavy-handed policing, exaggerated paranoia over all opposition and free speech and organized politics, and overall honesty in giving Tu-

nisians the government Bin Ali rightly and historically promised in 1987.

## Real reformism or political diversion? Saif al-Islam Gaddafi's role in domestic Libyan politics

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Recently, Libya has released several individuals who were serving prison sentences for alleged Islamist terrorism offenses. According to the regime, they were all members of the Libyan Islamic Fighting Group (LIFG), a jihadist organization that among other actions is said to have attempted three assassination attacks on Muammar Gaddafi, in 1995 and 1996. The LIFG, like other jihadist groups in Northern Africa and in the Middle East, has traditionally aimed at overthrowing the ruling elite and has threatened to transform Libya into a theocratic state; it is still considered a non-negligible threat by Colonel Gaddafi's regime. In 1998, the LIFG accepted a three-year cease-fire, but the 9/11 terrorist attacks in the United States prolonged the calm; although the cease-fire was meant to end in 2001, the rationale underpinning the LIFG's decision to continue to keep a low profile was closely related to the belief that if it was to return to violent actions in the wake of the events of 9/11, it would have been most likely seen as an 'al-Qaeda type' organization and consequently face unprecedented persecution. Thus, following a statement on 3 July 2009,



when it denounced armed struggle as a means to achieve its goals, the LIFG elaborated a new code. The 400-page long document, entitled "Corrective Studies", rejects the targeting of civilians and, more importantly, directly challenges al-Qaeda's ideology and tactics – in spite of maintaining resistance to "foreign occupation" in Afghanistan and Iraq as a quasi-holy obligation. The adoption of this document was a rare, bold and attention-grabbing step taken by Libyan Islamists that may even contribute in the future to a national reconciliation – although, for the time being, the LIFG has not explicitly abdicated from its political ideology.

However, and irrespective of whether the LIFG is really serious about becoming a pacifist actor that no longer intends to challenge the regime's power monopoly, what is interesting to observe is the role assumed by one of Gaddafi's sons in this putative process of 'de-radicalization'. Saif al-Islam Gaddafi, Colonel Gaddafi's second oldest son, convinced Norman Benotman, a LIFG leader living in London, that if the organization renounced violence, he himself would see to the end of the organization's repression and ensure the release of its imprisoned militants. In 2007, by granting immunity, Saif brought Benotman back to Tripoli and initiated a process that freed more than 200 individuals, such as LIFG's Emir Abu Abdullah al-Sadiq, military commander Abu Hazim and the ideologue Abu al-Munzir. Saif's approach to Islamist groups is completely different from the repression path followed by his father and generated some degree of tension with the regime's hardliners. In fact, the differing approaches by Saif and Muammar have become more obvious and are increasingly discernible in their speeches and actions.

Heading the Gaddafi Foundation for International Charities, a quasi-governmental organization fighting for the strengthening of human rights in Libya, Saif al-Islam has repeatedly been at odds with the Interior Min-

istry. Moreover, Saif established two private newspapers in Libya that, at least to some extent, have hitherto escaped the regime's censorship – although one should bear in mind that media reform has been rather inept due to corruption and patronage. In his doctoral dissertation, which he wrote at the London School of Economics, Saif called for more transparency and public participation in authoritarian regimes. While Muammar Gaddafi continues to point to the alleged inapplicability of the concept of 'civil society' in Libya, Saif al-Islam regularly emphasizes the country's need of a constitution as a precondition for political progress. For example, in May 2010, at a conference at the American University in Cairo, Saif criticized corruption, governmental inefficiency, the nonexistence of a free-media and the absence of a real civil society in Libya.

Apart from working towards the construction of a more democratic polity, Saif has also been involved in re-integrating the country into the international system. Some say that Saif al-Islam was a key element in dismantling Libya's Weapons of Mass Destruction program in 2003, a measure that marked the beginning of the end of the country's diplomatic isolation. As a matter of fact, Saif is a long term advocate of re-establishing strong relations with the West, a purpose that led him to be part of the negotiations to free Lockerbie bomber Abdelbaset Al-Megrahi. Even if not always successful and often plagued by the ills that he condemns, Saif al-Islam Gaddafi's reformist efforts have even been considered by some as a non-negligible sign of public opposition originating from within the regime.

