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Neighborhood and Enlargement Policy:  
Comparing the Democratization Impact of  
the European Union in Morocco and Turkey

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## 1. Introduction

Democratization implies the “political transformation process of the initiation and deepening of democracy in a polity that was previously authoritarian” (Mungiu-Pippidi, 2005: 16). Even though this process refers to changes in domestic political systems, the international dimension of democratization and, in this context, the impact of external actors shall not be underestimated. With regard to the ‘big bang’ enlargement in 2004 and the transitions in these states beforehand, the European Union (EU) may certainly count itself as “one of the most important actors in the field of democracy promotion” (Baracani, 2005: 4). Emerson and Noutcheva explain this phenomenon with the EU being a center of “democratic gravity”, on whose model other states tend to converge, depending on its reputation and attractiveness, geographic and cultural-historical proximity and last, but not least, its openness to the periphery (2004: 2). In academia, the process of third countries converging with the EU is generally called Europeanization. Despite varying definitions, the common ground is Europeanization being perceived as “the penetration of the EU dimension into national arenas of politics and policy-making and therefore some overlap between democratisation and Europeanisation is possible” (Mungiu-Pippidi, 2005: 16/17). According to Emerson et al., Europeanization “embraces democracy for sure, but is a wider concept” (2005: 175). Identifying political, economic as well as societal dynamics of Europeanization, the mechanisms for initiating these complex process can be divided into the two categories of conditionality<sup>1</sup> and socialization<sup>2</sup>. Conditionality foresees real action by the EU, whereas socialization relies more on demonstration effects and learning processes. These different mechanisms of Europeanization and varying degree of openness to the periphery correspond with the EU’s differentiated policies for its neighboring states. Seen on a continuum of Europeanization mechanisms, the neighborhood policies rely more on socialization than the enlargement policy which typically works with conditionality.

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<sup>1</sup> An additional differentiation can be made between positive and negative conditionality: Under the positive conditionality model, the EU offers advantages to the neighbor, ranging from full membership to graduated economic, political and institutional incentives if certain conditions are met. Negative conditionality basically means sanctions or other forms of punishment in case of non-compliance.

<sup>2</sup> Under the socialization model, the EU does not pursue a forceful policy, but simply engages its neighbors with multiple personal and institutional contacts as well as joint activities.

In 2002, it was the President of the European Convention d'Estaing's prophecy on the future of European enlargement that the moment negotiations start with Turkey, there will be a Moroccan demand to join the Union as well<sup>3</sup>. Turkey and Morocco are similar in the sense that they are historically and socially tied to Europe, but have virtually entirely Muslim populations and territories situated nearly or completely beyond the European continent. Nevertheless, both countries have been "long-standing, active friends" or likewise "old and pro-active partners" of the EU (Schmid, 2004: 405). Hence, Turkey's as well as Morocco's foreign policies can be characterized by a continuous orientation towards Europe, which they both emphasized by an application for membership in the –at that time- European Economic Community (EEC) in 1987. Whereas the European Council turned down Morocco's application on the grounds that it is not a European country<sup>4</sup> and thereby categorically excluded this country's prospect of accession, it basically underlined Turkey's eligibility for membership.

Almost twenty years later, Morocco now finds itself included in the EU's new neighborhood policy whereas the enlargement policy is finally valid for Turkey. Even though both countries have additionally participated in the Euro-Mediterranean Partnership's partially "multilateral adventure" (Schmid, 2004: 405), the focus of this assessment will be their individual and bilateral relations with the EU. After a brief historical overview of the latter, the first issue in focus are women's rights in Morocco and Turkey both in general and with regard to the EU's approach and influence on them. From the angle of democratization and its promotion, however, women's rights are relatively "soft" issues as opposed to "hard" issues like a state's core political structures. That is why subsequently, such hard issues and the EU's impact on them are analyzed as well, i.e. the role of the monarch in Morocco and the role of the military in Turkey. In order to make a more holistic evaluation of the EU's past policies, the next section transfers both countries to a broader level and discusses approaches and constraints to

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<sup>3</sup> "Le lendemain du jour où on ouvrira des négociations avec la Turquie, vous aurez une demande marocaine [d'adhésion à l'Union], le roi du Maroc l'a dit depuis longtemps". (D'Estaing, 2002).

<sup>4</sup> Article 49 TEU claims that any *European* State which respects the principles set out in Article 6 paragraph 1 TEU may apply to become a member of the European Union. Article 6 paragraph 1 describes these principles as those of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.

democratization that have manifested in the form of various biases in relations with Morocco and Turkey. Subsequently, the respective countries' circumstances in which democratization may take place are being compared. As the most recent strategies for Morocco and Turkey, the new neighborhood policy is put in contrast to the enlargement policy with regard to their design and potential of democracy-promotion. After some concluding remarks, an outlook finally conjectures in what sense Turkey and Morocco might serve as 'mirrors' for each other with regard to their relations with the EU and the latter's future impact on their democratization.

Drawing from the fact that both Turkey and Morocco have filed an application for membership and regularly demonstrated their motivation to deepen bilateral relations, e.g. Turkey currently envisaging accession, Morocco at least an 'advanced status', there is evidence to assume that both of these countries perceive the EU to be a strong role model. This gravitational attraction is also the common ground of both strands of Europeanization (Emerson et al., 2005 : 175), i.e. socialization as well as conditionality. The underlying expectation of this thesis is hence that socialization as well as conditionality eventually lead to a convergence of these third countries with the European model of democracy.

## **2. The EU's Strategies of Democracy Promotion**

### **2.1 The Neighborhood Policies for Morocco**

#### **2.1.1 From GMP to EMP**

Morocco was included in the European construction process already in 1957 by being quoted as a privileged partner in the annex of the Treaty of Rome (Schmid, 2006: 19). Early relations between Morocco and the European Community were legalized on the basis of a first association agreement in 1969, which was superseded six years later by a cooperation agreement within the framework of the EEC's Global Mediterranean Policy (GMP). The Moroccan King Hassan II's decision to issue a demand for membership in 1987 had been encouraged by the prior Mediterranean enlargement of former authoritarian-ruled countries such as Greece, Spain and Portugal. According to Haddidi, the arguments laid down in the king's application letter were his country's commitment to develop a liberal economy, its close economic ties with Europe and, "most important, the

*democratization* of domestic political life” (2002: 151). However, the Moroccan discourse in democracy at that time simply referred to developing a multiparty system and press circulation as opposed to human rights or other democratic issues.

These issues, however, became relevant in the context of the Renovated Mediterranean Policy (RMP) when the European Parliament first took advantage of a newly granted legal provision, i.e. the competence of freezing the budget of a financial protocol -the fourth one in Morocco’s case- on the grounds of human rights abuses in 1992. Its criticism referred to Morocco’s occupation of the Western Sahara and the shocking conditions of political prisoners. This decision proved to be somewhat of a bad timing as Morocco had just been starting to introduce a number of democratic elements into its system. Haddidi claims that this event showed the “adverse effect that strictly applying ‘negative’ conditionality could have on relations with third partners” (2002: 161) since the Moroccan government reacted strongly by cutting off negotiations with the European Commission concerning the renewal of the EC-Moroccan fisheries agreement. However, due to diplomatic efforts, EU-Morocco relations were not only maintained, but upgraded via the Euro-Maghreb Partnership. In comparison to the RMP, political dialogue intensified and made explicit reference to democracy and respect for human rights (Haddidi, 2002: 153). However, as the term dialogue suggests, the Euro-Maghreb Partnership was limited to information exchange, thus only socialization logics could apply.

The Barcelona Declaration of 1995 reiterated the political dialogue of the Euro-Maghreb Partnership more forcefully by listing the promotion of democracy as objectives in the first and third basket<sup>5</sup>. It established the Euro-Mediterranean Partnership (EMP), in the framework of which the bilateral association agreement as an endorsement to the Barcelona Declaration that came into force in 2000. Article 2 of this Euro-Mediterranean Association Agreement constituted a conditionality clause as the legal base for appropriate measures in the event of a serious breach of international human rights standards on respect for democratic principles and fundamental human rights. Such clauses became the EU’s major foundation and condition for the EU’s relations with third countries in

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<sup>5</sup> The Barcelona process is divided into the baskets of the (1) Political and Security, (2) Economic and Financial and (3) Social, Cultural and Human Partnership.

general<sup>6</sup>. But unlike in the RMP, this negative conditionality clause has never been applied in the EMP's history. Instead, the Barcelona Concept of partnership follows the logic of 'twin liberalisation', according to which political and economic liberalization are systematically linked. The embodiment of this liberal vision lies in the "interlinkage" mechanism between the three baskets of partnership measures that make up the Partnership (Schmid, 2003: 7). Hence, this strategy has implied that progress in the second basket, e.g. increased economic freedoms will eventually spill-over into the first basket and lead to more political freedoms and human rights. This also means that the strategy of the EMP is mainly one of socialization, i.e. relying on soft power and peer pressure through cooperation in the sphere of low-politics (Youngs, 2002a: 9).

### **2.1.2 New Neighborhood Policy ENP**

A new approach to deepen political relations between the EU and Morocco is pursued by the new European Neighborhood Policy (ENP). As the EU's recent enlargement of 2004 became certain, this new initiative was initially designed with regard to the EU's new Eastern neighbors. However, Mediterranean member states addressed the European Commission with their concern that the south should be included in this new policy as well and in consequence, all the states of the 'Barcelona Process' also became part of the ENP's territorial coverage. Even though the ENP is now in the responsibility of the Directorate General for External Relations, the initial influence of the enlargement staff who designed this new policy evidently determined the content and method of the ENP. Like the enlargement policy and in contrast to the Barcelona process, the method is essentially bilateral and differentiated according to the individual ambitions and capacities of the partner states (Emerson & Noutcheva, 2005: 7). The Neighborhood Policy offers Mediterranean states the prospect of deeper involvement in a wide range of EU policies, in which the menu of possible cooperation has been modelled on the pre-enlargement process of approximation. ENP states are to be offered 'everything except the institutions' which implies possible integration into all major areas of European cooperation, without the formal rights associated with EU membership. Particular emphasis has been made on

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<sup>6</sup> Commission Communication Com (95) 216 of 23 May 1995 on the inclusion of respect for democratic principles and human rights in agreements between the Community and third countries.

the prospect of integrating Arab partner more deeply into European single market rules and regulations (Youngs, 2005; 5). Whereas the EMP rested almost solely on socialization and never applied the option of negative conditionality, the ENP is designed more systematically on the principle of positive conditionality through the promise of more aid being granted in response to reform. To be introduced in 2007, External Relations Commissioner Ferrero-Waldner (2006) announced an “EU reform bonus” of an additional 10% for those countries which perform well. Jerch predicts this strategy to initiate “different speeds concerning the reforms made by each partner” (2005: 165). Additionally, ENP reform strategies shall be built around more detailed benchmarks (Youngs, 2005: 5).

According to the Commission, Morocco has given the ENP a “very warm reception and has been very cooperative regarding its implementation”<sup>7</sup>. As one of the most cooperative EMP partners and a country for which a deepening of relations with the EU presented a fundamental foreign policy choice, Morocco which has its “own ambition towards the Union” is allowed to “go further” than other Mediterranean partners (Wissels, 2006a). Schmid confirms that Morocco sees the ENP as a possibility to obtain its long-awaited ‘advanced status’ (2006: 20); a term which is explicitly mentioned in the Action Plan as the basis document for EU-Moroccan relations within the EMP. Wissels, who is responsible for the ENP’s coordination, stressed that although he does not want to underestimate the EMP’s achievements, Barcelona was a *process* whereas ENP is a *method*. He does not want to abandon the former, but rather believes that the bilateral approach of the ENP boosts the Barcelona Process, which goes along with the agreed line “that the Neighbourhood Policy will strengthen, not replace the EMP” (Youngs, 2005: 5). Wissels further emphasized the new willingness of particularly the Maghreb countries to talk about human rights in an organized way, “something they have always refused to do” (2006a). Indeed, a first meeting of a reform-oriented EU-Morocco Reinforced Political Dialogue was held in June 2004. Furthermore, a new sub-committee on ‘Human rights, Democratization and Governance’ has been created. This and other sub-committees established under the Association Agreement are currently implementing the Action Plan for Morocco which was finalized in July 2005.

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<sup>7</sup> Commission Staff ENP Working Paper on Morocco, SEC (2004 529): 5.

## 2.2 The Enlargement Policy for Turkey

### 2.2.1 Early EU-Turkey Relations

According to Emerson & Noutcheva, ever since the EU's decision to grant Turkey the candidate status in 1999, the ongoing "Europeanisation and democratisation of Turkey is the most dramatic movement on the European frontline" (2005: 12). However, it took a long time for the EU to take the long-standing Turkish candidacy seriously. Indeed, Turkey's first application for membership in the EEC dates back as early as 1959. The EEC at that time responded by proposing the creation of an association rather than Turkey's immediate accession. The outcome of this first encounter was the Ankara Agreement of 1963, which envisaged the establishment of a customs union to bring Turkey closer to the EEC in economic and trade matters. This association agreement "did not mention democracy, human rights, or even politics" (Smith, 2003: 111). Nevertheless, in article 28 it did already include Turkey's membership perspective<sup>8</sup>.

It was the Cold War that strongly determined the European context for decades and in particular also early relations of Turkey with the European Community. Due to its geographical position nearby the Soviet sphere, but staunch membership in NATO, Turkey proved to be of utmost strategic importance to the Western world. European gratitude for Turkey's role as a buffer state against the communist threat may explain why the repeated military coups in Turkey as "breaks on the road of democratization" did not strain relations with the EEC, except for the latter's decision to freeze Turkey's associate membership in the wake of the 1980 military coup. Turkey's continuous efforts for modernization despite of the difficult international context were acknowledged, even though it seems apparent that the Turkish method of political modernity at this time aimed at modernizing and industrializing Turkey rather than democratizing its state-societal relations (Aydin & Keyman, 2004: 7). It hence were the security-logics of the East-West conflict why the "understanding of democratization as giving priority to the respect of human rights and freedoms was not perceived as one of the musts of Europeanization"

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<sup>8</sup> Article 28. of the Ankara Agreement reads as follows : "Lorsque le fonctionnement de l'accord aura permis d'envisager l'acceptation intégrale de la part de la Turquie des obligations découlant du traité instituant la Communauté, les parties contractantes examineront la possibilité d'une adhésion de la Turquie à la Communauté".

