

Comenius University in Bratislava
Faculty of Arts
Department of Political Science

POLITOLOGICA ACTUALIS

VOLUME IV

**Contemporary Problems of Slovak and
International Politics**

Editors

Matej Uhlík and Juraj Čokyna

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International Politics**

VOLUME IV

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at Comenius University in Bratislava**

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Foreword

It is for the fourth time that the Department of Political Science at Comenius University in Bratislava is presenting research done by their young faculty members and PhD candidates to general public through *Politologica Actualis*. As before, papers presented in this volume will demonstrate work done by researchers working at our department, either current PhD candidates or fresh PhD graduates. Papers published in this volume cover quite a wide range of topics, areas and time periods. Inside, you can find contributions dealing with issues debated and demonstrated in a context from the post-war period until recent days. While the first two studies are covering Central and Eastern European region, remaining papers deal with the African countries.

In the first article, Martin Kovanič is dealing with the issue of post-war transitional justice in former Czechoslovakia. He compares two trials - The Trial of the Protectorate Government and The Trial of the Slovak State President Tiso - and analyses the process of transitional justice, which was governed by two different legislative norms. Despite this fact, crimes identified by extraordinary courts and the setup of these courts themselves were very similar in both cases. As the author finds out, these trials became a part of power struggles between the Communist Party and the democratic opposition. Eventually, he concludes these trials were a crucial part of the official process of delegitimization of the old non-democratic regimes and that politicization of the process was connected with a complete defeat of the perpetrator regimes.

In the second paper, Kateryna Yakovenko deals with the question of conditionality and recent development in Ukraine. Her study analyses the first official agreement between European Union and Ukraine in terms of support for democracy and development. She focuses on the EU as an active actor in promoting democracy in Ukraine within the framework of the Partnership and Cooperation Agreement (PCA) between the Communities (and their Member States) and Ukraine, signed in 1994. Her analysis concludes that the so much “advertised” policy of democracy promotion in Ukraine during the validity of the PCA was, in fact, built out of two general clauses - without any plan, time-table or at least some working framework, which resulted into the ineffectiveness of this policy.

In the third paper, Mária Gajarská Kučerová is focusing on the role of NGOs in the conflict resolutions. By analysing the case of Acholi Religious Leaders’ Peace Initiative, she aims to

revisit the usage of a concept “track 1 and ½ diplomacy”. She analyses role of this initiative in the Uganda conflict, which started in the late 80’s. Using the forementioned case, she concludes that due to the latest development and examples from Sub-Saharan Africa, this concept needs to be reconsidered or possibly even reconceptualised as the local NGOs seem to be able to serve as successful leaders in mediation process as well.

In the fourth paper, Katarína Pevná discusses a question of the substantive women’s representation in Arab countries, where the political representation of women lacks behind other regions in the world. She analyses the role of women in the decision-making process in Morocco and discusses the discrepancy between formal push for promotion of women’s rights, such as quotas for representation in the parliament, and the actual substantive representation of women's interests. She concludes that increased number of women in the Moroccan parliament was not connected with a push for more liberal policies by the women themselves, as the ideological background of their political parties seems to play a leading role in their legislative behavior.

As demonstrated, the papers presented in this almanac cover quite a wide range of areas, both thematically and regionally. Therefore, we have decided that this fourth issue will be, for the first time, published in English. We hope such decision will increase the reach of this almanac and open the work done by our young researchers to a broader public, academic as well as non-academic. We wish you a pleasant reading and - on behalf of our authors - encourage you to provide us with feedback and comments through the contacts which you can find next to the author’s short biography. We all hope that making our work publicly accessible for discussion will provide us with the opportunity to gather valuable feedback and eventually push our research further.

Matej Uhlík and Juraj Čokyna

December 2015

Authors

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Dealing with the Past Crimes in the Post World War 2 Czechoslovakia and a Role of the Communist Party in the Selected Trials

Martin Kovanič

Abstract

Criminal transitional justice is recognized as an individualization of responsibility to concrete individuals responsible for the past atrocities and crimes. Post-World-War-II Czechoslovak regime was characterized by a governing dualism, which was manifested in the case of transitional justice and its manifestation in the country – persecution of retribution crimes. The purpose of this article was to identify the diverging approaches towards criminal justice on the cases of the most prominent trial in each part of the country – the trial of Protectorate government in Czech provinces and the trial of Slovak state president Jozef Tiso. Analysis of the two cases showed that these trials became part of political power struggles between the Communist Party and democratic opposition. It also served as an official process of delegitimization of the old non-democratic regimes – which enjoyed virtually no legitimacy in the case of Protectorate, but the figure of Jozef Tiso polarized the society.

Introduction

The Communist party assumed a complete control over Czechoslovakia after the February Coup d'état. However the road to the monopolization of power was rather long and Communist party had to face many obstacles along the way. It used various measures to discredit their political opponents – pressuring campaigns, discrediting and manipulation. (Kopeček 2006, 114) The actual support for Communist party was revealed in the 1946 elections. Those can be considered semi-free elections, because a number of political parties, existing during the First and Second republic (1918-1939), during the Slovak state and Protectorate of Bohemia and Moravia (1939-1945), were banned. The Communist Party of Slovakia (KSS) came second in the Slovak part of the republic – with electoral gain of 30.5% and Communist Party of Czechoslovakia (KSČ)¹ won the election in Czech lands (more than 40%). Overall, communists became the strongest political force in the country. However its power was not yet absolute.

The period of the so-called Third Republic (Czechoslovakia between 1945 and 1948) was a period of dealing with the crimes committed during the Second World War and it was

¹ There were 2 communist parties at the time – Communist Party of Czechoslovakia (KSČ) operating in Czech lands and Communist Party of Slovakia (KSS) in Slovakia. This is because of the fact that KSS formed independently in Slovakia as an illegal opposition movement during the existence of Slovak state.

done separately in Slovakia and Czech lands. In this paper, I would like to show, what the differences between the two parts of the country were, how were they managed and then analyze whether the Communist party² had any influence on these transitional justice processes. For the purposes of this paper, I will examine the two most prominent trials in both parts of the country – the trials with the main representatives of the previous war regimes. In the case of Slovakia, it is a trial of the former president Jozef Tiso. In Czech lands, it is a trial of the Protectorate ministers.

I assume that Communist party had an interest in severe punishment for the defendants – they tried to position themselves as a leading anti-fascist force in the country and use this for gaining support. I hypothesize, that this influence was even larger in Slovakia, where the support for communist was lower and Jozef Tiso was still endorsed by some parts of the population.³ Before analyzing the selected case, I am going to define the concept of transitional justice and outline some of the characteristics of the mechanisms used in the postwar era. This period represents a distinct era in the history of transitional justice.

Postwar Transitional Justice

Transitional justice can be understood as a “conception of justice associated with periods of political change, characterized by legal responses to confront the wrongdoings of repressive predecessor regimes.” (Teitel 2004, 69) Pursuing justice after the repressive regime removal is an important challenge for any new regime. According to Zalaquett, any transitional justice policy “should have two overarching objectives: to prevent recurrence of such abuses and to repair the damage they caused” (Zalaquett 1995, 5). He further emphasizes that in terms of aims a transitional justice policy should not only be in connection with the above mentioned universal objectives but should also be able to contribute to the depolarization of the society, reconstruction of the core institutions and securing the economic resources for designated goals. (Zalaquett 1995, 6) This is however never fully possible and there are many trade-offs between various policies and constraints of the nature of regime

² When talking about the Communist party, I am referring to both branches operating within the republic

³ According to Kamenec (1998), Tiso still enjoyed a relatively widespread authority among the Slovak population. This authority stemmed primarily from his position of a catholic priest.

transition. After the Second World War, the old repressive regimes were defeated and therefore there was a chance to pursue transitional justice widely.

Post World War 2 transitional justice is often referred to as Phase I of the genealogy of the concept. (e.g. Teitel 2004) The main characteristic is the shift from state responsibility for the crimes to individual responsibility and judgments. The individual perpetrators could no longer claim the state sovereignty and were brought to criminal trials. This principle is personified in the main symbol of this period, the Nuremberg tribunal. Criminal justice became a mechanism used to draw the line between the old criminal regimes and emerging ones, delegitimizing the old regimes and legitimating the new elites. (Teitel 2000, 29) The most notable innovation was “the turn to international criminal law and the extension of its applicability beyond the state and to the individual.” (Teitel 2004, 73) Another transitional justice mechanism, which was commonly used during the phase one, is the screening or vetting laws. In practice it meant the exclusion of members of certain political parties (which were often banned after the collapse of the non-democratic regime) or state organizations from political life and public offices.

The principles of international law were framed into the Principles of the Nuremberg Tribunal, which were adopted by the International Law Commission of the United Nations. However the majority of the states dealt with the crimes of the previous regimes on their own, following their own norms. The punishment of the perpetrators was used for various purposes. As identified by Deák, these purposes were not always noble.

„What motivated the postwar antifascist regimes was, primarily, rightful indignation over the many acts of cruelty and treason committed by the collaborators. There were other motives as well: the desire to place the blame on specific individuals for what had been, in reality, a large scale, popular accommodation with the enemy, and the perceived need to eliminate, or at least to reduce, the influence of social, political, and ethnic groups that might stand in the way of the creation of a new society and state.” (Deák 2000, 3)

These processes can all be identified in the case of Third Czechoslovak republic. Transitional justice was used for exclusion of some groups of population from political life

and expulsion of large parts of population from the country – mostly Germans, as well as Hungarians. With the spheres of influence divided between the Stalin and western powers, the process of sovietization commenced. For this reason, the trials of the prominent representatives of the old regimes served many functions – not only the achievement of justice, but also legitimization of the new regime and became a parts of political struggles between the communists and democratic forces in the country.

The case of Czechoslovakia

Czechoslovakia ceased to exist in 1939, when Czech lands were under the direct influence of Third Reich in the form of Protectorate Bohemia and Moravia and Slovak representatives were forced to declare independent state, which was also under the strong influence of Germany. Considerable parts of Czechoslovakia were annexed to Germany and Hungary – an outcome of Munich Agreement and the Vienna Award of 1938.

After the war, Czechoslovakia was reunited and the Beneš-led London exile government assumed the leading position in the country. However the Slovak National Council, which was created during the anti-fascist Slovak National Uprising, became a governing body in Slovak part of the country. As a result a sort of governing dualism is a characteristic feature of the Third Czechoslovak republic. This dualism was also reflected in the transitional justice processes, which were regulated by different legislation in Czech lands and Slovakia.

The relationship between the Czechoslovak government and the Slovak National Council was arranged in the Programme of the Government of the National Front of Czechs and Slovaks⁴. In this document, the leading representatives of Czech and Slovak political parties made a decision to eliminate all of the remaining fascist elements, to punish perpetrators, traitors and collaborators and establish the People's courts. All of the organs and institutions created by the “fascist occupants” were dissolved. The special attention was paid to the Germans and Hungarians – the perpetrators were to be deprived of citizenship.

⁴ The so called Košice Programme was signed on April 5, 1945. It outlined the framework for the political life in Czechoslovakia.

The Slovak transitional justice mechanisms were regulated by the Slovak National Council Act on the Punishment of fascist criminals, occupants, traitors and collaborators and on the establishment of people's judiciary no. 33/45. This established special retribution courts – People's Courts and the National Court – which were temporary and finished their activity in December 1947. The National Court was to judge the leading proponents of the Slovak state – including the former president Jozef Tiso. The Act identified five retribution crimes – the crime of fascist occupation (committed by the perpetrators of foreign nationality), the crime of domestic treachery (punishment of Czechoslovak citizens), the crime of collaboration, betrayal of the uprising⁵ and the crime of fascist regime misconduct (membership in fascist organizations or propagation of fascist ideas).

Overall these special courts sentenced 8,962 persons (out of which 4,946 were Hungarians and 1095 Germans). The death penalty was issued in 76 cases, out of which 30 were carried out. (Barnovský 1998, 413)

The transitional justice process in Czech lands was regulated by the decrees issued by the president Edvard Beneš. The most important regulation was the Great Decree concerning the punishment of Nazi criminals, traitors and their accomplices and concerning the extraordinary People's Courts. The retribution legislature was drafted in London 1.5 years before the end of the war, and then implemented in practice with some minor changes in 1945. The main judicial bodies carrying out criminal justice were the People's Courts, which consisted of one professional judge and 4 laypersons. The courts only had one instance and their decision was binding. The Great Decree identified 4 main areas of crimes – crimes against the state (including conspiracy, espionage, and treachery), crimes against persons (including murder, assault or forced labor), crimes against property and denunciation (including collaboration). It often made references to the First republic Criminal Code. The reason for this was, that unlike in Slovakia, the period of Protectorate was considered unrightful and illegitimate and the Third Republic was treated as a direct continuation of the First Republic⁶. For this reason, the Great Decree did not conflict with the ban on retroactivity principle.

