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Negotiating democracy with authoritarian regimes. EU democracy promotion in North Africa

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ABSTRACT

In order to better understand the dynamics of international cooperation on democracy promotion with authoritarian regimes, this article looks into the *processes* and *results* of negotiations on democracy (promotion) between the European Union (EU) and two of its North African neighbours (Morocco, Tunisia) in the decade leading up to the Arab uprisings. Asking *if*, *how*, and *to what effect* the EU and its Mediterranean partners have negotiated issues related to democracy promotion, it analyses official documents issued on the occasion of their respective association council meetings in 2000-2010. It shows that partners have indeed addressed these issues since the early 2000s, however, without engaging in substantive exchanges. Most of the time, conflicts have been neither directly addressed nor resolved. Where there are traces of actual negotiations leading to an agreement, these are clearly based on a logic of bargaining rather than arguing. These findings challenge the picture of harmony and cooperation between the EU and Morocco. Furthermore, they point to the low quality of these exchanges which reinforces the dilemma of international democracy promotion in cooperation with authoritarian regimes.

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KEYWORDS European Union; Morocco; Tunisia; democracy promotion; negotiation; bargaining; leverage; authoritarianism

Introduction

Authoritarian regimes are the "hard cases" of international democracy promotion. International actors mostly rely on the active cooperation of the regimes they seek to democratize and thus likely put out of power.[1] In this regard, the European Union's (EU) democracy promotion efforts in the Middle East and North Africa are generally considered exemplary for a partnership-based approach in dealing with authoritarian regimes.[2] While there is, as the editors to this special issue note, a consensus on the inherently interactive nature of international democracy promotion efforts, we still know little about the dynamics of interaction itself and how they affect the practice of international democracy promotion and its impact on democratic change.[3] The broader literature on (international) negotiations helps conceptualize these interactive processes, leading to the notion of *democracy promotion negotiations* that captures "the

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processes of negotiation that occur in the context of and/or explicitly deal with democracy promotion."[4]

The lens of negotiations is particularly useful when dealing with authoritarian regimes, because all matters related to democracy, democratization, and democracy promotion should elicit some sort of contestation and resistance and thus require negotiations for the purpose of reaching an agreement.[5] Investigating democracy promotion negotiations will thus provide additional insights into the quality of democracy promotion with authoritarian regimes. Even if negotiations lead to the joint implementation of democracy promotion instruments, they do not necessarily imply that external and domestic actors agree on the objectives and normative premises of promoting democracy. Only a closer look at the process of negotiation can reveal potential underlying conflicts, dynamics of arguing and bargaining, and the role of either side in shaping the substance of agreements.

In order to empirically investigate the *process* and *results* of democracy promotion negotiations with authoritarian regimes, this article focuses on interactions between the EU, on the one side, and Morocco and Tunisia, on the other side, in the decade leading up to the Arab uprisings. Seeking to open this "black box" of international democracy promotion, the article asks *if*, *how*, and *to what effect* the EU and its two Mediterranean partners have negotiated issues related to the normative foundation and the practical implementation of the EU's democracy promotion agenda. In answering these analytical questions, the article seeks to assess the overall quality of these negotiations and their relevance for better understanding international democracy promotion efforts in authoritarian regimes.

A comparison of Morocco and Tunisia is particularly promising because the two regimes have different track records of cooperation on democracy and human rights with the EU.[6] While Moroccan authorities engaged early on in the active, comparably smooth and comprehensive implementation of the EU's agenda, cooperation with Tunisian authorities proved difficult and partners could not agree on the joint implementation of measures until late in the 2000s. While the Arab uprisings completely changed the picture for Tunisia, the EU's approach to and experience in promoting democracy has not fundamentally changed with the other countries in the region.[7] This highlights the continued relevance of better understanding international democracy promotion in cooperation with authoritarian regimes. Looking more closely into democracy promotion negotiations will show, first, if and how democracy promotions negotiations mattered for shaping these diverging outcomes of cooperation. Second, in contrasting the two different experiences, it will be possible to systematically tease out similarities and differences that point to more general insights into the quality of democracy promotion negotiations with authoritarian regimes.

The analysis highlights a surprising number of similarities in the substance and dynamics of negotiations with Morocco and Tunisia, despite stark differences in levels of conflict. Findings suggest an overall low quality of exchanges, as actual negotiations only took place with regard to the implementation of specific measures. By contrast, conflicts over the normative foundations of cooperation were neither openly addressed nor resolved. Even in the ostensibly harmonious and smooth negotiations between EU and Moroccan officials, there were underlying conflicts that mark their seeming consensus as superficial. Neither interactions with Morocco nor Tunisia reveal any signs of normative change on either side and the agreement on cooperation with both countries was clearly the result of bargaining that included issue-linkage and

concessions by the EU. While these findings mostly confirm common assumptions about (EU) democracy promotion efforts in the region, they stress the limits of intergovernmental negotiations as arenas of contestation and meaningful dialogue.

The following (second) section lays out in more detail the rationale of adopting the lens of negotiations and lays the conceptual and methodological groundwork for empirically investigating international democracy promotion negotiations. The third section systematically compares democracy promotion negotiations between the EU and Morocco and Tunisia on the occasion of association council meetings in 2000–2010 in order to trace their dynamic and content and to assess their overall quality. The article concludes with a discussion of these findings' implications for our understanding of (EU) democracy promotion with authoritarian regimes and sketches directions for further research.

Setting the stage: international democracy promotion as negotiation

International democracy promotion and (authoritarian) regime dynamics in the Middle East and North Africa have received a lot of scholarly attention since the early 2000s. While both strands of research are well developed, they rarely study the process of interaction between external and domestic actors.[8] With regard to the EU's experience in promoting democracy in the region, the main arguments in the literature point to the EU not living up to its aspirations as "normative power" in terms of both credibility and effectiveness,[9] as it generally privileges the objective of stability (and thus security) over democratization and refrains from exerting open pressure.[10] Although recognizing the interactive aspects of democracy promotion such as the EU's "adaptability" and "context-sensitivity," scholars mostly focus on structural conditions and outcomes of cooperation, but neglect the process of interaction and agency.[11] With regard to the "persistence" of authoritarianism, studies of authoritarian regime stability and change have flourished already before the Arab uprisings.[12] While they provide important insights into the internal dynamics of authoritarianism, they rarely include (the interaction with) external actors in the picture. As of yet, few authors investigate more specifically the "international dimension" of authoritarianism.[13]

