

NORMATİF GÜÇ OLARAK AVRUPA BİRLİĞİ VE AVRUPA KOMŞULUK POLİTİKASI: FAS VE MİSİR VAKA ANALİZİ*

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ÖZ

Bu makale, normatif güç olma iddiasında olan Avrupa Birliği (AB)'nin Avrupa Komşuluk Politikası çerçevesinde Fas ve Mısır'a yönelik politika ve uygulamalarını incelemeyi amaçlamaktadır. AB'nin kendine has yapısı ile uluslararası ilişkilerde öne çıkması AB'nin normatif güç olarak sunulmasına neden olmaktadır. Bu kapsamda Komşuluk Politikası AB'nin önemli enstrümanlarından biridir. Bu araştırma iki vaka analizi çerçevesinde AB'nin bir normatif güç olup olmadığını ele almaktadır. Fas ve Mısır'ın vaka analizi olarak seçilmesinin nedeni iki ülke arasında var olan benzerliklerin bahse konu politika çerçevesinde karşılaştırmalı analizini sağlamaktır. Analiz hem birincil hem de ikincil kaynaklara dayanmaktadır. AB'nin yakın coğrafyasındaki normatif gücü ve dönüştürme kapasitesi, söz konusu ülkelerdeki demokratikleşme süreci (demokrasi, hukukun üstünlüğü, insan haklarına ve temel özgürlüklere saygı) bağlamında AB'nin resmi dokümanları ile uygulamanın incelenmesi çerçevesinde gerçekleştirilmektedir. Sonuç olarak bu makale, AB'nin Avrupa Komşuluk Politikası çerçevesinde normatif güç olma iddiasının özellikle Arap Baharı ve sonrasında gelişmelerin de gösterdiği gibi birçok sorunla karşı karşıya olduğunu öne sürmektedir.

Anahtar Kelimeler: AB'nin Normatif Kimliği, Avrupa Komşuluk Politikası, Demokratikleşme, Fas, Mısır

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**THE EUROPEAN UNION AS A NORMATIVE POWER AND
THE EUROPEAN NEIGHBOURHOOD POLICY:
THE CASES OF MOROCCO AND EGYPT**

ABSTRACT

This article aims to examine the European Union (EU) as a normative power in the context of the European Neighbourhood Policy (ENP) through case studies of Morocco and Egypt. The uniqueness of the EU as a distinct actor in international politics has led many observers to claim that the EU is a normative power. The ENP has been one of the main instruments of the EU within this framework. This research studies the claim as to whether the EU is a normative power in the context of the ENP, based on two cases studies. The article analyzes this puzzle through an analysis of both primary documents published by the EU and the secondary literature. Through a close scrutiny of Morocco and Egypt, the normative power of the EU in its near abroad is going to be explored through the analysis of democratization process in these countries in terms of democracy, rule of law and respect for human rights and fundamental freedoms. Based on theoretical analysis and two case studies, this study argues that the EU faces several challenges in its claim to be a normative power within the context of the ENP, manifested explicitly in the Arab Spring.

Keywords: EU's Normative Identity, European Neighbourhood Policy, Democratization, Morocco, Egypt

INTRODUCTION

The debate on the European Union (EU) foreign policy mostly evolved around the issue of enlargement as the EU has been using membership incentive as a powerful instrument towards the regional countries. Until 2004, the EU was using only the carrot of membership for regional countries that it wanted to transform or influence; yet, while the debate about the EU's final borders is still carried out by different groups, the EU came up with another policy tool, which has been considered as an answer to the dilemma of exclusion or inclusion by providing a kind of middle way to create a "ring of friends" around the EU borders. Therefore, after the experience of the Euro-Mediterranean Partnership (EMP) in 1990s, the attention has shifted towards a new policy, namely the European Neighbourhood Policy (ENP). Unlike the traditional foreign policy of enlargement, the ENP has also had a perspective of 'Europeanization'¹, but this time, without accession. Similarly, the core of the ENP is also the promotion of European values in other countries without the promise of membership. At this point, the question arises as to whether Europeanization without accession can be an effective instrument for Europe as a normative power in international politics (Forsberg, 2011:1183). This paper, therefore, addresses a substantive critical question: Can the ENP – a policy based on the experience of the policy of enlargement- still be considered as an effective instrument for the EU to promote its political norms in its near abroad? This question is all the more pertinent given the challenges of the last few years as a result of the Arab Spring.

While searching an answer to the substantial question of this paper, the article firstly focuses on the idea of the normative power for a broader understanding of what the EU's normative role means in world politics. In fact, there is a rich literature on the issue of 'soft', 'civilian' and 'normative' power. Thus, it begins by offering an examination the evolution of the concept of "normative power". Second, the article continues with the historical evolution of the European Neighbourhood Policy. In the third part of the article, the implementation of the policy in Morocco and Egypt will be analyzed through a close scrutiny of EU's documents.