⁵ Slovak National Uprising of August 1944

⁶ The so-called theory of legal continuity formulated by Beneš during the war claimed, that everything what happened during the war happened illegally and that the Third republic is a direct successor to the First republic (existing between 1918 and 1938)

The National Court, established by a separate decree, was to try the leading proponents of the Protectorate, prominent persons of political and economic life, who committed crimes, as well as journalists who served the Nazi propaganda. The third important decree was the Small Decree, which aimed at definition of crimes of undermining public morale and insulations – the so called offenses against national honor. The Small Decree gave judicial authority to the district committees (local authority bodies).

The retribution legislature was in effect for a limited time. Initially, it was supposed to be effective for half year only, but it was extended several times, until May 1947. In Czech provinces, more 32,000 persons were tried by the People's Courts and more than 135,000 for the offenses against national honor. More than 700 defendants were issued death sentence (out of which almost 500 were Germans) and 686 actually executed. (Frommer 2005, 3-4)

The Trial of the Protectorate Government

The trial of the Protectorate government is considered the biggest political trial of the 1945-48 period in the Czech provinces. It started on 29th April 1946. Five representatives of Protectorate government were put in front of the court - Jaroslav Krejčí (prime minister), Richard Beinert (minister of the interior), Adolf Hrubý (minister of the agriculture), Jindřich Kamenický (minister of railroad) and Josef Kalfus (minister of finance). They were indicted for “supporting the fascist and Nazi movement through the press, over the radio and at public gatherings, of praising and defending the enemy government on the republic's territory and the individual illegal acts of the occupation leadership ... of facilitating the German occupation of 1939, of organizing forced labor, and of assisting in the theft of Czechoslovak wealth.” (Frommer 2005, 280) These were all crimes identified in the Great Decree, which was a condition for the National Court trial.

Initially, the former Second Republic and Protectorate president Emil Hácha was supposed to be tried along with the other defendants – although it was only communists and social-democrats, who demanded his trial. However, his health deteriorated and he died before the processes commenced.

It needs to be pointed out, that the actual role of the government during the Protectorate was highly restricted and even ambiguous. The claim of the defendants was that they were exercising the politics of lesser evil and tried to protect the Czech citizens from the

Germans. In the Protectorate, the ultimate authority was held in the hands of Reich Protector – a Third Reich selected official. Therefore the responsibilities and powers of the Czech government were limited. In the first years of the Second World War, even ex-president Beneš kept in touch with the representatives of the Protectorate government. The contacts stopped after the German invasion of Soviet Union in 1941 and the denunciation of Beneš by the president Hácha.

The trial of the members of Protectorate government was in the center of the public attention. Frommer argues that this process served as a legitimization of the new regime and delegitimization of the predecessor. (Frommer 2004, 482) For this reason, the trial had an important symbolic meaning and it judged not only the responsibilities of the individual persons, but also the whole Protectorate regime. Generally, in correspondence with the theory of state continuity “the postwar Czech leaders believed that the conviction of the Protectorate ministers was necessary to demonstrate that the occupation had been illegal and, consequently, that the postwar regime was the legitimate and direct successor to the First Republic.” (Frommer 2005, 281) The trial was highly politicized. The independence of the National Court was often violated, the severity of sentences was discussed in the government, and the Soviet authorities have requested the Minister of Justice to secure at least three death sentences and all the defendants were attacked in the press. (Chocholatý-Gröger 2010)

The senate of the National Court composed of one professional judge – who presided over 6 people’s judges. People’s judges were laymen nominated by the political parties – two by the Communist party, two by the People’s Party and one National Socialist and Social Democrat. For this reason the independence of the judges could not be secured and the People’s judges were from the ranks of the victims. Klement Gottwald – the prime minister of the Czechoslovak government and the president of KSČ even demanded that the political parties secure the votes of their delegates and the decision of court to be the outcome of the political agreement by the National front parties. (Chocholatý-Gröger 2010) The other political parties however did not agree. The decision of the National Court was to be final; there was no legal possibility for the appeal of the ruling – neither by prosecution, nor the defense.

As I already suggested, the Communist party of Czechoslovakia had a great interest in a very strict form of transitional justice. This can be illustrated in the Declaration published in the press already in May 1945, where the KSČ urged the population to arrest German

occupants, as well as “domestic Germans” – collaborators with the occupation regime. (Rupnik 2002, 196) The communists posed themselves as democrats and declared ideological continuation with the First Republic regime (as declared in the Košice Programme). And since the communists positioned themselves as direct opponents of the previous regime, the trial of Protectorate government members was seen as an opportunity to demonstrate strict condemnation of the Protectorate era. It was also seen as opportunity to condemn and denounce members of bourgeoisie class and in that manner gain some political capital for the party itself.

As I already mentioned earlier, the trial was interfered in from abroad – Moscow demanded exceptional punishment and therefore asked for death sentences for at least 3 defendants. Moreover, throughout the trial, the communist press – *Rudé Právo* (The Red Law) – launched a massive propaganda against the defendants and called for sever punishment. The defendants were labeled traitors of the nation, criminals and demanded punishment for “members of the wealthy class”. (Frommer 2005, 282) Communists were the only political force, which demanded such a strict punishment and who tried to mobilize public opinion against the accused.

The results of the trial were announced after 3 months since the beginning of the trial, on 31th July 1946. The announcement of the verdicts was delayed for few days because of the elections. The justice minister Drtina hoped to gather some more evidence in favor of stricter sentences. However, the highest sentences were a life sentence for Adolf Hrubý and 25 years for former Prime Minister Jaroslav Krejčí. Richard Beinert was sentenced for 3 years, Jindřich Kamenický for 10 years and Josef Kalfus was found guilty, however he did not get any sentence, because of his support for families of the prisoners during the Protectorate. So the sentences can be considered rather lenient and the demands of communists for death sentences were not heard.

After the announcement of the verdicts, there was a huge outcry by the communist supporters and in the communist press. In the forthcoming weeks, many petitions and letters were delivered to the ministries condemning the result of the trial and demanding a re-trial. However as Frommer points out, these were “coming exclusively from one segment of the society and particularly from one party [Communist Party].” (Frommer 2005, 286) Members and supporters of other parties were not concerned about the verdicts to such an extent. The communists threatened with popular unrest, unless the trial is re-opened and also demanded

some changes in the retribution legislature – to allow for more effective persecution of the perpetrators.

Eventually, the members of government agreed on a compromise. Communists agreed to accept the results of the trial for some changes in the retribution legislature – the Great Decree. These were however only minor. A possibility to re-open a trial was institutionalized and it became more difficult to take mitigating circumstances into account. These both problems occurred in relation to the Protectorate government trial.

To conclude, the most observed criminal trial taking place in the Czech lands was highly politicized, for the reason that it was seen as a trial of the Protectorate regime itself and was used to legitimize the new regime. All of the defendants were found guilty, but in spite of the pressures from the Communist Party and its supporters, the sentences were rather lenient. The announcement of the verdicts led to the outrage of the communists and they were able to negotiate some changes in the retribution legislature. These changes were however minor and therefore the pressures of the communists in this particular case can be considered rather unsuccessful.

The Trial of the Slovak State President Tiso

Slovak State President Jozef Tiso fled the country in April 1945, before the arrival of Red Army troops in Bratislava. In June, he was arrested in Bavaria by the American troops and later transported to Slovakia, where he was put to jail. The trial of Tiso, along with two other defendants – Alexander Mach (former minister of interior) and Ferdinand Ďurčanský (former foreign affairs minister, judged in absentia) – was in progress from December 1946 to March 1947. It was the most prominent trial in Slovakia.

Tiso was charged with the collaboration with Nazi Germany, breaking of the republic (the First Czechoslovak Republic), establishment of fascist regime in Slovakia, persecution of the members of resistance, deportation of Jewish population and counteraction against the uprising (Slovak National Uprising) and the invitation of German troops to the country.

The assessment of the role of the president Tiso and his personal contribution to the holocaust remain a matter of contention among Slovak historians to this day. Barnovský

claims, that Tiso did not belong to the radicals⁷ and he did not promote Nazi ideology in Slovakia. On the other hand, as a leading representative of the regime and president of the People's party (HSL'S) he was responsible for the policies implemented and foreign orientation of the country. (Barnovský 1993, 121) The de facto powers of the President changed throughout the existence of the regime, as the relative strength of the radicals grew. However Tiso remained the face of the regime throughout the whole era of existence of the Slovak state. Historian James Mace Ward, who published first non-Slovak biography of Tiso concludes that Tiso cannot be understood in black-and-white terms, he can be considered neither radical, nor moderate. "He tended to span the distance between them [the moderates] and radicals." (Ward 2013, 289) This means that although in some cases he had conflicts with the radicals (Alexander Mach, Vojtech Tuka), he shared their radical policies in others.⁸

Tiso was tried in front of the National Court⁹. The president of the senate was Igor Daxner, who was a Communist and a Protestant. This led to the outcry of the Catholic representatives, but Daxner stayed in place. The senate constituted of 6 more layperson, which were nominated by the existing political parties.

Historian Kamenec states that the Tiso trial became a forefront of the political life in Slovakia – between the two most significant political parties – KSS and Democratic Party (DS). It met all of the requirements of court trial, but its progress and results were affected by the proceeding political struggles, the fact which was not hidden by the leading political figures. (Kamenec 1998, 131) Even before the beginning of the trial, the voices asking clemency could be heard from both home and abroad. In Slovakia, Tiso was a controversial figure – some segments of society saw him as a criminal and traitor, others saw him as the savior of the Slovak nation or almost a saint. (Barnovský 1993, 121) Leniency was demanded from the ranks of Catholic Church – not only home structures, but from Vatican as well.

Both major political parties recognized the significance of the process. The Communist Party demanded the trial to take place before the July elections. They hoped, that

⁷ Radical wing of the People's party HSL'S – party, which enjoyed the power monopoly during the Slovak state. Radical wing favored closer collaboration with the Third Reich and embraced national-socialist ideology.

⁸ I am not going to discuss the Tiso's policies in more detail, since it is not the purpose of this article. For more information, see Kamenec (1998), Kamenec (2010), (Ward (2013) or Zavacká (1992)

⁹ National Court for Slovakia (seat in Bratislava), which was different from the National Court for Czech lands (seat in Prague)

the sever verdict (preferably the death penalty) will break the Slovak Catholics and they will not support the Democratic Party. (Abrams 2000, 256) The former supporters of now banned catholic People's Party were a major segment of the Slovak population and their support was to be crucial in the determination of the election results. Because of the extensive administrative and preparatory measures, which needed to be undertaken, the trial did not start before the elections.

The results of the 1946 elections further determined the strategies of major political parties concerning the Tiso trial. The elections were won by the Democratic Party (61.5%), because they managed to secure the votes of the Catholics¹⁰. The results were a loss for the KSS, who managed to gain only 30.5 percent of the votes. For this reason, Communists decided to undermine the position of the Democratic Party and the Tiso trial became one of the instruments.

“The election results in Slovakia were the cause of much concern in communist ranks ... [Therefore] at the joint session of the Presidia of the CPCz [KSČ] and the CPS [KSS], it was decided that the best strategy was to launch an all-out attack on the DP [DS]. This would center on two main goals: the limitation of the power of the DP through limiting the power of Slovak institutions, and the securing of a severe verdict in the Tiso case.” (Abrams 2000, 261)

In the same sense, the Democratic Party leaders realized that they have to make an effort to secure clemency for Tiso (although they never questioned his guilt) in order not to alienate their catholic supporters.

The threat of the intensified relationships between the Catholics and Protestants was not the only argument for relatively lenient verdict. There was also a danger, that the execution could create a “martyr for the cause of Slovak nationhood” (Abrams 2000, 266), and thus harm the relations between Czechs and Slovaks in the period of fragile political stability.

\ Communists agreed to start a campaign to affect the public opinion, the press and remaining political parties (the Czech parties) in favor of the severe punishment. (Barnovský 1993, 125) On the other hand, the most prominent Tiso supporters were the members of

¹⁰ The evangelic democratic party (DS) signed an agreement with the representatives of Catholic activists and a common candidate list was presented for the election

illegal anti-Czechoslovak groups (who were in favor of independent Slovakia) and exile activists, associated with Ferdinand Ďurčanský. These did not only represent the support for the person of Tiso, but also glorification of the state and the regime, which he represented. Kamenec claims, that these actions did in fact do more harm, than helped the case. (Kamenec 1998, 134) His supporters could be portrayed as the anti-Czechoslovakists and no political party promoted the programme of secession.