Adding to the nascent research agenda on "contestation," "resistance," and "appropriation" by "local" actors in response to "external" democracy promotion efforts,[14] the lens of democracy promotion negotiations adopts a slightly different angle to shed light on the inherently interactive quality of these efforts.[15] In line with this special issue, *democracy promotion negotiations* are understood as "a sequence of actions in which two or more parties address demands, arguments, and proposals to each other for the ostensible purpose of reaching an agreement" on democracy (promotion).[16] The perspective of negotiations thus captures the idea that these interactions, driven by at least one party, are about reaching an agreement on issues related to democracy, democratization and/or democracy promotion that builds on some overlapping interests and overcomes potential conflicts through processes of arguing and bargaining.[17] The claim is that negotiations in and on democracy (promotion) matter because they are crucial for and part of the practice of democracy promotion. In order to better understand international democracy promotion in cooperation with authoritarian regimes, it is important to unpack these processes and their results. Even when negotiations are "successful" in leading to an agreement that resolves a conflict between the two parties, they can constitute more or less meaningful exchanges and thus in and by themselves matter

for promoting democracy – or not. This article is therefore interested in assessing the quality of international democracy promotion negotiations in terms of their overall depth and the specific nature and content of both their process and result.

Conceptualizing democracy promotion negotiations

Presupposed that either party addresses topics related to democracy (promotion) in the first place, the overall depth of negotiations is, first of all, a function of which (kind of) issues partners address and which not. Issues can range from profound questions touching upon norms and beliefs that partners hold to technical matters on practical measures, adding more or less depth to democracy promotion negotiations. Following Poppe, Leininger, and Wolff, I distinguish three sets of issues of decreasing depth that can touch upon, first, "the normative premises, that is, the basic concepts and norms that underlie democracy promotion, including potentially contested conceptions of democracy and of legitimate external interference," second "the problem definition, that is, the identification and interpretation of the situation in the recipient country, including the problems that are to be addressed by democracy promotion," and third the practicalities of democracy promotion including "the formulation of specific policies, the distribution of material resources, and the implementation of agreements and programs."[18] In addition, I propose a more detailed conceptualization of the process and results of democracy promotion negotiations with regard to their specific nature and content to allow a systematic analysis of how these issues are discussed and whether and how negotiations lead to what kind of agreement. This analytical framework is built around potential conflicts between and changes in the positions and demands of either side on the different issues, leading (or not) to an agreement as the output of negotiations (Figure 1).

By mapping the positions and demands voiced by either party regarding their normative premises, problem definitions, and the practicalities of democracy promotion, it becomes possible to determine the areas and levels of (initial) conflict and/or consensus between the parties. Furthermore, the levels of elaboration (extensive vs. brief; specific

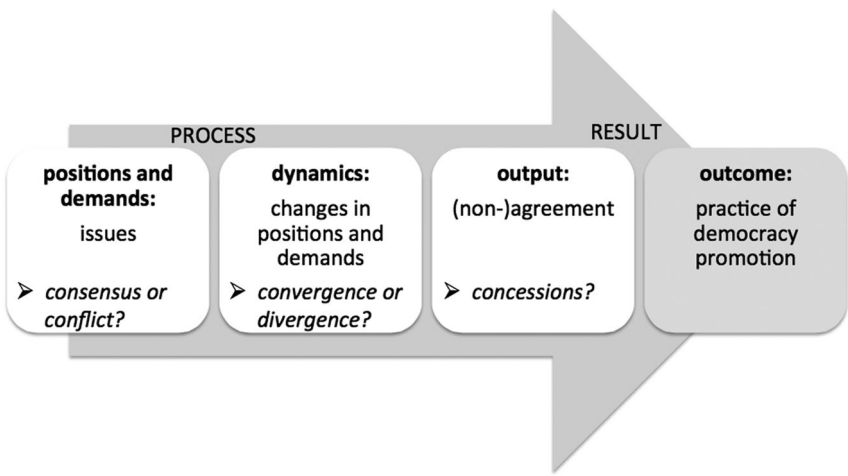

Figure 1. Process and results of democracy promotion negotiations.

vs. abstract; precise vs. vague) and reciprocity (one-sided vs. reciprocal; implicit vs. explicit) of communication indicate whether partners engage in more or less substantive exchanges. Analysing these exchanges over time allows tracing the dynamics of interaction. These include attempts at actively shaping negotiations through instances of arguing and bargaining by either party and potential changes in their (converging and/or diverging) positions and demands. If partners openly negotiate, they can seek to convince the other side of the validity of their positions and demands through the "better" argument; or, they can try to sway the other side to their position through manipulating the costs and benefits of an agreement, e.g. through bargaining tactics such as issue linkage and side payments.[19]

Regarding the immediate result of negotiations (output), it then remains to be seen whether or not these exchanges lead to an explicit or implicit, formal or informal agreement. In order to overcome a conflict, partners necessarily have to change some of their positions or demands to varying degrees. Concessions made in the process by either side can be more or less one-sided, leading to a balanced compromise or the respective success or failure at shaping the output. Beyond the type and substance of the agreement itself, carefully tracing positions and demands over time also provides insights into how it was reached through processes of arguing and bargaining. Whereas successful persuasion would suggest a consistent change in normative positions across issues, strategies such as side-payments and issue linkage hint at strategic action and/or leverage, especially when there are persistent conflicts over other, more substantive issues. Finally, going beyond the immediate context of negotiations, the effect of the (non-)agreement on the policy and/or practice of democracy promotion or even domestic reforms sheds light on the relevance of democracy promotion negotiations for shaping the outcomes and impact of democracy promotion efforts.

Investigating democracy promotion negotiations

In order to investigate the process and result of democracy promotion negotiations between the EU and its Mediterranean partners, the analysis focuses on exchanges between EU and Moroccan and Tunisian officials on the occasion of their respective association council meetings in 2000-2010. Association councils are the highest decision-making body for intergovernmental cooperation under the bilateral Euro-Mediterranean Association Agreements (EMAA), concluded with Morocco and Tunisia in the 1990s. They bring together representatives of the respective Mediterranean partner's government and of the EU, including the European Commission, the Council of the EU, and EU member states. Through the "essential element" clause enshrined in each EMAA, association councils are mandated to address issues related to democracy, democratization, and democracy promotion, creating a formal and institutionalized setting for democracy promotion negotiations at the ministerial level.[20] Association council meetings are "public" in the sense that partners usually adopt minutes that are available through the document register of the Council of the EU. In addition to a more or less detailed account of discussions during the meeting, an annex usually comprises official declarations issued separately by either side prior to the meeting. Democracy promotion negotiations, especially with authoritarian regimes, are notoriously difficult to grasp empirically because they touch upon politically sensitive issues that partners mostly deal with behind closed doors. While the minutes themselves are certainly only an approximate rendition of the actual dialogue

taking place during the meetings, together with the declarations they nevertheless provide an important glimpse of negotiations on democracy (promotion). Their systematic comparison over time and across countries reveals which issues the two sides felt comfortable with sharing publicly and yields some insights into the content and dynamics of negotiations and the agreements reached.