I) THE EUROPEAN UNION AS A NORMATIVE POWER

It is commonly argued that the EU is a unique international actor not only in economic issues but also in terms of disseminating its economic and political governance and influence to the partner countries. Especially, some developments in the 1990s, when the notions of 'military' and 'civilian power' came to be re-evaluated, have led many to rethink the uniqueness of the EU in international relations.

It can be claimed that the emergence of the EU as a unique and influential international actor in the post-Cold War era has generated a debate between the two mainstream international relations theories, that is, (neo)realism and (neo)liberalism. The neo-liberal institutionalism suggests that the way towards peace and prosperity can be achieved through independent states pooling their resources, and surrendering some of their sovereignty to create integrated communities in order to promote economic growth or respond to regional problems. In accordance with this, the EU is regarded as one such institution that began as a regional community for encouraging multilateral cooperation in the production of coal and steel. On the other hand, Robert Keohane and Joseph S. Nye, suggested that the world had become more pluralistic in terms of actors involved in international interactions, and thus, as these actors had become more dependent on one another, it was possible to talk about “complex interdependence.” Hence, they claimed, a new world order had been emerging with increasing linkages among states and non-state actors on a new agenda of international issues without a distinction between low and high politics through multiple channels for interaction across national borders (Keohane and Nye, 1989:24-26). While pluralists came to admit the centrality of state in 1980s, they continue to distinguish themselves from structural realists for their emphasis on cooperation. In fact, such arguments were rejected mostly by structural realism, one of the most influential generation of (neo)realism, which is mostly built on hard politics issues. Kenneth Waltz claims that (neo)liberals are too optimistic about the possibilities of cooperation among states and underlines that in an anarchical international system where the survival is the main goal of each state, international cooperation cannot occur unless states make it happen. He asserts that the international system is a self-help system where states are the most important, if not the only, actors (Waltz, 1979:65). In addition to this, while (neo) liberals believe that international cooperation is easy to achieve in areas where states have mutual interests that serve to maximization of their absolute gains, (neo) realists assert that the condition of anarchy makes cooperation difficult to achieve since anarchy requires states to be preoccupied with relative gain and power, security and survival in a competitive environment (Hyde-Price, 2006:220-223).

The distinction in the literature between hard power and soft power is crucial to understand EU’s claim to be a normative power. Power is described as “the ability to influence the behaviour of others to get the outcomes one wants” (Nye, 2004:2). Hard power, according to Karl Deutsch’s definition, is “wilful power”, that is the ability to impose one’s goals without regard to others” (Deutsch, 1963). Accordingly, it is mostly placed in the (neo) realist tradition, where military power is seen as the expression of a state’s strength in the anarchical international system based on self-help capacity. It can rest on

inducements (carrots) or threats (sticks). On the other hand, soft power is one's capacity to obtain what one wants through co-option and attraction rather than the hard power of coercion and payment. Since soft power rests on the ability to shape the preferences rather than their coercion, the distinction can be thought not only in terms of the nature of behaviour but also in terms of the tangibility of resources. In other words, hard power is associated with tangible resources like military and economic strength while soft power connotes intangible power resources such as culture and ideology.

Based on these theoretical discussions, the EU has been conceptualized as a distinctly different type of actor in international politics: 'civilian' power by Louis-François Duchêne, 'soft' power by Christopher J. Hill, and, most recently, 'normative' power by Ian Manners (Mayne, 1972:32-47). While the idea of normative power is rather recent, the conceptualization of the EU as such can be found in the literature since early 1970s. However, it was in 2002 that Ian Manners picked up the notion of 'civilian power' as a starting point for re-conceptualizing the impact and the role of the EU as an international actor.

According to Manners, the ethics of the EU's normative power were located in its ability to normalize a more just world with a strict observance and development of international law, including the respect for the principles of the United Nations Charter (Manners, 2008:47). He claimed that the EU promotes a series of normative principles that are generally acknowledged within the United Nations system to be universally applicable (Manners, 2008:46). In fact, Manners made a distinction between 'normative power' and 'civilian power.' From his perspective, the notion of civilian power connoted, just like military power, a *Westphalian* concept of state (Manners, 2002:239). Having a perspective of being normative power, the EU seeks to promote its values and norms in its near abroad, which is a strategy aiming at 'Europeanization' of neighbouring countries. Within this Europeanization process, democracy promotion plays a central role as a substantial part of European values. What is underlined in the ENP is that through this deeper engagement with its partners, the EU seeks to promote partners' commitment to common values such as the rule of law, good governance, respect for human rights, and the promotion of good neighbourly relations, but without the promise of membership. Although the ENP differs from the policy of enlargement, it works with a similar method: Relying on the promise of deepened relations in political, economic and cultural terms, conditionality and rewards based on the acceptance of reform process decided by the EU are the basic tools of the EU or leverages to transform these neighbours into more democratic, prosperous and stable countries.