In the actual trial, president Tiso did regret any of his actions and decisions. He did not take any responsibility for any of the negative features of the former regime. He engaged in interpretative denial – the politics of lesser evil, the inability of resisting the pressures of the radicals and the attempt at defending the nation. In the instances, where an unfavorable speech or article was presented in the court, he claimed that he did not remember them.

The result of the trial was the death sentence, as was expected by all the leaders of political parties. The case of Alexander Mach was delayed due to the health problems of the defendant. The case of Mach is interesting. He belonged to the radical wing of the People's Party and later on, his sentence was 30 years. Ďurčanský was sentenced to death.

The Slovak government Commissioner of justice¹¹, who was a Democratic Party member, pleaded for mercy for Tiso. The decision of clemency could be made by the Czechoslovak President Beneš. He decided to respect the decision of the Czechoslovak government, which was to vote on the issue. Since the government was dominated by the communists (the electoral gains of both KSS and KSČ secured the majority), and other Czechoslovak political parties did not have much interest in the reduction of the sentence (Tiso was a separatist), clemency was not granted. Tiso was executed on 18th April 1947.

The negative reactions, which were expected after the execution, never took place. There were some minor protests and mainly special masses were held in churches. However, neither the expected conflict within the ranks of Democratic Party occurred, although it caused demoralization within the party ranks.

The result of the trial can be considered a victory for the communist party. Although it did not have the effect they had expected, it “encouraged [them] toward even more aggressive and confrontational tactics.” (Abrams 2000, 277) Another important outcome, on the republic

¹¹ The autonomous body – Board of Commissioners – was an executive body for Slovakia, which enjoyed some limited responsibilities within the Slovak territory

level, was the demonstration of inability of non-communist parties to present them as a coherent opposition.

To conclude, the trial of Jozef Tiso can be considered an important milestone for the Communist Party on their way to the February 1948 Coup d'état. Similarly as the trial of Protectorate ministers, it was not just a trial of an individual, but it served as an important battle in the political struggles between the democratic forces and Communists, not only on the Slovak level.

Conclusion

The case of postwar Czechoslovakia was an example of postwar transitional justice, which mainly makes use of criminal justice. This was possible due to the complete defeat of the perpetrator regimes – the Tiso regime in Slovakia, and with the defeat of the Third Reich the Protectorate regime as well. The special characteristics of Czechoslovakia – the reunion of the state and dual transitional justice legislature, as well as the political struggle between the communist and democratic forces (since Czechoslovakia was agreed to be put into the Soviet sphere of influence by the allied elites) – caused a special role of the most prominent trials within the country.

Despite of the fact that transitional justice processes were governed by two different legislative norms, the crimes, which they identified and the setup of the extraordinary temporary courts were very similar in both instances. The main difference stemmed from the different perception of the war era. Czech elites considered the Protectorate era to be completely illegitimate and therefore the retribution legislature made extensive use of First republic legislature. On the other hand Slovak elites in Slovak National Council recognized some of the legislature passed during the Tiso regime, as well as legislative norms passed by the Council in 1944. For this reason, the retribution legislature had to be retroactive.

Both of the trials I analyzed became an important part of the political struggles in the country. The political elites interfered into the trials and tried to influence the outcome in order to secure a better position in the power struggle. Therefore the trials became much more than just the punishment of individual perpetrators.

The analysis of transitional justice processes in postwar Czechoslovakia suggests that in case that the perpetrator regime is completely defeated; there is a possibility that the trials become politicized. In this sense, it would be interesting for further research to make a comparison

with other prominent political leaders' trials in postwar defeated collaborator regimes such as France or Norway. Because of the special characteristics of first phase of transitional justice, it could be even more interesting to make a comparison with the transitional justice processes – criminal trials – in regimes defeated recently (e.g. Iraq, Afghanistan).

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The Great Decree No. 16/1945 (Velký dekret o potrestání nacistických zločinců, zrádců a jejich pomahačů a o mimořádných lidových soudech)

The Slovak National Council Act No. 33/45 (Nariadenie Slovenskej národnej rady o potrestaní fašistických zločincov, okupantov, zradcov a kolaborantov a zriadení ľudového súdництва)

The Košice Programme from April 1945 (Program vlády Národného frontu Čechov a Slovákov – Košický vládny program)

Application of the EU external incentives model upon democracy promotion in Ukraine within the Partnership and Cooperation Agreement

Kateryna Yakovenko

Abstract

After the collapse of the USSR Ukraine found itself at the cross-ways: it no longer belonged to the authoritarian Russia, but it was not ready yet to turn into a consolidated democratic state. Low stability of institutions, constant pressure on behalf of Russia and certain unwillingness and indecision of the ruling authorities restrained the newly emerged weak democracy. Those first crucial years of independence played an important role in formation of the country's future regime. Considering those ideas, the following study is analysing the first official Agreement between the European Union and Ukraine in terms of democracy support and development. The focus is put upon the EU as an active democracy promotion actor in Ukraine within the framework of the Partnership and Cooperation Agreement between the Communities and their Member States, and Ukraine, signed in 1994. The external incentives model is chosen as the main criteria in judging the effectiveness of the EU democracy policy.

Introduction

Ukraine is the only European country ¹² which has undergone two democratic revolutions during the 24 years of its existence. The strife for the better life is obvious, yet it is loudly manifested by the Ukrainian people and not by the ruling authorities of the country. This discrepancy and imbalance call for the external support to develop democratic norms and sustain human rights in the country, which is caught in a hybrid regime. As Ukraine shares a 1.300 km border with the European Union it is if not logical for the state to expect support in the framework of democracy, the rule of law, respect for human rights and social cohesion. Basically, we are dealing with the sphere of democracy promotion in a sovereign independent country by an external actor, an established and recognized democracy-promoter in the face of the supranational institution – the European Union. However, the peculiarity of this research is a specified time-framework of analysis which is the very initiation of the relations between the European Union and Ukraine. In the light of the recent events (Euromaidan, annexation of the Crimea and the war in the East of Ukraine) it presents challenging for the author to find out what were the initial goals of the EU regarding Ukraine in the area of

¹² In 1887, geographers from the Austro-Hungarian Empire set up a historical marker and a large stone in what is today a part of Ukraine, supposedly to mark the geographic centre of Europe. All assumptions aside, Ukraine *fully* lies on the European continent.

democracy support, meaning whether it was a focus of the mutual relationship. This is meaningful when outlining the necessity of the *ex ante* actions as opposed to *ex post* actions when there already is war and many civil deaths – at least partially entailed by a weak democratic regime - like in the case of Ukraine.

The first democratic provisions for Ukraine to fulfil were embodied into the Partnership and Cooperation Agreement between the Communities and their Member States, and Ukraine (PCA), signed in June 1994, ratified in March 1998. One of the key objectives to establish partnership relations was to support Ukraine's democracy consolidation (PCA, 1994: 8). Thus, the following study is analyzing the PCA-Ukraine in regards to democracy promotion by the EU. To do so, the analysis includes several parts.

The first section of the study concentrates on what the notion of democracy is, defined by the EU and relevant for the case of Ukraine. The second part of the study introduces the EU conditionality as the main tool to make its policies effective. Evaluating the effectiveness is presented, explained and analyzed by the external incentives model of Schimmelfennig and Sedelmeier (2004). The third section presents an empirical research - the application of the chosen model on the PCA-Ukraine, concentrating on democracy promotion issues.

1. Conceptualizing democracy.

Defining and conceptualizing democracy might present a challenge. The definitions of democracy by different scholars could be narrow and broad. According to Raymond Aron (1969: 41), democratic regime is one "in which the peaceful rivalry for the exercise of power exists constitutionally". Elmer Eric Schattschneider (1960: 141) perceives democracy as " a competitive political system in which competing leaders and organizations define the alternatives of public policy in such a way that the public can participate in the decision-making process". A definition of the ideal democracy by is described by J. Roland Pennock (1979: 7) to have the "government by the people, where liberty, equality and fraternity are secured to the greatest possible degree and in which human capacities are developed to the utmost, by means including free and full discussion of common problems and interests". To Philippe C. Schmitter and Terry Lynn Karl (1991: 76) a "modern political democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives."

While scholars are still trying to find a universal definition of democracy, Robert Dahl (1989) has come up with the most generally acknowledged concept of the minimum conditions to be present in a modern democracy. Dahl (1989: 233) suggests that what we are used to call “democratic countries” to be called 'polyarchies', ascribing to them the following characteristics:

- Elected officials are chosen and peacefully removed in relatively frequent, fair and free elections in which coercion is quite limited.
- Practically all adults have the right to vote in these elections.
- Most adults also have the right to run for the public offices for which candidates run in these elections.
- Citizens have an effectively enforced right to freedom of expression, particularly political expression, including criticism of the officials, the conduct of the government, the prevailing political, economic, and social system, and the dominant ideology.
- They also have access to alternative sources of information that are not monopolized by the government or any other single group.
- Finally, they have an effectively enforced right to form and join autonomous associations, including political associations, such as political parties and interest groups, that attempt to influence the government by competing in elections and by other peaceful means.

Dahl’s characteristics of a polyarchy receive some criticism for being too narrow and procedural, basically founded only on the “principles of participation and contestation, using free and fair elections as the basic criteria to distinguish between non-democracies and democracies” (Dahl 1971: 3). However, the aim of our research is not defining what democracy is per se, but rather outline what the European Union is promoting as democracy. Thuswise acknowledging characteristics of a democratic state will be enough for our research.

The second line of argumentation for choosing Dahl’s definition of what we imply as democracy in this study is the analysis of Charter of Paris for a New Europe (1990) and the Helsinki Act (1975). In Article 2 PCA Ukraine (PCA, 1994: 8) it is stated that “respect for the democratic principles and human rights as defined in particular in the Helsinki Final Act and the Charter of Paris for a New Europe[...] underpin the internal and external policies of the Parties and constitute an essential element of partnership and of this Agreement.”

Thus, if we particularly consider the Helsinki Act (1975), Provision 7 of the Article 1 - Declaration on Principles Guiding Relations between Participating States - states the necessity to establish “respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief”, whereas Provision 7 of the same Article envisages “equal rights and self-determination of peoples” (Helsinki Act, 1975: 2) The section of Co-operation in Humanitarian and Other Fields of the Act foresees “improvement of the circulation of, access to, and exchange of information” (Helsinki Act, 1975: 4). All three of these democratic basics are included into the notion of a polyarchy.

In the Charter of Paris for a New Europe (1990), the first Principle out of ten Principles outlined by the document is “Human Rights, Democracy and Rule of Law”. It provides for protection and promotion of human rights, free fair and regular elections, freedom of opinion, expression and association, equality, accountability of the officials to the population, rule of law and no discrimination of any kind (Charter of Paris for a New Europe, 1990: 3-4) Once again, those elements are components of Dahl’s notion of democracy we choose to refer to.

Thirdly, in the years of 2004-2005 172 countries, including all the EU member states, approved a UN General Assembly Resolution (2005), which defined "essential elements of democracy." According to the resolution, the most essential elements are:

- ✓ the separation and balance of power;
- ✓ independence of the judiciary;
- ✓ a plural system of political parties and organizations;
- ✓ the rule of law;
- ✓ accountability and transparency;
- ✓ freedom of the media;
- ✓ respect for political rights.

Roughly speaking, those elements coincide with Dahl’s characteristics of polyarchies, through broadening and specificating it by a special stress on the power separation and independent judiciary. The accountability and transparency could still be referred to Dahl’s free and fair elections clause, just extending the notion to the whole governing of a state.

1.1. Conceptualizing democratization.

While defining democracy, we cannot omit the stages of democratization. Such scholars as Linz and Stepan (1996), Rustow (1970), Pridham (2000) researching the question of democratization agree that there were a lot of factors influencing the democratic transition in post-communist countries whereas later some of them approached the consolidation of a liberal democratic regime. Among those factors are social, political and cultural pre-conditions, as well as the elite's desire to implement the democratic reforms. The multidimensional character of the transition presents the consensus among the authors.