Undoubtedly, the process of reintegrating Libya into the international community and the subsequent concessions made by Western countries did not alter Colonel Muammar Gaddafi's behavior and ideas. Their effects, at least so far, are rather questionable. It is particularly in this light that one has to consider that although

Saif al-Islam's role within the Libyan regime may be a genuine sign of reformism in a context where the question of leadership succession is increasingly becoming more apparent, it could also simply be part of a wider regime strategy destined to ease international criticism and ensure the West's continuous engagement with an authoritarian Libya. In any case, although Libya does currently experience a moment of relatively greater freedom, it is hard to believe that Saif can openly defy the very foundations of the regime unless he has the explicit consent of his father and the tribes that support the latter. In other words, while Saif may even be genuinely committed to reforming the system, his real room for maneuver depends exclusively on Gaddafi's approval, and consequently on the extent to which the latter considers his son's credentials as useful for the regime's political purposes. In view of this, Western states in their relations with Libya should therefore proceed with caution and refrain from drawing premature and somewhat incomplete conclusions as regards Libya's domestic political situation that are just based on Saif's seemingly moderate and pro-democratic rhetoric.

# How seriously does the EU take governance reform in Morocco? The test case of justice sector reform<sup>1</sup>

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In analyses of European democracy promotion, it is often said that EU support for democratization and governance reforms abroad focuses on more 'technical' and 'apolitical' issues such as administrative reforms, improving budgetary processes, and reforms in the justice sector. This instead of tackling the 'core' democratization issues, such as electoral and constitutional reform, political party systems, and the functioning of national parliaments. In Morocco (as elsewhere in the wider Mediterranean region), it is certainly true that the EU has focused most prominently on institutional support, amounting to €65 million for 2007-2010, plus another €28 million through the ENP Governance Facility in 2007, compared with €28 million for governance and human rights. Within the latter envelope, moreover, seemingly 'apolitical' issues, such as the creation of a Moroccan Institute of Contemporary History and support for community reparation schemes in line with the recommendations of the Equity and Reconciliation Commission (set up after the death of King Hassan II),

It is easy to underestimate the importance of what is considered more 'technical' and 'apolitical' reforms in the democratization process, however. In Morocco – as in many other non-democratic countries – what at the end of the day props up the regime and maintains its grip on power is arguably less dysfunctional party systems and weak parliaments (although these, too, are important), but more crucially underlying structures of patronage and control.

were prominent. For 2011-2013, the pattern remains the same: €230-€235 million of EU funds are dedicated to institutional support and €85-€90 million to governance and human rights (40% and 15% respectively of the total envelope), with support for justice reform and gender equality being the two pillars of the latter.

It is easy to underestimate the importance of what is considered more 'technical' and 'apolitical' reforms in the democratization process, however. In Morocco – as in many other non-democratic countries – what at the end of the day props up the regime and maintains its grip on power is arguably less dysfunctional party systems and weak parliaments (although these, too, are important), but more crucially underlying structures of patronage and control. It is patronage that ensures support for the regime amongst key groups, and control systems that suppress overt opposition. Patronage and oppression, in turn, are upheld by such things as uneven access to markets and business opportunities as well as to employment and advancement within the state bureaucracy, and a docile judicial system which represses overt

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<sup>1</sup> Interview quotations for this article are taken from Anna Khakee's recent publication "Assessing Democracy Assistance: Morocco", part of the FRIDE/WMD project "Revitalizing Democracy Assistance".



and implicit challenges to the established order (by controlling the press and other critical voices, making sure that citizens' demands on the state are kept down, etc.). This means that the EU governance agenda in Morocco and other so-called "third countries" is not necessarily as timid as it is sometimes portrayed in the literature on democracy promotion: in principle, at least, it goes to the heart of the "patronage-and-oppression" dichotomy that is central to many undemocratic regimes, including the Moroccan one. As a consequence, the true test for the credibility of EU governance reform is not whether it attempts to strengthen political parties or the workings of parliament (although clearly these issues should not be underestimated), but rather how seriously it pursues purportedly 'technical' and 'apolitical' governance reforms in a country such as Morocco. In what follows, the focus will be on one particular part of such reforms, namely those in the Moroccan justice sector, as these have been at the heart of the debate about governance and democratic reform in the country lately, both on the Moroccan and the donor side.