Starting with the entry into force of their EMAA in 2000, the EU and Morocco held almost annual meetings in 2000-2010. The minutes and the EU's declarations are available for all meetings, the Moroccan declarations since 2003. The EU-Tunisian EMAA had already entered into force in 1998, but the two parties held meetings less frequently during the 2000s. For the meeting in 2005, there are no minutes publicly available, suggesting serious disagreement between the EU and Tunisian delegations. The EU's declarations are available for all meetings, the Tunisian declarations except for the meetings in 2000 and 2005. Taken together, the analysis covers a total of 25 documents for nine EU-Morocco Association Council meetings and 18 documents for seven EU-Tunisia Association Council meetings in 2000-2010.

The following attempt at empirically grasping democracy promotion negotiations with authoritarian regimes and at assessing their overall quality therefore analyses the content of all minutes and official declarations available for association council meetings between the EU and Morocco and Tunisia in 2000-2010. Drawing on the analytical categories outlined above, the qualitative document analysis maps the positions and demands by either side, tracing changes over time and assessing the overall depth, nature, and content of negotiations and their results. The analysis adopts a systematically comparative perspective in order to tease out similarities and difference between EU-Moroccan and EU-Tunisian democracy promotion negotiations. The next section therefore proceeds in two steps: First, it presents the findings of the document analysis in a comparative way for each issue – normative premises, problem definition, and democracy promotion – individually, assessing the respective levels of conflict, profoundness, and reciprocity as well as the dynamics and resulting (non-)agreements. Second, it brings these insights together to evaluate the overall quality of negotiations and their relevance in the broader picture of democracy promotion.

EU democracy promotion negotiations with Morocco and Tunisia in comparative perspective

Analysing the declarations and minutes of association council meetings between the EU and Morocco and Tunisia in 2000–2010 reveals traces of democracy promotion negotiations with both countries. Since the early 2000s, EU officials and their Moroccan and Tunisian counterparts have explicitly addressed a range of issues related to the normative premises, problem definitions, and practicalities of democracy promotion in all of their respective declarations (available since 2000 for Tunisia, since 2003 for Morocco) and, less consistently, in the minutes capturing the content of meetings. Looking more closely into these interactions in a comparative perspective shows that they are at the same time marked by apparent differences in levels of conflict and consensus and by remarkable similarities with regard to the overall dynamics of exchanges and agreements reached that vary systematically across the different issues of democracy promotion negotiations. In a first step, this section therefore analyses the process and results of exchanges on each issue separately, highlighting the similarities and differences between the two cases in the nature and content of the EU's democracy

promotion negotiations with Morocco and Tunisia. In a second step, it then integrates these observations into an appraisal of the overall quality and relevance of democracy promotion negotiations.

The dynamics of democracy promotion negotiations on different issues: process and results

Normative premises: a shared commitment to universal values

In relations with both Morocco and Tunisia, each party has repeatedly affirmed its commitment to democracy, human rights, and the rule of law as universal principles in its declarations on the occasion of association council meetings. In line with its global democracy promotion policy, the EU in its declarations usually referred to these values as "essential elements" of their bilateral relations, formulating the implicit demand that cooperation was "based on shared respect for democracy, human rights and the rule of law."[21] The Moroccan and Tunisian declarations, in turn, have stressed their commitment to these values by setting out their achievements in realizing the respect for democracy, human rights, and the rule of law in domestic politics.[22] Thus, partners have for the most part implicitly met the EU's demand, and the Moroccan delegation in 2005 and 2007 even used the EU's phrase of "valeurs communes."[23] Beyond this basic agreement on the normative premises of cooperation, however, there have been no substantive exchanges on the meaning and respective understandings of these abstract norms.

Problem definition: exchanging positions on the goal and strategy of democratization

By contrast, all parties dealt in greater detail with the political situation in the respective Mediterranean partner country in their declarations and, to a lesser extent, also during the meetings. Assessing the situation with regard to the realization of democratic principles, human rights, and the rule of law, they all agreed in their (self-)critical diagnosis that both countries needed to engage in a process of (further) democratization. However, the tone and focus of exchanges varied significantly between the two countries. While the EU was not necessarily more critical vis-à-vis its Tunisian partners than its Moroccan ones, it certainly adopted a less conciliatory tone. In turn, the Moroccan portrayal of the country's commitment to an ongoing process of democratization and modernization aligned neatly with the EU's agenda for democratization (and democracy promotion). By contrast, Tunisian declarations clearly challenged the EU's agenda, putting forward a different understanding of democratization that prioritized socio-economic development and security as the basis for political reforms. They linked the issue of democratization with terrorism instead of a broader notion of modernization. Despite these apparent differences, there are striking similarities in the way the EU and its partners engaged in an exchange of positions with only implicit responses, but not in a substantive dialogue. In both cases, these exchanges led to no substantive changes on either side, leaving their more or less open conflicts unresolved.

Morocco. Both during the meetings and especially in its declarations, the EU praised Moroccan efforts at and progress in implementing specific political reforms for advancing democracy, human rights, and the rule of law. It always combined its praise with the demand to continue and intensify these efforts, and became increasingly explicit in voicing more specific "concerns" about remaining challenges that needed "more

attention" by Moroccan authorities.[24] Moroccan declarations, in turn, consistently highlighted the country's ongoing project of "democratisation and modernisation," pointing in great detail to specific achievements and ongoing efforts.[25] While Moroccan officials clearly acknowledged the need for further democratic reforms, they rarely responded to the EU's "concerns" in explicit terms. Partners thus paint a picture of harmony and overall agreement on their commitment to democracy and democratization that suggests a convergence between Morocco's domestic agenda of political reforms and the EU's agenda of democracy promotion. Their (non-)negotiations on two "sensitive" topics, however, point to the limits of this consensus and of a substantive dialogue.