(Yankaya, 2005: 512). In addition to that, the EEC at that time did not focus on human rights yet, but was rather an economic and less politically oriented organization. Besides security considerations, it was this economic bias that determined Europe's early relations with Turkey.

Indeed, Turkey's second application in 1987 was again not met with a concrete timeframe for membership, but only a confirmation of the planned customs union as already foreseen in the association agreement. This purely economic-driven deepening of former European relations with Turkey laid the grounds for what Önis calls the 'Ankara Agreement Syndrome' (2000: 21), i.e. the Turkish belief that further integration will simply be trade-led. But after the Cold War, the European Communities transformed into the European Union with an increased political identity (Yankaya, 2005: 515). The EU Summit of 1993 had defined three 'Copenhagen Criteria' that an aspiring candidate should meet, the first one being a political condition in the sense that the candidate country must have achieved a "stable democracy, respecting human rights, the rule of law, and the protection of minorities" (European Council, 1993). Turkey, however, considered the customs union which made it the most deeply economically integrated non-EU member in 1996 to be only a preliminary step towards the goal of membership negotiations. It was because of this misperception that Turkey's disappointment at the Luxemburg Summit in 1997 was big when it was not included in the list of future EU candidates, but instead rejected on the grounds of human rights deficits. The fact that, in addition to economic criteria, EU membership status also depended on performance in relation to democratization and human rights, came as somewhat of an unpleasant surprise to the Turkish elite (Önis, 2000: 8). According to the Turks' perception, the Luxemburg Summit seemed to confirm that for the EU, "Turkey was merely a market, to be exploited but not embraced" (Smith, 2003: 119). Additionally bad news for them was that in 1998, the EU would begin accession negotiations with the Greek Cypriot government which Turkey did not recognize. The indignation of the Turkish government about the Luxemburg Summit's outcome resulted in a counter-strategy which included suspension of the political dialogue with the EU and the probability of gradual integration with the Turkish Republic of Northern Cyprus (Nas, 2005: 43).

### 2.2.2 From Candidacy to Accession Negotiations

Only two years after the Turkish frustration in Luxemburg, the European Commission published a report which recommended Turkey to be considered as a full candidate (European Commission, 1999). However, the report clarified that Turkey did not meet the Copenhagen political criteria and stated that there were “serious shortcomings in terms of human rights and protection of minorities”. Nevertheless, this report laid the ground for the decision reached at the Helsinki summit in 1999 that formally granted Turkey the status of a candidate country, which marked a historical turning point in EU-Turkey relations. As Rumford claims, “there was no one single overriding factor in the transformation of Turkey’s fortunes between the Luxembourg and Helsinki Council” (2002: 54f), but in fact this country’s enhanced status rather resulted out of shifts in several important areas. To specify, Turkey benefited from external factors such as a change in the German government or an improved relationship with Greece while actually not showing considerable individual efforts for domestic reforms. Instead of those, a certain “de-Europeanization” of Turkey could be observed since 1997, which manifested itself in a nationalist backlash and set-back of reforms since the lack of a specific timetable for Turkey’s eventual entry reduced incentives for further improvements in democratization (2005: 517). Facing the common reproach of having unfairly treated Turkey, the EU’s Helsinki decision can hence be interpreted as an attempt firstly to “correct” its earlier decision in Luxemburg, and secondly to counteract worrying developments in Turkey rather than as a reward for this country’s political improvements. In fact, the 2000 Commission’s Regular Report on Progress Towards Accession reiterated that Turkey had still not fulfilled the Copenhagen political criteria.

The Helsinki decision kicked off what can be called as Turkey’s “democratization alongside the process of EU membership” (Yankaya, 2005: 518). Similarly, Aydin & Keyman observe that Turkish relations to the EU have gained certainty as a result of the candidate status and this has forced the political and state actors in Turkey to focus on democracy, i.e. the Copenhagen political criteria (2004: 11). The consequence of Turkey’s now official candidacy was a popular consensus in Turkey that the EU accession process is the main and “healthiest external dynamic for the ongoing democratization process”. (Yankaya, 2002: 519). This dynamic showed in the ‘National Program for the Adoption of

the Acquis' which was the Turkish authorities' response to the Accession Partnership in 2000, which broke the silence of political reform in Turkey with a record number of 34 amendments made to Turkey's constitution in 2001. The Copenhagen Council of 2004 concluded that Turkey had fulfilled the Copenhagen Criteria and arranged a 'rendezvous for the rendezvous' by giving a specific date for the assessment on whether to begin the negotiations. Even though the Luxemburg Council was overshadowed by the Austrian attempt to veto the draft negotiation framework and push through in the insertion of a "privileged partnership" formula, accession negotiations finally started on October 3, 2005.

### **3. Women's Rights**

#### **3.1 In Morocco**

When King Hassan II died in 1999, Morocco certainly enjoyed a remarkable degree of political stability, but its record for human rights was perceived as rather weak. (Schmid, 2006: 17). However, in the last years of his 38 year reign, the king created a Ministry of Human Rights and released virtually all political prisoners. When his son Mohammed VI succeeded to the throne in 1999, he implemented further human rights measures by continuing the initiated liberalization (Haddadi, 2002: 155). It was especially the speed with which the new king introduced these reforms that fascinated the international community, labelling this era sort of a "quiet revolution" (Zuber, 2006). One of the most spectacular moves on the human rights' front concerned the rights of women in Morocco. Since 2002, the United Nation Development Program's annual Arab Human Development Reports have continuously identified the lack of women's empowerment as one of the key deficits that Arab societies suffer from<sup>9</sup>. Moroccan king Mohammed VI obviously realized the foregone potential of discriminating half of his population, since in October 2003 he first announced the most extensive social reform since Morocco gained interdependence: With the revision of the family code (*mudawwana*), at least theoretically, Morocco's women are now "among the most emancipated women in the entire Arabian world" (Sabra, 2004). The previous law governing family rights in Morocco basically treated women as "minors

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<sup>9</sup> "The utilization of Arab women's capabilities through political and economic participation remains the lowest in the world, as evidenced by the very low share of women in parliaments, cabinets, and the work force, and in the trend toward the feminization of unemployment" (UNDP, 2002: 23).

for life”. The new family code in Morocco, however, clearly improved their legal position by basically abolishing most of the provisions that discriminated women in matters of marriage, divorce and custody of children<sup>10</sup>.

The new *mudawwana* became subject to wide public attention and sparked large demonstrations by Islamist groups; thus the debate basically revolved around ways to reconcile the concerns of feminists with the Islamists’ concept of family. This widespread attention the new family code received in Morocco was reinforced by Mohammed IV’s decision to have it ratified by the parliament. After it had failed to do so, Mohammed addressed the parliament with his visionary words that “Morocco's future lies in the hands of women” (Zuber, 2006). Praised as a historical compromise, one that is compatible with both the International Bill of Human Rights and Islamic law (*sharia*), the new version of the *mudawwana* was then approved unanimously. According to Schmid, the updating of the family code was not only an important reform, but one of a “high symbolic value” (2006: 2). Especially during this fight for the *mudawwana*, the monarch expressed a personal interest in gender matters. In addition to the legislative reforms, the fate of Moroccan women has been one of the king’s priorities with the adoption of a “National integration plan for women within the development process” which introduced a gender-oriented approach at the institutional level, establishing “Gender and development” units within all Ministries dealing with the issue of integrating women to development (Schmid, 2006: 43).

### **3.1.2 EU’s Approach and Influence**

Ever since the new *mudawwana* was introduced, the promotion of women’s rights has become a large consensus in Morocco. The fact that gender issues are now also publicly pursued by the Palace privileges gender issues to be one of the few priorities genuinely shared between civil society, the Moroccan authorities as well as all external donors (Schmid, 2006: 42). The EU as one of these external actors also began to follow this trend,

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<sup>10</sup> The new *mudawwana* provides for more gender equality by changes such as both spouses now being equally responsible for their households and families. Arranged marriage, i.e. the legal permission of a male guardian, is no longer mandatory, the minimum age of women for marriage is raised to 18 and polygamy will be starkly restricted. A husband can no longer simply abandon his wife without any legal consequences, divorce is now based on the principle of fault and women are also eligible to file for divorce. Pre-maritally conceived children will now be in the joint custody of both parents.

but with a rather cautious interpretation, i.e. focusing on the promotion of female economic and social participation rather than on women's rights in politics (Schmid, 2006: 43). A priority focus of EMP projects in Morocco were for instance education for women and their family status issues as part of the Commission's democracy and human rights budget line. According to Youngs, these were relatively "soft" projects and showed the Barcelona Process's approach being based on socialization logics, i.e. the "notion of democratic dynamics flowing from Europe to the southern Mediterranean through demonstration and example" (2005: 2).

Even if it is now defined as a concrete and short-term priority, the new neighborhood policy for Morocco also demonstrates the rather tentative EU approach with regard to the promotion of women's rights: Besides the adoption of a few basic human rights standards, the ENP Action Plan basically only calls for the application of the recent reforms of the Family Code. Generally, and in contrast to other actors, it could be observed that the EU's commitment to the gender priority in Morocco came rather late. It was not until the introduction of the new *mudawwana* that the EU specifically picked up the gender issue as a central element in its global attempt to promote democracy and the respect of human rights in Morocco (Schmid, 2006: 44).

### **3.2 In Turkey**

It was also in the beginning of the 21<sup>st</sup> century that a reform of the Civil Code ameliorated the status of women in Turkey. However, unlike in Morocco, the Turkish Civil Code is not and has never been based on an Islamic interpretation, but in fact the adapted from the Swiss Civil Code in 1926. This was a legacy of Mustafa Kemal Atatürk who founded the secular Republic of Turkey after the decline of the Ottoman Empire. The Islamic basis of the Ottoman state was regarded as a primary obstacle to progress in Turkish society (Aydin & Keyman, 2004: 4). Kemal Atatürk believed that "if a society does not march towards its goal with all its women and men together, it is impossible for it to progress". Hence, Atatürk and his Kemalist followers removed all *sharia* elements out of the legal framework. However, even if it improved the status of Turkish women by abolishing polygamy and possible repudiation, it seems as if the Swiss model at that time was not so modern either as the old legal code included several articles that reduced women to a subordinate position in the family.

The new Turkish Civil Code was approved by the Turkish Parliament in November 2001 and abolished the supremacy of men in marriage<sup>11</sup>. In addition, in October 2001, Article 41 of the Constitution had been amended, redefining the family as an entity that is „based on equality between spouses” (WWHR, 2005: 4). Similar to the debate in Morocco, some of the legal reforms concerning the status of women in the family were strongly opposed by Turkish religious conservatives in the parliament.

### **3.2.1 EU’s Approach and Influence**

Since the adoption of the reformed civil code fell into the phase of Turkey’s evolving EU candidacy, the question is how much impact the Union might have had on these developments improving the status of Turkish women. Turkish women’s groups consider themselves the main agents of change and reject the direct causality that the reform of the Turkish Civil Code was a result of the EU’s impact process as merely “some speculation in the Western media”. They point to the fact that the draft civil code had been prepared already before Turkey’s confirmed candidacy in 1999 (WWHR, 2005: 7). Conceding that Turkey’s accession to the EU might have accelerated the process, Turkish women lobbyists emphasize that it cannot be considered to be its primary driving force.

But later improvements in women’s rights reveal some direct influence of Turkey’s EU alignment process (BTI Turkey, 2003): It was within the framework of the sixth EU Harmonization Package that the article of the old Penal Code, which granted sentence reductions to a person killing or wounding a family member in the name of honor was annulled in 2003 (WWHR, 2005: 38). Furthermore, the EU played a prominent role in the general update of the Turkish Penal Code in 2004: When the Islamic-rooted AKP government proposed to recriminalize adultery, it was not only the Turkish public’s, but also the EU’s pressure that caused them to drop this demand, especially as the adoption of the new penal code had also been marked by the EU as one of the key conditions for starting accession talks in 2005 (Euractiv, 2004).

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<sup>11</sup> The new Civil Code foresees e.g. the equal division of property acquired during marriage, sets 18 as the legal minimum age for marriage for both sexes (previously 15 for women) and gives the same inheritance rights to children born outside marriage as those born within marriage

Hence, whereas before Turkey's accession process, women's rights might at best have been promoted through socialization, the EU's concern and conditionality with regard to this issue was clearly visible after it became more concrete that Turkey might well be a member of the European club in the near future. As accession negotiations approached, women's rights seem to have gained both importance and urgency in EU-Turkey relations. The Accession Partnership 2003 moved the "equal treatment for women and men" from a medium term (as in 2001) to a short term priority. After the actual start of negotiations and in the current Accession Partnership of 2006, women's rights do not only continue to be a short term priority, but are tackled much more specifically and authoritatively<sup>12</sup>.

### **3.3 Women's Rights and Democracy**

Having selected women's rights as a specific aspect of human rights and democracy promotion in Morocco and Turkey, it becomes necessary to assess and possibly question the causality between women's rights and democracy as such. While gender issues are relevant in many different sectors, the concrete rights that have been discussed for these two countries were women's personal and family status. Reforms of the family code like in Morocco in Turkey are crucial to improve the conditions of women and create more opportunities for women - at least in the long run since new laws cannot change social attitudes immediately (Ottaway, 2004: 5f). As such changes are culturally sensitive, they certainly need to be appreciated in every case. But the question is whether these developments necessarily mean or lead to increased democratization. Narli declares gender and democracy to be related, because women's rights are an integral part of their human rights and a fundamental aspect in any democracy (2004: 26). Ottaway, however, finds the relationship between women's rights and democracy to be not so simple and finds the causality of women's rights and democracy to be "in part a tautology and in part simply wrong" (2004: 6). Democracy actually implies institutions that are accountable to the citizens and divide or check and balance the state's power. For obvious and empirical reasons, the existence of such institutions does not depend on the rights of women and

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<sup>12</sup> Whereas the previous documents only requested equal treatment in social policy and employment, the EU now additionally asks Turkey to take measures against "all forms of violence against women, including crimes in the name of honour" as well as "promote the role of women in society, including their education" and calls for official support for women's organizations.

vice versa. Despite of the doubtful connection between women and democracy, Schmid assigns Moroccan women organizations the role to have traditionally been “pioneers in Morocco's democratic transition” since the 1980s (2006: 43). This was also the period in which the Turkish feminist movement gained power and has been especially active (WWHR, 2005: 5). Concerning their contribution to democratization, it can be at least acknowledged that women associations have contributed to a broad general democratic trend of encouraging public discussion on issues traditionally associated with the private sphere, thus increasing political participation and broadening the political space. As these groups are part of civil society, they might well act as “agents of a slow reform process, based on demands for more participation” (Jerch, 2005: 152). Schmid claims that gender issues have collectively mobilized all social forces engaged for change in this country and thus it is not appropriate to downplay them to a peripheral debate (2006: 43).