The liberal perception of the EU as a normative power and its attribution to the EU a normative foreign policy have been criticized by others, most prominently, by (neo) realists. There are mainly eight criticisms directed against this liberal perspective of the EU within the context of the ENP: First, there is a claim that the idea of EU's normative impact is not different from that of previous European colonial powers. In this respect, as Tilley affirms, the question is whether the Eurocentric definitions of values that EU upholds such as democracy and human rights could be applied in a culturally diverse world (Tilley, 2012). The EU has underlined that the ENP is based on the idea of 'shared values'. However, this assumption relies on the perception that the EU and its neighbours share the same commitment to values of democracy, human rights, the rule of law and respect for fundamental freedoms. This unquestioned belief in 'sharing common values' creates problems in implementation (Tocci, 2005:26-32). In addition, there has been the criticism that the promotion of so-called 'shared' values gives the image of an EU as a 'soft imperial' through an asymmetric relationship that advocates a one-sided reading of norms and values without engaging the receiving end in a genuine dialogue about the content and meaning of those terms (Haukkala, 2007:14). The second challenge is directed to the efficiency of the ENP in terms of achieving its ambitious ends while lacking sufficient means. As frequently pointed out by Balfour, this is the problem of "capabilities - expectations gap." In other words, beyond the fact that the ENP suffers from certain structural and practical problems, challenges in the EU's neighbourhood are already too complex in nature (Balfour, 2016:22-23) to be dealt by a *sui generis* institution with 28 member states. Another criticism comes from neo-realists for the development of the European Security and Defence Policy (ESDP) which makes the EU similar to any traditional great power. The next criticism touches upon the content of the term 'normative' since there is no consensus on it. Another point of criticism is the assertion of the uniqueness of the EU in terms of promotion of norms and values because the same claim has also been made for the different powers such as US foreign policy. As for the sixth challenge, neo-realists also criticize EU's success in terms of achieving normative ends. Another criticism is directed to the difference between discourse and implications because according to the neo-realists, security concerns of the EU always prevail in its policies when they are not complementary with normative aims. The last challenge to the normative power of the EU is directed to the image of the EU as a relatively benign actor since the use of civilian instruments are not always be considered as non-coercive power (Niemann and Wekker, 2010:5-6).² A related question is what kind of instruments can be utilized in order to achieve the desired ends. Indeed, in terms of coercive measures, the EU lacks a military instrument whose use is disputable in promoting human rights and democracy.

Apart from military measures, the EU has a variety of coercive diplomatic and economic tools at its disposal such as suspension of cooperation, suspension of funds, targeted economic sanctions, and trade embargoes, which do not always lead to civilian ends. One could also see it as a dilemma between engagement, on the one hand, and the use of coercive measures to promote democracy, rule of law, respect for human rights and fundamental freedoms in neighbouring countries, on the other, which is discussed in the literature as the fragile balance between the use of negative conditionality and positive conditionality (Haddadi, 2002:149-169; Gillespie, 2005:1-20; Balfour, 2007:1-37).

II) THE EUROPEAN NEIGHBOURHOOD POLICY

“The European Union is enjoying an unprecedentedly high standard of living, and the longest peace in its history- but what about the states just outside its borders?” asked former Commissioner, Benita Ferrero-Waldner, who was responsible for ENP (Ferrero-Waldner, 2004). This was a very crucial question, which emerged after the historic enlargement launched in 2004, since the neighbouring geography is more insecure and instable compared to previous enlargements. Therefore, dealing with the near abroad turned out to be a challenging as well as an inevitable issue on the agenda of the EU. After 2004 enlargement, relations with neighbours have become EU’s main external priority. EU states aimed to avoid new dividing lines between the enlarged union and its neighbours to the east and on the southern and eastern shores of the Mediterranean. Also, it announces that it invites these neighbours, on the basis of mutual commitment to common values, to move beyond existing cooperation to deeper economic and political, cultural and security cooperation- strengthening stability, security and well-being for all concerned (eeas.europa.eu, 2016). In other words, the ENP is a response to the new challenges and opportunities that the EU has to address with its extended borders.

The EU is an example of a regional cooperation; therefore, it has always looked forward to establish cooperative relations with regional countries. Especially after the end of the Cold War, European policy makers were in a position to be more flexible and free to initiate cooperative relations with neighbouring countries with the abatement of the high tension between the two superpowers. The new political environment has fostered regional cooperation, which was also acknowledged by the European leaders in the 1992 Lisbon European Council Conclusion: “The European Council believes that the far-reaching changes in the international scene have contributed to the creation of a new climate and favourable opportunities for the revitalization of a constructive dialogue aimed at promoting development based on solidarity, mutual interest and shared responsibilities” (Lisbon European Council Presidency

Conclusions, 1992:24). In November 1995, Barcelona Conference brought together member states of the EU and its proposed Mediterranean partners to agree on a declaration. This declaration, the founding document of the Euro-Mediterranean Partnership, was named as the Barcelona Declaration, aiming at the creation of ‘a zone of peace and stability’ on southern borders of the EU. The Barcelona Process is a unique and ambitious initiative, which laid the foundations of a new regional relationship, and a turning point in Euro-Mediterranean relations, while combining political, economic and social instruments and goals. Yet in practice, it has fallen behind its aims except certain economic achievements. As stated by Sevilay Kahraman, “Barcelona partners, including EU countries have adhered to conditionality at a declaratory level and conceived it mainly in economic and governance terms rather than as a democratic principle” (Kahraman, 2005:10).