A cursory glance might lead to optimism: here is a country that is a close partner of the EU, the first in the southern Mediterranean region to obtain the EU 'advanced status' and eager for ever-closer integration with Europe. It is a regime that prides itself as a lead reformer not only in the Maghreb but more widely in the Arab world, and which can draw on a well-educated and polyglot elite. More specifically, a year ago in August 2009, Moroccan King Mohammed VI made what was considered a key speech specifically on the subject of justice reform. In that speech, he mentioned problem areas pinpointed by Moroccan NGOs and others, such as the crucial issue of the independence of the judiciary and the prevention of corruption and abuse of power. This speech came amidst various moves and projects for reform: in early 2009 the Ministry of Justice organized broad-based consultations with various stakeholders within and outside of the judicial sector; separately, it announced a program for the construction

of new court houses, the recruitment of additional magistrates, judges, clerks etc. as well as additional training. Advancing judicial reforms in such a putatively 'reformist' context, where, as a bonus, the justice sector is accustomed to working with foreign partners (exchanges and programs with European and French courts date back to the 1960s) would not seem too difficult.

Reinforcing this image, the international community seems united in stressing the importance of reform in the justice sector in Morocco, which means that in principle, the EU is not alone in this endeavor. There is long-standing cooperation in the area of justice reform between Morocco and countries such as France and Denmark. The World Bank started its focus on the issue in the mid-1990s, reporting that the (mal-)functioning of

the justice system was a factor hindering economic development in Morocco. It has since supported the Moroccan Ministry of Justice and is planning increased support for reform in the justice sector in line with Moroccan government reform plans if they become more concrete. In Morocco, USAID has, as part of its "Economic Growth" program also stressed issues such as updating existing commercial laws and procedures to enhance transparency for investors and implementing regulatory reform and commercial law enforcement. Early EU concerns in the 1990s were related to the seemingly unimpeded drug trafficking from Moroccan shores towards Europe.

The EU has repeatedly stated that progress on justice is a key element of the Moroccan reform project. In an interview in 2009, Eneko Landaburu, Head of the Delegation of the European Commission in Morocco, stressed that "justice reform is an essential challenge that it is urgent to tackle in order to firmly establish the rule of law, ensure the effective protection of citizens and improve the business climate, which are key conditions for a true rapprochement with the EU". The EU has in the last few years financed a DH 300 million modernization program for the computerization of around 40 courts, the construction and equipment of five regional archival centers and the creation of a legal information and doc-

Another, more imperative factor is that the system is thoroughly dysfunctional. Time lags are very long and when they are finally made, judicial decisions are often of poor quality. Judges feel constrained (and sometimes fearful) by the lack of independence of the judicial branch. Corruption is endemic: in opinion polls, the judiciary is as a rule singled out as the most corrupt of all Moroccan institutions.

umentation center. Other donors active on justice reform include the UNDP, which has focused on the effective implementation of the reformed Mudawana (personal status law).

Talking to people – Moroccans as well as foreigners – that work in or are in close contact with the justice sector in Morocco, creates a very different picture of reform:

reform is extremely unlikely, they stress. Their pessimism is based on several observations. One factor is that the sector is very conservative. This is probably true of the judiciaries of many countries around the world, including those of most democracies. However, in Morocco this is reinforced by the fact that the Justice Ministry is the only ministry to be entirely Arabised. Lawyers who end up prosecuting or practicing law on the bench have thus often followed the Arabic university law stream rather than the French one. As a consequence, they have as a rule been less exposed to a variety of legal doctrines. Moreover, in a country where the elites are more polyglot than the average, the judiciary is an exception, making international programs outside the Arab world more complicated.

Another, more crucial, factor is that the system is so thoroughly dysfunctional. Time lags are very long and judicial decisions, when finally made, are often of poor quality. Judges feel constrained (and sometimes fearful) by the lack of independence of the judicial branch. Corruption is endemic: in opinion polls, the judiciary is as a rule singled out as the most corrupt of all Moroccan institutions. Impunity for misdeeds committed by judges is the rule. Thus, according to Transparency Maroc, there are “increasing numbers of corruption cases which are not sanctioned or tried as well as intimidation or sanctions against those that fight corruption” within the justice sector. Indeed, a num-

ber of recent cases reveal that whistle-blowers, rather than corrupt or outright criminal individuals in the justice sector, tend to be singled out for sanction, often for “gravely insulting state institutions”, a crime punishable according to articles 263 and 265 of the Moroccan penal code. Privately, observers will lament that the Moroccan judicial system lags seriously behind other countries at

this level of development.