To make a definition of democratization for this study, I find it logical to refer to the scholars who view democratization in the international context, as the democracy promoter in our case is the European Union. According to Whitehead (1996: 16), "the process of regime change from authoritarian or totalitarian rule to the rooting of a new liberal democracy" is the democratization process. The logic of this definition is further supported by O'Donnell and Schmitter (1986) as well as by Linz and Stepan (1996). According to the scholars, democratization can be understood as a process subdivided into three phases:

- ✓ the liberalization phase, when the previous authoritarian regime stops its existence;
- ✓ the transition phase, often culminating when the first competitive elections are held;
- ✓ the consolidation phase, when democratic practices are expected to become more firmly established and accepted by most relevant actors.

As we can see, the final result of democratization is the consolidation of the liberal democracy in the country analyzed. That is why, while judging whether the EU "democratic efforts" towards Ukraine are influential or insignificant, we should establish our view of what stage of democratization we will judge: transition or consolidation; or both.

In this respect, Ukraine has definitely undergone the first stage – the liberalization. However, no scholar argues that it has achieved the consolidation phase. Linz and Stepan (1996) characterize the consolidation phase from three dimensions:

- ✓ *Behaviorally* - a democratic regime in a territory is consolidated when no significant national, social, economic, political, or institutional actors spend significant resources attempting to achieve their objectives by creating a nondemocratic regime or by seceding from the state.
- ✓ *Attitudinally* - a democratic regime is consolidated when a strong majority of public opinion, even in the midst of major economic problems and deep dissatisfaction with incumbents, holds the belief that democratic procedures and institutions are the most appropriate way to govern collective life, and when support for anti-system alternatives is quite small or more-or-less isolated from pro-democratic forces.

- ✓ *Constitutionally* - a democratic regime is consolidated when governmental and nongovernmental forces alike become subject to, and habituated to, the resolution of conflict within the bounds of the specific laws, procedures, and institutions sanctioned by the new democratic process.

Furthermore, according to Linz and Stepan (1996), consolidated and non-consolidated democracies differ in the degree in which they achieve the following five criteria:

1. In civil society, there has to be freedom of association and communication.
2. In political society, there has to be free and inclusive electoral contestation.
3. There must be a rule of law and a spirit of constitutionalism.
4. The state apparatus has to be fun, according to legal-rational (Weberian) bureaucratic principles.
5. Economic society has to be organized around respect for property rights, and conditions must be in place to permit economic growth.

None of these above mentioned aspects was present to a full extent in Ukraine in 1994, when the unit of our analysis – Partnership and Cooperation Agreement - was signed. This leads us directly to characterize Ukraine as a transition-phase country, which according to the author it still is. By 1998, when the PCA-Ukraine was ratified, the country presented a ‘hybrid regime’ – “these are political systems that are caught in a grey zone: they have made a formal transition to democracy and hold elections at regular intervals, but thus far they have been unable to consolidate their incipient democratic structures” (Rakner et al. 2007: 3). If we follow the classification of modern democracies by Rakner, Menocal and Fritz (2007: 4) that “regimes ‘stuck in transition’ (i.e. hybrid regimes) may be characterized as experiencing a ‘meltdown’ of democratic institutions” – we would once again prove that Ukraine was definitely in a fragile transition to democracy, as selective justice, corruption, violation of basic human rights and politically motivated murders were broadly present in the Ukrainian politics. Thus, while promoting democracy in Ukraine, the European Union was dealing with a “young and inexperienced” partly free (Freedom House) semi-democracy.

2. Conditionality as the main tool of the EU to implement its policies in non-member states.

The European Union has a rather uncoordinated approach to democracy promotion (Grabbe 2006). Nevertheless, when studying the Central and Eastern European countries (the

CEECs) Vachudova (2009), Kubicek (2003), Pavlov (2007), Reinhard (2010) and Kelley (2006) are unanimous to the fact that the success of the eastward enlargement in promoting the EU democratic values was mostly the result of the strong incentives on behalf of the European Union. Thus, conditionality is the strongest mechanism of influence the European Union possesses. It refers to the dimension of “consequentiality”, where Actor 1 receives an award/punishment from Actor 2 for fulfilment/non-fulfilment of a certain demand (Schimmelfennig 2010; Kubicek 2003).

As a matter of fact, democratic conditionality has become a major area of research within the EU enlargement and democratization studies. According to Schimmelfennig, Engert and Knobel (2003), democratic conditionality is the strategy used to induce candidate states to comply with the democratic set of values the European Union supports. Though Ukraine is not a candidate country, it aspires membership in the EU, thus, within the European Neighbourhood Policy, it should be willing to meet the *acquis communautaire* (which prioritizes democracy) in order to receive a prospect of membership. In this respect, Borzel and Risse (2009) stress the idea that conditionality of the EU can be effective if only the country is willing and capable to adopt the European ideas while domestic structures and identities will not suffer from the required changes. Basically, we are observing a reciprocal influence between the domestic and foreign affairs, implying “asymmetrical interdependence” (Keohane and Nye 1977) between the EU and candidate states (aspiring candidacy in the case of Ukraine) whereas the latter make rational calculations to satisfy the EU membership demands; at the same time, the governing political forces are trying to secure their own domestic position “in power”. The idea is expanded by Pridham (2007), who argues that the ruling elite of a particular country is a decisive factor in the success or unsuccessful of the EU conditionality. Basically, we come to the idea that a given country will gain more and pay less if it adopts the EU standards than if it stays excluded.

Kubicek (2003) is ascribing a special role not only to the incentives/”carrots”, but also to the punishments/”sticks” that might follow in case a country fails to perform as the EU demands. Kubicek is also paying particular attention to the “gray zone” democracies - hybrid regimes that are between the consolidated democracy and authoritarianism. According to the scholar, they “confuse policy by embracing democratic norms on the one hand, and stating that special circumstances limit the applicability of some democratic principles to their country on the other hand, in such a manner they manage to receive carrots, but avoid sticks” (Kubicek 2003: 19-20).

If we make a short generalization, we can claim that the academic research on the EU conditionality has consensus on such three basic characteristics:

- I. Rationalist bargaining models are the most effective when accessing the EU conditionality. It means that the European Union is influencing an independent sovereign state by using carrots or sticks, while the ruling elites in potential candidate-states are making rational, cost-benefit decisions, reacting to those awards and punishments.
- II. The perspective of the full membership in the EU provides “active” leverage over candidate states (while providing “passive” leverage on potential applicant states). This concept, introduced by Vachudova (2009), explains how the EU is a powerful transnational actor due to the applying of conditionality.
- III. Domestic policies strongly influence the conditionality, implemented by the EU in a certain country. Grabbe (2006) and Molchanov (2004) agree that though there exists an asymmetrical interdependence between the EU and a candidate country, the success of the EU democratization strongly relies on the ruling elite of a particular state though they do not diminish the EU role as a democracy transformative power on the potential candidate and member-states.

However, those consensus and generalizations are possible to be made when referring to the CEECs specifically while analyzing the EU conditionality. The timeframe covers 1990s whereas in the 2000s the countries successfully became member-states. As to the current situation, the European Union is facing some much more complicated cases under more unfavorable conditions, taking into account the inner “enlargement fatigue” and the economic difficulties. Moreover, with the European Neighborhood Policy countries (including Ukraine) as opposed to the CEECs, the European Union offers weak incentives for practically the same pre-accession demands. Though Kochenov (2008) is arguing that even with the CEECs the EU had problems with the efficient functioning of conditionality, but to even greater extent, those problems extended into the ENP framework. According to the scholar, the ENP is very vague, with an unclear assessment mechanism, as well as a rigid time-frame. However, the main problem is absence of the main carrot that was on agenda with the CEECs – membership (or even a perspective of membership for that matter) in the European Union. Smith claims that partner countries were never satisfied with being offered “anything but institutions” (Smith 2005: 761). In the case of Ukraine, after 3 years of the ENP implementation, Roman Shpek, Ambassador of Ukraine to the EU stated: “We do not accept any substitute for European integration policy like one proposed by the concept of European Neighborhood policy (...). We do not see any need in our further participation in the ENP,

which as it was said by different occasions, is politically not acceptable for Ukraine” (Speech of Roman Shpek 2007).

Kochenov (2008:9) points to the fact that the “ENP suffers from inter-institutional rivalry and inability to deliver on the promises given to the partners” as the member-states themselves lack agreement regarding the aims of the ENP. This certainly weakens conditionality applied by the EU. However, considering all the above mentioned, conditionality is the main instrument of the European Union in exercising its external governance, thus we should find a suitable model to analyze the specific area of democracy promotion by accessing the EU conditionality.

2.1. Models of the EU external governance to research the effectiveness of the EU conditionality.

The vast majority of scholars propose three main models of the EU external governance to research the effectiveness of the EU conditionality - the social learning model, the lesson-drawing model and the external incentives model introduced by Schimmelfennig and Sedelmeier (2004).

If we make the sort overview of the proposed models, the social-learning model implies commitment to Europe, whereas the Union is a specific collective identity with a set of common values and norms. Accordingly, “a targeted country accepts the ENP conditions if the government is persuaded of the appropriateness of EU rules while the demands for rule adoption are in the light of these common identities, values and norms” (Schimmelfennig and Sedelmeier 2004: 675-676).

According to the lesson-drawing model, “non-member states adopt EU rules without EU incentives or persuasion (...) The most general proposition of the lesson-drawing model is: a state adopts EU rule, if it expects these rules to solve domestic policy problems effectively” (Schimmelfennig and Sedelmeier 2004: 676).

As we can see, those two models imply either a (targeted) country’s closeness to the European values, or a genuine interest to solve domestic problems by turning to the experience of the European countries with those values. To our opinion, such models will not be suitable for the case of Ukraine. Taking into consideration Ukraine’s historical and geographical peculiarities, as well as the vast antidemocratic policies of Ukraine’s ruling elite, we find the external incentive model the most efficient in evaluating the EU’s influence upon Ukraine, including the framework of democracy promotion.

The external incentives model is a rationalist bargaining model, where the actors involved are assumed to be interested in fortifying their power and welfare, which is a main characteristic and purpose of their international cooperation. Basically, this kind of approach is also supported by Balfour and Missiroli (2007) who, focusing on our sphere of interest, claim that “the choice of aims and methods for promoting human rights and democracy depends on a wide variety of factors: the relative importance of the country to the EU and whether it has other key interests that might ‘trump’ human rights aims; and vice versa, the EU’s importance to the country concerned and thus the degree of leverage it can exercise” (Balfour and Missiroli 2007: 14). Expanding our idea, it is important to state that “the previous regimes in the current re-transition countries were home-grown, unlike the externally imposed communist regimes in East-Central Europe, and enjoyed considerable support from the people” (Raik 2006: 34). This definitely proves that the domestic factors, namely the willingness of a particular country to undertake democratic reforms, have utter importance as to the success of the EU democracy promotion. But that willingness requires a “payback”, thus the incentives of the EU should be real. This brings us to the rationalist approach as well.

The external incentives model includes the following elements: determinacy of conditions, size and speed of rewards, credibility, adoption costs and veto players’ interests.

2.2. External incentives model.

The first element of the external incentives model is *determinacy of conditions*. When referring to the determinacy of conditions, Schimmelfennig and Sedelmeier (2004) imply the existence of a “given a domestic equilibrium in the non-member country – EU rules will not be adopted if the EU does not set them up as conditions for rewards. In addition, the determinacy of the EU’s conditionality and the determinacy of the rules from which it is derived enhance the likelihood of rule adoption. Determinacy refers both to the clarity and formality of a rule” (Schimmelfennig and Sedelmeier 2004: 672). It means the clearer are the demands of the EU, including concrete goals and timeframe, the more efficient and productive will be the actions of a targeted country. Determinacy of conditions provides basic information, a certain schedule and plan how a country should meet the EU requirements. Clear interpretation of those demands will exclude the evasiveness of a given country and lead to the direct fulfilment of the task. “The effectiveness of rule transfer increases if rules are set as conditions for rewards and the more determinate they are” (Schimmelfennig and Sedelmeier 2004: 672).

In respect to Ukraine, the European Union practically hasn't applied any timetable, reform agenda or the respective system of monitoring the implementations of policies, as the reports of the Ukraine Cooperation Council were often vague and too broad. Javier Solana, who was the European Union's High Representative for Common Foreign and Security Policy up to 2009, referred to the European Neighbourhood Policy as a "Christmas tree" on which a long list of objectives had been hung without any notion of how and when to address them (Prodi 2002: 15). To compare, if we take Slovakia - as an example of successful cooperation with the EU - and the European Union pre-accession policies towards it, we would see that the EU-Slovakia Association Agreement from the beginning "established a complex structure of a regular political deliberation process between the EU and Slovakia. It included regular bilateral consultations and meetings at the highest political level involving all topics of common interest" (Rybar 2005: 173).