However, Schmid concedes that since Mohammed VI adopted them for his individual initiative, enhanced women’s rights are actually “contributing to the popularity of the present King, thus indirectly consolidating his capacity to control the country” (2006: 43). Similarly, Ottaway (2004) generally observed that as family status laws are slowly improving in several Arab countries, this process is likely to continue since it is an area where incumbent governments can present their “reforming zeal” to the world without undermining their power (3). This can be explained by the relatively calculable risk they pose to the present political structures: Improved women’s rights do not contest an authoritarian government in the same way as free elections or a free press would. Hence, it is not surprising that semi-authoritarian countries like Morocco have absorbed changes in women’s rights without much difficulty (Ottaway, 2004: 9). These considerations are able to explain the paradoxon that “despite democracy being key to gender equality, [...] there are cases showing that women could gain social, economic and political rights under authoritarian regimes” (Narli, 2004: 27).

To categorize these findings, it makes sense to declare the movement for women’s rights a process of ‘political liberalization’ and distinguish it from a genuine process of ‘democratization’ which would relate to democratic procedures and institutions, therefore tackle the political regime as such (Brumberg: 2004). The recognition of women’s rights does not necessarily force a political system to develop democratic institutions. According

to Ottaway “what keeps Arab countries from being democratic is not the exclusion of women”, but rather the weakness of elected parliaments that cannot effectively check and balance e.g. “monarchs who govern as well as rule” (2004: 7). Hence, she declares the “core struggle for women’s rights and the core struggle to achieve democracy” to be separate processes (2004: 7). Democratization would in fact imply a reduction of the excessive and arbitrary power of the executive. Simply including women in a hollow political process does not create democratizing forces. This corresponds to Brumberg’s conclusion that political liberalization is a necessary but in no means sufficient condition for democratization. Hence, while certainly some positive correlation between women’s rights and democracy might be discovered, a direct causality between them must be ruled out.

#### **4. Democratic Shortcomings**

##### **4.1 In Morocco: Role of the Monarch**

As the previous analysis demonstrated, women’s rights neither seemed to be an issue to clearly demonstrate the impact of the EU on Morocco and Turkey nor are necessarily part of a genuine democratization process. To simplify, the EU did not prove to be an agent of change with regard to women’s rights in neighbor countries and likewise, women did not clearly prove to be agents of change with regard to more democracy. Thus, to clarify the EU’s role as a democracy promoter and its differently chosen policies for Morocco and Turkey, it is useful to compare a hard issue, i.e. remaining undemocratic elements in these countries’ systems and the EU’s approach to them. For Morocco, it is the institution of the monarchy that will be assessed here. Historically, a certain degree of solidarity between the Moroccan population and its monarch emerged: The national uprising against the French protectorate that led to King Mohammed V’s return from exile and Morocco’s independence in 1956 was celebrated as the ‘Revolution of the King and the People’. According to article 18 of the Moroccan Constitution, the motto of the Kingdom shall be: “God, the country, the king”. This slogan also sketches the taboo subjects in Morocco’s political system, i.e. it is a crime to question Islam, territorial integrity or the king (BTI Morocco, 2003: 4). As the “Commander of the Faithful” the Moroccan king possesses a certain religious role in which the regime bases its legitimacy. Maghraoui confirms that the king justifies his rule by divine right, i.e. as a descendent of the Prophet Mohammed (2001:

74). Additionally being regarded as a symbol of national unity, the monarchy hence is not only part of, but actually combines all three elements of the constitutional motto.

The period after the 1997 elections which resulted in King Hassan II's decision to accept an opposition coalition to lead the government marked a significant degree of liberalization in Morocco. However, this period of 'alternance' was understood as a period of, but not synonymous with democratic transition. The first year of his son Mohammed's reign started with some rather promising measures such as the sacking of Basri, the former interior minister which had symbolized the arbitrariness of the judiciary in Morocco during his father's era. Furthermore, Mohammed VI announced the introduction of a 'new concept of authority' based on respect for individual liberties and the rule of law (Haddadi, 2003). Whereas the new king's continued and rapid achievements in liberalization and modernization have generally been praised, some ambiguities regarding the scope and the content of reforms in Morocco remain and Morocco's final intentions about liberalization still appear rather unclear (Schmid, 2006: 18 and 2002: 3). Already in the second year of Mohammed V's reign, moves in political liberalization proved less encouraging (Gillespie & Youngs, 2002: 2). Just like his individual stakes in the new *mudawwana*, the regime's new anti-corruption campaign is another example of a highly personalized initiative of the king (Youngs, 2002b: 2). This implies that in reality, political liberalization has been used to allow the crown to hold on to its power and strengthen its legitimacy (Cavatorta, 2001: 189). While measures such as the family code reform have earned Morocco a reputation of one of the region's most progressive, democratizing countries, the "monarchy's unwillingness to address the question of its own grip on all levels of power" endangers this country's positive image in the international community (BTI Morocco, 2006: 18).

The most critical aspect of the Moroccan political system is the fact that despite a formally enshrined separation of powers, in practice, ultimate authority rests with the king. The constitution foresees independent legislative, executive, and judicial branches, but in practice, they operate more as a "rubber stamp for the king's decisions and policies" (Maghraoui, 2001: 76). The rather weak democratic character of the constitutional monarchy in Morocco is underlined by several constitutional prerogatives, which are not

merely ceremonial but reflect the king's actual executive and legislative powers<sup>13</sup>. Despite of the gradual process of reform of the 'rules of the game' in the context of a broader process of democratization under late King Hassan and new King Mohammed, the underlying undemocratic power structures have proven to be very resilient. The so-called '*makhzan*', i.e. administrative, legal and military structure of the state continues to operate according to traditional patterns of behaviour. Under the former king, state officials were seen as "loyal servants" to the throne rather than as "representatives of the people". He used repression to preserve the traditional authority underlying modern state institutions. Even if his son tended more toward consensus-building and cooptation, his powers and those of the "shadowy" *makhzan* have not been substantially undermined (Youngs, 2002a: 2). So far, Mohammed VI does not seem to exploit it, but nevertheless this system of dual constitutional and traditional authority continues to exist until today. In addition to the built-in constitutional bias in favor of the king at the expense of the parliament, which the BTI declares to be "still-powerless" (2006: 1), Maghraoui attributes the weakness of the Moroccan political process to another factor, namely the discredited electoral process (2001: 78): Even though regular elections in Morocco were marked by a relatively open and competitive procedure, they never intended to create political change from below and were constantly manipulated to maintain king Hassan's allies in government. The first general elections in 2002 under the new king were considered as the first largely free and fair elections, though "not completely devoid of regime's intervention" (BTI Morocco, 2006: 1). These elections brought no clear winner and no consensus among the main political parties, which is why King Mohammed decided to appoint a new prime minister from outside the party system, more of a technocrat who had organized the elections and was therefore highly respected by the King. That is why in retrospect, the first free elections paradoxically had the impact of increasing the monarch's position in the political process (Sater, 2003: 141). Haddadi sums up that political reform in Morocco seems to be moving at variable speeds, at a relatively high pace for political liberalization and a lower one with regard to democratization; royal initiatives have remained limited to symbolic

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<sup>13</sup> The King presides over cabinet meetings, promulgates laws, and signs and ratifies international treaties. He is commander-in-chief of the Armed Forces and presides over the Supreme Council of the Magistracy.

politics rather than daring practical reforms with direct consequences for the country (2003: 77).

#### **4.1.2 EU's Approach and Influence**

The differentiation between political liberalization and genuine democratization is also reflected by the fact that, in context of the EMP, many EU states “specifically and forcefully distinguish between issues such as [...] women’s rights and trying to export a wholesale model of democratic political organisation” (Youngs, 2002: 10). While encouraging the partner countries to develop the rule of law and democracy, the Barcelona declaration (2005) guarantees the right of each these states “to choose and freely develop its own political, socio-cultural, economic and judicial systems”. This warranty has been taken seriously even by King Mohammed VI as probably the most European-oriented Arab leader: In an interview with *Le Figaro*, he insisted that Morocco will not follow “European models of democratization”, but instead favours a “strong, democratic executive monarchy” (Baracani, 2005: 10). These remarks significantly weaken the underlying assumption of this thesis that the EU is perceived to be a strong role model. Furthermore, the current democratization process in Morocco is presented as being autonomous from the EU’s influence and actually monitored by the King himself. The new king insists that it is not externally driven and Europe is not supposed to exert any influence on its outcomes (Schmid, 2003: 27).

Mohammed VI’s reminder about Barcelona’s ‘rules of the game’ explains why even after his accession to throne in 1999, EU projects were heavily focused on soft issues such as women’s rights, but with no more than a negligible amount of work undertaken to strengthen democratic institutions (Youngs, 2002b: 58). Referring once again to political liberalization on the one hand, and democratization on the other; while the EMP demonstrated the EU’s willingness to develop a tougher approach towards human rights, it served further to highlight the absence of a similar approach towards democracy promotion. Instead, the EU hoped for a ‘spill-over’ as the Em’s incorporation of human rights intended to entrap Mediterranean partners in a process “where their nominal commitment to political reform might increasingly oblige regimes to implement real change” (Youngs, 2002a: 9). The EU has sought to widen support for democratic values,

without exerting strongly coercive pressure on incumbent regimes, hence selected a socialization strategy instead of conditionality. It has engineered no direct, frontal assault on the region's non-democratic regimes, but rather been keen to emphasize positive signs in political developments, especially of reforms in Morocco (Youngs, 2002a: 9). Indeed, precisely because of Mohammed VI's apparent commitment to increasing political freedoms, the Commission became reluctant to engage in any area of work not directly asked for by the Moroccan government. This approach can also be interpreted as an after-effect of the negative experience after applying negative conditionality upon Morocco during the framework of the RMP.

The outcome of this Barcelona method was Morocco's enthusiastically search for co-operation on some aspects of reform, while opposing EU intervention in the reform of political and state institutions (Youngs, 2002b: 58). In consequence, the EU struggled with balancing positive support for genuine moves towards limited political reform, on the one hand, with a degree of critical pressure sufficient to ensure that such steps do not prevent more meaningful change in Morocco's regime, on the other hand. That is why EU policy commonly confused gradualism with partiality. Jerch confirms that political liberalization carried out by the partner state, without questioning the political power structures, works against genuine democratization (2005: 157). Hence, developments in Morocco might reasonably have been interpreted as a more successful EU-assisted dissemination of democratic norms, i.e. socialization worked to some extent, but this case also implied a crucial challenge for the EU to decide whether its agenda was in practice to be limited to achieving partial reform (Youngs, 2002b. 60)<sup>14</sup>.

Although genuine democratization seems like an essential parameter for the success of any other reform to improve governance, remaining democratic shortcomings of Morocco's monarchy continue to be untackled under the new neighborhood policy. Crucial issues such as the principle of the separation of powers, the need to increase parliamentary power

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<sup>14</sup> However, the EU seems to have gradually realized that official commitment for human rights does not guarantee and may even contradict democratic procedures: One of the largest European project undertaken in Morocco is in the field of judicial reform since the government intimated that it would cooperate on human rights funding through mainstream budgets, by necessity directed to ministries and with official consent, a practice by which the Palace has already scuppered a number of such initiatives (Youngs, 2002b: 21).

and guarantee judicial independence and legal accountability are not directly addressed in the Action Plan. It is because all of these are hard issues that directly touch upon the very sensitive question of the concentration of power, which “remains a definite political taboo in Morocco” (Schmid, 2006: 26). Hence, under the ENP, the scope for the EU’s influence on democratic reforms in Morocco seems to be again limited to the goodwill of the country’s leadership and does not include a diminishing of the latter’s own power. Likewise, Baracani concluded that the EU approach to democracy in Morocco seems to be “very cautious and it is not possible to assess whether it will be credible” (2005: 17).

#### **4.2 In Turkey: Role of the Military**

The military has traditionally enjoyed a very special role in Turkish politics since the founder of the Republic, Mustafa Kemal Atatürk himself was a general who fought a successful war of independence against the occupying Allied powers: Instead of being divided among European nations as foreseen in the Treaty of Sèvres of 1920, the Turkish state was founded by and thanks to General Atatürk in 1923. The military became the subject of Turkish modernization as it began to consider itself as the guardian of the principles of Kemalism<sup>15</sup>, which is named after Atatürk’s original surname (Heper, 2005: 35). However, Smith claims that while the Turkish military is the guardian of Atatürk’s legacy, “its harsh rendering of the Kemalist social contract has done that legacy more harm than good” (2003: 113) With regard to the constitutional principles of secularism and nationalism they protected, the Turkish military became quite concerned about the threats that political Islam and Kurdish separatism posed for the country . Whenever the generals came to the conclusion that civilian governments were not rising to the occasion, they proposed measures and if these were not adopted, they warned the governments or as a last resort, also took power into their own hands (Heper, 2005: 36). From 1960 to the present, this has happened three times and additionally in 1997, the military obliged a government to resign. In each of those instances, the military did not conceive of its intervention as an anti-democratic act (Heper, 2005: 35). This was confirmed by the Turkish military’s repeated proceeding to re-establish democracy and to transfer power to

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<sup>15</sup> The six principles of Kemalism are Secularism, Nationalism, Republicanism, Populism, Revolutionism, and Etatism. For the Turkish military, especially the first two principles, i.e. the secular nature of the state as well as its territorial and national integrity have been the ones considered to be in most need of protection.

civilians as soon as possible after its intervention (Yankaya, 2005: 512). Therefore, it is only fair so say that “all along, the Turkish military has not been power hungry” (Heper, 2005: 36).