On the topic of the Western Sahara conflict, Moroccan declarations clearly ignored the EU's careful criticism.[26] Since 2003, the EU consistently addressed the Western Sahara conflict in connection with concerns about human rights violations in its declarations.[27] On the one hand, it called upon all conflict parties to heed their obligations, refraining to single out any of them. On the other hand, it explicitly asked Moroccan authorities to improve freedom of association and assembly in the Western Sahara territory. Moroccan declarations, in turn, blamed the other conflict parties, in particular Algeria, for any human rights violations and humanitarian issues.[28] Rather than substantively engaging with the EU's concerns, they went so far as to demand the EU's public rejection of an "instrumentalization" of these issues against Morocco.[29]

On the issue of press freedom, Moroccan officials went so far as to explicitly reject the EU's criticism. In particular one incident during the association council meeting in 2009 illustrates underlying tensions and Moroccans' limited willingness to bear the EU's more critical remarks. As EU officials pointed to recent "incidents" with regard to the freedom of expression, the Moroccan minister quite openly rejected the EU's interference during the meeting.[30] He elaborated on the specific Moroccan take on the freedom of expression that aims to protect the three "pillars" of Moroccan society, namely territorial integrity, the monarchy, and religion, referring to established "taboos" in Moroccan politics recognized in the literature.[31] This, in turn, led the EU in 2010 to highlight the need to establish "unrestricted freedom of the press," but neither party further engaged in substantive exchanges.[32] These obviously diverging interpretations of press freedom challenge the premise of a shared understanding of democracy, human rights, and the rule of law and suggest that their seeming agreement on the objectives of democratization and democracy promotion was superficial at best.

Tunisia. In sharp contrast to EU-Moroccan relations, exchanges between EU and Tunisian officials much more openly reflected a fundamental conflict, not so much on the *need for* democratization in Tunisia but between their respective *understandings of* democratization and their reform priorities. In sharp contrast to interactions with Moroccan officials, the EU did not praise Tunisian efforts at political reform, thus refusing to sugar-coat its increasingly explicit criticism of lacking progress in advancing democracy, human rights, and the rule of law in what has become known as Tunisia's "façade democracy."[33] By contrast, Tunisian officials always presented the country's achievements and ongoing efforts in realizing democracy, human rights, and the rule of law in great detail in their declarations.[34] While stressing Tunisian accomplishments, they at least implicitly acknowledged room for further improvements. Thus, Tunisian authorities did not openly contest the need of further democratizing the country. However, they set out an alternative strategy in pursuit of this ultimate objective.

From the beginning, Tunisian officials refused the EU's demand for political reforms and in particular the strengthening of political rights and civil liberties as premature and dangerous for the long-term consolidation of democracy.[35] Instead, they insisted on first promoting socio-economic development and security as the basis for political reforms. They directly linked this issue to their success in fighting political extremism and (Islamist) terrorism, an issue that featured high on the bilateral agenda not least since the attacks of 11 September 2001. Tunisian officials clearly played the Islamist card, implicitly justifying limits on the freedom of expression for the benefit of stability and eventual democratic consolidation. Without explicitly referring to the Tunisian position, in 2003 the EU in turn started to stress the importance of democratization and in particular the freedom of expression and association in promoting socio-economic development.[36] It continued to highlight human rights and democracy as a prerequisite for sustainable development and insisted on the protection of human rights defenders in its declarations and increasingly also during the meetings.[37] Refraining from directly linking this question with the issue of security, EU declarations nevertheless stressed throughout the years the need to respect human rights, fundamental freedoms, and the rule of law in the fight against terrorism.[38]

EU and Tunisian officials basically led a (non-)debate on the sequencing of political and socio-economic reforms in the pursuit of stability and democracy, even though observers agree that in light of its "democracy-stability dilemma," the EU itself ultimately prioritized security and stability.[39] They presented their respective theories of democratization as counter-narratives without explicitly engaging with the other side and there have been no substantial changes in their positions over time. They made their positions clear in their respective declarations and apparently responded to the other side without making direct references to earlier statements. Beyond that, partners did not (visibly) engage in a substantive discussion of this disagreement during the meetings themselves. Their diverging agendas for domestic reforms left little room for cooperation on implementing the EU's democracy promotion agenda, as the Tunisian side implicitly contested the legitimacy of the EU's interference in domestic politics contrary to Tunisian reform priorities in the first place.

Democracy promotion: negotiating the implementation of specific measures

The practicalities of promoting democracy are the issue that partners most openly engaged on in actual negotiations, ultimately leading to agreements on the joint implementation of the EU's instruments. While the EU clearly asserted its demand for cooperation with regard to the implementation of democracy assistance and political dialogue, partners did not explicitly discuss the EU's broader policy and only indirectly touched upon the issue of resources. Association council meetings became as much an arena for monitoring the ongoing (non-)implementation of measures as for actual negotiations.

Against the background of their differing priorities for political reforms it is not surprising, however, that these issues were treated differently in relations with Morocco and Tunisia. EU-Moroccan exchanges were, from the beginning, marked by an atmosphere of mutual goodwill and open negotiations. By contrast, EU-Tunisian exchanges for the longest time centred on the EU's unrequited demands and were characterized by palpable tensions – right up until 2007, when partners shifted gears after having resolved the conflict without a visible process of negotiations. It is remarkable that

these differences ultimately only mattered for the timing of agreements on the implementation of democracy assistance and political dialogue, but not for their substance.

Morocco. In line with this apparent convergence of views, the EU's ambition of actively promoting democracy and human rights through cooperation has not been contentious in EU-Moroccan relations. With regard to the implementation of the EU's instruments, both sides frequently praised the ongoing cooperation as a sign of their close relations, including in particular the large-scale MEDA programme for the modernization of the judiciary and the open nature of political dialogue. In addition, they openly engaged in negotiations to reconcile their respective positions and demands on the creation of a specific human rights subcommittee under the EMAA and on the idea of an "advanced status" for Morocco under the ENP. The dynamics and result of these negotiations suggest processes of bargaining that did not lead to changes in normative positions.