To summarize the component *determinacy of conditions*, we can outline the clarity and formality as the two main components that we can use while analyzing the EU democracy promotion in Ukraine.

Size and speed of rewards.

Schimmelfennig and Sedelmeier (2004: 673) explain the following component of the external incentives model as follows: "the effectiveness of rule transfer increases with the size and speed of rewards." This aspect of accessing the EU conditionality is very important in our case, as the main reward – membership in the EU – is not available. For example, in the case of the CEEs, the EU policies, directed to approach a target country to the *acquis communautaire* "fixed itself on a strictly defined reward, which meant membership in the 'club'" (Malova and Vilagi 2006: 509). On the other hand, the lower and more distant (if at all) is the promise of approaching towards membership/membership perspective on behalf of the EU, the lower is the incentive to comply with the EU standards. "The EU – Ukraine "strategic partnership" is an explicit example of a misfortune relationship between the two sides which pursue different agendas since the Ukrainian aspirations with regard to the EU are much more ambitious than the EU is prepared to accept" (Zagorski 2002: 9). This idea brings us to the debate whether the EU can transfer its governance without the "golden carrot" of membership. However, one should understand that this research is not aiming at proving this assumption right or wrong. We want to analyze democracy promotion in Ukraine by the EU in the given circumstances and within the given Agreement that is when no membership perspective is offered. Thus, we will assume that such rewards as financial aid, free trade area,

possible granting of Association Agreement etc. would constitute to the component of *size and speed of rewards*, even if membership perspective is not on the table.

Credibility of conditionality.

Credibility in terms of the EU conditionality basically implies that the sticks and carrots the European Union is applying are real. Within this component, Schimmelfennig and Sedelmeier (2004: 673) name the two requirements as to how the EU external governance can be successful: “first, the superior bargaining power of the external agency (otherwise threats would not be credible); second, on the part of the target states, certainty about the conditional payments (otherwise promises would not be credible). According to the scholars, the interdependence between the EU and a targeted country is always highly asymmetrical in favor of the EU, as it was with the CEE states. Those states were only relatively important to the EU economy, while the EU market was utterly important for those countries themselves. So for the EU to apply sticks was possible, and very undesirable for the CEECs at the same time, on the other hand, the EU really possessed the capability of paying rewards – assistance and association –without any losses to itself. Schimmelfennig and Sedelmeier (2004) outline this issue as *capacities and costs*: “the EU must be able to withhold the rewards at no or low costs to itself, and it has to be less interested in giving the reward than the target government is in getting it.”

Besides *capacity and costs*, Schimmelfennig and Sedelmeier define such component as *consistency* when analyzing the credibility of the EU conditionality. “If the EU were perceived to subordinate conditionality to other political, strategic, or economic considerations, the target state might either hope to receive the benefits without fulfilling the conditions or conclude that it will not receive the rewards at any rate” (Schimmelfennig and Sedelmeier 2004: 674). Obviously, this will lead to the non-fulfilment of the EU demands, thus weakening the conditionality.

Schimmelfennig et al. (2003), after empirical analysis, view credibility as one of the two most important factors to achieve successful conditionality. Basing on democracy promotion as to the EU conditionality, some authors go as far as claiming that there is “absence of a coherent democracy promotion policy [*of the EU*] and the overriding importance of the EU’s geostrategic and partner countries’ political interests” (Baracani 2009: 18) come to the fore.

Adoption costs and veto players.

The size of adoption costs is also a determining factor as to the acceptance or rejection of the conditions, forwarded by the carrier of conditionality. Schimmelfennig and Sedelmeier (2004: 674) argue that “that adoption is always costly – otherwise it would have taken place in the absence of conditionality.” The actual size of the domestic costs will define whether the targeted governments will accept or reject the conditions. The sources of the adoption costs can be different. According to the scholars, they may be divided into two basic types: those might be *opportunity costs* resulted from the refusal of a targeted country to receive awards from an alternative source; *welfare or power costs*, endured by private and public actors. In order to achieve successful conditionality, the benefits of the EU rewards should compensate all those costs. However, adoption costs have a danger to become negative, meaning that they might turn into net benefits for a limited group of domestic actors. But in this respect, the type of regime in a targeted country is also very important when estimating the costs, and not the rewards only. “For (post)authoritarian or autocratic regimes political and polity reforms would limit the autonomy and power of governments, change the power relations between government actors, and also affect the composition of citizenship” (Schimmelfennig and Sedelmeier 2005: 9). Basically, the reforms imposed by the EU conditionality might threaten the stability of the state and worsen the social power base of the government. With such high domestic adoption costs, the targeted governments will hardly be willing or manage to comply.

As the demands of the EU usually have to be fulfilled by the governments of the targeted countries, “the effectiveness of conditionality, then, depends on the preferences of the government and those of other ‘*veto players*’, that is, ‘actors whose agreement is necessary for a change in the status quo’. The less veto players are involved into the net adoption costs, the more the possibility of rule adoption increases. According to Schimmelfennig et al. (2003) the number of veto payers in the CEECs was small, thus the governments of those countries were the main targets of the EU conditionality and the main decision-makers in cost-benefit assessment. As we will see further on, in case of the EU conditionality applied towards Ukraine adoptions costs were always high, as well as was the number of veto-players.

3. The Partnership and Cooperation Agreement between the Communities and their Member States, and Ukraine: external incentives model analysis within the framework of democracy promotion.

The official dialogue between the EU and Ukraine started in October 1993, when the European Communities Commission’s Representation was opened in Kyiv. Same year in

March the first Ukraine – EC Troika meeting was held at the level of Ministers for Foreign Affairs. Since 23 March 1993 negotiations on the PCA had been held. Herein, the first democratic provisions on behalf of the EU for Ukraine to fulfil were embodied into the Partnership and Cooperation Agreement between the Communities and their Member States, and Ukraine (PCA), signed in June 1994, ratified in March 1998.

One of the key objectives to establish partnership relations was to support Ukraine's democracy consolidation. However, further analysis of the Agreement proves that facilitating trade and approaching Ukraine's legislation to WTO standards was actually the main aim of cooperation, while democracy support was secondary. Out of 109 articles of the document, only three could be referred to as direct democracy promotion.

The last provision of Article 1 one in the PCA Ukraine is aimed to “support Ukrainian efforts to consolidate its democracy and to develop its economy and to complete the transition into a market economy (PCA 1994: 8) Article 2 envisages “respect for the democratic principles and human rights” (PCA 1994: 8) and Article 6 foresees “the observance of the principles of democracy, the respect and promotion of human rights, particularly those of minorities” and political dialogue between the EU and Ukraine (PCA 1994: 11).

Whereas Article 1 could hardly be analyzed as it very generally states the objective of the EU-Ukraine partnership, Article 2 has at least some potential for analysis.

Provisioned in the Section of “General Principles”, Article 2 of the PCA Ukraine states: “respect for the democratic principles and human rights as defined in particular in the Helsinki Final Act and the Charter of Paris for a New Europe, as well as the principles of market economy, including those enunciated in the documents of the CSCE Bonn Conference, underpin the internal and external policies of the Parties and constitute an essential element of partnership and of this Agreement” (PCA 1994: 8)

Analyzing Article 2, we find specific references to the provisions of what is basically understood as democratic norms. As Article 2 refers to the democratic principles of Charter of Paris for a New Europe (1990) and the Helsinki Act (1975), previously discussed in this study, we can generally outline the expectations of the European Union towards Ukraine's democratic development. Both documents emphasize the importance of fundamental freedoms: political, social and economic human rights, free and fair elections, impartial justice, and accountability of the ruling power to the electorate.

As article 2 is named an “essential” element of the partnership between the EU and Ukraine, we might assume that maintaining the requirements of this specific provision is one of the key elements of the cooperation in general. Supposedly, if Ukraine was not to follow

the democratic principles of Charter of Paris for a New Europe and the Helsinki Act, it would not be able to use the benefits of the partnership with the European Union. However, the question is whether this amount of clarity was enough for Ukraine to actually implement the necessary steps.

Using the external incentive model introduced by Schimmelfennig and Sedelmeier (2004), chosen and explained above in our study, we must analyze the following components: determinacy of conditions, size and speed of rewards, credibility, adoption costs and veto players' interests. Following our first element – determinacy of conditions – we already meet some difficulties. Article 2 indeed refers to the democratic principles of Charter of Paris for a New Europe and the Helsinki Act, which Ukraine should respect and not infringe. However, Article 2 does not imply any timetable, reform agenda or a strict system of monitoring its implementation, thus making the determinacy of conditions very weak.

The second component of the external incentives model is size and speed of rewards. Regarding this element, it is neither stated nor explained how Ukraine would exactly “benefit” from the EU in case it follows the provisions of Article 2. Generally, the most evident reward for Ukraine within the PCA was the potential establishment of a free trade area. But this reward was not conditioned upon Ukraine's consolidation of human rights and democracy.

The third component we are looking at is credibility of conditionality which according to Schimmelfennig et al. (2003) is empirically one of the two most important components (with size of adoption costs – analyzed further on - being the other one). Credibility of the European Union in the EU-Ukraine relations presents to be two-dimensional. First, the question is whether Ukraine sees the Union as a credible actor to give rewards in case the requirement is fulfilled. The second question is whether Ukraine fears for rewards to be withdrawn in case it does not fulfil the requirements. The absence of the membership reward definitely decreases credibility of the EU in the eyes of Ukraine. However, we should not deny the existence of credibility per se, even if weak. Taking into account that the PCA Ukraine was ratified in 1998, before Ukraine experienced any lack of credibility from the EU (like after the Orange revolution 2004), we might consider this aspect of conditionality to be present.

The fourth and the last component of our conditionality analysis is adoption costs and veto players. Securing the fundamental freedoms in Ukraine in the 90ties undoubtedly implied high adoption costs and opposition of the ruling elite.

In the parliamentary elections of 1998 the Communist Party of Ukraine obtained the most seats and the communistic doctrine was not aimed at democracy consolidation. At the same time, president of Ukraine Leonid Kuchma was successfully running for his second term while being involved in a lot of scandals and further even charged with several serious crimes and complicities. Moreover, according to Freedom House, international observers unanimously declared that the 1999 presidential elections were not free, fair and democratic (Freedom House, 1999).

In general, corruption penetrated through all Ukraine's state machinery and it was not gainful for those in power to change anything towards democracy promotion. Thus, the fourth element of our analysis leads us to high adoption costs and quite a number of veto-players. On top of that, those veto-players were directly involved in the net adoption costs that made rule-transfer even more unlikely. Proceeding to the analysis of Article 6 of the PCA, it reads the following: "[...] the Parties endeavor to co-operate on matters pertaining to the strengthening of stability and security in Europe, the observance of the principles of democracy, the respect and promotion of human rights, particularly those of minorities and shall hold consultations, if necessary, on the relevant matters" (PCA 1994: 11).

Once again, following the external incentive model of Schimmelfennig and Sedelmeier (2004) we firstly estimate the determinacy of conditions. Article 6 provides very vaguely determined conditions – the EU did not define for Ukraine the measures on how to consolidate democracy and human rights. Nor the EU clarified how exactly and when the benchmarking process would take place.

Size and speed of rewards also were not specified. As we have already stated above, the main reward of the PCA implied a free trade area and open market advantages which were not linked to the level of democracy in the country.

When we proceed to analyze Article 6 in terms of credibility of the EU, we come to the same conclusion as with Article 2. Credibility exists, but is a rather weak credibility. In the absence of credibility attaching to policy maker or policy – and in our case with a very uncertain credibility - other political or economic actors will rationally expect policy inconsistency over time to match any time inconsistency of incentives, perceptions or preferences, and hence will act accordingly (Bronk 2002: 7). This is likely to undermine the effectiveness of the policy even at the outset (Majone: 1996).

When we take a look at the adoption costs and veto-players, as we previously discussed, the costs of democracy rule transfer were high whereas a number of high political figures were reluctant to adopt the new reforms. Moreover, there is a tendency, especially in

Ukraine, when a lot of political actors prefer ‘jam today to jam tomorrow’ (Bronk 2002: 18). It means that even if democratic reforms would be fruitful for the country’s well-being in the future, most of those actors were interested in the short-time benefits, experiencing them in the very time of their office.