But even though each intervention only lasted a reasonably short period, the Turkish military gained important guarantees that enhanced its role in the subsequent civilian regime and hence, since its first ‘*coup d’etat*’ in 1960, the military has become “one of the most important actors in Turkish politics” (Aydin & Keyman, 2004: 19). This role was shaped through two main strategies: One was to incorporate the Kemalist principles into the Turkish constitution. The second was to create formal institutions dominated by the military with the duty of preserving such values. The 1961 Constitution institutionalized the guardianship role of the military by creating the National Security Council (MGK)<sup>16</sup>. Its task was to act as an advisory body to the government on internal as well as external security threats to the country. The creation of the MGK had both merits and drawbacks for Turkish democracy: On the one hand, the National Security Council could reduce the probability of future military interventions since the military now had a institutionalized channel of conveying its views to government. On the other hand, the military now had reason and even the legal obligation to participate in government frequently. (Heper, 2005: 35). The Turkish military further secured its role via additional institutions: State security courts, i.e. mixed courts composed of civilian and military judges, were established to deal with crimes against the security of the state, whose decisions however, are subject to review by the civilian Supreme Court. A Supreme Military Council was also established as a body of high-ranking generals and admirals who were charged with the important task of making final decisions concerning the promotion and retirement of military personnel. No judicial appeals are allowed against its decisions (Aydin & Keyman, 2004: 19).

Even though being formally separated, the military and political elites in Turkey formed a partnership based on an “imperfect concordance” (Aydin & Keyman, 2004: 19). Since former general Atatürk had laid down the principles for Turkish democracy and

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<sup>16</sup> This council included the president of the republic, prime minister, and ministers of foreign affairs, defence, and interior affairs as well as the chief of staff and the commanders of the army, navy, air force, and the gendarmerie.

modernized Turkish society with a European vision, the Kemalist elite “was regarded by the people as the main agents of Europeanization and democratization in the absence of any active European involvement in Turkish democratization” (Yankaya, 2005: 512f). For Turkish society, it has long been the Kemalist principles that defined and secured Turkey’s democracy. While Kemalism at the time of Atatürk was certainly inspired by modern European forms of governance and thus certainly revolutionary in the post-Ottoman era, it has remained a rather static doctrine in Turkey ever since and is partly based on values alien to the contemporary European model of democracy (Schimmelfennig et. al, 2003: 506). Heper describes the type of democracy that has been established in Turkey to be rather ‘rational’ than ‘liberal’, as military officers cherished politics conducted in line with the constitutional principles to be in the national interest and, therefore, ‘rational’ (Heper, 2005: 35).

#### **4.2.1 EU’s Approach and Influence**

Since the EU’s recognition of Turkey as a candidate for accession in 1999, Turkey has been asked by the EU to further liberalize and democratize its political regime in conformity with the EU *acquis*. One of the major requests to converge to European democratic norms was that the Turkish military should now occupy a subordinate position *vis-à-vis* civilian governments<sup>17</sup>. Turkey’s EU bid put the military into an existential dilemma: For obvious reasons, the military’s establishment did not want to see their influence on Turkish politics diminished and arguably also had reasonable concerns regarding the country’s security. Claiming that the EU’s requirements are “not in line with Turkey’s reality”, the military hence was rather opposed to them (Kubicek, 2002: 13). As already discussed, the Kemalist establishment mainly fears the disintegration of the state by Kurdish separatism and the threat posed by Islamist parties. The military thus perceives the demands of the EU to erode the foundations of its power and to endanger the internal security of the Turkish state (Schimmelfennig et al., 2003: 507). The rejects of the EU’s requests to weaken the Turkish military are further fostered by the ‘Sèvres syndrome’, termed after the Treaty of Sèvres of 1920, under which most of what is now Turkey was to

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<sup>17</sup> In its 2001 Regular Report, the European Commission pointed out that “the basic features of a democratic system exist in Turkey, but a number of fundamental issues, such as civilian control over the military, remain to be effectively addressed” (2001: 32).

be partitioned among European powers. Even though the Turkish state was nevertheless founded after a successful war of independence, the trauma of this experience remains in Turkish society until today. Hence, the Sèvres syndrome refers to the deep-rooted belief in an external conspiracy to divide and weaken Turkey. This explains why the EU's interference in the sensitive area of the military's power is met with a certain suspicion in Turkey.

What makes the EU's conditionality policy a dilemma for the security establishment is the fact that Kemalists always emphasized their European vocation and commitment, and have consistently striven to be part of all European organizations. In fact, the EU is the only major European organization of which Turkey is not a full member<sup>18</sup>. Thus, EU membership would clearly confirm Turkey's place in Europe and the Kemalist elite's self-perception of being 'western'. As the EU is considered to be an 'in-group' in international relations, its approval to enter their privileged club would mean a lot to Turkey in the sense of finally being recognized as "one of us". Their strong reaction to the rejection of their candidacy in Luxembourg 1997 indicated that Turkish politicians find it painful not to be recognized as worthy of EU membership (Schimmelfennig et al., 2003: 508). Even the MGK, as one of the main targets of the EU's criticism, had declared that Turkey is a "country whose primary objective is to be a candidate for full membership to the EU" in its so-called February 28 decisions. The existential dilemma described is reflected by the "cleavage within the Turkish elite between reform-oriented and pro-European forces, on the one hand, and hard-line Kemalists, on the other" (Schimmelfennig et al, 2003: 507). Recognizing that the veto position of the military works against structural change, Schimmelfennig et al. speculated that simply applying power considerations, EU conditionality will fail in this case. However, as it has always been the Kemalist elite's sincere wish to join the EU, it could not simply reject the Union's demands without losing a certain amount of credibility.

As seen, the EU's requested transformation of the military's power seemed difficult to achieve initially. However, the Turkish governments since 1999 and in particular, the post-

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<sup>18</sup> Turkey is a member of the OECD (since 1948), the Council of Europe (since 1949) and NATO (since 1952).

November 2002 AKP government displayed a strong political will to restructure the Turkish legal system and politics in accordance with the Copenhagen criteria and towards the goal of opening accession negotiations with the EU (Heper, 2005: 37). With the 2001 constitutional amendments, the sixth and seventh harmonisation packages and the constitutional amendments in May 2004, a number of fundamental changes have been made to the duties, functioning and composition of the National Security Council: As for its composition, the number of civilian members were increased from five to nine. According to Schimmelfennig et al., though, this was rather a “symbolic measure” and does not diminish the military’s informal influence (2003: 509). However, the more significant changes actually took place in the aftermath of the Copenhagen Council in 2002, which gave Turkey an increased sense of certainty by giving at least a specific date for the assessment on whether to begin the negotiations. This strengthened credibility of conditionality was immediately reflected in the subsequent reform packages adopted by the Turkish government. These reforms reduced the powers of the MGK’s secretariat and were described as “momentous” by the 2004 Council of Europe report on Turkey (Aydin & Keyman, 2004: 19). The secretariat has been transformed into a consultative body that no longer “recommended measures” but “conveyed its views upon request”. Meanwhile, the government did not “give priority to” but “assessed the views conveyed to it” (Heper, 2005: 37). Thus, the secretariat of the MGK was deprived of its executive powers, such as requesting reports from government agencies on how they were dealing with the threats for which the MGK had recommended specific measures. The representatives of the MGK in civilian bodies such as the High Education Council and High Audio-Visual Board have also been removed. These reforms were important examples of ‘political Europeanization’ (Heper, 2005: 37). Similarly, Aydin & Keyman called them “helpful in fostering socialisation with European norms and values” (2004: 17). They conclude with the interim result that the military is still very much concerned about security issues, but the civil political institutions now prevail over it (2004: 22).

#### **4.2.2 Remaining Challenges**

It has been shown that in Turkey, obstacles on the way of a liberal democracy are formed by different aspects of Kemalist political culture such as an organic understanding of state

and society. In this context, a lack of tolerance to dissenting views also has to be noted. Constraints such as on the freedom of speech have however been lifted with the 2001 and 2004 constitutional amendments and harmonisation packages, hence conditionality has worked. But the internalization of these rights and freedoms within society is a matter of time and also depends on their implementation of various arms of the state such as security forces, judges and public prosecutors (Nas, 2005: 16). This political culture explains why there are, not as severe as in Morocco, but still existent, certain taboos with regard to insulting the state's foundations and institutions in Turkey. Article 301 of the Turkish Penal Code still punishes denigration of Turkishness and the Republic and thus strictly protects these Kemalist principles. Even most recently, it has been used to prosecute human rights defenders, journalists and other members of civil society. For instance, this July Turkey's high court confirmed a prison sentence for a journalist who was sentenced for insulting "Turkishness" by questioning the official Turkish version of what happened to the Armenians in Ottoman Turkey. Enlargement Commissioner Olli Rehn expressed his disappointment and called upon Turkish authorities "to amend Article 301 and other vaguely formulated articles in order to guarantee freedom of expression in Turkey". Rehn also noted that this was a key political criterion for EU accession (Euractiv, 2006, Rehn). This conditionality expressed by the Commissioner showed a positive effect on another case of a Turkish writer just two weeks later: She had been accused for criticizing compulsory military service in Turkey. Charges were finally dropped against her since the EU had demanded Turkey to amend the controversial article (Euractiv, 2006, Court).

Whereas those issues referred to Kemalist principles in general, as far as its guardian, the military is concerned, "the only remaining challenge concerns the status of the decisions of the Supreme Military Council" (Aydin & Keyman, 2004: 40). It is often cited that the decisions of the Supreme Military Council should not be immune from judicial oversight or review. But such a reform is rejected by the security establishment on the grounds of protecting the professional ethics of the military. This strong resistance is mainly driven by the deep distrust the security establishment has of the judiciary because of their lack of full independence from the executive. This situation is reinforced by the current presence of a religious conservative government since the security establishment is concerned about an Islamic influence on the courts (Aydin & Keyman, 2004: 20). It is however, not only the

military but the general public in Turkey that eyes its politicians with a lack of confidence (Schimmelfennig et al., 2003: 508). Compared with a political class that was often unstable, corrupt and unreliable, Turkey's military has been rather egalitarian, non-politicized and professional, which is why it remains the most trusted public institution in Turkey. Acknowledging that the special role of the Turkish military is also a reflection of the public's beliefs and expectations, it is not just the military's institutions that need to be tackled for full Europeanization in state-societal relations, but additionally also the public's opinion in Turkey (Aydin & Keyman, 2003: 21).

These findings about the remaining institutional and sociological challenges prove to be especially true when analyzing the latest developments in Turkey. This July, General Büyükanit has been appointed as the new Military Chief by the Supreme Military Council. Known to be a Kemalist hardliner, he can be expected to clash not only with the Islamic-rooted government of Prime Minister Erdogan, but also with the EU. He has expressed a critical position on Turkey's application for EU membership and the undertaken reforms to limit the military's influence under his moderate predecessor Özkök (Euractiv, 2006, Hardliner). In fact, his strong nationalist views have made Büyükanit popular in Turkey, especially as Turks become increasingly disillusioned with their country's EU bid. However, political analyst Ünal (2006) mitigates this pessimism by commenting that the Turkish army traditionally "understands trends in the world, is tied to democracy and is pro-EU". He does not believe that Büyükanit will disrupt this tradition and treat EU accession or the civil administration any differently than Özkök.

## **5. Democracy Promotion in Morocco and Turkey**

### **5.1 Similar Constraints**

#### **5.1.1 Economic Bias**

As observed in both Morocco and Turkey, the EU has initially followed a rather economic-oriented approach to democracy promotion. While the economic bias in earlier EU-Turkey relations has already been scientifically labelled as the 'Ankara Agreement syndrome', a similar phenomenon in the framework of the EMP could be called the 'Barcelona Process Syndrome': Even though the EU's basic strategy included both an economic and a political basket, its detailed schedule has focused far more on the second

basket of the EMP, which deals with the Economic and Financial Partnership (Schmid, 2003: 7). In reference to the EMP's intended logics of 'twin liberalization', it must be admitted that the resulting increase in economic freedom had "little or no spill-over effects" on political freedom or on human rights observance (Jerch, 2005: 156).

Some scholars even argue that economic liberalization might not only have spill-over but also spill-back effects on political liberalization and could have even produced a depolitization of Moroccan society<sup>19</sup>. Even if in Turkey increased economic liberalization did not have spill-back effects, it is also difficult to discover any spill-over effects since the 'Ankara Agreement Syndrome' likewise proved to be an uneasy result of the ongoing trade-led rather than political integration with the EU. In preparing for the customs union, the liberal opening of gradual abolishing trade barriers against the European Community "could not be matched by political liberalisation" (Nas, 2005: 9). Jerch claims that lessons from liberalization processes in the region indicate that economic approaches hardly work (2005 : 150). Thus, the experience of Turkey could be instructive for Morocco as well. The Barcelona Process, which according to Schmid "was essentially relying on free-trade" (2003: 27), has not proven to lead to significant political changes. In comparison, the Ankara Agreement did not only envisage a free trade zone, an even higher level of (economic) integration via a customs union that also obliged Turkey to adopt the common external tariff which can be even be considered as a political element since it is a main feature of the EU's collective trade policy. The fact that an economic bias emerged in EU-Turkey relations nonetheless makes it very probable that likewise, such a bias in Euro-Mediterranean relations gave rise to a sort of 'Barcelona Process Syndrome' as well, if not even stronger. Youngs calls the EU's strategy of 'twin-liberalization' an "overly vague assumption" in the first place, expecting that economic reforms would lead to political change without any detailed engagement capable of analyzing or effecting such a spill-over (2002a: 54). He further criticizes the EU's adherence to this strategy despite of its poor results. The lessons of EU-Turkey relations as well as the EMP's individual record give

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<sup>19</sup> One example for such a backlash was when Moroccan king Hassan II took advantage of a World Bank report in a parliamentary session to give priority to economic reform over political reform or constitutional change (Jerch, 2002: 154).

reason to doubt that an economic focus in democracy-promotion strategy can work in the Mediterranean region which is why Jerch suggests a political approach (2005: 150).