In May 2004, EU realized its giant enlargement. Like any previous enlargement, this last wave was quite challenging for Europe to transform the poor and ex-socialist states. However, what is additionally challenging in this enlargement was its new neighbours. In the past, the EU was using the membership carrot as the central instrument in its external relations towards neighbours; but this time it was quite difficult to present them an offer or possibility of membership. Apart from EU’s dilemma, the post-September 11 international context affected European security perception. In such a conjuncture, the ENP emerged as an instrument to respond to international crime, human trafficking, terrorism and immigration (Aliboni, 2009:17), thus “distant threats may be as much a concern as those that are near at hand”, therefore, ‘the first line of defence will often be abroad’ (European Security Strategy, 2003:6-7).

To conclude, policy makers found a way to create a ‘ring of friends’ by neither excluding nor including them into the EU. Thus, ENP emerged as an answer to “an immediate need to ensure that the wider neighbourhood was stable, to avoid the risk of instability spilling over into the larger EU” (Smith, 2005:758). It was also perceived as an instrument to promote European values in the near abroad. This fact is also remarked by previous President of the European Commission, Romano Prodi in December 2002: “We cannot go on enlarging forever. We cannot water down the European political project and turn the European Union into just a free trade area on a continental scale. Accession is not the only game in town” (Prodi, 2002). In conclusion, the obvious choice between over-extending the enlargement process and rejecting one of its founding values to be open to all democracies willing to cooperate becomes the EU’s existential dilemma at the very beginning of the twenty-first century (Emerson, 2004:17).

When neither exclusion nor the inclusion was a solution, Prodi asserted in 2002 that the EU had to be prepared to offer more than partnership and less than membership, without precluding the latter to new neighbours (Prodi, 2002). The call from the President was answered by the British Government which led to 'Wider Europe Initiative', that is the origin of the ENP. The British plan covered a narrow geography, namely Belarus, Moldova, Russia and Ukraine. Nevertheless, the initiative was welcomed by other European countries. When the European Council accepted it, it included also the southern Mediterranean states.

In the Communication, named as '*Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*' (hereinafter 'Wider Europe Communication'), the Commission draws attention to the May 2004 enlargement and its potential to shape the EU's political and economic relations with other parts of the world. In addition, the will and the need of the EU to establish close relations with its neighbours are also emphasized. The remarkable distinction of the ENP from previous efforts related to neighbouring relations is its combination of three different regions with wide diversity of countries under a single policy. These regions are the Eastern Europe, the eastern Mediterranean and the southern Mediterranean. The neighbourhood policy was originally designed to include Russia, Ukraine, Belarus and Moldova, Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia and the Palestinian Authority. In 2004, it was extended to include Georgia, Armenia and Azerbaijan. Russia rejected to participate in the ENP and preferred to develop its relations with the EU on bilateral framework. The other existing neighbours of the EU were not included into the ENP since they have an accession perspective.

The Commission sets forth two overarching objectives for the development of closer and more coherent relations with the EU's neighbours over the medium and long term: to work with the partners for deeper economic, political and cultural relations and to anchor preferential relations within a differentiated framework (Wider Europe Communication, 2003). The Commission, also, gives responsibilities to both sides in order to establish a fruitful neighbourhood relation. The EU explicitly affirms that the political and economic reform progress made by the partner country would be essential for the advancement of relations, which constitutes the essential principal of the policy called conditionality.

The new offer to neighbours is very clear and the EU proposes the benefits of closer economic integration and deepened political cooperation in return for the partner country's performance of concrete progress demonstrating shared values and effective implementation of political and institutional reforms and

even aligning legislation with the EU *acquis*. It can be noted that the EU offers all but institutions, which makes the policy different than enlargement. At this point, indeed, one of the central dilemmas of the ENP has emerged. It is related with the debate on “Europeanization without accession.” The structures and instruments of the ENP are mostly borrowed from the experiences of the policy of enlargement and the EU demands a full range of reform process. However, it does not offer anything close to membership in practice. Thus, the EU, as a normative power, lacks a major tool in its relations with regional countries. In other words, when there is a membership perspective, the EU has been more coherent and insistent for reform process in the partner country. When there is no membership perspective, however, the identity of the EU in global politics as a promoter of human rights and democracy has been mixed and marred by inconsistencies, contradictions, uncertainties, and speculations about its real motives (Balfour, 2007:8). This is what Kahraman named as a ‘structural weakness’ in the ENP, the major challenge that lies ahead for the EU (Kahraman, 2005:23).