Analyzing further, we must remember that “the first general requirement, if a commitment device is to be successful, is that the goal and rules committed to must be sufficiently consistent and coherent in policy terms with other strategic goals of the regimes in question” (Bronk 2002: 22). For Ukraine’s regime, in the end of the 90ties, transparent governing and European morals in politics were if not alien but definitely not vital.

Concluding the analysis of Article 2 and Article 6 of the PCA by means of external incentives model, we determine absence of the 3 components out of 4 for the EU conditionality to be a success: absent determinacy of conditions, unclear size and speed of rewards, high adoption costs and strong veto players. This lack of a clear policy intervened with a weak credibility are the main reasons why democracy promotion in terms of PCA Ukraine failed. For another thing, the 2003 Joint Report on the implementation of the Partnership and Cooperation Agreement between the EU and Ukraine pointed out to the massive drawbacks regarding democracy promotion.

The Joint Report of 2003 evaluated approximately 5 years of the PCA validity, written with the participation of experts on both sides, considering the conclusions of the PCA subcommittees. As the PCA was to be in force for 10 years, this report was an important line as to what had been achieved mid-way. The spheres which were mutually evaluated positively were “political dialogue, trade and investment, including progress related to WTO accession, and also on science and technology, customs, statistics and economics” (Joint Report 2003: 2). Regarding the advanced political dialogue, it is not stated whether it enhanced democracy, human rights, security or development, thus not specifying the sphere of achievements. We might assume it refers once again to the economic part of the PCA, as that is the sphere where progress was admitted mutually.

Another important clause of the Joint Report outlined a somewhat more precise way of the future cooperation: “the EU intention to consider a new proximity policy, and Ukraine’s expectations for new forms and methods of co-operation will be reflected. The EU’s experience with candidate countries could be drawn upon in this undertaking” (Joint Report 2003: 3). This statement is utterly important for our study. First, it again proves our choice of the model while analyzing the EU conditionality – bargaining external incentives model, applied during the relations with candidate countries. Second, it openly shows Ukraine’s

dissatisfaction with the current policy of the EU, demanding a closer cooperation while the EU admits Ukraine is aspiring for more, and promises to consider it.

However, analyzing our sphere of interest – democracy promotion – the joint statements were neither very positive nor unanimous. In the Joint Report it is stated that “the consolidation of democracy objective has been supported *inter alia* by the political dialogue bearing in mind, that the achievement of this goal is the responsibility of Ukraine” (Joint Report 2003: 3). At the same time, this very provision states that “Ukraine would like to receive more support and stronger instruments or mechanisms than foreseen in the PCA” (Joint Report 2003: 3). This basically means that the EU put the task of democracy promotion on the unprepared actor with a long history of authoritarian rule and power abuse, without promising any substantial reward or support. For another thing, the support of democracy consolidation implied not *inter alia political dialogue*, but political dialogue *only*. Ukraine, in its turn, was asking for a much more constructive approach.

Nevertheless, while reading the Report specifically on Article 2 of the PCA – a unit of our analysis – “Ukraine progressively developed democratic principles and human rights and the rule of law. This has also been recognized by OSCE and the Council of Europe” (Joint Report 2003: 5). No specifics were adduced, instead general phrases were managed, like that the EU supports “the commitment of Ukrainian authorities to strengthen the judiciary, freedom of the media, human rights, and civil society”, yet stressing that the co-operation and EU assistance in these areas should be intensified (Joint report 2003: 5). Basically, determinacy of conditions was acknowledged unclear, size and speed of rewards – unspecified, and credibility – questionable. In addition to that, the EU raised concerns with the rights and freedoms of journalists in Ukraine and the absence of the necessary judicial reform.

When examining the Joint Report in regards to Article 6 of the PCA, which implied cooperation through political dialogue, no concrete achievements are specified as to how that dialogue supported democracy. The Report points out to the fact that meetings of the EU-Ukraine Ministerial Troika had been held each year, as well as meetings between the Presidents, senior officials and experts. Yet, the focus of those meetings was put upon foreign policy, security and defence issues (Joint Report 2003: 7). The only somewhat democracy related statement is written in Clause 33, which states that: “the EU-Ukraine Parliamentary Co-operation Committee [...] provides a good opportunity for political dialogue at parliamentary level,[...] has discussed the state of implementation of the PCA, political and economic developments in Ukraine and the EU, and international issues” (Joint Report 2003:

7). The results of this specific cooperation were embodied into recommendations to the EU-Ukraine Co-operation Council. Out of the 35 recommendations, 4 can be directly referred to democracy support. These would include proposals for constitutional reform, free and democratic presidential elections of 2004, freedom and pluralism of mass media and general emphasis that “democracy, the rule of law, human rights and an effective civil society and anti poverty measures are essential elements in the progress of Ukraine towards European standards” (Final Statement 2003: 3).

The above mentioned recommendations are again vague and theoretical in terms of how Ukraine should implement them, or how the European Union would estimate the success/failure of the implementation. Generally, the Joint Report on the Article 6 of the PCA Ukraine presented undetermined conditions, size and speed of rewards were not mentioned, and credibility remained questionable. Moreover, in the Future Cooperation section of the Report, both Ukraine and the EU agreed that “in relation to the priorities set out in Article 6 of the PCA, including co-operation on strengthening security and stability in Europe and the observance of principles of democracy and respect and promotion of human rights, the political dialogue should be pursued yet more intensively to enhance concrete progress in the key areas outlined above” (PCA 1994: 9)

Basically, we have a situation where both the EU and Ukraine acknowledged the ineffectiveness of the PCA in the framework of democracy promotion. Neither party named specific achievements in this sphere in the Joint Report of 2003, while drawbacks of the policy, on the contrary, were included in the Report.

Conclusions.

After the analysis of the PCA-Ukraine by means of external incentives model we can conclude that the so much “advertised” policy of democracy promotion in Ukraine during the validity of the PCA was in fact, build out of two general clauses, without a plan, a time-table or at least a working framework. For a country rated semi-free, with a large history of power abuse, following the Helsinki Final Act (1975) and the Charter of Paris for a New Europe (1990) on its own will was doomed to failure. These facts, combined with the absence of proper monitoring brought very scarce results in terms of consolidating democracy in Ukraine.

Analyzing the PCA with Ukraine leads us to the following assumption - the economic steps to evolution into the market economy were much more precise than political steps to consolidate democracy. The development of economic cooperation on behalf of the EU vastly

prevailed over the actions to improve the state of democracy in the country, as the PCA was never a coherent sustainable strategy to perform democratization in Ukraine. Passive attitude of the EU, together with definite obstacles in Ukraine's internal policy, lead to the situation where PCA-Ukraine brought no substantial long-term results in the sphere of democracy promotion.

Summarizing, application of the external incentives model upon the EU-Ukraine Partnership and Cooperation Agreement points to the weak conditionality of the EU when it comes to the issues of democracy promotion. While adoption costs were high and veto players – strong, the credibility of the EU conditionality was weak. Determinacy of conditions and size and speed of rewards were almost at all missing from the agenda. All these lead to the ineffectiveness of democracy promotion policy in general within the PCA-Ukraine.

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Local NGOs as track one and a half mediator: the case of Acholi Religious Leaders Peace Initiative

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Abstract

This paper deals with the concept of tracks of diplomacy in specific with the concept of track one and a half diplomacy created by Susan Nan and Jeffrey Mapendere. In their work Nan and Mapendere stressed the importance of international NGOs which can effectively mediate civil conflicts providing neutral soil for discussions between the official representatives of conflicting parties. However, the latest development in Sub Saharan Africa suggests that also local NGO can be successful leaders of official mediation processes. In this text, on the case of Acholi Religious Leaders Peace Initiative in Uganda, I am examining the concept of track 1 and a ½ diplomacy with the aim to adjust its theoretical assumptions on the current situation in mediation processes. I will show that characteristics of actors of track 1 and a ½ diplomacy and also conditions of its success needs to be reconsidered.

Introduction

Track 1 and a half diplomacy is a concept from the late 1990s which is a part of the overarching concept of the tracks of diplomacy. Track 1 and a half diplomacy was created by Susan Nan and Jeffrey Mapendere who identified a specific type of diplomatic activity which is organized by international nongovernmental organizations (INGOs) or famous individuals with political background (such as James Carter or Nelson Mandela). It takes place at the highest level between official representatives of the sides of a conflict.

I argue that this identification of actors of this type of diplomatic activities is very narrow and not suitable for contemporary diplomatic peace-building activities of NGOs. In this paper I will demonstrate that also *local* NGOs can be very useful and effective actors in track 1 and ½ and do not take part only in track 2 diplomacy as Nan and Mapendere argue. The studied case will be the Acholi Religious Leaders Peace Initiative (ARLPI), a successful local NGO in Uganda.

The second goal of this paper will be to show that not all of the characteristics of the actors and factors of success of track 1 and a ½ diplomacy are useful when also local NGOs are taken into consideration.

In the first part of the text I will present the concept of tracks of diplomacy with the specific focus on track 1 and a ½ diplomacy. I will introduce the definition of track 1 and a ½ diplomacy and I will state characteristics of its actors and factors of its success. Then I will focus on the civil conflict in Uganda and peace building activities of ARLPI. In the analytical

part of the paper I will perform a comparison of the assumptions of the concept, of the characteristics of its actors and factors of its success with the characteristics of ARLPI as the successful case of a local diplomatic initiative. This will allow me to adjust the assumptions of Mapendere and open a discussion about the theoretical background of this concept.

1. Tracks of diplomacy

In contemporary diplomacy we are witnesses to a process in which many actors are taking part in the diplomatic activities - not only official state representatives, but also non-governmental organizations or persons with international and national respect. The activity of different actors was conceptualized as different tracks of diplomacy. In the literature we can identify three basic types of the tracks of diplomacy- track 1, track 2 and multi-track diplomacy. Each of these tracks has different actors, uses different tools and works on a different level of the conflict and society. Some 20 years ago Susan A. Nan and J. Mapendere, enriched the concept of tracks of diplomacy by the conceptualization of so called track 1 and a ½ diplomacy. Even though this track is not that young, it has not been revised yet.

The beginnings of the concept of tracks of diplomacy come in the 1990-ties when Volkan and Montville for the first time identified that official diplomacy is very often accompanied by diplomatic activity of members of local societies who try to help to resolve the existing conflict by mobilizing of the civil society, resources, and creating useful strategies (Volkan 1991). They were also the first who stated that the official diplomacy is track 1 diplomacy and that societal activities can be identified as track 2 diplomacy, an addition to the first one. Just after the publishing of their work, Louise Diamond and John McDonald in 1991 defined another concept of multi-track diplomacy, in which they stressed interconnectedness of two basic tracks of diplomacy (Diamond-McDonald, 1991). In 1999 S. Nan, with the cooperation of J. Mapendere defined the so called track 1 and a half diplomacy as a specific track which by its character stands somewhere between the track 1 and the track 2. By this “the coherent and parsimonious framework was created to consider variation in mediator characteristics, their resources and strategies.” (Böhmelt, 2010:167).

Track 1 diplomacy is the official diplomacy that means “an instrument of foreign policy for the establishment and development of contacts between the governments of different states through the use of intermediaries mutually recognized by the respective parties” (De Magalhaes, 1988:17). Track 1 diplomacy is based on the cooperation and communication among state actors or other official actors, so its diplomatic activity takes

place on state-to-state level. Typical actors of track 1 diplomacy are the states, United Nations, the Vatican, European Union and other regional or sub-regional organizations (Mapendere, 1999:3; Böhmelt, 2010:168). Track 1 diplomacy is nowadays considered as “the tip of the iceberg” of all diplomatic activities and the most important one. As many authors have stated, other tracks of diplomacy are not the substitutes of track 1, rather they are its supplements (Volkan 1991, Böhmelt 2010, Nan a Strimling 2004 etc.).

The existence of diplomatic activities of non-state actors was first recognized in the late 1980-ties, when many authors tried to define this type of diplomacy. The notion of track 2 diplomacy was established and conceptualized by Montville in 1991. He defined track 2 diplomacy as “unofficial, informal interaction between members of adversary groups or nations that aim to develop strategies, to influence public opinion, organize human and material resources in ways that might help resolve their conflict” (Montville, 1991:162). The main actors of track 2 diplomacy are the unofficial representatives - members of NGOs, regional or local leaders (Böhmelt, 2010:168). These actors try to work in their communities, where they try to promote the peaceful solution of the existing conflict and gain support for it. The outcome of their activity is often a plan or a strategy for the peaceful settlement of the conflict through lens of the different groups of civil society.