A new and possibly more political approach towards its neighborhood could be the EMP which has been introduced on top of the Barcelona process. Nevertheless, one of the ENP's main incentives in order to encourage Mediterranean partners to increasingly europeanize are still economic, e.g. the possibility to obtain a stake in the European single market. Moreover, Youngs observes that the prospect of more formal integration into single market regulations still does not address the Mediterranean partners' long-standing complaints against EU protectionism in agriculture and textiles (2005: 5): It is a rather old and ubiquitously forwarded criticism of the EU that there is no real movement on these sectors of vital importance to southern Mediterranean economies (Youngs, 2002b: 14). Like in the customs union agreement with Turkey, it is exactly these export goods from which Mediterranean countries could actually benefit most that are not entirely free-traded. During ENP negotiations, concessions on these issues were resisted by southern EU member states (Youngs, 2005: 5). Besides the movement of goods, it is also the movement of workers for which Mediterranean partner states wish to be granted internal market provisions by the EU. But the inclusion of 'permanent safeguards' on free movement in accession negotiations with Turkey sets a precedent which does not really foreshadow the plausibility of EU concessions on this issue (Youngs, 2005: 5).

The fact Turkey was able to overcome its 'Ankara Agreement Syndrome' and hence the economic bias in its relations with the EU can actually only be explained by Turkey's status as a candidate for EU accession. The pre-accession logics imply that the top level of the conditionality system for Turkey are formed by the Copenhagen criteria. As Turks assume that the economic and legal criteria are being fulfilled, the political requirement thus becomes the critical concern (Schmid, 2003: 31). This radical shift in priorities actually implies a political bias in relations now as global conditionality for membership is currently being perceived by Turks to be essentially political. Since EU membership is not a prospect of Morocco, the conditionality of the Copenhagen criteria obviously does not apply. Political socialization might have worked to a certain, but hardly measurable extent within the EMP, but even if so, it does not seem to have occurred due to spill-overs from the economic sphere. The current political liberalization process in Morocco is a long-term

and autonomous process, “quite independent from the improvement in economic standards” (Schmid, 2003: 27).

### **5.1.2 Security and Anti-Islamist bias**

It has been observed that Turkey’s good relations with the European community during the times of the Cold War were close, but heavily biased by security-driven logics. Furthermore, the Kemalists’ constitutional principles, especially those aiming at security issues, proved to be very sticky despite of Turkey’s increasing Europeanization. The extreme sensitivity of Turkey’s elite about security issues did not only have sociological roots in the Cold War or Kemalism, but certainly also an inevitable attitude with regard to real threats posed by Islamist political movements and terrorism. Not really being surrounded by a ‘ring of friends’ and certainly not only by democratic states like the usual Western European country, additionally having enemies of its political system on its own territory, it has understandably not been an easy task for Turkey to abandon its security logics and adopt an entirely liberal type of democracy.

As regards to prospects of complete democratization in Morocco’s, similar security constraints exist in the form of Islamist movements and terrorism, which goes along with Youngs’ statement that the “general debate over democracy has particular ramifications in the Arab-Muslim world” (2002b: 8). For instance, sceptics have detected a growth of radical Islamism in Morocco as political space has widened in the kingdom. It is a common fear that entirely free elections and a brusque transformation of the political status quo would lead to a victory of Islamist parties. This fear stems from what Europe tends to perceive as the “paradox of Arab democratization”: If it is true that Islamists believe in “one man, one vote, one time”, then once they are in power through a democratic process, they will destroy democracy (Dillman, 2003: 187) and such a result would challenge regional stability and Western interests in the region. This fear of Islamist extremists taking over their neighbor countries is another factor that can explain why the EU and its predecessor have not put so much pressure on countries like Morocco and Turkey to fully democratize and hence converge to its own liberal and pluralistic model. Officially, however, the EMP acknowledged that European security concerns could not be resolved in a sustainable manner through unconditional support for the region’s nominally pro-Western authoritarian regimes. Instead, the latter were recognized as the source of regional

conflicts and nationalism. In practice, however, most observers detected a rather defensive approach of the EU, favoring a logic of strategic containment over proactive efforts to attack the underlying political causes of instability. In this context, Schmid mentions a possibly “hidden agenda of the Barcelona Process”, that the EMP’s true goal was to reinforce authoritarian regimes in the Mediterranean in order to preserve regional security (2003: 9). Many policy makers around the Mediterranean, both European and non-European, tend to see democracy and security as forming a zero-sum game. In consequence, institutions like the Turkish military and the Moroccan monarchy have been supported to suppress Islamists for the sake of their countries’, but also Europe’s security. This is actually what Cavatorta claims when identifying the short-term objective of the EU was to secure the stability of North Africa since elites like in Morocco “play the Islamic card to justify the high level of repression”. This resulted in the EU’s uncompromising view on political Islam, the determination to suppress the latter outweighing any genuine desire to foster political liberalisation. Such a cautious approach has relegated concerns over human rights and democracy to the status of empty rhetoric and at least indirectly supported authoritarian regimes (Youngs, 2002: 8).

The attacks of September 11 in 2001, however, led to a reassessment of the way that issues of political reform and alliances had been handled in the Muslim world. For the Western World, these attacks demonstrated that support for autocratic Arab regimes had not produced a stable strategic balance. More and more European voices drew a direct link between terrorism and political repressive regimes. The European Security Strategy of 2003 hence emphasizes the need to create a “ring of democratic states” at the EU’s border. Youngs confirmed that authoritarian regimes are now regarded by the EU as having played to domestic Islamist extremists precisely because of their lack of democratic credibility (2002b: 6). The Islamist resentment towards Europe could hence also result out of the latter’s support for authoritarian regimes that have suppressed growing pressure from Mediterranean populations for greater freedoms. However, it is then again a bit puzzling that only semi-authoritarian Morocco and democratic Turkey as comparably liberal regimes in the regional context both suffered from the deadliest Islamist terrorist attacks of their country’s history in 2003. These difficulties point to the key challenge to determine the precise form and degree of political change that might be most suitable for these countries and their Muslim societies. Some analysts argue that a moderate form of Islam

might best be ensured within a form of quasi-democracy better than in a Western-transplanted wholesale democratic system (Youngs, 2002b: 7). Even though Turkey, in contrast to the Arab world, experienced a remarkably long republican history marked by the strict separation of religion and the state, Islam has remained a powerful symbolic force in the everyday life of many Turks (Aydin & Keyman, 2001: 6). Despite of, or to some extent also because of, a strictly applied secularism, political Islam became prominent in Turkey and Islamist parties frequently emerged, typically facing prohibition at some point. One could argue that such attempts to crush Islamist organizations merely radicalize these groups and that they need to be brought fully into decisionmaking through genuine democratization (Youngs, 2002: 6).

This is currently the case in Turkey where the single party forming the government since 2002 actually is of an Islamist political tradition, namely the Party of Justice and Development (AKP). While the Islamist-rooted nature of the AKP has caused much debate and concern both in Turkey and the West, the government actually engaged in a most powerful process of democratic reforms (Emerson & Noutcheva, 2005: 12). From the very first days of the foundation of the party, the leadership claimed a transformation in their perspectives and vision, presenting themselves as a party aspiring further democratization in Turkey with a strong faith in a liberal constitution and an unambiguous commitment to Turkey's EU membership (Yankaya, 2002: 519). Nas confirms that the AKP seized the cause of EU accession as a powerful political strategy early on and began to lobby EU member states and governments (2005: 12). As major actors in these lobbying activities it is noteworthy that Turkish civil society, such as business associations, NGOs and the media, were involved in the policy-making process by the AKP. With this procedure, the AKP government has actually contributed to rendering Turkey's democracy more liberal and sustainable. "Justice and Development Party" is also the translated name of the Moroccan Islamist party PJD (Parti de la Justice et du Développement) that has explicitly been modelled on the Turkish AKP according to its leadership (Zuber, 2006). Like in Turkey, it was also the elections of the year 2002 that these moderate Islamists successfully entered the parliament. Even though not as massively present and not in government like their Turkish counterpart, the PJD currently represents the major legal opposition trend in Morocco (Schmid, 2006: 17). Despite of its Islamist nature and opposition in the parliament, king Mohammed VI has succeeded to incorporate the PJD

into his modernizing reform agenda, the new family code in particular. The fact that actually women are particularly strong in the Justice and Development Party contributed to this astonishing development.

Prior to 9/11, the Europe developed no systematic dialogue on democracy with Islamist opposition forces, and no common EU line emerged on whether this was desirable. The EU has however supported the modest openings offered to Islamist groups in Morocco (Youngs, 2002: 11). But these initiatives have been limited to the latter's inclusion in cultural and religious dialogue forums and did not imply the promotion of these groups' still violated political rights. European engagement with the PDJ in Morocco has been no more than ad hoc and exploratory and the EU has been silent on the prohibition of the rival Justice and Charity Party (Youngs, 2005: 4). Despite of the EU's general awareness about the correlation between authoritarian regimes and Islamist extremism and the resulting need to build a ring of democratic friends, the perceived urgency of immediate security imperatives since the attacks of 9/11 has added a layer of new policies which sometimes hindered political reform in southern Mediterranean countries. The fragility of Morocco's human rights progress became evident by the state's response to the Casablanca bombings in 2003 when several hundreds of Islamists were arrested and remained in prison where they were subject to mistreatment (Schmid, 2006: 21). Several European governments actually assisted Morocco's introduction of tough anti-terrorist provisions which had strongly negative human rights repercussions. Nevertheless, the EU presented an increased security cooperation as being consistent with the political reform agenda, e.g. counter-terrorism programs were claimed to be 'in support of' democracy (Youngs, 2005: 8). Even though Euro-Med foreign ministers suggested that cooperation on security issues should respect the rule of law, human rights and political participation, officials acknowledge that cooperation with southern Mediterranean security forces has in practice hampered the stated aim of strengthening civilian oversight of militaries (Youngs, 2005: 8). It is exactly this aspect where the clear-cut difference in the EU's approach emerges in comparison to Turkey: As described, the political role of the Turkish military has been excessively weakened during the last years and its civilian control has been an explicit demand of EU conditionality. The accession prospect came in as the factor that tilted the balance in favor of democratization and broke the intransigence of the security establishment to engage in these reforms (Nas, 2005: 11). Whereas the security bias in

relations with Morocco actually seems to have grown, it has clearly been tackled in Turkey's case ever since its candidacy and in any case it must be acknowledged that Turkey has been one of the few countries that made steps towards more democratic freedoms since 9 / 11 (BTI, 2003: 17).

Turkey's candidate status is actually also what needs to be kept in the back of one's mind when comparing Turkey's and Morocco's Islamists. It was the prospect of EU membership that helped to transform the positions of the Justice and Development Party (AKP). Initially calling the EU as a "Christian club", the AKP developed great commitment with regard to fulfilling the Copenhagen criteria. This is not to suggest that they have only been implemented for the sake of a prospective EU membership: In fact, Prime Minister Erdogan has repeatedly proposed to rename them into 'Ankara criteria'<sup>20</sup>, which would prove the current Europeanization process to be an end in itself rather than just a means to accession. However, this remark appeared to be more of an attempt to ease the frustration of the Turkish public about the negative signals from Europe concerning Turkey's EU bid. Serious doubts that without the membership perspective, the AKP government would, in any case could have undertaken the same kind of revolutionary reforms, at least in this considerable pace, seem to be justified. As Turkey's long-term goal of EU accession actually became a tangible opportunity and subject to a large political consensus in Turkey, the Islamist government actually did wisely in changing itself as much it changed the country. Despite of the AKP government's record, the Kemalist-oriented parts of Turkish society still see the government with a high level of suspicion, assuming that a 'hidden agenda' of the Islamists' true preferences exists. While these might well be unjustified rumours, the already mentioned attempt to recriminalize adultery in 2004 or the proposals by the Turkish government to ban alcohol in city centres at the end of 2005 at least shows that some illiberal Islamic reflexes still exist and hence it could not be certain yet that "AKP leaders have proven sceptics wrong" as Emerson & Noutcheva claim (2005: 12). Thanks to Turkey's alarmed secularists as well as to European pressure,

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<sup>20</sup> For instance, on December 8, 2004, a week before the Copenhagen Summit, Erdogan stated that even if Ankara fails to get a date for accession negotiations from the Union, then the Copenhagen criteria would become the Ankara criteria. (retrieved from <http://www.byegm.gov.tr/YAYINLARIMIZ/CHR/ING2004/12/04x12x08.HTM>)

such moves could quickly be anticipated. In Morocco's case, however, the lack of a secular tradition and of the EU accession prospect, the only way that Islamists in power could possibly be tamed is by the king. In this sense, the monarch's approach to involve the PJD in his reform plans was a wise move, but actually once again consolidated his own power. With regard to these much differing conditions, it is doubtful whether Turkey's individual experience with Political Islam can be instructive for other countries like Morocco.

### **5.1.3 Historical and Partnership Bias**

During their history, both Morocco and Turkey have apparently been under Europe's influence, but this impact was actually forced in the case of Morocco as it had been ruled by the Spanish, and lastly by the French as their protectorate and did not become independent until 1956. While Emerson & Noutcheva ascertain that "European culture is strong in the Maghreb region" (2005: 17) and Ben Jalloun (2005) even somewhat romanticizes the outcomes of colonialization in Morocco as demonstrated by the fact that "Moroccans speak French and Spanish, they read European papers, watch European television", it should not be forgotten that this kind of Europeanization was initially by coercion. Ben Jalloun actually also concedes that a large amount of the Maghreb region's history shared with European countries was "sometimes painful". Ottoman and Republican Turkey did not experience such a European imposition of power, but instead rather sought ties with and inspiration from Europe. Even if historical incidents like the Sèvres Treaty also planted a certain suspicion about a general European conspiracy against Turkey, it can be assumed that Turkey has a much more unprejudiced attitude towards European ideas and values than Morocco.