Despite its structural weaknesses, the Commission presents three important principles of the Wider Europe-Neighbourhood Policy: The new offer should be a ‘differentiated’, ‘progressive’, and ‘benchmarked’ approach. To start with, although the new neighbours are all treated under the Wider Europe Initiative umbrella, EU officials are well aware of the fact that they are all at different level in the process of approximation, which means that some partners already have Free Trade Agreements; others have begun the process of developing a strategic partnership with the EU. Therefore, although the aim is to offer same opportunities towards all neighbouring countries in return for the same standards, differentiation still matters, meaning that each country would be treated separately and individually under the same policy. Second, creation of a stable and peaceful neighbourhood requires a series of economic, political and cultural reforms in partner countries. Therefore, the EU acknowledges that the approach would be step-by-step and progressive. Only if the partner can make certain progress, it is offered with certain benefits. This process for each country would be planned by Action Plans.³ Finally, the approach is also benchmarked which allows the EU to expect from its partners a degree of consistency and credibility.⁴ In addition, it would be suitable to note here that both conditions and benchmarks were going to be determined by the Council, based on proposals from the Commission, which makes the relations one-sided from the EU towards the partner countries.

III. EUROPEAN NEIGHBOURHOOD POLICY VIS-À-VIS MOROCCO AND EGYPT

By focusing on Morocco and Egypt, this part builds a comparative case study in terms of the prospects for democratic change of a kind that EU would like to promote. These countries' partnership with the EU as well as their respective democratization experience had been on the agenda long before the ENP. This long period provides for at least a tentative assessment of progression and regression. A study of democratization in Morocco and Egypt within the framework of the ENP demonstrate that although there are important similarities between these two countries, the ENP generates different results due to specific differences and particularities in different cases.

A) Morocco

Moroccan political liberalization did not start with the ENP nor with the Barcelona Process. Notwithstanding some shortcomings and failures, there is a history of liberalization of Moroccan political life since its independence (Baracani, 2005:8; Cohen and Jaidi, 2006:55-62). It has been privileged partner of the EU due to the volume of economic relations and its strategic location for the transit of energy from North Africa to Europe. The relations between Morocco and the European Community go back to 1969 when a bilateral association agreement was signed. Since 1995, Moroccan-EU relations have been developed within the framework of the Barcelona Process. The Euro-Mediterranean Association Agreement (EMAA) between Morocco and the EU was signed in 1996 and entered into force on March 2000. The Agreement constitutes the legal framework for relations between the EU and Morocco. It provides many areas of cooperation in terms of political, economic, social, scientific and cultural matters in addition to the gradual creation of a free trade area between partners (Morocco Country Strategy Paper, 2007:3).

Since the launching of the ENP in 2004, relations are structured within the framework of Country Reports and Action Plans. The Commission presented the ENP Country Report Morocco [COM(2004)373 final] in May 2004. Additionally, the EU-Morocco Action Plan was agreed in December 2004 and entered into force in July 2005 for a period of five years. Indeed, Morocco was among the first countries in the Mediterranean to sign the Neighbourhood Action Plan. The Moroccan efforts were also welcomed in the Country Report (Country Report on Morocco, 2004). The political liberalization that has taken place in Morocco since the early 1990s has been considered by some as a significant step and 'declared will' of this North African country to democratize (Haddadi, 2003:73).

In the part on “Democracy and The Rule of Law” of the Country Report, the Commission reports six shortcomings: First, the principle of separation of power is not respected in practice since “the King presides over cabinet meetings, promulgates laws, and signs and ratifies international treaties” (Country Report on Morocco, 2004:5-6). In other words, the King has great amount of power in the functioning of legislative, executive and judiciary powers. Second, it is observed that the power of the parliament, which is made up of the House of Representatives and the House of Counsellors, is limited. Third, although Morocco’s constitution guarantees a multi-party system with reference to Article 4, political parties are too centralized and institutionally weak. Fourth, the Commission staff reports shortcomings of the judiciary system. Fifth, the administrative capacity is also subject to criticism by the EU. In the report, it is stated that “[t]he Moroccan civil service exhibits the typical features of a centralised hierarchical bureaucracy: a system of pay based on seniority with no relation to skills or performance and passive management” (Country Report on Morocco, 2004:7). Finally, it is noted that corruption is a structural problem in the Moroccan system and one of the main reasons of the country’s economic backwardness.

However, EU-Morocco Action Plan does not clearly elaborate on priorities to address these shortcomings. For instance, there is no priority referring to the absence of real guarantee for the principle of separation of power and the limited parliamentary power. As for the weakness of political parties, EU asks Moroccan government to take action only on the exchange of experiences and expertise in the framework of the evolution of regulation on the political parties (Baracani, 2005:15). The Action Plan touches only the problem of impartiality of judges and weak access to justice, poor administrative capacity, and corruption.

In addition, it has been widely noted that respect for the principle of the separation of powers is still absent in Morocco. According to the Moroccan Constitution, the king appoints and can dismiss the prime minister and other members of the government, making cabinet members responsible to him first and only then to the parliament, which is weak and has no legislative power without the King’s approval (Kausch, 2007:3). Furthermore, the king can dissolve the parliament and use legislative power before the new parliament is constituted after a new election, declare a state of emergency without explanation, and revise the constitution by directly submitting proposed amendments to national referendum. The role of the government which is appointed by the king following legislative elections, as Kristine Kausch underlines, “degenerates into little more than the state’s operation manager, with independent decision-making power only in politically harmless areas

because of the King's excessive power on executive" (Kausch, 2007:3). The king appoints all high-level officials such as governors, judges, directors of public enterprises, and half of the members of the High Constitutional Council. It is also a crime to criticize the king's policies and decision, and members of parliament can lose their immunity for expressing opinions that may be considered disrespectful to the king (Baracani, 2005:15). Therefore, in spite of certain political liberalization and democratization, the authority rests with the king, who is the head of state, head of the military and as well as the religious leader. In other words, Morocco's monarchy continues to be untackled under the ENP since it is considered as a hard issue in the political structure (Kausch, 2008:7).