The beginning of the formation and conceptualization of track 2 diplomacy in 1990s is closely connected to the formation of the concept of multi-track diplomacy. Soon after track 2 was operationalized Diamond stated, that unofficial diplomacy is too complex to be put under one label of track 2 diplomacy. McDonald then wrote an article in which he proposed to divide the activities of track 2 diplomacy into 4 separate tracks - conflict resolution professionals, business, private citizens, media (Notter - Diamond, 1996:4). In 1991 the number of tracks was expanded into 9 and these new tracks, together with the four old ones were named as multi-track diplomacy. These tracks were put into the round diagram in which all of them were equal – no one track was superior and each was dependent on others (Notter-Diamond, 1996:5). Diamond and McDonald defined multi-track diplomacy as a “conceptual way to view the process of international peace-making in the US as a whole elephant; that is, as a living system. It looks at the web of inter-connected parts (activities, individuals, institutions, communities) which operate together (...) for a common goal: a world peace” (Diamond-McDonald, 1991:1, in Mapenedere 2001:7). The interconnectedness of different actors and also independence of all tracks of diplomacy is the main contribution of multi-track diplomacy.

1.2 Track 1 and a ½ diplomacy

After all the above mentioned tracks of diplomacy it seemed that all activities of the diplomacy were included. But in 2001 Mapendere stated, that these basic tracks of diplomacy do not take into account a special type of diplomatic activity which takes place between the official and unofficial actors. This conceptual gap was named track 1 and a½ diplomacy. As understanding of the concept of track 1 and a½ diplomacy is crucial for this text, in the next pages I will introduce in detail its definition, characteristics of the actors and also factors which can influence its success.

The concept of track 1 and ½ diplomacy was for the first time brought forward by Susan A. Nan and further developed by J. Mapendere (Heiling, 2008:182). In his paper from 1999 Mapendere stated, that the traditional track 1 and track 2 diplomacy omit from the analysis of the special type of actors, unique individuals or some international NGOs who can significantly contribute to the diplomatic activity and success of the peace process. The role of these actors should be, according to Mapendere, fully recognized “as it is vital to the practical and conceptual growth of the field (of diplomacy)” (Mapendere, 2001: 9).

Track 1 and a ½ diplomacy is defined as “public and private interaction between official representatives of conflicting governments or political entities such as popular armed movements, which is facilitated or mediated by a third party nor representing a political organization or institution. The aim of such interaction is to influence attitudinal changes between the parties with the objective of changing the political power structure (s) that caused the conflict” (Mapendere, 2001:10). From the definition we can see that track 1 and a ½ diplomacy is somehow hybrid type of diplomatic activity which combines interactions organized by non-political organizations or institutions but with the official representatives of the conflicting sides. By this feature this type of diplomatic activity clearly differs from the previous ones- track 2 diplomacy is defined by the interaction between the non-official representatives and track 1 diplomacy is organized by the state or political actors.

Actors of track 1 and a ½ diplomacy

Literature about track 1 and a½ diplomacy identifies as actors of this type of diplomacy famous political individuals or internationally recognized NGOs such as Nelson Mandela, former US president Jimmy Carter or his NGO Carter Centre (Mapendere 2001, Heiling 2008, Nan et al. 2009, Mapendere 2000 etc.). All of these actors share some specific characteristics which the actors of track 1 and a½ diplomacy should have.

First, these actors should have international political visibility (Mapendere, 2001:13). International political visibility can increase “influence and perceived power that enhances their leverage capabilities during negotiations” (Mapendere, 2001:13). Nelson Mandela and also Jimmy Carter are such persons who could build on their former or existing political success. Second, actors of track 1 and a½ diplomacy should have also academic visibility (Mapendere, 2000:71). Academics often have deep knowledge about the mediation and facilitation process and so they can be helpful in achieving peace. Very often, academics are also advisers to political peacemakers so they have also enough practical experiences with the diplomatic activities. Then, for the third, actors should have also international respect, which can help these actors to access quite successfully all important world political actors. Again, Nelson Mandela and Jimmy Carter fulfil this condition. Related to the respect, trust is also very important as “it is the cornerstone of every conflict resolution intervention” (Mapendere, 2000:71). The last characteristic of the actors of track 1 and a ½ diplomacy is that they should have “reasonable resources to carry out peace activities” (Mapendere, 2000:71). Organizing mediation of the conflict is quite expensive activity and before we start to organize them we should be sure that we have enough resources for conducting of such activities. Suspension of the mediation because of the funding could lead to mistrust of the participating parties and end the whole peace process.

The conditions of success of track 1 and a½ diplomacy

In his work from 2001, J. Mapendere defines few categories of factors which can influence the success of track 1 and a½ diplomacy. His research was based on the interviews with practitioners of different international NGOs who use this type of diplomacy in their work. These actors identified three main groups of factors influencing the success of track 1 and a½ diplomacy: personal factor, factor of the environment and factor of the resources (Mapendere, 2001).

Among the personal factor, we can find a set of personal characteristics which track 1 and a ½ mediator should fulfil for the successful mediation and conflict resolution. The first one is reputation. The good reputation is considered a very important characteristic of track 1 and a ½ mediator as it helps him to gain prestige and accountability. It is also stressed that this reputation should be both international and local to achieve the effectivity of the process of mediation (Mapendere, 2001:42). The second important characteristic is personal integrity which is considered as the critical factor for the success of track 1 and a ½ diplomacy as

“other factors such as trust and respect come out of personal integrity” (Mapendere, 2001:42). The term personal integrity is strongly connected to the moral reputation of the third party. Mediator of track 1 and a¹/₂ diplomacy should have high moral standards and respect human rights and diversity. Mapendere states that Nelson Mandela, Jimmy Carter and also Bishop Desmond Tutu meet these criteria (Mapendere, 2001:43). Another important personal characteristic is expertise and skills. For the successful conflict resolution track 1 and a ¹/₂ actor should have necessary education and also practice in the processes of mediation and facilitation. If the mediator is an eminent person who does not have experiences with the mediation, he should be open to the advice of the experts (Mapendere, 2001:46). One of the most important characteristics of track 1 and a¹/₂ mediator is perceived (and also real) access to the most important actors of the conflict and also of the peace process. It is important for the success of the peace process that the actors of the conflict believe that “their interests are addressed and their views are heard” (Mapendere, 2001:48). The next important characteristic, which is closely connected to the previous one is political rank. High, prestigious political rank can provide track 1 and a¹/₂ mediators with the needed access to the important players and help them to gain enough resources for the peace process (Mapendere, 2001:48). Trust is mentioned as another important personal characteristic which can influence the success of the mediation process. This characteristic is connected to the personal integrity and moral credit of mediator and the best way how to create trust is building of personal relationship (Mapenedere, 2001:49). The last important characteristic connected to personal factor is good knowledge of the conflict. It is crucial for the success of the mediation to know the history and roots of the conflict, all relevant actors, their demands and the stage of the conflict. Only knowledge of the conflict can lead to appropriate proposal for the resolution of the conflict (Mapendere, 2001:50).

For the success of track 1 and a ¹/₂ mediation there is important to take into account also factors of the environment. The first of these factors, which was found as critical comes the factor of the stage of the conflict. As Mapendere states, “when a conflict has generated to war, it is very difficult for a track 1 and a ¹/₂ intervener to be heard. This is so because in the heap of battle, political leaders are more interested in interveners that have real power to threaten, give or withdraw resources” (Mapendere, 2001:51). Another important factor is good knowledge of track 1 and a¹/₂ diplomacy. It is important to know the process of diplomacy and to have in mind that track 1 and a ¹/₂ diplomacy is only supplement to the official diplomacy, so you must know “what role official diplomacy is going to play in any given situation” (Mapendere, 2001:55). The third of the environmental factors is the

awareness of context of conflict. The context of the conflict relates to the analysis if the conflict is intrastate or interstate, if other international and regional actors take part in it and if there are other actors who organize some diplomatic activities. This factor is very important mostly during the process of mediation as it “enables the intervener to provide an intervention that is suitable and timely...and provides an opportunity to influence both the primary parties to the conflict and the secondary/interested parties” (Mapendere, 2001:56). If the mediator is funded by the foreign organization, this organization needs to perceive as impartial, otherwise also the impartiality of track 1 and a ½ mediator will be discussed. As it was stated above, legitimacy and trust of the mediator is crucial for the success of track 1 and a ½ mediation so also this factor is very important (Mapendere, 2001:56). The last of the factors of the environment goes the factor of the characteristics of parties. This factor includes the organization structure of the parties of the conflict, culture of these parties, and legitimacy of the parties’ negotiators. All these information help the mediator to understand demands and the action of the parties in the conflict and to propose suitable solution (Mapendere, 2001:57).

2. Analysis

The aim of this text is reconceptualization of the concept of track 1 and ½ diplomacy by the identification of a new type of actors taking part in it. When the concept of track 1 and a ½ diplomacy was created in 1990s its authors did not take into consideration that local NGOs can take part not only in the track 2 diplomacy but also in track 1 and a ½ diplomacy. This may cause that characteristics of actors and also factors of the success of track 1 and a ½ diplomacy do not have to be suitable also for the analysis of a new type of actors in this diplomatic activity and thus need to be reviewed.

In the next section of this paper I will introduce ARLPI in Uganda, an NGO which operated on level of track 1 and a ½ diplomacy and was quite successful in its activities. I will also analyze characteristics of actors of track 1 and a ½ diplomacy as they were stated by Mapendere and find which of them meet the characteristics of the local NGO from Uganda. Then I will focus on the factors of the success of track 1 and a ½ diplomacy and explore which of them were fulfilled by ARLPI. This process will help me to specify those characteristics and factors which can be useful also for the analysis of other actors than INGOs and thus are analytically useful. In conclusion I will give the preliminary edited set of the characteristics of actors of track 1 and a ½ diplomacy and also edited set of factors which influence the success

of this type of diplomacy. This preliminary set could provide the basis for the further research of the concept.

2.1 Civil conflict in Uganda

Civil conflict in northern Uganda started in the end of 1980s after the political crisis and coup d'état led by Yoweri Museveni (Khadiagala, 2001:1). But the Otunnu states that the roots of the existing conflict are in the deeper division of the Ugandan society which were driven by the British colonization practices (Otunnu, 2002:10-11). From the colonization period of the Ugandan history two main cleavage lines have survived in the Ugandan society - religious cleavage line and an economic south-north cleavage line. During the colonization, Protestantism and Catholicism arrived to Uganda fighting for the dominance. After Protestants gained control over the British East Africa Company, Anglicans started to dominate also in the public sphere and political institutions. However, Christianity arrived into the prominently Islamic region where Islamic representatives were committed to the Islamization of Ugandan society. These contradictory processes created and strengthened the religious cleavage in the state. The second economic cleavage has also its roots in the colonial history of the country. During the colonization the British divided country into several economic areas. The southern part of the country was an industrial zone and the northern part was "designated as a labor reserve" (Otunnu, 2002:11). This south-north division has always had also political consequences when important part of the identity of presidents of the country was if he/she comes from northern or southern part.

As it was mentioned above, civil conflict started in the political crisis in the late 1980s. In the election in 1985 northerner Okello became the president of Uganda. Yoweri Museveni, who was counter - candidate to Okello, and also southerner, questioned the results of the election and started the guerrilla war which ended by the coup in 1986. The victory of Museveni was, in the eyes of inhabitants of the northern part of Uganda seemed as an attempt to marginalize their influence on the politics in the country (Khadiagala, 2001:1). This is why the rest of the supportive Okello's army established group called Uganda People's Democratic Army (UPDA) and started an insurgency in the region of Acholiland in the northern part of the country. Instability in Acholiland led to the establishment of the other rebel organization Holy Spirit Movement (HSM) led by Alice Auma Lakwena. When he died in 1988 the new leader of the organization became his nephew Josph Kony and renamed the organization into Lord's Resistance Army (LRA). In the same year UPDA signed the peace

treaty with the government and the only rebel organization remained was LRA (Apuuli, 2011:118).

In 1991 the national government led by Museveni launched an operation called “operation North” which was broadly criticized by the human rights organizations as it led to over 500000 internally displaced people placed in the special “protected camps” with the poor living conditions. Government also cut all ties with the LRA and proclaimed that military victory is the only solution for the dispute (Khadiagala, 2001:1).