Despite an agreement in principle on the creation of a human rights subcommittee, Moroccan officials took issue with the EU's proposal to include the discussion of "individual cases" of human rights violations in its mandate, which prolonged negotiations well beyond the EU's initial expectations.[40] While the parties finally agreed on the creation of a Subcommittee on Human Rights, Democratisation and Governance in 2006, observers claim that the decision was built on the tacit agreement of not covering individual cases, suggesting that the EU ultimately gave in to Moroccan demands.[41] This is supported by the fact that Moroccan declarations continued to frame the subcommittees mandate as "promotional," with meetings focusing on Morocco's achievements and allowing for dialogue rather than critical exchanges.[42] While the Moroccan government ultimately accommodated the EU's policy on human rights subcommittees, it only did so after lengthy negotiations that resulted in at least partial concessions on the side of the EU. Their tacit agreement effectively limited the mandate of the subcommittee in line with Moroccan preferences and potentially compromised its value for raising critical issues in political dialogue.

Negotiations on Morocco's "advanced status" reinforces this impression of bargaining rather than arguing. Linking the different issues on the table, Moroccan cooperation on democracy and human rights became part of a larger "deal" on further strengthening bilateral relations. Already in 2000, Moroccan officials put forward the idea of developing bilateral cooperation beyond the framework of the EMAA that had just entered into force, but the EU insisted on implementing the EMAA and its provisions before discussing next steps.[43] The Moroccan delegation regularly repeated their request and in 2007, the EU finally agreed on setting up a working group to start formal negotiations.[44] When the association council quickly proclaimed the "advanced status" of EU-Moroccan relations in 2008, Moroccan officials stressed the country's need for the EU's support for its "democratic success." EU officials, in turn, explicitly framed the advanced status as a reward for Moroccan efforts and progress at implementing domestic reforms – or rather, in light of the above, for its cooperation in implementing the EU's democracy promotion agenda.[45]

Tunisia. In sharp contrast to EU-Moroccan exchanges, democracy promotion was a much more difficult topic in interactions between the EU and Tunisian officials in the early 2000s. Until 2007, exchanges were in fact a wholly one-sided affair, as Tunisian officials ignored the EU's increasingly explicit criticism and demands for cooperation. This changed in 2007, when partners suddenly agreed on the joint implementation

of measures and began open negotiations on further strengthening bilateral relations, converging to the Moroccan "model" of cooperation.

At the outset, Tunisian officials basically refused to engage on the EU's demand for cooperation on the joint implementation of democracy promotion measures. Early on, EU officials raised problems in the implementation of democracy assistance programmes in their declarations, eliciting no public reaction from their Tunisian counterparts to increasingly explicit complaints about delays and active obstruction.[46] Similarly, EU officials repeatedly called for political dialogue to take place "without taboos" and in a more structured way, suggesting that they were not satisfied with the practice so far.[47] Tunisian officials again ignored the issue and did not even respond to the EU's explicit demand for the speedy creation of a human rights subcommittee in 2005.[48]

This changed radically in 2007, when partners praised the (re-)launch of cooperation, including the implementation of a large-scale programme for the modernization of the judiciary and the creation of the human rights subcommittee.[49] Partners neither mentioned their earlier disagreements nor how they finally reached a solution, but officials from either side agreed that especially negotiations on the human rights subcommittee had created enormous tensions and that the launch of practical cooperation was a pre-condition for the resumption of association council meetings after an unusually long break of more than two years.[50] In the following years, both sides kept praising the joint implementation of democracy assistance and the work of the human rights subcommittee.[51] Similar to their Moroccan counterparts, however, Tunisian officials always highlighted the discussion of topics traditionally high on the Tunisian agenda. They focused on the right to development and women's rights instead of political rights and fundamental freedoms, suggesting that the agreement was not substantive. There are no signs of tangible concessions by EU beyond the resumption of formal cooperation, but another development clearly points to a process of bargaining rather than arguing.

It is certainly no coincidence that, parallel to the opening of talks on an "advanced status" between the EU and Morocco, Tunisian officials for the first time publicly voiced a similar request in 2007 and openly engaged in negotiations on the occasion of the following association council meetings.[52] EU officials stalled the opening of formal talks, however, implicitly making progress in realizing democracy and human rights as part of a more "balanced," both socio-economic and political, development a precondition.[53] It was only in 2010 that partners agreed to create a working group and to open formal talks, but these did not commence before the onset of the Tunisian uprising later that year.[54] These negotiations clearly suggest that Tunisia's cooperation in implementing the EU's instruments for democracy promotion became a bargaining chip within the broader context of bilateral relations. Since 2007, Tunisian officials have clearly expected negotiations on an advanced status as compensation now that they had accommodated the EU's demand regarding cooperation on democracy and human rights.

The overall quality of democracy promotion negotiations

Bringing together the above findings on the process and results of democracy promotion negotiations between the EU and Morocco and Tunisia on individual issues, this section is interested in the overall quality of these interactions. On the one hand,

there are obvious differences between the EU's exchanges with the two countries regarding both the level of conflict over problem definitions and the "smoothness" of negotiations on the joint implementation of the EU's instruments for democracy promotion. On the other hand, there are striking similarities between EU-Moroccan and EU-Tunisian exchanges regarding both the immediate results and the overall dynamics of (non-)negotiations that vary systematically between the different issues addressed. The specific pattern of similarities and differences across countries and issues has important implications for the overall quality of democracy promotion negotiations with authoritarian regimes with regard to (1) the depth and dynamic of the process, (2) the relevance of its results (scope of output and outcome/impact), and (3) the substantive effect of the process of negotiations on these results.

First, while partners consistently addressed all issues of democracy (promotion) on the occasion of their association council meetings during the 2000s, these "negotiations" were shallow in that they lacked substance and rarely went beyond the exchange of (more or less con/diverging) positions. In a nutshell, the EU's democracy promotion negotiations with both countries built on a superficial harmony on their normative premises, left more (Tunisia) or less (Morocco) open conflicts on problem definitions unresolved, and relied on a logic of bargaining to sooner (Morocco) or later (Tunisia) reach limited agreements on the implementation of specific measures only.

Even in interactions between the EU and Morocco, a closer look into the process of negotiations has revealed underlying conflicts over the meaning of norms that challenge the ostensible harmony as superficial. Thus, partners reached the agreement on the joint implementation of democracy promotion measures in both cases despite more or less open conflicts on the normative underpinnings of their cooperation. In light of cursory exchanges on normative premises and the persistence of conflicts over problem definitions beyond the start of cooperation, this clearly suggests that agreements were not based on successful persuasion and a substantive convergence of positions but the result of bargaining. For example, the EU-Moroccan agreement on the creation of the human rights subcommittee clearly hinged upon the EU making concessions to tacitly accommodate the Moroccan position on the treatment of individual cases.