These historical considerations actually still influence the question what kind of magnet forces the EU can develop towards Morocco and Turkey, if its concepts actually cause more of a "pull" or a "push off" reaction in these countries. Likewise, Youngs finds the forces engendered by Europe in the Mediterranean region to be both "centrifugal as centripetal" (2005: 10). What is probably true for both countries, but even more so for Morocco, is that the "whole logic of states taking their 'rightful places' in the European order does not apply" (Youngs, 2005: 9). Being situated at Europe's periphery and stamped with quite a different history than for instance those central and east European countries (CEEC) involved in the last enlargement, a symbolic "return to Europe" can not

be in the case of Turkey and Morocco: Whereas the CEEC were only artificially separated by the Iron Curtain during the Cold War, Morocco and Turkey never really belonged to Europe in the first place, at least in the opinion of many Europeans. In the sense that Europe is as a magnet, or a ‘gravity model of democratization’ (Emerson & Noutcheva, 2004), it hence seems logical to assume that “pull” forces from Europe are comparatively weaker in these two countries. One factor for the exceptional success of the Eastern enlargement was that these former communist countries were in active search of a credible model to replace the collapsed old system. The demise of communism and the successful example of the EU made it an attractive new model to Eastern European elites and societies (Emerson & Noutcheva, 2005: 18). Likewise, the demise of the Ottoman Empire and the successful example of Western powers similarly once made Europe attractive to the Kemalist elite who founded the Turkish Republic in 1923. However, Europe at that time, in absence of its institutionalization, was not fixed in Copenhagen criteria or an *acquis communautaire* and thus certainly a role model, but not a concrete one for Turkey to copy. In other words, Turkey had been europeanized, but not EU-ized as long as it did not become a candidate for accession in 1999. Since up until this point, Turkey’s political, economic and legal system had developed with inspiration, but autonomously from Europe, it was and is hence far from being a ‘*tabula rasa*’ to be written on according to the dictation of the EU<sup>21</sup>. But as the historical sensibility of Turkey was much weaker and instead the Kemalist leadership of the Republic always had a European vision, pull-effects from Europe largely overweighed and manifested in Turkey’s early adoption of European laws, norms and values and in its membership in various European organizations. The crucial difference to Morocco was that the Europeanization of Turkey case was voluntary, even undertaken with a certain amount of benign admiration for Europe’s achievements. Europe’s impact on Turkey might even be characterized as self-inflicted as the Kemalists internalized the following statement of Cevdet, a late Ottoman intellectual in 1921: “There is no second civilization. Civilization means European civilization. It must be imported with both its roses and thorns”. Being able to build on Turkey’s expressed wish to belong to the European family, ideas expressed by the EU or its predecessors experienced a

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<sup>21</sup> This is not to suggest that the CEEC were easy ‘blackboards’ to write on and that their adoption of the *acquis communautaire* and the Copenhagen Criteria have been without any problems. In contrast, due to historical legacies, issues such as the protection of minorities still seem to be quite a challenge for some of these countries even after their accession.

comparatively unbiased reception in Turkey. In contrast, as Europeanization had once been imposed by the colonial powers, there has always been a certain historical bias in relations with Morocco. This is why the EU has explicitly emphasized the principle of an equal partnership of the Barcelona process. Not wanting to provoke the impression of neo-colonialism, the EU has been very cautious with conditionality policies and rather built on the socialization effects.

However, it is not only the historical sensibility, but in fact also European interests that shaped the “partnership approach” of the EMP. In fact the EU heavily relies on the southern authorities’ cooperation over a large range of issues, e.g. illegal northward migration, which is a European concern especially valid for relations with Morocco<sup>22</sup>. In fact, the original concept of the Partnership has evolved into a very asymmetric system: The European Commission controls the operation of the Barcelona machinery, which obstructs Mediterranean partner-countries to give their input into what should be a shared activity. In such an unbalanced context, a strong dominance of European values and interests emerges (Schmid, 2003: 20). Hence it might be even more appropriate to speak about a ‘biased partnership’ than a ‘partnership bias’. According to Youngs, the EU must more “openly acknowledge how little genuine partnership” the Barcelona process has succeeded in generating during its ten year existence. It should be a lesson that during the Barcelona Summit of 2005, held on the occasion of the 10<sup>th</sup> anniversary of Euro-Mediterranean ‘Partnership’, most of Arab leaders, including Morocco’s king were absent. It is further telling that in contrast, Turkey, having finally started accession negotiations with the EU a month before, was represented by Prime Minister Erdogan during this meeting. His presence seemed to express more of a political goodwill than a genuine interest in the future of the Euro-Mediterranean Partnership since as a would-be member of the EU, Turkey stands on the margins of the EMP (Schmid, 2004: 406).

In Morocco, the biased partnership actually showed in an asymmetrical division of tasks in terms of migration. Since the EU was extremely concerned about security on its borders

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<sup>22</sup> The Spanish enclaves Ceuta and Mellila situated on Moroccan territory attract thousands of Africans who try to escape from poverty and conflict from across West and Central Africa via these only land borders that Europe shares with Africa.

ever since the aftermath of 9/11, it granted financial aid to Morocco as an award for controlling human flows before they can reach European territory. Such a division of labor, basically allocating the “dirty job” to Morocco, is far from being positively perceived (Schmid, 2006: 65). This procedure, however, is not inherent to the partnership framework of the EMP, but was actually continued with the ENP. Actually many new resources for the southern Mediterranean have not been spent on encouraging political reform, but in boosting controls against migration from the region (Youngs, 2005: 8). Jerch rightfully finds it “quite surprising that enhanced cooperation on matters related to legal migration is a matter of reward”, because evidently it is the EU that has more interest in a regulation of migration flows (2005: 165). Similar to the programs against terrorism, most emergency measures invented to fight illegal migrations are “likely to have negative consequences in terms of human rights” (Schmid, 2006: 65). In late 2005, European media transmitted rather worrying pictures of desperate migrants being mistreated by security forces as a consequence of their attempt to climb over the fence separating Morocco from the Spanish colonial outposts. The obvious dilemma between European interests and its role as a democracy-promoter are more generally summed up by Gillespie & Youngs’ following claim: “While the EuroMed Partnership extended to many areas in which cooperation is sought, it becomes very difficult to develop a democracy promotion strategy that does not conflict with efforts that require consent and collaboration in other areas” (2002: 13). The result of this approach is an infinite horizon to “socialize both the political class and civil society in the South into a greater acceptance of European-compatible political ways”. In consequence, this soft democracy promotion strategy of the EU risks being perceived by Moroccans as simply an “empty shell without any political substance” (Gillespie & Youngs, 2002: 13).

A final observation is that the different biases and constraints which have been assessed in Euro-Mediterranean relations are actually intertwined, such as expressed in worries that political pluralism could also unleash even greater flows of migrants, as people fled from increasingly intolerant Islamist rule or that new governments could be far less amenable than current ones to making progress on security cooperation. Youngs confirms this security bias and adds the economic dimension in his evaluation that “democracy has been advocated as a means of easing migration and instability, and of furthering economic modernisation” (2002b: 8). Finally, Nas’ statement sums all biases by claiming that EU

countries mostly see the “partnership as an endeavour in terms of economic benefit, as a means whereby trade relations in the Mediterranean will be strengthened and threats to regional security will be contained” (2005: 20). While this opinion certainly might be a bit reproachful and not fully acknowledging all difficult constraints the EU has faced, it is certainly appropriate to say that these biases generally led to a rather hesitant, sometimes lukewarm approach of the EU towards democratization both in Morocco and not-yet-candidate Turkey. Yankaya seems to share this view by claiming that “the EU showed itself rather ambivalent in the face of Turkish attempts to democratize and therefore delayed the coupling of democratization per se with democratization alongside the EU membership” (2005: 517). Finally, Youngs highlights the consequence of such biased relations to be that “the EU’s leverage over democratic change was significantly diminished by its own reluctance to agree to Mediterranean states’ demands on other issues” (2002b: 49). Whatever the validity of these concerns might have been, the EU’s refusal to make concessions undoubtedly undermined its negotiating power on democracy.

## **5.2 Different Circumstances**

In reference to the similar constraints to democratization analyzed in both case studies, the question arises whether the experiences of a country like Turkey that has gone through hardships and downturns in its long journey towards democratic government may be instrumental for Morocco. While not necessarily affirming this, Nas finds that the social and cultural similarities between Turkey and countries such as Morocco are “all the more significant in displaying the sort of problems that these countries may go through as well as possible remedies and solutions”: Turkey has faced similar challenges like countries in the southern Mediterranean region such as role of the military, place of religion in politics, protection of the individual against state authoritarianism, and weakness of civil society. But one should also be alert to the distinctness of Turkey and other countries of the South Mediterranean.

One distinction with regard to democratization prospects of Turkey and Morocco is certainly the difference in living standards and socioeconomic indicators. It is widely agreed that human development indicators in Turkey reach levels that are more comparable to European ones than to most Arab countries. The social protection system is held to be one of the most extensive in the region. In contrast, the level of social

indicators in Morocco is among the lowest in the region (Schmid, 2004: 408). This gap needs to be kept in mind when addressing the link between living standards and socioeconomic indicators of human development with the adoption of democratic values and standards. In the reasoning of this approach and with regard to security considerations, it might be more advisable not to achieve full democracy until the respective society is “ready”, i.e. when it reached a level of development that is conducive for a stable democracy. Gillespie & Youngs confirm that transitions from authoritarianism to democracy have often been periods of great instability (2002: 9). In reference to the democratic peace theory<sup>23</sup>, it is certainly true that “wealthy, Western democracies might not have gone to war with each other, but it would be wrong to extrapolate from this that poorer, more turbulent societies would become more peaceable through democratisation” (Youngs, 2002b: 4).

The second important distinction relates the political system of these two countries: As seen earlier, both Morocco as well as Turkey have been under current influence from Europe especially since the 19<sup>th</sup> century, but unlike colonized Morocco, Turkey actively sought this input and did not experience it as an imposition. The historical role of Europe thus differs between Turkish and Moroccan citizens’ cognitive identities. In contrast to Morocco’s monarchy and only 50-year old independence, Turkey’s political system is based on the experience of an 86-year old Republic that laid down the institutional framework for a parliamentary democracy. Furthermore, what makes Turkey unique is the strict separation of the state and religion. Secularism not only in state administration, but also in the legal and judicial system and education was crucial since it prevented the influence of religious institutions from exerting influence in the regime (Nas, 2005: 19). These changes initiated by the Kemalist elite can be described as a ‘cultural revolution’, hence not only a political change but a change of values and basic norms by which the Turkish state situated itself within western civilisation although its population was majoritarian Muslim. It is for this reason that these reforms needed to be imposed from above to help the Turkish

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<sup>23</sup> The democratic peace theory is related to empirical research in international relations which holds that (liberal) democracies never or almost never go to war with one another. The original theory and research on wars has been followed by many similar theories and related research on the relationship between democracy and peace, including that lesser conflicts than wars are also rare between democracies, and that systematic violence is in general less common within democracies.

people make progress (Aydin & Keyman, 2004: 4). One could possibly argue that in Morocco, the top-down nature of the monarch's reforms, is actually similar to the early Turkish path of Europeanization. However, an updated family code does not seem to quite as radical as the Kemalist reforms and whether Mohammed VI will be a second Atatürk is quite doubtful since the king already ruled out the option of following European models or introducing secularism.

Secularism in Turkey actually did not only imply the state's separation from religion, but even the state's control of religion which deemed necessary to the Kemalist elite insofar as Islam is characterized by the incorporation of the political into the religious realm and in consequence constitutes a radical alternative to secular political authority (Aydin & Keyman, 2004: 6). Since the establishment of the Republic, the "Directorate of Religious Affairs" (*Diyane*) is an organization attached to the Prime Ministry and responsible for the administration of religious affairs in Turkey. One of its functions is for instance to enlighten society on the subject of religious issues. An example of such a recent "enlightenment" is the *Diyane's* announcement this June that it will "define a new, modern Islam"<sup>24</sup>. According to Stahr (2006), this would mean that Islam would have come a good part of the way into modern times, but this Turkish project is unique in the Islamic world. Whether Turkey could in fact become a prototype for a synthesis of Islam and democracy and thus "a model for the wider Islamic world" remains to be seen (Stahr, 2006). In Morocco, a similar discourse on Islam and democracy emerged, possibly making it second societal "laboratory of Islam", but unlike in Turkey, not being institutionalized such as in the *Diyane*. Likewise, since there is no doubt that Islam remains the constitutionally enshrined state religion and partly also legal basis, the Morocco's 'quiet revolution' has not really been a cultural one. Instead, Zuber (2006) speculates that "if the king's reform plan succeeds, Morocco could become a model of democratic Islam", i.e. it is more likely that the Moroccan model could itself become a reference point for other Arab countries than following Turkey's special path.

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<sup>24</sup> The Diyanet intends to scan the hadith, i.e. the traditional sayings of the prophet Mohammed as the second most important Islamic source after the Koran, for misogynist statements and delete them from the collection.

Nas concludes that Turkey as a successfully democratizing country can be a model in the region, but, in addition to the already mentioned differences, she concedes that it was actually the influence of the prospect of EU membership had a “determining influence” on political reform in Turkey (2005: 20). Turkey’s most recent experience showed that relations with the EU acted as an important anchor for domestic developments in the direction of political reform and social progress, which is why the credibility of EU policy and increased links between the EU and the countries of the southern Mediterranean could be crucial for further democratisation in the respective region -“even if they fall short of membership” (Nas, 2005). But in fact, it is exactly this (lacking) prospect that basically distinguishes the neighborhood from the enlargement policy. In reference to the nickname “sick man of Europe” once given to the Ottoman Empire, one could recapitulary draw the bold picture of Morocco and Turkey as ‘patients’, the EU as the ‘doctor’ and democracy promotion the ‘treatment’. Whereas the symptoms and syndromes of the patients, their history of sickness, the (potential) risks and side-effects of the (non-) treatment have been widely assessed up until now, it now seems time to take a close look at the different therapies currently chosen by ‘Dr. Europe’, namely the enlargement and neighborhood policy, especially if the latter seems to be more of a “strategy or placebo” (Emerson, 2004).