Second, the Country Report of 2004, touches upon "Human Rights and Fundamental Freedoms" as a second subtitle under the 'Political Issues.' In this part, the Commission reports several shortcomings. The first problem, according to the EU, is the uneven and partial implementation of the human rights legislation. Second problem is the lack of ratification of some international human rights protection instruments. Third, although the freedom of press has been developing in the last decade, the current legislation system possesses major restrictions on press freedom. Then, the report continues with the problem that Moroccan criminal law still does not contain a definition of torture in conformity with that required by the UN Convention to which Morocco is party. Fifth, the status of women and children has been noted by the Commission as another shortcoming under the title of human rights and fundamental freedoms. Women rights are limited especially in practice and also non-compliance with child labour laws is also reported to be common. Another shortcoming is limitations to the rights of association and labour rights. Finally, the EU reports the status and rights of the Berber speaking population as a problem (Country Report on Morocco, 2004:7-10).

In general, the endeavour of Morocco to harmonize its domestic legislation and practice of the human rights and fundamental freedoms with international agreements is welcomed by the European Commission. Thanks to the ENP process and Morocco's particular progress and ambition, a new period in EU-Morocco relations has begun since 2004. As a result, Morocco received a '*statut avancé*' (advanced status) by the adaptation of a '*Joint Document on the Strengthening of Bilateral Relations/Advanced Status*' (Martin, 2009:239). However, EU still stress certain problems dealing with the protection of human rights and fundamental freedoms. For instance, Baracani points out that even though the Moroccan constitution asserts acceptance of international principles regarding human rights protection, it does not stipulate that Moroccan citizens are entitled to inalienable human rights (Baracani, 2005:12). The human rights

issue is still problematic in the country and there are no established institutions that guarantee their protection. To illustrate, in the constitution it is stated that “The King is the protector of the rights and liberties of the citizen, social groups, and collectivises” (Constitution of Morocco, Article 19). This means that the implementation, enforcement of legislation heavily depends on the King’s will. Concerning the problem of discrimination against women, although Article 8 of the Constitution asserts that men and women enjoy equal political rights, Baracani indicates that according to the personal status code (*Mudawwana*) women were legal minors, they were denied sovereignty to settle a marriage contract, and their right to divorce was restricted (Baracani, 2005:12). In 2003, Moroccan king Mohammed VI announced the social reform with the revision of *Mudawwana* which clearly improved women’s legal position in social life. However, reform efforts were hindered by the discontent of the society, which, in the end, caused the parliament to reject the new code (Warning, 2006:15). Only after the king’s direct involvement, the new code could be ratified in February 2004 (Dieste, 2009:134). The freedom of press and expression is another point of criticism. With the accession of Mohammed VI, it is hoped that the democratic reforms about freedom of expression might develop more expeditiously. However, experiences during 2000s showed that series of interdictions could be applied. Early 2000s witnessed some of the most far-reaching and widely criticized sentences imposed on the independent journalists for critical reporting (Smith and Loudiy, 2005:1069-1119). Last but not the least, another criticism is also raised concerning the discrimination against the Berbers due to the Arabization policies after the independence in 1956, the Berber community is under serious pressure.

Although the ENP process in Morocco can be considered as a relatively successful example within the broader EU neighbourhood and Morocco has remained relatively calm in the context of turbulent changes of Arab Spring, problems related to good governance, rule of law, human rights, transparency and accountability have persisted (Report of the EuroMesco, 2016:24).

B) Egypt

During the first half of the twentieth century, there was a debate between two basic groups in Egypt: the western-educated intellectuals who advocated Egypt’s Mediterranean (European) character, and the traditional elite which defended Egypt’s Arab and Islamic (Eastern) identity (Selim, 1997:65-67). Therefore, it is possible to argue that the pro-Europeanization group and their critics have always existed in Egyptian politics. The European Communities (EC) and Egypt first established diplomatic relations in 1966. An Association Agreement was signed in 2001 after five years of intensive negotiations and forms the legal basis for Egypt’s relations with the EU. The Agreement

provides a framework for political dialogue, liberalization of trade in goods, services and capital including the completion of a Free Trade Area, and close economic, social and cultural relations between the parties Country Report on Egypt, 2005:3-4). Until 2004, the EU-Egypt bilateral relations were carried within the framework of the Barcelona process and through the implementation of the MEDA (Europe and Mediterranean Countries Co-operation) programme. With the launching of the ENP, Egypt has engaged with the EU in negotiating an Action Plan and declared that it regarded the ENP as an ambitious initiative which would benefit all southern Mediterranean countries (Country Report on Egypt, 2005:4).