More generally, cooperation on democracy promotion in line with the EU's demands became part of larger bargain on the development of bilateral relations for both countries. The demand for an "advanced status," first voiced by Moroccan and Tunisian officials in 2000 and 2007 respectively, provides in both cases the background against which partners sooner or later agreed upon the implementation of democracy assistance and political dialogue. Initially driven by the Moroccan demand for strengthening bilateral relations and then enshrined in the ENP's positive conditionality, the EU framed the "advanced status" as a reward for progress in realizing "shared values." In voicing their demand for an "upgrade" of relations, Mediterranean partners accepted this issue linkage. Negotiations on democracy assistance and political dialogue, on the one hand, and an advanced status, on the other, became a matter of "give and take" for both sides.

Second, while there are instances of "successful" negotiations where partners reached an agreement in overcoming diverging positions, these were limited in scope, touching only upon the implementation of the EU's democracy promotion instruments. These agreements reached between the EU and its partners as the immediate results (output) of negotiations had of course direct relevance for the practice of democracy promotion in terms of the joint implementation of specific measures as the most

tangible outcome of the EU's democracy promotion efforts. Association council meetings thus served two purposes with regard to the practice of democracy promotion: to evaluate the ongoing practice of democracy assistance and political dialogue, becoming an issue of praise or criticism by the EU especially; and to facilitate agreements on engaging in and intensifying cooperation, in particular with regard to the creation of dedicated human rights subcommittees and developing the idea of an "advanced status."

Beyond this, negotiations and agreements had little to no discernible influence back on the EU's broader democracy promotion policy or on the political regimes in its partner countries. Defined in global and regional policy papers, the EU did not open its objectives and strategies of democracy promotion for discussion with the "targets" of its policy. Still, democracy promotion negotiations with Morocco might have served as a laboratory for developing the EU's instrument of positive conditionality and specifying the reward on offer for its Southern neighbours. Already in 2000, Moroccan officials raised their demand for strengthening relations, ultimately translated into the country's "advanced status" in 2008, years before the EU institutionalized positive conditionality and the promise of "enhanced cooperation" in the ENP.[55] While the EU's experience with enlargement conditionality had clearly inspired this innovation in the ENP, EU-Moroccan negotiations pioneered the implementation of the "new" instrument in Euro-Mediterranean relations – quickly taken up by the Jordanian and Tunisian governments.[56] In light of superficial exchanges on the normative underpinnings of cooperation on democracy promotion and the lack of substantive changes in either side's understanding of democracy and democratization, it is not likely that negotiations had a direct impact on the "target" regimes' domestic politics. Of course, they facilitated the joint implementation of the EU's instruments as a precondition for their potential influence, but these agreements on cooperation created only a limited sense of "mutual ownership."[57] This is, for example, reflected in the way Tunisian as well as Moroccan officials characterized meetings of their newly established human rights subcommittees, clearly diverging from the EU's expectations and demands. Negotiating democracy (promotion) on the occasion of association council meetings certainly helped to open up channels of communication, but hopes for even a long-term socialization effect are limited.

Third, and finally, there is the issue of the substantive influence of the process of negotiations on their results. While interactions and negotiations are clearly constitutive of the implementation of the EU's democracy promotion agenda centred on partnership-based instruments, this does not necessarily mean that the process of negotiations really makes a difference for the agreements reached. The comparison of the EU's negotiations with Morocco and Tunisia highlights that differences in the tone and dynamic of interactions mattered only for the timing, but not for the content of agreements. In fact, these differences reflect the cross-country variation in a number of parameters that are expected to shape negotiations.[58] Actor specific characteristics such as a somewhat more liberalized authoritarian setting and a slightly weaker domestic position of the Moroccan government suggest a greater normative convergence and power asymmetry in relations with the EU.[59] This variation in actor characteristics and specific context conditions plausibly translates into much smoother negotiations with Morocco compared to the Tunisian reluctance to meet the EU's demand for cooperation. However, a focus on structural and often static parameters alone fails to account for the fact that the Tunisian reluctance led to the delay, but not the failure, of agreements and the sudden change of negotiation dynamics in 2007.

In light of the above insights into the overall dynamics of Euro-Mediterranean democracy promotion negotiations, this change was not brought about by persuasion nor an alignment of normative positions but by plain, albeit effective, bargaining. While Tunisia did not become more vulnerable to the EU's demands over time *per se*, the embeddedness of democracy promotion negotiations in the broader context of bilateral and regional relations raised the stakes, that is the costs and benefits of a (non-)agreement on cooperation, during the process. Tensions at the association council meetings in the mid-2000s clearly overshadowed ongoing cooperation also in other fields and put a strain on bilateral relations.[60] While the EU did not publicly consider the adoption of formal sanctions under the "essential element" clause, it successfully linked the continuation of cooperation in other areas, such as trade and development, to the Tunisian willingness to constructively engage in its democracy promotion agenda. Both sides repeatedly highlighted the "relaunch" of cooperation at the 2007 association council meeting. At the same time, the EU-Moroccan launch of negotiations on an "advanced status" created an additional and seemingly attractive incentive for cooperation and triggered intra-regional competition for the EU's favour. Suddenly, Tunisia risked missing out on material benefits but also losing its often-highlighted status as "pioneer" in Euro-Mediterranean relations. It is certainly no coincidence that Tunisian officials voiced their own demand for a similar offer by the EU that same year.

After the failure of the EU's negative conditionality in Euro-Mediterranean relations, the ENP's positive conditionality seems to have gained some leverage.[61] Still, its success is limited in so far that it only triggered cooperation on democracy promotion measures, but no tangible change in domestic politics and reforms in Tunisia. The EU made the reward of "enhanced cooperation" conditional on "good cooperation" in implementing the EU's instruments rather than actual progress in realizing "shared values." This ultimately mirrors the situation in EU-Moroccan relations, where cooperation and domestic reform initiatives did not bring about tangible improvements in the democratic quality of the political process during the 2000s. Even if the EU cannot be held accountable for the lack of democratic change in its authoritarian neighbours by itself, this practice is inconsistent with its own claims and once more undermines its credibility as democracy promoter.

Conclusion

In order to open the "black box" of interactions in democracy promotion with authoritarian regimes, this article adopted the analytical lens of international negotiations. The aim was to better grasp the process and results of democracy promotion negotiations and to assess their overall quality. It thereby challenged whether democracy promotion negotiations did indeed substantively matter for democracy promotion, as Poppe, Leininger, and Wolff claim in this special issue.[62] Turning to the EU's democracy promotion efforts in North Africa vis-à-vis Morocco and Tunisia, the article more specifically asked *if*, *how*, and *to what effect* democracy promotion negotiations took place on the occasion of their respective association council meetings in 2000-2010. The comparative analysis of minutes and declarations revealed traces of democracy promotion negotiations that touched upon both the normative foundations and the practicalities (policy, resources, implementation) of democracy promotion.