### **5.3 Neighborhood versus Enlargement Policy**

#### **5.3.1 Procedures**

As described earlier, the new neighborhood policy (ENP) had been designed because of, with inspiration from the successful Eastern enlargement, and last, but not least, by former employees of the Commission’s Directorate General for Enlargement. Hence, it is tempting to label this new policy with the title of ‘enlargement-lite’. Since the ENP is superficially viewed to be an -as identical as possible- ‘blue-print’ of the enlargement policy, it is important to assess them concretely and highlight not only the similarities, but also those aspects that are different both in theory and in practice. Initially being designed as an approach to the New Eastern borders after the 2004 enlargement only, the ENP apparently risked being perceived as “a kind of ‘second hand’ approach to the Mediterranean” (Jerch, 2005: 166), from its very beginning. Landaburo as the Commission’s present Director General for External Relations and former Director

General for Enlargement disclaims the ENP being “old wine in new bottles” (2006: 6), even though this suspicion arises considering his change of employment. He rather promotes it as a “truly modern foreign policy, harnessing and integrating instruments from across the spectrum”. His director in charge of the ENP’s coordination Wissels (2006a) assents that this new policy is a “holistic approach of leveraging one issue against the other”. But in fact, this linking of many areas in which cooperation is pursued is nothing new but, as described, a rather essential feature of the EMP, from which the partnership bias has resulted as described, i.e. it proved to be hard to develop a credible democracy promotion strategy that does not conflict with other areas where the EU depends on the partners’ collaboration such as security and migration issues. As for the partnership aspect, it is certainly true that this policy is not old ‘enlargement wine’, but instead ‘Barcelona’s wine’ in the new neighborhood policy’s bottle and hence old as well.

However, reference to the enlargement policy has been made by Wissels (2006a) by praising the ENP’s potential of fostering a “healthy competition” among the partner states, especially with regard to the Mediterranean countries: As one country realizes what their neighbors get offered by the EU, it can also be encouraged to further cooperate to receive the same benefits. This logic is derived from the recent history of accession negotiations where candidates moved forward in their convergence on EU norms, the laggards took notice and were inspired to intensify their efforts. Since the enlargement policy revealed the emergence of competitive peer pressure as an important driving force, Emerson and Noutcheva ask whether it is “possible to imagine that some analogous inter-ENP partner dynamic could take root?” (2005: 16). Generating competition between Arab states and central European countries has not been fully developed within the supposedly common ‘Neighborhood’ framework: Since the funds for eastern and southern neighbors are separate ones, it also seems unlikely that Mediterranean countries will be losing resources to the European periphery in case they fall behind in their democratic advances (Youngs, 2005: 5). However, with regard to the example of migration control aid being sold as a ‘reward’, it seems doubtful whether this kind of competition is “healthy” and desirable for the EU in the first place as it actually cannot afford any Mediterranean ‘democratization losers’ with regard to its own security. Furthermore, there are no forums to gather reformers from both central Europe and the Mediterranean in a way that might encourage a flow of ‘demonstration effects’, mutual learning processes or an exchange of

experience in democratization. Apparently, the Eastern neighborhood apparently does not have cultural and historical ties to the southern Mediterranean countries like the competing CEEC had among each other. While it is otherwise true that the “Ukraine has more in common with certain reform-oriented Mediterranean countries than with its immediate neighbor Belarus”, (Wissels, 2006b: 15), the EU should then advantage of these common features and make up for the geographical and cultural distance by formalizing a “South-East” dialogue.

The claimed individuality of action plans also seems to be “over-stated” (Youngs, 2005: 6): Democracy-promotion was broken down into sectoral categories more than previously, but these categories are largely generic and virtually identical across different states. As seen in the case of Morocco, guiding aims were typically soft issues such as ‘international human rights instruments’ or ‘women’s rights’. Simply studying the Action Plans, it is hard to tell where the main obstacles to reform really exist in each state and how the EU plans to tackle these. The reference to recent or forthcoming developments in the respective country does not really seem to prove the action plan’s specificity either, but rather the EU’s reactive attitude towards its neighbors. These observations can only be explained by the fact that the partnership bias detected in EMP also seems to dominate the new neighborhood policy. In contrast to Accession Partnerships of the enlargement policy, the ENP’s Action Plans are not unilaterally drafted by the European Commission, but mutually agreed upon. This is why Baracani predicts that “ENP Action Plans cannot work as well as Accession Partnerships have done for candidate countries” (2005b: 15). Wissels confirms the plans’ bilateral nature as a crucial difference of the ENP, but actually sees this as an advantage as these plans are the “product of a genuine negotiation process” unlike accession negotiations. It is true that the latter actually do not deserve to be called that way as Copenhagen criteria and the *acquis communautaire* are not subject to debate or any concessions. Whereas the enlargement policy hence is basically a ‘one size fits all’ approach, Wissels finds the uniqueness of the ENP’s Action Plans to be “already becoming a strength of the process” as this creates a stronger sense of ‘ownership’ (2006b: 10).

The bilateral drafting of the Action Plans, however, implies that the partner country’s leadership can easily veto the formulation of all the EU proposed “actions” they dislike.

Within the enlargement policy, the shortcomings mentioned in the Regular Reports reappear in the Accession Partnerships in the form of explicit demands for improvements, as frequently seen in the case of Turkey, e.g. the call for a civilian control of the military. In contrast, critical problems mentioned in the ENP's Country Reports often did not find any echo at all in the later Action Plan. Actually, Baracani even finds the Report of the Commission on the political situation in Morocco to be "moderate and soft in comparison with the international monitors" (2005a: 15; 2005b: 14), which is probably due to a sense of 'political correctness' vis-à-vis the Mediterranean partner authorities. Hence, as even the Country Report drafted solely by European officials is apparently soft, it is no wonder that the Action Plan has been even more macerated by Moroccan authorities and in consequence contains no priorities tackling e.g. the absence of a real guarantee for the principles of separation of powers and limited parliament powers. This goes along with Schmid's observation that the EU is "certainly not considered as the right interlocutor on matters relating to 'high politics'" by the Moroccan side (2006: 58).

As Wissels rightly observes: "Any policy, no matter how well-designed and novel the instruments, [...] are only as good as its implementation" (2006b: 13). But in fact, the ENP's partnership bias also affects the ENP's implementation, especially as the partnership seems to rest mainly on state-to-state relations: As the EU is generally perceived by the Moroccan civil society as a very institutional actor, with a close relationship to the central power, it is difficult for the Union to find any non-governmental partners to work with, especially on subjects related to democracy and human rights (Schmid, 2006: 58). An additional difficulty about working together with Morocco's grassroot organizations is that actually the king has entered their "market" as well by establishing the Mohamed V foundation that raises funding annually in a high profile campaign, which is then redistributed to projects approved by its king's appointed governing body. Hence, the monarchy could even be accused of "crowding-out" and regulating civil society (BTI Morocco 2006: 6; 17). For these reasons it does not seem surprising that since 2001, only one Moroccan NGO has received Commission democracy and human rights funding (Youngs, 2002b: 21). The partnership bias also trickles down to the evaluation of the policy's implementation: Unlike the unilateral monitoring by the Commission during the accession process, the ENP's monitoring procedure is bilateral which means that southern Mediterranean governments will sit on the committees charged

with assessing their own performance against political benchmarks (Tocci, 2005). This partnership strategy visible in all of the ENP's procedures is definitely in line with the ownership preoccupation expressed more than once by the European Commission. Yet this method has in-built defects as one might question whether it is enough to simply compliment Morocco on its reforms. The EU should keep in mind that for the Palace, genuine democratization processes, in any case those targeted against itself are not a priority. The EU's strategy of simply seizing opportunities offered by the Moroccans to move ahead with reforms risks being manipulated. The EU should not be considered as merely an instrument for the Palace to impose its selective vision of political democratization (Schmid 2006; 61). Schmid even suspects that already, "the EU is probably more perceived on the Moroccan side as an instrument of dialogue, a sort of clearing house for European interests, than a real partner" (2006: 58).

The designed procedures of the ENP have shown that in contrast to the enlargement policy, the EU's hands to promote democracy are extremely tied: Even if the EU is the first external contributor in this domain, its role seems to be presently limited to a field of action designed by the Moroccan officials themselves. The EU has no choice other than to praise Moroccan independent initiatives and push their logic to the extreme, hoping to finally trigger substantial change (Schmid, 2006: 26). Still, the Commission sometimes seems to overestimate its actual influence as reflected in Wissels' statement that in just one year of the ENP, there has been more progress with Morocco than in ten years of the Barcelona process (2006a). The king's personal absorption of e.g. gender issues shows that at least in this case, it might not be appropriate to give "Two cheers for the European Neighbourhood Policy" (Emerson: 2004), but instead ask "Two cheers for whom?", which is Haddidi's titular question in his analysis on the European Union and democratization in Morocco (2002). Wissels' boss, however, seems to see things more modest in his evaluation that "during 2005, we have already seen the first slender shoots of progress" (Landaburo, 2006: 6). Schmid appeals to the EU to untie its own hands, express "autonomous requirements and enter into a balanced dialogue with the Moroccan central power" (2006: 61). In this regard, the creation of the new sub-committee on 'Human rights, Democratisation and Governance' was certainly necessary. This forum should not only be used as a confidence-building measure, but also serve a place where two differently elaborated visions could confront each other to try and reach a common synthesis. The

EU should present its own vision of democratic reforms in a coherent way while not necessarily touching upon the most difficult matters, but definitely insisting on its own contribution. In the absence of such an official position, the EU is deemed to be a dominated player in the Moroccan political system (Schmid, 2006: 62).

### 5.3.2 Incentives

So far for the analysis on the different procedures of the neighborhood policy in contrast to enlargement, but what about the incentives or, to use a common metaphor “carrots” for reform? Whereas earlier ENP action plan drafts mentioned firm, objective benchmarks just like in the enlargement policy, more discretionary language has gradually crept back in (Tocci, 2005). The Commission’s guidelines now suggest only that future proposals will be made ‘in light of a review of progress under Action Plans, and that some Mediterranean partners ‘could’ be offered upgraded relations. For instance, according to the Action Plan, even the ENP ‘pilot country’ Morocco is simply foreseen to “progress towards advanced status”, without declaring it an explicit goal and more important, without concretizing the definite content of this special partnership. As already seen, the prospective stake in the EU’s single market promised by the ENP cannot be that high as long as it does not account for the Mediterraneans’ real export interests – a solely formal integration into the EU’s single market regulations does not seem to be a big reward per se. On the other hand, EU membership of course implies a full participation in the single market and enjoying its four freedoms. However, the inclusion of ‘permanent safeguards’ on free movement of persons in accession negotiations with Turkey show that the “single market carrot” shrinks for this candidate, too<sup>25</sup>. In addition, the negotiating framework with Turkey also foresees that safeguard measures for structural policies or agriculture will be considered (2005: 7). But what is probably most important about becoming a member in the EU is the possibility to equally participate in its decision-making processes on the principle of “one state-one vote” or also dependant on the population size, apparently a very attractive perspective for Turkey. In contrast, the ENP’s logic of ‘everything but the institutions’ lacks precisely what was arguably the biggest catalyst for democratic reform in

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<sup>25</sup> However, in a speech in Turkey, Kallas, Commissioner responsible for the single market, has recently rejected EU-wide labor movement restrictions by calling them “nonsense”. (Article No. 155092 retrieved from [www.euractiv.com](http://www.euractiv.com))

southern and eastern Europe, namely the prospect of governments gaining voting rights and thus formal influence over EU policies as a quid pro quo for democratization (Tocci, 2005).

Youngs concludes that the ENP has set the general parameters for political reform, but appears to be poor at providing incentives for “changes on more detailed issues impacting in significant ways on the political life of southern Mediterranean states” (2005: 10). But is exactly on this latter stage where he sees the real challenges. Even if much can be achieved by selectively drawing from concrete interventions elsewhere linked to accession preparations, Youngs sees a risk of misidentifying the inefficacies of European policy while “debate continues to be couched in terms of [...] ‘extending the enlargement model’ to the southern Mediterranean” (2005: 10f). This kind of debate is likewise rejected by Landaburo and Wissels who find that continuing to view the European neighborhood through an enlargement lens is an unhelpful distraction. But it is exactly this ‘lens’ that has been put on for this thesis to sharpen the view for the different policies and to correct the shortsightedness when comparing the EU’s future impact on democratization in Morocco and Turkey. As for the ENP, Schmid finds it very difficult to conceive how to emphasize the partner countries’ interest in reform if accession is not proposed as a final incentive in the new contract (2004: 416). Director General Landaburo does not want to be asked about such enlargement perspectives, but insists that “the real question on which we should all be working is instead how we can support transition, as a goal in its own right” (2006: 2). In Turkey, processes of voluntary transition and Europeanization in its own right could be observed ever since its foundation as a Republic or already before. However, even in this country, it was only the prospect of joining the EU that proved to be significant enough to trigger a “painful redirectioning even of internal political priorities” (Schmid, 2004: 412), from which the military and Kemalist elite suffered in particular. In this context, ‘Copenhagen Criteria’ becoming ‘Ankara Criteria’ could be a transition in its own rights, but seems doubtful with regard to the remaining challenges of democratization seen in Turkey.

Landaburo nevertheless refers again to the enlargement policy when claiming that the “ENP is based on the same kind of conditionality which we have already used to promote reform” (2006: 6). But it must be recognized that “if the same conditionalities apply to all

neighbour countries, regardless of the substantial contents of their relationship to Europe, the results are very likely to be unequally rewarding” (Schmid, 2004: 416). This implies that the carrot put in front of Turkey’s donkey is much bigger than the one that Morocco is facing – as seen, one could even claim that the Moroccan donkey dominates the route of his European rider. Being asked if there will be any accession prospects for ENP countries in the future, former enlargement Commissioner Verheugen recently stated that there certainly will be, because “if a European nation decides that it wants to belong to the European Union, there is no power in the world strong enough to keep it away” (2006b). But as Morocco has already been told in 1987 that it is *not* a European nation, this definite lack of the accession prospect marks the crucial difference of Morocco’s status not only in comparison to Turkey, but also to other non-Mediterranean ENP members. Having assessed these different incentives and in reference to the label of ‘enlargement lite’, it must finally be conceded that the ENP as a diet version of enlargement simply cannot taste as good as the original.