Since 2004, the Egypt-EU relations operate, like in the case of Morocco, within the framework of Country Reports and Action Plan. The Commission presented the ENP Country Report Egypt [COM(2005) 72 final] in March 2005, relatively late compared to other southern neighbours. Additionally, the EU-Egypt Action Plan entered into force in March 2007. Indeed the finalization of Action Plan was also problematic and turned out to be overloaded with diplomatic manoeuvres, particularly on the Egyptian side (Demmelhuber, 2007:12). After the joint adaption of the Action Plan, the speed and intensity of the reform process was to depend on the will and capability of Egypt in order to qualify for more EU support, mutual cooperation and integration.

The Country Report of March 2005 assesses precisely the political and economic situation as well as institutional aspects in order to benchmark a prospective deepening of EU-Egypt relations. Like in the Moroccan Country Report, two sections, 'Democracy and The Rule of Law' and 'Human Rights and Fundamental Freedoms', under the heading of 'Political Issues', describe the Egyptian political and legislative structure in detail. In the first one, the Commission reports six shortcomings in the Country Report. First, the excessive power of the president on the executive and legislative branches is noted. Second, the fact that Islam is the state religion and its status for being the main source of law is reported as a deficiency in terms of the modern state structure. Third, despite the existence of a multi-party system, the weakness of opposition parties, both politically and financially. The Commission states the problems of judicial system as another shortcoming on the way of democratization. Another criticism is directed to the inefficient and unsatisfactory public administration. Finally, corruption is noted as a structural problem of the Egyptian system (Country Report on Egypt, 2005:5-7). Certainly, the Commission mentions certain priorities like 'strengthening participation in political life', 'fostering the role of civil society', 'enhancing the ongoing political dialogue', and 'strengthening the independence of the

judiciary' (EU/Egypt Action Plan, 2006:11). However, the wording of the Action Plan is ambivalent about the reform process and the Commission does not develop concrete priorities addressing the shortcomings.

The second part also states several shortcomings. According to the report, a major obstacle to the fulfilment of human rights and fundamental freedoms is the implementation of the emergency law since 1981. Although there are constitutional references for the protection of human rights, they cannot be implemented due to the state of emergency. The second problem stated in the report is the lack of 'a specific comprehensive human rights strategy.' Third, the freedom of opinion, expression and media is another area of criticism since there are restrictions especially under the state of emergency. Additionally, the ownership of all ground-broadcast television stations of the government and extensive governmental control over printing and distribution of newspapers are reported as another obstacle for the freedom of press. Another shortcoming is described as restrictions on the right of association to form and join trade unions for certain categories of workers. Then, the report cites torture as a widespread and the serious violation of human rights in Egypt. Fifth, the status of women and children has been remarked by the Commission staff as another shortcoming (Country Report on Egypt, 2005:7-10). The Action Plan sets certain priorities in order to overcome these problems. However, unlike the EU-Morocco Action Plan, this Action Plan does not determine time periods for the achievement of priorities.

There are various challenges to Egypt's democratization process which led to a slow and selective reform process in the country. Despite the uprisings for a more democratic and accountable regime in the country, the process ended up with a military dictatorship and Egypt can be considered as an example of how the adoption of a formal multi-party system does not necessarily lead to political liberalization and democratic transition because the authoritarian rule has been resilient. Egypt shifted from democratic aspirations, to a short period of Mohammed Morsi, to go back to a Mubarak-like political system after the military coup (Larive, 2015: 4). After the 2011 uprisings, the ENP process has faced major challenges and EU-Egypt cooperation was redirected to respond to the current pressing needs in order to benefit the most vulnerable groups of the society and it seems that the democratization process within the framework of the ENP has not been considered as a foremost priority (EU Support Framework for Egypt 2014-2015; EU Commission Implementing Decision, 2016). As obviously observed especially after the tremendous changes in Egypt during the Arab Spring, one of the main problem of the EU's stance as normative power in general and its ENP in specific is the dilemma of 'stability' and 'change', and to what extent the EU pursues strategic interests over its

supposed normative identity in its external policies (El-Din Shahin, 2005:1-7; Balfour, 2007; Niemann and Wekker, 2010:7-10; Tilley, 2012). Whenever the EU has faced a dilemma between supporting a gradual change within stability, on the one hand, and supporting change with unreliable reformers, on the other hand, it has preferred to take a gradual approach rather than pursuing a rapid and radical process, which, in the long run, may cause the rise of unpredictable domestic actors. Therefore, EU cooperates with authoritarian regimes for the sake of stability, which in return slow down the reform process. Additionally, as Balfour stated, EU has been extremely reluctant to offer financial support to opponents of authoritarian regimes, which reflects the fears regarding uncertain political change and its consequences (Balfour, 2007:11). In conclusion, the EU emerges as the supporter of the status quo and the incoherence during the implication means less normative power for the EU when Mediterranean governments succeeded in excluding the civil society (Haddad and Pogodda, 2006:22; Østergaard and Grum, 2012).