The analysis finds, however, that the quality of these negotiations was all in all low, as partners did not (visibly) engage in meaningful exchanges. They did not discuss their respective understandings of abstract norms nor did they resolve (open or underlying) conflicts over their visions for democratization. This lack of substantive dialogue undermined the quality of the agreements the partners reached on the joint implementation of specific measures. Indeed, agreements turned out to be compromises, involving substantive concessions by the EU as well as bargaining tactics such as issue-linkage. While the negotiation of agreements clearly matters for the practice of democracy promotion in the sense of (jointly) implementing the EU's instruments, the diverging dynamics of negotiations with Morocco and Tunisia seems to have shaped the timing, but not the substance of these agreements. Still, adopting the lens of international negotiations for empirically investigating democracy promotion negotiations has highlighted the lack of substantive co-ownership beyond an agreement on cooperation.

These findings confirm the overall sceptical view on the EU as a promoter of democracy, especially in its dealings with authoritarian regimes, found in the broader literature on international democracy promotion and authoritarianism. On a positive note, the EU was able to set an attractive incentive – but only for cooperation, not domestic change. Rewarding "good" cooperation in the absence of tangible progress in democratization, the EU's practice of positive conditionality was once more inconsistent with its own policy, further undermining its credibility as a "normative power" and promising little effectiveness in bringing about normative change. In fact, the EU's premise of "shared" values as a precondition for cooperation means that partners cannot agree to disagree on normative premises. Instead, they are forced into accepting a "façade" consensus that prevents open contestation and meaningful exchanges. In order to overcome charges of hypocrisy and lack of credibility and to create room for substantive debates, the EU might have to renounce its "essential element" clause.

More generally, the findings highlight the dilemma of international democracy promotion in cooperation with authoritarian regimes, lending further substance to the charge that partnership-based international democracy promotion efforts are counterproductive as they ultimately help stabilize authoritarian regimes.[63] Through democracy promotion negotiations, authoritarian regimes can secure material resources and political support, making international cooperation part of their domestic "survival strategies." This highlights the importance of looking more carefully into the quality of the process and results of negotiating democracy (promotion). Ultimately, the findings suggest that formal intergovernmental interactions are simply not an adequate forum for substantive dialogue and communicative action. This makes it all the more urgent for both practitioners and researchers to develop a clear idea of what constitutes "success" and who the "winners" are of such negotiations. This article has made some first proposals for conceptually and empirically grasping the more procedural aspects of quality. In the end, however, this is a question of content and of the limits of normative compromise.

Taken together, investigating international democracy promotion through the lens of international negotiations draws our attention to the "quality" of interactions and to the fact that democracy promotion negotiations are embedded in a complex web of bilateral cooperation. In order to take research on democracy promotion negotiations further, it is therefore necessary to more carefully distinguish between formal settings of actual negotiations, which are mostly arenas of strategic interaction and bargaining, and

instances of everyday interactions, which tend to offer greater opportunities for contestation and meaningful dialogue.

Notes

1. Burnell and Schlumberger, "Promoting Democracy – Promoting Autocracy?"; Schlumberger, "Dilemmas of Democracy Promotion".
2. Pace, Seeberg, and Cavatorta, "The EU's Democratization Agenda"; van Hüllen, *EU Democracy Promotion*.
3. See Abbott, "International Democracy Promotion" for a brief overview of the literature; for a detailed discussion see the introductory and framework articles in this special issue, Poppe, Leininger, and Wolff, "Introduction", "Beyond Contestation".
4. Poppe, Leininger, and Wolff, "Introduction," available at https://doi.org/10.1080/13510347.2019.1593379.
5. Kurki, "Democratic Futures"; van Hüllen, "Resistance to democracy promotion".
6. Cavatorta, "Opposition Politics in Morocco"; Durac and Cavatorta, "Strengthening Authoritarian Rule"; Kausch, "Political Reform in Morocco"; Powel, "A Clash of Norms"; van Hüllen, *EU Democracy Promotion*.
7. Huber, "The EU's Approach"; Mouhib, "EU Democracy Promotion".
8. Abbott, "International Democracy Promotion", 180.
9. Pace, "Paradoxes and Contradictions".
10. Dandashly, "EU Democracy Promotion"; Jünemann and Knodt, "Explaining EU Instruments"; Youngs, "Democracy Promotion".
11. See e.g. the special issue proposing an "inside-out" approach to studying the EU's democracy promotion policy-making, Pace, Seeberg, and Cavatorta, "The EU's Democratization Agenda"; van Hüllen, *EU Democracy Promotion*.
12. Bellin, "Robustness of Authoritarianism"; Schlumberger, "Debating Arab Authoritarianism"; Volpi, *Revolution and Authoritarianism*.
13. Burnell and Schlumberger, "Promoting Democracy – Promoting Autocracy?"; von Soest, "Democracy Prevention".
14. Zimmermann, "Norm Diffusion"; van Hüllen, "Resistance to democracy promotion".
15. Groß and Grimm, "The External-domestic Interplay," 913.
16. Odell, "Negotiation and Bargaining," 379.
17. See Iklé, *How Nations Negotiate*; Zartmann, "Negotiations as Joint Decision-making"; Mühlen, *International Negotiations*; and for a detailed discussion Poppe, Leininger, and Wolff, "Beyond Contestation," 3–4.
18. Poppe, Leininger, and Wolff, "Beyond Contestation," 5–6.
19. Müller, "Arguing and Bargaining"; Risse, "Let's Argue!"; Saretzki, "From Bargaining to Arguing".
20. European Commission, *Respect for Democratic Principles*, 2.
21. EU-Morocco Association Council, *Minutes 2000*, 11; similarly EU-Morocco Association Council, *Minutes 2001*, 11; *Minutes 2003*, 14; *Minutes 2004*, 11; *Minutes 2005*, 12–13; *Minutes 2007*, 16; Council of the EU, *EU's position 2005*, 6; EU-Tunisia Association Council, *Minutes 2000*, 10; *Minutes 2002*, 12; *Minutes 2003*, 10; *Minutes 2007*, 13; *Minutes 2008*, 17; *Minutes 2010*, 14.
22. EU-Morocco Association Council, *Minutes 2003*, 22–23; *Minutes 2004*, 24–25; *Minutes 2005*, 23–24; *Minutes 2007*, 26–28; *Minutes 2008*, 36–38; *Minutes 2009*, 24–26; *Minutes 2010*, 24–26; EU-Tunisia Association Council, *Minutes 2002*, 48; *Minutes 2003*, 35; *Minutes 2007*, 23; *Minutes 2008*, 25; *Minutes 2010*, 25.
23. EU-Morocco Association Council, *Minutes 2005*, 23, *Minutes 2007*, 24.
24. EU-Morocco Association Council, *Minutes 2000*, 4; *Minutes 2005*, 4; *Minutes 2007*, 5; *2008*, 5, *Minutes 2009*, 6; *Minutes 2010*, 6.
25. EU-Morocco Association Council, *Minutes 2004*, 24; *Minutes 2005*, 23; *Minutes 2007*, 4, 26; *Minutes 2008*, 5, 36; *Minutes 2009*, 24; *Minutes 2010*, 24.
26. On the EU's "weak response" to the Western Sahara conflict in relations with Morocco, see Gillespie, "EU Responses to Conflict," 91–97.