## **6. Concluding Remarks and Outlook**

This analysis of both Morocco and Turkey, the EU’s old and new neighborhood policies as well as the enlargement policy towards these countries shows that, in the end, it all seems to boil down to EU membership being the ultimate “carrot” for democratization, at least in the sense of fully converging to the European liberal model of democracy. In both countries, considerable transformation processes have taken place, in particular since 1999 which marked an important milestone for them: For Morocco, this year brought the reformist king Mohammed VI’s accession to the throne; and for Turkey, accession to the EU became a seizable prospect as it received the candidate status. This progress could be observed especially with regard to soft issues such as enhancing women’s rights by legal updates of their family status. The influence of the EU on these reforms in Morocco and in Turkey’s case up until its candidacy could be labelled as socialization, but it proved to be difficult to separate its impact from the autonomous domestic processes. As soon as the enlargement policy applied for Turkey, however, the EU’s impact on Turkish women’s rights could clearly be pointed out as reflected in European conditionality on changes in the Penal Code. When the direct link between gender issues and democracy proved to be questionable, it appeared necessary to distinguish between soft issues such as women’s

rights that count as political liberalization as opposed to hard issues meaning genuine democratization of a country. Whereas in the framework of the neighborhood policies, certain democratic shortcomings in Morocco's political system, e.g. the role of the monarch, are not tackled, the EU accession prospect initiated considerable change within the Turkish political system, namely a weakening of the military's political role along with a review of basic state principles. While in a retrospective, similar constraints and approaches to democratization could be observed in both countries, it had to be emphasized that these biases varied significantly or could even be overcome in Turkey's case and in addition, that the circumstances in which democratization could take place proved to be rather different. Similar, but not the same is also the impression when contrasting the basic design new neighborhood policy and the enlargement policy as the EU's currently chosen strategies for these countries. Considering, to a certain extent also speculating how they (will) work in practice in Morocco and Turkey revealed their distinctiveness particularly, but not exclusively because of the (lacking) accession prospect. All these findings show that the initial assumption which predicted that both socialization and conditionality, and hence in a simplified sense both neighborhood and enlargement policy will eventually lead to a convergence with the European liberal model of democracy only worked to a certain extent: Whereas socialization could influence soft issues, i.e. women's rights, only conditionality showed to be able to tackle harder issues and hence initiate real changes in underlying power structures of a political system. Additionally, it can be concluded that the more biased relations with the EU have been, the more difficult it was for conditionality and socialization to work. What made conditionality nevertheless effective in the end was the different design of the enlargement policy and the bigger "carrot" it offers.

The significant impact of the enlargement policy urging Turkey to keep undertaking critical change in its structures and policies has been demonstrated, but further challenges for its full democratization, i.e. convergence to the European liberal model, remain. It seems like the EU's political conditionality can only be credible and hence sustained as long as EU accession still seems like an attractive and moreover realistic option. As more and more problems and obstacles for its membership seem to arise, the possible conditions of entry worsen and more importantly, Turkey's prospect becomes vague which in turn weakens the power of the EU's democratization impact. Several highly important issues are not

tackled yet or generally threatening Turkish accession. Some of them are in Turkey's debit while others are solely up to the EU to resolve. Most prominently Turkey is required to extend the customs union to Cyprus by the end of the year, i.e. open up its ports and airports to ships and planes from the Republic of Cyprus whose Greek-Cypriot government Turkey still does not officially recognize. Instead, the Turkish government has reversed conditionality by insisting that the EU should first fulfill its own commitments on the Turkish Cypriot community before Turkey would meet its obligation, which initiated a vicious circle of mutual conditions<sup>26</sup>. Analysts suggest that this deadlock will be almost impossible to get out of before Turkey's elections<sup>27</sup>. The current Finnish EU Presidency has warned that there is always the possibility to suspend the negotiations. The likewise Finnish Commissioner for Enlargement Rehn believes Turkey's membership negotiations will come to a head after his publication of the Regular Report on October 24 this year for two reasons (Dempsey, 2006). The Cyprus issue is one of them as the Commission will offer its evaluation of how Turkey is implementing the Ankara protocol to extend its customs union across the EU.

The second reason for this climacteric moment in accession negotiations will be the Commission's report criticizing Turkey for its decelerating domestic reforms in areas such as freedom of speech, which has already been pointed out as one of the remaining challenges for democratization in Turkey. This slow-down of Europeanizing reforms and also Büyükanit's appointment as Military Chief can be interpreted as the result of another vicious circle; i.e. an enlargement fatigue of both the European and Turkish public<sup>28</sup>.

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<sup>26</sup> What Turkey conditions is the adoption of the aid package coupled with direct trade between the self-proclaimed Turkish Republic of Northern Cyprus and the EU. Turkey's opening up its ports and airports is in turn seen by the Greek Cypriots as a condition for their approval of the direct trade scheme for the Turkish Cypriots. Cyprus has blocked the aid and trade measures for Northern Cyprus since 2004. The conditionality expressed by the Turks has to be evaluated in the aftermath of the failed reunification of Cyprus as proposed by the UN's Annan Plan. Whereas Turkish Cypriots accepted the Plan, Greek Cypriots overwhelmingly rejected it, but nevertheless became an EU member as Cyprus' reunification was not a condition of accession.

<sup>27</sup> One solution out of this deadlock could be that Commissioner Rehn will put the Cyprus case before the European Court of Justice, as reported by the Financial Times. This would effectively postpone the problem until next year and after Turkey has been through its parliamentary elections (retrieved from <http://euobserver.com/9/22347/?rk=1>).

<sup>28</sup> The Special Eurobarometer of July 2006 on Attitudes Towards European Union Enlargement shows that according to the present public opinion in the EU, of all (potential) candidate countries, Turkey's accession generates the most disapproval: 48% of EU citizens are opposed;

Turkey's accession does not only request critical changes for Turkey, but also for Europe as far-reaching reforms of the EU's institutions and budget become decisive with regard to the Union's future capacity to admit new members. These issues are summarized in the term 'absorption capacity' which will be defined and formalized in a Special Report to be issued by the Commission on October 24 as well. Unlike the Copenhagen Criteria, absorption capacity is not a formal condition for membership, but it might well become a de facto criterion in the future. Often called the "fourth" Copenhagen Criteria, the Union's absorption capacity is apparently not a condition that can be fulfilled by the candidate like the other three. Another hurdle waiting at the end of accession negotiations that Turkey cannot jump by its own efforts are the already announced referenda on its accession in Austria and France. Tocci confirms that it is the lack of credibility of EU policies towards Turkey, especially those put forward by conservative or Christian democratic actors by indicating their reluctance to accept Turkey as a members irrespective of its compliance with the Copenhagen Criteria which internally weaken pro-European reformers in Turkey (2003: 195). These additional obstacles as well as the Cyprus issue are what makes its accession prospect increasingly vague and give rise to the vicious circles of mutual antagonism and lack of reform in Turkey together with European distancing from Turkey.

If these two vicious circles, especially the one related to Cyprus, cannot be broken, talks could be suspended by the end of the year and possibly never start again. This would imply that the enlargement policy would be abandoned for Turkey and in consequence it would de facto backslide into the EU's neighborhood policy, no matter how this relationship will be termed in the end. This is exactly what French presidential candidate-hopeful Sarkozy would like to see as he recently described Turkey as our *neighbor*, our friend who shares many of our security interests and values. Sarkozy wants to develop ties with Turkey but not go as far as full and total adhesion and strongly urges that Europe defines its boundaries by saying who is European and who isn't<sup>29</sup>. His compatriot d'Estaing who

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while only 39% are in favor even if Turkey complies with all conditions set by the EU. In comparison, meanwhile only 44% of Turks think that EU membership would be a good thing, compared to 66% in spring 2005.

<sup>29</sup> "...la Turquie, qui est notre voisine, notre amie, et qui partage nombre de nos intérêts de sécurité et nombre de nos valeurs. Nous devons pour toutes ces raisons approfondir nos liens avec elle, mais sans aller jusqu'à l'adhésion pleine et entière. [...] Il nous faut maintenant dire qui est européen et qui ne l'est pas." (Sarkozy, 2006: 10f)

presided the Convention on the Future of Europe answered this question for Turkey in 2002 by claiming that it is not a European country since its capital is not in Europe and 95 per cent of its population live outside Europe<sup>30</sup>. Despite this purely geographical reasoning actually suggesting that already EU member Cyprus is not European as well, this and d'Estaing's earlier remark about Morocco's impending follow-up to Turkey seems to obliterate the fact that Turkey has been denominated to be basically eligible for membership in the European Community as early as 1963 whereas Morocco had to live with the fact of not being eligible ever since its application was immediately rejected in 1987. Although Turkey would be the only country that interrupts the 'ring of friends' around the EU, it has to be kept in mind that an EU member Turkey in contrast to any ENP-country is perfectly in line with these former decisions. The active construction of the 'ring' began long after Turkey had been granted an accession perspective. Therefore Turkey's membership would be an exception and not a symptom for an ever more expanding Union (Marchetti, 2006). In any case, it does not have to be the "end of the European Union" (d'Estaing 2002), but rather a new and challenging era in the EU's history, especially with regard to an extended reach of the ENP<sup>31</sup>.

Of course, d'Estaing is right in revealing EU relations with Turkey as being a sort of 'wishful mirror' for many Moroccans as expressed in Ben Jelloun's statement that "the Maghreb sees itself as the necessary next step: first Turkey, then the Maghreb" (2006). Marchetti (2006) confirms that "some neighbours regard the ENP just as first step towards EU-membership". Nonetheless, the recognition of "European Aspirations" by the EU in individual Action Plans can be considered diplomatic rhetoric without really committing the EU and rather being part of delaying tactics. Instead of Turkey being the point of reference, current developments rather seem to suggest that it is Morocco that could serve as a mirror for future EU-Turkey relations in terms of what a privileged partnership means. The previous analysis has pointed out the crucially different impact the EU's

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<sup>30</sup> "La Turquie est un pays proche de l'Europe, un pays important, qui a une véritable élite, mais ce n'est pas un pays européen. [...] Sa capitale n'est pas en Europe, elle a 95 % de sa population hors d'Europe, ce n'est pas un pays européen". (D'Estaing, 2002).

<sup>31</sup> To read more about the argument of Turkey's EU membership as an asset for the ENP, the following reference is suggested: Emerson, M.&Tocci, N. (2004) "Turkey as a Bridgehead and Spearhead. Integrating EU and Turkish Foreign Policy". CEPS EU-Turkey working papers, No.1/Aug. 2004 (retrieved from <http://www.ceps.be>).

enlargement policy had on democratization in Turkey as opposed to the earlier and newer neighborhood policies for Morocco. It must be clear to Europeans that the trade-off between switching to the neighborhood policy category definitely is a much weaker influence for the EU and an increased sovereignty of the third state. Keyman and Önis found out that historically, Turkey-EU relations can be characterized by cycles, hence such a regress in relations could be toned down to be rather typical at first sight. However, they add that these cycles proceeded in the context of an underlying trend that indicates the gradual achievement of closer integration between Turkey and Europe (2004: 191). The Bertelmann Transformation Index 2006 predicts that it is the close relationship between Turkey and the European Union will positively impact the consolidation of democracy within the country (25). Because of Turkey's already exceptionally high degree of integration with Europe, it will be most difficult for the EU to keep up this progressive trend while ruling out membership. The negotiation framework states "while having full regard to all Copenhagen criteria, including the absorption capacity of the Union, if Turkey is not in a position to assume in full all the obligations of membership it must be ensured that Turkey is fully anchored in the European structures through the strongest possible bond" (European Council, 2005: 1). While the apparent difficulty for Turkey to fulfill the criteria on the Union's absorption capacity has already been stressed, the critical question will be what kind of stronger possible bond than the current one the EU will offer.

Moreover, the strategy of simply risking accession negotiations to fail and downgrading EU-Turkey relations to a privileged partnership like with Morocco has to be viewed with utmost caution. The aftermath of the Luxemburg Summit in 1997 in which the Cyprus issue was crucial as well, tells an important lesson of what kind of a de-Europeanization and backlash in democratization can possibly be expected in Turkey, additionally in the contemporary context of the massive resurgence of Kurdish terrorism. Comparing this country's EU relations with Morocco's, it must be realized that it is something else to lose the long-awaited big "carrot" than to never have had it in sight in the first place. In this context, former Enlargement Commissioner Verheugen (2006a) rightly claimed that Europe does not fully live up to its responsibility and called it dishonest not to make EU accession possible for Turkey. He warned that Turkey could also turn away from Europe

and towards other countries, such as the Iran<sup>32</sup>. This scenario would undermine the basic assumption of this thesis that Europe is being perceived as a strong role model. Particularly after 9/11, as the Western world is “desperately searching for a democratic success story in the Muslim world” (Batt et al., 2003: 23) and in reference to former Commissioner Lord Patten’s invented term for the Union’s ‘soft power’, the EU must pay attention not to turn its “weapons of mass attraction” against itself by rejecting Turkey. While certainly not wanting to meet trouble halfway by predicting that Turkey’s 40 year old ‘European dream’ will end up being Europe’s ‘Turkish nightmare’, it stands to reason that, at least in the short term, an angered ex-candidate Turkey might not be a friendly neighbor like Morocco and certainly not like an aspiring member Turkey has been.

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<sup>32</sup> This possible threat has been confirmed by a recent survey of the German Marshall Fund: On a 100-point “thermometer” scale, Turkish “warmth” towards the EU in 2006 is 45 degrees, down from 52 two years ago, while Turkish warmth toward Iran increased to 43 degree from 34 over the same period (Dempsey, 2006).

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- Barahona de Brito, A. (2006). "Political Liberalisation and Transition to Democracy: Lessons from the Mediterranean and beyond. Morocco, Turkey, Spain and Portugal." A EuroMeSCo Report (to be found on <http://www.euromesco.net>).

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