CONCLUSION

The European Neighbourhood Policy, at first glance, seems to be extensive, structured and comprehensive compared to previous attempts. First, contrary to previous neighbourhood policy efforts which only dealt with a specific region, the ENP covers all neighbouring countries. Second, the policy is structured since it is carried out by negotiations and mutual agreements, namely Country Reports, Action Plans and Progress Reports which are country-specific and tailor-made political documents which jointly define an agenda of political, economic and sectoral reforms with specific time schedules. Third, the ENP is an ambitious project in terms of its comprehensive objective. While building on traditional cooperation, it also covers a wide range of issues from political to economic issues in every sector. Therefore, in conclusion, the ENP can be evaluated as extensive in its geographic scope, structured in its planning, and comprehensive in its aims and ambitions. In implementation, however, the ENP presents a mixed picture in terms of its success. There are some neighbours, which have performed better than others; and there are also countries which have made little or no progress. It is not, therefore, possible to conclude clearly whether the ENP has been 'successful' or 'effective'.

In fact, the policy seems to have supported the pre-existing reform process but has struggled to have any impact on the new reforms or the stalled ones. Despite the expectations that a major overhaul of the policy would take place given the increasing perception of a failure of the ENP as a result of the Arab Spring, the ENP review of 2015 did not lead to an abandoning of the policy. On the contrary, the recent debate over the ENP revealed that it has been valuable to actors on both sides and therefore actors continue to be willing to

work within the framework of the ENP instruments. The challenges facing the ENP can be described as a list of dilemmas.

The first dilemma is that of ‘stability’ and ‘change’, and to what extent the EU pursues strategic interests over its supposed normative identity in its external policies. It is argued that the EU seeks to contain change under its control for the sake of stability especially when it faces an unpredictable reform movement in its neighbourhood, which constitutes the underlying reason behind a slow and selective reform process. Therefore, authoritarian regimes can easily benefit from this cautious approach to stabilize their hold on power by presenting themselves as the guardians of stability, fighting against extremism and radicalism in their own countries, a claim that has been increasingly acceptable by the EU especially after the current developments in Syria. The second dilemma is the applicability of the European-based definitions of values in a culturally diverse world, which sometimes gives the image of an EU as a ‘soft imperial’ through an asymmetric relationship with its neighbours. Third, there are also problems related to the Action Plans in terms of their vague nature. The priorities are articulated only vaguely during negotiations and therefore the implementation turns out to be a problem. Without clarifying the aims, Action Plans provide the governments of the neighbouring countries an area of manoeuvre when they are reluctant to pursue political liberalization. In addition, particularly in the Egyptian case, there is not scheduled calendar for the actions to be implemented; therefore the priorities remain rather as goodwill wishes. Fourth, the concept of “Europeanization without accession” constitutes an important structural weakness for the implementation of the ENP. Lastly, as mentioned before and the recent discussions on the ENP after the Arab Spring have revealed once again, there has been an important “capabilities - expectations gap.” While there is a mismatch between the promises of the EU and its capabilities to deal with the problems of the partner countries, challenges such as the promotion and the consolidation of the rule of law, human rights, democracy, and transparency are already too complex in nature, which manifests the limitations of the EU’s claim to be a normative power within the framework of the ENP.

ENDNOTES

¹ It is important to note that the term ‘Europeanization’ cannot be based on a technical definition such as the ratification of European and international conventions by national parliaments. Europeanization should be considered as basically “EU-ization” meaning that, as Thomas Diez elaborates, it is the acceptance of impositions of particular policies, political structures or social identities common in member states. For a detailed analysis, please see: Thomas Diez,

Apostolos Agnantopoulos and Alper Kaliber, "File: Turkey, Europeanization and Civil Society", *South European Society and Politics*, Vol.10, No. 1, April 2005, pp. 1-15.

² For a detailed discussion on the subject: Helene Sjursen, "The EU as a 'Normative Power': How Can This Be?", Paper prepared for EUSA Ninth Biennial International Conference, March 31-April 2, 2005, Austin, Texas; and Nathalie Tocci, "When and why does the EU act as a normative power in its neighbourhood?", European Security Forum Working Paper, No. 29, July 2008.

³ In the Wider Europe Communication, the Action Plans are defined as "political documents – drawing together existing and future work in the full range of the EU's relations with its neighbours, in order to set out clearly the overarching strategic policy targets and benchmarks by which progress can be judged over several years. They should be concise and complemented where necessary by more detailed plans for sector-specific cooperation." (Wider Europe Communication, COM (2003) 104 final, Brussels, 11.03.2003.)

⁴ According to the Wider Europe Communication, "[b]eyond the regulatory and administrative aspects directly linked to market integration, key benchmarks should include the ratification and implementation of international commitments which demonstrate respect for shared values, in particular the values codified in the UN Human Rights Declaration, the OSCE and Council of Europe standards. (Wider Europe Communication, COM (2003) 104 final, Brussels, 11.03.2003.)

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