27. EU-Morocco Association Council, *Minutes 2003*, 6; *2004*, 11–12; *2005*, 7; *2007*, 8; *2008*, 8, 10; *2009*, 9, 11; *2010*, 7, 10.
28. EU-Morocco Association Council, *Minutes 2003*, 31; *2004*, 33; *2005*, 29; *2007*, 26–27; *2008*, 38–39; *2009*, 25; *2010*, 30.
29. EU-Morocco Association Council, *Minutes 2009*, 25–26.
30. EU-Morocco Association Council, *Minutes 2009*, 6.
31. Kausch, "Political Reform in Morocco", 169.
32. EU-Morocco Association Council, *Minutes 2010*, 18.
33. EU-Tunisia Association Council, *Minutes 2002*, 12; *Minutes 2003*, 11; *Minutes 2008*, 17; *Minutes 2010*, 14; Sadiki, "Political Liberalization in Tunisia," 123.
34. EU-Tunisia Association Council, *Minutes 2002*, 48; *Minutes 2003*, 35; *Minutes 2007*, 23; *Minutes 2008*, 25; *Minutes 2010*, 25.
35. EU-Tunisia Association Council, *Minutes 2002*, 51–52; *Minutes 2003*, 37; *Minutes 2008*, 31.
36. Council of the EU, *EU's position 2005*, 7; EU-Tunisia Association Council, *Minutes 2003*, 11.
37. EU-Tunisia Association Council, *Minutes 2007*, 4, 14–15; *Minutes 2008*, 7, 18; *Minutes 2010*, 6, 14.
38. Council of the EU, *EU's position 2005*, 8; EU-Tunisia Association Council, *Minutes 2002*, 11; *Minutes 2003*, 12; *Minutes 2007*, 15; *Minutes 2008*, 19; *Minutes 2010*, 15.
39. Powel, "A Clash of Norms," 195; Durac and Cavatorta, "Strengthening Authoritarian Rule,"17; and in general Jünemann and Knodt, "Explaining EU Instruments"; Pace, "Paradoxes and Contradictions".
40. EU-Morocco Association Council, *Minutes 2004*, 13; *Minutes 2005*, 6.
41. EU-Morocco Association Council, *Decision 1/2006*; Majtenyi, Sosa and Timmer, *EU Human Rights Dialogues*, 41.
42. EU-Morocco Association Council, *Minutes 2005*, 37–38; *Minutes 2007*, 36; *Minutes 2008*, 38; *Minutes 2009*, 26.
43. EU-Morocco Association Council, *Minutes 2000*, 5.
44. EU-Morocco Association Council, *Minutes 2007*, 8.
45. EU-Morocco Association Council, *Minutes 2008*, 5.
46. Council of the EU, *EU's position 2005*, 7; EU-Tunisia Association Council, *Minutes 2000*, 10; *Minutes 2002*, 12; *Minutes 2003*, 10–11. In fact, the European Commission had to cancel two MEDA funded programmes (Civil Society, Media) and basically all of its activities under the EIDHR in the early 2000s, see Bicchi, "Dilemmas of Implementation," 990.
47. EU-Tunisia Association Council, *Minutes 2000*, 10; *Minutes 2002*, 11; *Minutes 2003*, 10.
48. Council of the EU, *EU's position 2005*, 6.
49. EU-Tunisia Association Council, *Minutes 2007*, 4–6, 14–15, 25, 28; EU-Tunisia Association Council, *Decision 1/2007.*
50. Interviews conducted in April 2008 in Brussels with officials from the European Commission (DG External Relations, desk-officer for Tunisia) and the Council of the EU (Policy Unit of the High Representative, Task Force Middle East & Mediterranean) as well as counsellors at the Tunisian embassy.
51. EU-Tunisia Association Council, *Minutes 2008*, 4–5, 7, 18, 32, 38; *Minutes 2010*, 5, 15, 36, 73.
52. EU-Tunisia Association Council, *Minutes 2007*, 3, 6.
53. EU-Tunisia Association Council, *Minutes 2007*, 4; *Minutes 2008*, 7.
54. EU-Tunisia Association Council, *Minutes 2010*, 6, 14. After the breakdown of the Ben Ali regime, the EU immediately offered to start negotiations on a "privileged partnership" that were successfully concluded in 2012.
55. European Commission, *European Neighbourhood Policy*, 7.
56. Kelley, "Old Wine," 30.
57. See Poppe, Leininger, and Wolff, "Beyond Contestation," 12.
58. See Ibid., 7, 11.
59. Empirically, this is for example reflected in levels of political liberalization, on the one hand, and the degree of statehood and socio-political development, on the other hand, see e.g. van Hüllen, *EU Democracy Promotion*. The focus on the EU as well as the same regional setting and time frame allowed holding most other factors identified in the special issue constant (i.e. relevance and institutionalization of democracy promotion in the EU's foreign policy, normative setting, historical, regional, and global context).

60. See note 50 above.
61. Youngs, "Democracy Promotion," 909.
62. Poppe, Leininger, and Wolff, "Introduction," available at https://doi.org/10.1080/13510347.2019.1593379, Poppe, Leininger, and Wolff, "Beyond Contestation," 2.
63. van Hüllen, *EU Democracy Promotion*, "Resistance to democracy promotion".

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