Thirdly, although at first glance international – including EU – efforts might seem concerted and determined, there are several problems at this level too. Coordination between the different donors has been poor. Project management has not seldom been a serious problem. Close observers of the system outline some of the main problems related to donor project management in the justice sector: (1) a lack of prior planning, needs and feasibility assessments; (2) pre-formatted projects which make it impossible for project managers to create ‘ownership’ among those that will be the day-to-day managers of the reformed system; (3) failure to discontinue projects, even when it has become amply clear that they are not working; and (4) very little follow-up and long-term vision, at least when it comes to some international actors. The example of the computerization of the courts is often mentioned as a less-than-successful project. “They bought the computers but did not train people” according to one judge. “What they failed to understand is that IT changes the power structure in an office. It would have been necessary to do a psycho-social

grounding of the project with the ‘base’ for the program to be successful”, explains another actor within the Moroccan justice system.

Moreover, there is a general sense that assistance in this sector has been scattered, focusing on selected aspects of the system rather than analyzing the justice sector as a whole. In the opinion of many Moroccans

Crucially, Moroccan observers in particular tend to doubt the sincerity of the reform effort, and do not see how the system could change more than at the margins. Most observers – including, in principle, some within the state – agree that to see an overall improvement in the workings of the system, a partial reform of the Moroccan constitution is needed, guaranteeing the independence of the judiciary and the public prosecutor’s office. Whether independence of the judiciary is politically possible remains in doubt, however.

interested in thorough reform of the justice system, efforts have also been too focused on issues close to EU and US interests. “We don’t get the impression that there has been substantive international implication except in the areas of migration, drug trafficking, foreign direct investment, and anti-terrorism, that is in areas which directly concern the donors”, according to some NGO representatives. “There is a blurring of concepts, whereby justice reform is not separated from the security concerns – migration, anti-terrorism – of northern states”, stressed another. The verdict of some Moroccan NGOs is harsher: “Has [international assistance in the justice sector] led to anything? It’s reinforced the *status quo*”.

Essentially, Moroccan observers tend to doubt the sincerity of the reform effort, and do not see how the system could change more than at the margins. Most observers – including, in principle, some within the state – agree that, to see an overall improvement in the workings of the system, a partial reform of the Moroccan constitution is needed, guaranteeing the independence of the judiciary and the public prosecutor’s office. Whether independence of the judiciary is politically possible remains in doubt, however. As noted by a Moroccan actor within the justice sector “the justice sector is part and parcel of a socio-economic-political system” and there are strong interests at the very top of the Moroccan power pyramid that have no interest in reform. Many Moroccan (and international) interlocutors tend to agree with an exiled journalist when he states that “the regime has no wish to thoroughly reform the justice system [...] because it is the justice system that today permits the regime to keep a certain check on [...] unwanted irruptions”. The system is based on an implicit *quid pro quo*: the state closes its eyes on corruption and miscarriages of justice, and in return, the judges deliver the ‘right’ judgments as and when necessary.

The hope on the EU side is that the coming few years will prove critical, that the Moroccan authorities will move forward, and that the EU will as a consequence be able to launch projects that have been delayed and begin supporting more comprehensive reforms pertaining to the core of the agenda. The EU is clearly trying to raise the stakes: in all the main recent core policy documents pertaining to the EU-Moroccan relationship, justice reform is given a prominent place.

This leaves us with the question: where does the EU fit into all this? How sincere has the EU been in its insistence on reform of the Moroccan justice system? So far, by focusing on issues such as court automation, information processing and training (see above), the EU has avoided the core issues of the judicial reform agenda, such as the independence of the judiciary and rooting out corruption. One exception is EU support, through the EIDHR, for Moroccan NGOs such as Adala, which

is very active on fundamental justice reform. This avoidance is something that EU representatives will readily admit, just as they will admit that there have been few tangible signs of success in the area of justice so far, and that not all projects have been working optimally. The hope on the EU side is that the coming few years will prove critical, that the Moroccan authorities will move forward, and that the EU will, as a consequence, be able to launch projects that have been delayed and begin supporting more comprehensive reforms pertaining to the core of its agenda. The EU is clearly trying to raise the stakes: in all the main recent core policy documents pertaining to the EU-Moroccan relationship, justice reform is given a prominent place. Recently, Ambassador Landaburu underlined that justice reform “is not going at the pace desired” and that the issue was urgent. When it comes to governance reforms, Moroccan authorities have tended to use the methods of procrastination and buying time. So far, the EU has tried to encourage

and reinforce whatever positive moves the Moroccan regime has made, without going beyond that. Justice reform, because of its centrality to the current efforts at increased integration between the EU and Morocco, is a test case for this approach. As one EU representative in Rabat put it, with reforms of the administration of justice “the credibility of the whole project of reforms in the country is at stake”; one could add that what is at stake is also the credibility of the EU as a champion of governance reforms in Morocco.





# Timeline of Events

## Algeria

### 1 June 2010 (Algiers):

Algerian activist Ferhat Mehenni, president of the Movement for the Autonomy of Kabylie (MAK), announced a new “provisional government” in the region of Kabylie, a mountainous and poor area east of Algiers that has been the scene of campaigns to win increased autonomy since the country won independence from France in 1962.

### 6 June 2010 (Algiers):

President Abdelaziz Bouteflika said that the opening of the Council of Europe’s Venice Commission to non-European states was a positive development.

### 7 June 2010 (Algiers):

Prime Minister Ahmed Ouyahia met Stefan Fule, European Commissioner for Enlargement and European Neighborhood Policy.

### 8 June 2010 (Algiers):

Algeria and Fiji decided to establish diplomatic relations at the Ambassadorial level.

### 9 June 2010 (Algiers):

The 7<sup>th</sup> session of the Union Arab Maghreb’s Council was held.

### 9-10 June 2010 (Algiers):

The Arab Maghreb Union Shura Council held its 7<sup>th</sup> work session.

### 13-15 June 2010 (Luxembourg):

Foreign Minister Mourad Medelci attended the 5<sup>th</sup> EU-Algeria Association Council’s meeting. His Spanish counterpart, Miguel Ángel Moratinos, said that Algeria is of strategic importance to the EU and describe the meeting as “extremely positive”.

### 14 June 2010 (Algiers):

Prime Minister Ahmed Ouyahia met Amadou Diallo, Niger’s Minister of Public Equipment.

### 15 June 2010 (Algiers):

Prime Minister Ahmed Ouyahia met Masood Ahmed, the IMF’s director for Middle East and Central Asia.

### 17 June 2010 (Algiers):

President Abdelaziz Bouteflika met Mohamed Mahmoud Mohamed Hijazi, Gaddafi’s personal envoy.

### 20 June 2010 (Algiers):

President Abdelaziz Bouteflika met Claude Guéant, Secretary General of the Elysée Palace.

### 20 June 2010 (Algiers):

President Abdelaziz Bouteflika met Syrian Vice-President Farouk Echaraa.

### 20 June 2010 (Algiers):

In a declaration adopted by the Ministerial Council on Electricity, Algeria, Morocco and Tunisia reaffirmed their will to pursue reforms in the energy sector and strengthen bilateral and multilateral cooperation with the EU.

### 25 June 2010 (Toronto):

In an address to the G8 summit, President Abdelaziz Bouteflika called for attention to terrorist activities in the Sahel and denounced the payment of ransoms by Western states in order to free kidnapped citizens.

### 30 June 2010 (Algiers):

The 4<sup>th</sup> session of the Algerian-Russian Commission was inaugurated.

## Libya

### 1-4 June 2010 (Tripoli):

Sheikh Soleiman El Ouda, a Saudi cleric and one-time Salafist, made his first-ever trip to Libya this month to spread his message of moderation at the invitation of Saif al-Islam Gaddafi, son of Muammar Gaddafi

### 2 June 2010 (Tripoli):

Libyan leader Muammar Gaddafi blames the US for an attack by Israeli forces against a Gaza-

bound aid fleet that killed several activists and left many others injured. According to Gaddafi, the US must be held responsible since it finances Israel.

### 3 June 2010 (Tripoli):

The Libyan government announced that it has no intention of handing over a Darfur rebel leader – Khalil Ibrahim, leader of the Justice and Equality Movement – to Sudan where he faces charges related to a 2008 attack on the capital.

### 8 June 2010 (Tripoli):

The UNHCR was ordered by the Libyan authorities to leave Libya.

### 8 June 2010 (Tripoli):

The 7<sup>th</sup> round of talks between Libya and the European Union was held and it related to the signing of a framework agreement for the promotion of dialogue and cooperation between both parties in the political, economic and social fields. The main obstacles were illegal immigration, trade and investment and the fight against social discrimination.

### 10 June 2010 (Tripoli):

Greek Prime Minister George Papandreou discussed the strengthening of ties with Libya, where he met his counterpart Baghdadi Mahmoudi and Muammar Gaddafi. A Memorandum of Understanding that covers tourism, food production, finance and renewable energy was signed.

### 11 June 2010 (Tripoli):

Libya released Max Goeldi, a Swiss businessman held in prison for nearly two years. Goeldi was at the center of a diplomatic row between Libya and Switzerland.

### 13 June 2010 (Tripoli):

Muammar Gaddafi received, in two separate meetings, the Ugandan President Yoweri Museveni, and the leader of the ruling Military Council in Niger, Salou Djibo. The African Union was the main topic on the agenda.

**14 June 2010 (Tripoli):**

The leader of the People's Committee for Scientific Research, Abdelkadir Fakhri, and the Serbian Minister of Education, Zarbo Obradovic, signed a cooperation agreement in the fields of education, teaching and scientific research.

**14 June 2010 (Tripoli):**

Muammar Gaddafi was ordered to pay \$3 billion to the victims of Irish Republican Army (IRA) terrorist acts. The decision follows nine months of talks between the United Kingdom and Libya's officials in Tripoli. Libya used to provide IRA terrorists with explosives and weapons.

**14 June 2010 (Tripoli):**

The head of Libya's National Oil Company (NOC), Shokri Ghanemor, wants assurances of safety from BP in the light of the oil spill in the Gulf of Mexico. Meanwhile, Libya's NOC will allow BP to start deeper drilling in the Mediterranean.

**16 June 2010 (Tripoli):**

Turkish State Minister for Foreign Trade Zafer Caglayan met with Prime Minister Al-Baghdadi Ali al-Mahmudi, and the Secretary of the General People's Committee for Economy, Trade and Investment, Muhammad Ali al-Huwayz.

**18 June 2010 (Tripoli):**

Muammar Gaddafi sent a message to Tunisian president Zine El Abidine Ben Ali. The message contained three invitations to attend the Arab Extraordinary Summit and the African-Arab summit, planned for 9 September and 10 October, respectively, in Sirte, as well as the EU-Africa Summit due in November in Tripoli.

**19 June 2010 (Luxembourg):**

Portuguese Foreign Minister Luís Amado declared that Portugal is going to assist Libya in the preparation of the 3<sup>rd</sup> EU-Africa Summit, planned for 29-30 November in Tripoli. Amado's statement was made after a meeting with his Libyan counterpart Mussa Kussa.

**20 June 2010 (Khartoum):**

An official of the ruling Sudanese National Congress Party called on Libya to press the leader of the Justice and Equality Movement (JEM) to join the ongoing peace talks in Doha.

**23 June 2010 (London):**

Amnesty International (AI) reported that human rights observance is failing to keep pace with Libya's improved international image. Countries such as the US and the UK are accused of overlooking the abuses.

**24 June 2010 (Khartoum):**

Sudanese President Omar Hassan Al Bashir expressed to Muammar Gaddafi his protest regarding "hostile moves" by the Justice and Equality Movement (JEM), whose leader resides in Libya.

**24 June 2010 (Tripoli):**

Serbian Defense Minister Dragan Sutanovac and the Chief of Staff of the Libyan Armed Forces Major General Abu-Bakr Younis Jaber signed an agreement on military-technical cooperation between the two countries.

**24 June 2010 (Tripoli):**

The Foreign Ministry rejected and denounced Amnesty International's report and invited the organization to send a new fact-finding team.

**24 June 2010 (Tripoli):**

Spanish Prime Minister José Luis Rodriguez Zapatero met Muammar Gaddafi to discuss the 3<sup>rd</sup> EU-Africa Summit. Recent events concerning the Palestinian territories were also part of the talks.

**26 June 2010 (Tripoli):**

Muammar Gaddafi expressed support for the European Union's request to have a single representative to the UN and other international organizations.

**27 June 2010 (Khartoum):**

Sudan asked Libya to expel the leader of Justice and Equality Movement (JEM) Khalil Ibrahim, and accuses him of trying to undermine peace talks and preparing violent attacks on Khartoum.

**28 June 2010 (Tunis):**

The pentagonal committee, made up of Libya, Yemen, Egypt, Iraq and Qatar, adopted a vision relating to the transformation of the Arab League into a Union of Arab countries with a view to promote common Arab action.

**29 June 2010 (Khartoum):**

Sudan's Interior Minister Ibrahim Mahmud Hamid said his country is going to shut its

borders with Libya next month in response to banditry.

## Mauritania

**10 June 2010 (Nouakchott):**

Defense Minister Hamadi Ould Baba Ould Hamadi ruled out freeing al-Qaeda prisoners in return for Western hostages held in his country.

**15 June 2010 (Lisbon):**

Foreign Minister Naha Mint Mouknass met with his Portuguese counterpart Luís Amado and signed a memorandum stipulating mutual political consultations.

**21 June 2010 (Nouakchott):**

NATO Deputy Secretary General Claudio Bisogniero met with President Mohamed Ould Abdel Aziz, Minister of National Defence Hamadi Ould Hamadi and the Chief of Staff of the Mauritanian Armed Forces, Gen. Mohamed Ould Cheikh Mohamed Ahmed.

**27-28 June 2010 (Moscow):**

Foreign Minister Naha Mint Hamdi Ould Mouknass met with her Russian counterpart, Sergey Lavrov. Ould Mouknass thanked Russia for its assistance in maintaining Mauritania on a constitutional course. Fisheries and the general state of bilateral relations were at the center of the agenda.

## Morocco

**1-2 June 2010 (Rabat):**

The 11<sup>th</sup> Morocco-Portugal High Joint Commission was co-chaired by Moroccan Prime Minister Abbas El Fassi and his Portuguese counterpart José Sócrates. Renewable energy, tourism and the inauguration of direct flights between Lisbon and Marrakech were the highlights of this event.

**6 June 2010 (Moscow):**

Agriculture and Fisheries Minister Aziz Akhannouch and Russian Agriculture Minister Elinia Skrynnik met to discuss agricultural cooperation.

**10 June 2010 (Washington):**

The World Bank approved a US\$60 million Development Policy Loan to support Morocco in the implementation of the "Education Emergency Program 2009-2012".

**11 June 2010 (Rabat):**

Kuwait's Minister of Commerce and Industry Ahmad Al-Haroun met Prime Minister Abbas El Fassi and the ministers of economy and finance, and tourism and handicrafts, to develop and diversify bilateral economic ties.

**16 June 2010 (Rabat):**

The African Development Bank stated in a report that the fundamentals of Morocco's economy remained stable in 2009, attesting to greater ability to withstand external shocks, despite poor international conditions.

**22 June 2010 (Brussels):**

Foreign Secretary of State Mohamed Ouzzine declared that Morocco is willing to support Mauritania's general development orientation. Ouzzine added that Morocco lauds Mauritania's commitment to reinforce reforms, adopt good governance and fight poverty.

**23 June 2010 (Rabat):**

Foreign Secretary of state Latifa Akharbach and Ireland's ambassador to Morocco signed an agreement to avoid double taxation.

## Tunisia

**1 June 2010 (Tunis):**

The secretary general for the Democratic Constitutional Rally, Mohamed Ghariani, conferred with Ibrahim Kharichi, the Palestinian Deputy Foreign Affairs Minister. Talks focused on the development of the Israel-Palestine conflict and the Israeli action against the Gaza-bound aid flotilla. Ghariani reaffirmed Tunisia's support for the Palestinian people in their fight to recover all their "legitimate rights and build up their independent state".

**1 June 2010 (Tunis):**

The US African Command (AFRICOM) commander, General William Ward, said in a press conference that Maghreb countries have US support in their struggle to stop al-Qaeda in Africa. Ward also reiterated that the US will not establish a military base in the Maghreb.

**2-3 June 2010 (Cairo):**

Foreign Affairs Minister Kamel Morjane led the Tunisian delegation during the 11<sup>th</sup> session of the Tunisian-Egyptian political follow-up and consultation committee. Morjane held also a meeting with his Egyptian counterpart, Ahmed Abul Gheit.

**7 June 2010 (Tunis):**

Prime Minister Mohamed Ghannouchi received World Intellectual Property Organization (WIPO) director general Francis Gurry. The meeting focused on the policy adopted by Tunisia in areas such as innovation and promotion of high added value sectors – two areas where intellectual property plays an important role.

**8 June 2010 (Cairo):**

At the end of the 14<sup>th</sup> session of the Tunisian-Egyptian higher joint committee, Prime Minister Mohamed Ghannouchi and his Egyptian counterpart, Ahmed Nadhif, held a joint press conference. Both announced their governments' intention to strengthen economic relations, especially in the areas of investment and trade.

**9 June 2010 (Sharm El-Sheikh):**

Egyptian President Mohamed Hosni Mubarak received Prime Minister Mohamed Ghannouchi, who conveyed a message from President Ben Ali stressing the good relations between both countries.

**9 June 2010 (Istanbul):**

Foreign Minister Kamel Morjane led the Tunisian delegation to the third Arab-Turkish Forum held in Istanbul. Morjane stressed the importance of relations between Turkey and the Arab countries.

**10 June 2010 (Tunis):**

Prime Minister Mohamed Ghannouchi received Oman's Education Minister, Yahia Ibn Saoud Ibn Mansour Al-Sillimi. The meeting aimed at reviewing the agenda of the 13<sup>th</sup> session of the Tunisian-Omani Joint Committee.

**11 June 2010 (Tunis):**

Prime Minister Mohamed Ghannouchi received Ivorian Minister of Economic Infrastructure Dagobert Banzio, who stated his country's will to take advantage of Tunisia's expertise in the field of infrastructure, especially in motorways and public works-related fields.

**17 June 2010 (Tunis):**

Governor of Tunisia's Central Bank Taoufik Baccar conferred with Messaoud Ahmed, Director of the Middle East and Central Asia Office at the International Monetary Fund. The talks focused on the international financial crisis and its effects on Europe.

**19 June 2010 (Tunis):**

Prime Minister Mohamed Ghannouchi received Henry Okello Oryem, special envoy of Uganda's President and State Minister for International Co-operation. Oryem invited President Ben Ali to attend the 2010 Summit of African Heads of State and Government due next July in Kampala.

**23 June 2010 (Tunis):**

The Minister of Religious Affairs Boubaker El Akhouri conferred with Ali Bin Tamime, Chairman of the Board of Directors of the Sheikh Zayed Mosque in Abu Dhabi. The meeting aimed at strengthening cooperation in cultural and religious affairs.

**23 June 2010 (Tunis):**

The 8<sup>th</sup> session of the Tunisian-Maltese joint committee opened under the co-chairmanship of Foreign Affairs Minister Kamel Morjane and his Maltese counterpart, Tonio Borg.

**24-25 June 2010 (Tunis):**

President Ben Ali met the Lebanese Prime Minister Saad Hariri, who also met with his counterpart Mohamed Ghannouchi. Both Prime Ministers chaired a joint working session. The relation between both countries and recent developments in the Middle East were at the center of the agenda.

**26 June 2010 (Madrid):**

Foreign Affairs Minister Kamel Morjane met his Spanish counterpart, Miguel Ángel Moratinos, to discuss bilateral ties, Tunisia-EU relations and international affairs of mutual interest.



## Reading List

- Amir Azarvan, "Terror, oil and repression in Algeria" (*The Journal of North African Studies*, Vol. 15, No. 2, June 2010): 231-253.
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- Oriol Costa, "Convergence on the Fringe: The Environmental Dimension of Euro-Mediterranean Cooperation" (*Mediterranean Politics*, Vol. 15, No. 2, July 2010): 149-168.
- Gonzalo Escribano, "Convergence towards Differentiation: The Case of Mediterranean Energy Corridors" (*Mediterranean Politics*, Vol. 15, No. 2, July 2010): 211-229.
- Cédric Jourde, "Politique des récits de l'islamisme en Mauritanie: entre 'marée montante' et 'islamisme kalachnikov'" (*Politique Africaine*, No. 114, June 2009): 67-86.
- Eduard Soler i Lecha, "Converging, Diverging and Instrumentalizing European Security and Defense Policy in the Mediterranean" (*Mediterranean Politics*, Vol. 15, No. 2, July 2010): 231-248.
- Michael Mewshaw, *Between Terror and Tourism: An Overland Journey Across North Africa* (Berkeley: Counterpoint, 2010).
- Frédéric Misrahi, "What Prospects for the Lifting of Technical Trade Barriers in the Mediterranean? Insights from the Turkish Case" (*Mediterranean Politics*, Vol. 15, No. 2, July 2010): 189-209.
- John Phillips and Martin Evans, *Algeria: Anger of the Dispossessed* (Yale: Yale University Press, 2008).
- Daniel Wunderlich, "Differentiation and Policy Convergence against Long Odds: Lessons from Implementing EU Migration Policy in Morocco" (*Mediterranean Politics*, Vol. 15, No. 2, July 2010): 249-272.

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