The other military operation led by the government against the rebels was launched in 2002. This operation was called “Operation Iron First” and the main aim was to cut ties between South Sudan and LRA.¹³ This operation led to the signing of the agreement between the government of Sudan and Uganda where both states withdrew from the support of the rebel groups in each other’s territory (Kasaija, 2006:3). The consequences of this operation were terrible. Society of the northern part of the country, most of which lived in the protected camps for years had to face a new wave of attacks from LRA. LRA kidnapped young boys who were forced to fight as child soldiers, young girls were often raped, kidnapped and forced to marry the fighters from the group. Number of the internally displaced people raised from 800 000 to 1.2 million (Kasaija, 2006:3). Situation in the North Uganda was terrible, but still, government and also LRA refused the peace talks and continued with the attacks.

Position of the government and LRA changed in 2004 thank to the engagement of the civil society organizations and after almost 20 years the first peace negotiations were organized. Although peace is not restored yet in the northern Uganda, from 2004 we can clearly see improvement of the security situation in the northern part and attempts to end existing conflict by peaceful means.

2.2 Acholi Religious Leaders Peace Initiative (ARLPI)

From the beginning of the civil conflict in Uganda, different religious groups tried to provide help to the society and assisted in the protected camps. These types of activities gave the impulse for creating a joined cooperative body of all religious groups operating in the northern part of the country.

¹³ In this phase of the conflict, also external actors played an important role. South Sudan, where LRA had its basis supported LRA as Ugandan government supported one of the rebel organizations in South Sudan (Otunnu, 2002:13)

The first cooperative action of the different religious groups was prayer meeting organized on the 15th August 1997 in Kirgum (Ochola, 2006:132). Enthusiasm coming from this successful meeting was the proposal for the further joint cooperation. The result was the appointment of the Anglican Bishop Nelson Onono-Onweng to become the head coordinator for the future inter-religious activities promoting peace in Uganda. The ARLPI was formally established in February 1998 when 5 member operating body of the organization was created. The first executive body consisted of above mentioned Bishop Onono-Onweng, the Chairman of the organization, other members were Mons. Rev. John Baptist Odama, Rev. Macleod Baker Ochola, Sheikh Suleiman Wadriff, Sheikh Musa Khalil (Khadiagala, 2001:3).

The basic aims of the organization were formulated in its inauguration text. The first and the most important goal stated in the inauguration text was engagement of the Acholi community into the peace activities in the region, development of Acholiland and process of healing and reconciliation. Among other aims of the organization we can find: to unite believers in God and mobilize them to promote peace and development, to advocate social justice, to foster the spirit of peaceful co-existence among different communities in Acholiland etc. (Ochola, 2006:133-134). But the main objective of the organization changed after the formal recognition of the organization by the official meeting with the president Museveni on March 1998. As it was mentioned above, president Museveni cut all the contacts with the rebels and gave up the peaceful means for the resolution of the conflict. This led the members of the organization to formulating new objective, which was stated in the new document *Active Community Participation in Healing, Restoration and Development* presented on the consultative meeting in April. In this document it was recognized that “there was no military solution to the insurgency and efforts should be made to bring the LRA and the government to the negotiating table” (Ochola, 2006:135).

From April 1998 members of ARPLI started to create contacts with the actual or former rebels from the LRA and tried to persuade them to stop fighting and restore communication with the government. ARLPI continued also in work with political representatives of Uganda. They organized a set of meetings with different members of the government and tried to gain support for the diplomatic solution of the conflict. These activities were quite successful as “in July 2002, the Anglican bishop Baker Ochola, the Catholic archbishop John Baptist Odama and Cardinal Emmanuel Nsubuga were received by president Museveni, who authorized them to begin contacts with the LRA” (Otim, 2009:2). From this time ARLPI operated on the level of track 1 and a½ diplomacy as we can consider ARPLI as a third party not representing a political organization or institution which facilitated

negotiations between official representatives of conflicting governments or political entities (Mapendere, 2001:10).

For two years ARLPI members travelled, often risking their own safety, to the different parts of northern Uganda to reach leading members of LRA and persuade them to stop fighting and start negotiations with the government. ARLPI served also as a “messenger” between the government and LRA by which they helped to clarify positions and attitudes of both sides in conflict (Otim, 2006:2). These activities and persistent calls for the restoration of peace resulted in 2004 in the limited ceasefire to initiate the first face-to-face peace talks from 1980s. This peace negotiations held for the first time from the end of 1980s are considered as one of the most important successes of ARLPI (Ochola, 2006:142).

ARLPI continued with their activities in 2005 when they organized negotiations between official representatives of LRA and the government of Uganda. These talks prepared environment for the official peace talks organized in 2006 on Sudan-DRC borders. These talks were organized by ARLPI with the cooperation of the non-governmental organization Pax Christi Netherlands. Peace treaty between the government of Uganda and LRA was finally signed in 26th August 2006 (Kasaija, 2006:10).

2.3 Characteristics of actors of track 1 and a½ diplomacy

Mapendere in his paper from 1999 stated, that actors of track 1 and a½ diplomacy have following characteristics: international political visibility, academic visibility, international respect, resources (Mapendere, 2000:71). In this section I will compare these characteristics with the characteristics of ARLPI. This comparison will show which of them are suitable also for the analysis of the local NGOs as actors of track 1 and a½ diplomacy.

When we look at the ARLPI and their actors, we can see that not all of these characteristics suit for this organization. First, ARLPI was not internationally visible organization when it started to operate in Uganda. It is truth that this organization tried to raise international attention on the civil conflict in Uganda, but it was fully successful only in 2006, when their members were invited to have a speech to the UN Security Council (Otim, 2009:4). But this was after the restart of mediation between government and LRA. For the organization it was very important that the government recognized this group as an important actor and that also society of the northern Uganda respected and supported its activities. This case suggests that visibility in the community in conflict is more important than international visibility.

Another important characteristic was academic visibility. Members of the ARLPI were not academics. But as they all had university degree it is probable that they had some contacts to university professors. As we know this group was quite successful in joining together all society and universities and former professors often helped them with the expertise. So some sort of academic support and knowledge seems important also when we take into consideration as actors of track 1 and a ½ diplomacy also local NGOs.

International respect, as the third characteristic of track 1 and a ½ diplomacy actor was also not fulfilled in the case of ARLPI. As I said, this NGO was able to gain international support and respect, but this came only after the first negotiations between the government and the LRA. But this organization was able to gain national respect and respect of the government and also of the LRA and by this it was able to persuade actors to ceasefire. So again, national respect and respect of the parties in conflict seems more important than international respect.

The last of the defined characteristics of actors of track 1 and a ½ diplomacy are resources. These actors, to be able to organize negotiations must have enough human and also financial resources. This is true also for local NGOs. ARLPI had two main sources of the financial support. The first was Acholi diaspora in the world. From the beginning of conflict, Acholi diaspora cut all the relations with the government as they did not trust it. But when ARLPI was created, with its campaign for peace, Kacoke Madit (KM), as a diaspora organization of Acholi People, decided to cooperate with this organization and became the important financial source for activities of ARLPI (Ochola, 2006:137). The other source of financial support of the ARLPI was UNDP through the special agreement which was signed between the UNDP and Babatunde Thomas, director of UNDP in Uganda. He recognized the potential importance of ARLPI and helped with financing mostly in the beginning of its formation (Khadiagala, 2001:2). So from the analysis we can see that resources are important for all possible actors of track 1 and a ½ diplomacy.

In conclusion, it seems that recognition, visibility and respect are important characteristics of actors of track 1 and a ½ diplomacy, but it necessarily does not mean international respect and visibility. It is very difficult for local NGOs to gain international attention, but we can see that even without it they can play effective role in domestic peace-building activities. So respect and visibility is important but rather in the conflicting state and among the actors of existing conflict. Academic background and resources are common characteristics of all recognized actors of track 1 and a ½ diplomacy.

2.4 Factors of the success of track 1 and a ½ diplomacy

Mapendere divided factors influencing the success of track 1 and a ½ diplomacy between personal and environmental factors. Among the personal factors we can find reputation of mediator, personal integrity, expertise and skills, perceived (and also real) access to the most important actors of the conflict, political rank, trust and good knowledge of the conflict. Among the factor of the environment we can find the stage of the conflict, knowledge of track 1 and a ½ diplomacy, awareness of context of conflict, impartiality of track 1 and a ½ mediator, characteristics of parties. In the next section of the text I will compare these factors with the situation of ARLPI in Uganda and find out which of them were fulfilled.

Personal factors

Reputation of the mediator was, as Mapendere found out, very important characteristic when mediators of track 1 and a ½ mediator were INGOs and famous former politicians. This personal factor seems important also for local NGOs. As the ARLPI was new organization, it did not have previous reputation, but its specific character was able to build this reputation in a very short period of time. ARLPI was in fact the first inter-religious NGO established in Uganda and by its establishment proved, that inter-religious and inter-ethnic cooperation is possible and may be effective and successful (Kasaija, 2004:6).

Personal integrity, as another important personal factor, is closely connected to the previous one. According Mapendere, personal integrity means moral reputation of the actors. I think this personal factor is also important not only for INGOs but also for local NGOs. ARLPI was highly rated for their moral standards and impartiality. As Otim stated, “ARLPI has lived up to the common Acholi saying ‘Religious leaders do not bend, they are always straight’ referring to the impartiality and integrity of the religious leaders in the region” (Otim, 2009:2).

Knowledge and expertise is another important factor of the success of track 1 and a ½ diplomacy. ARLPI did not have deep knowledge about the different types of negotiating approaches, but in few years they were able to organize educational seminars and courses where they tried to learn what they needed for the meetings with the representatives of government and LRA (Ochola II., 2004:5). I think that some level of the knowledge is important for any actor involved in diplomacy.

Perceived and real access to the political representatives of the conflicting sides was important also for ARLPI. Many authors (Khadiagala 2001, Ochola 2006, Kasaija 2006) stated that the key moment for the development of the organization was its recognition by the government of Uganda and following regular meeting of members of ARLPI and the government.

Political rank was mentioned as another important factor for the success of track 1 and a½ diplomacy. I think that this is a typical example of factor which is specifically connected to INGOs and former politicians as actors of this type of diplomatic activity. Local NGOs and their members have rarely important political rank or even previous political experiences. But as we can see on the example of ARLPI, political rank does not seem as an important factor for the success. None of the members of ARLPI had previous political experiences, but it was not the obstacle for their successful operation in the northern Uganda (Ochola 2006, Apuuli 2011).

Mapendere stated that trust is crucial factor for the success of track 1 and a½ diplomacy and experience of ARLPI proves its importance. As it was mentioned above, neutrality, as basic condition for trust was one of the most valued characteristics of ARLPI (Apuuli 2011). Trust was supported also by the inter-religious character of the group as it was impossible to represent interests only of one of the groups. And I think local character of the organization can trust in it even strengthen- mediation is not lead by an external actor who can have different interests and who is unknown for the internal actors.

Good knowledge of the conflict is another personal factor of the success of track 1 and a½ diplomacy which can be better fulfilled by local NGOs. Members of the ARLPI were for the long time eye witnesses if the existing conflict, they knew when and how is started, they knew conflicting sides and later also their positions. This good knowledge of the conflict and conflicting sides also helped them to find LRA representatives and to negotiate with them. So this factor seems important also for all recognized actors of track 1 and a½ diplomacy.

Factors of the environment

Mapendere identified also factors of the environment which can influence success of track 1 and a½ diplomacy. These factors are: the stage of the conflict, knowledge of track 1 and a ½ diplomacy, awareness of context of conflict, impartiality of track 1 and a ½ mediator.

Importance of knowledge of the stage of the conflict seems important also for the local NGOs. Local NGOs can even better know the situation about the conflict as they operate in

the conflict situation so they are not dependent of the information from external sources which can be biased. The example of the good knowledge of the conflict is ARLPI's fight for the amnesty law for the members of LRA. In 2003 the government of Uganda invited International Criminal Court (ICC) to investigate human rights violations committed by the LRA. ARLPI strongly opposed the investigation with the argument that Uganda does not need labelling of those who are bad and their prosecution, but reconciliation and forgiveness in the line with the traditional Ugandan conflict resolution concepts. The result was incorporating of ARLPI members in the work of ICC in Uganda and accepting some of their proposals. Thanks to the activity of the APLI, ICC's engagement in Uganda was widely accepted by the civil society and also by political actors (Apuuli, 2011:122-125).

Another important factor of the success of track 1 and a $\frac{1}{2}$ diplomacy should be knowledge how this diplomacy works. But this was not true for the ARLPI and its activity in northern Uganda. It does not seem likely that members of ARLPI have ever heard about track 1 and a $\frac{1}{2}$ diplomacy. Their work with the official representatives of conflict sides came from their awareness that the military solution is not possible in the case of Uganda and that official representatives are those who need to agree on the peaceful solution. This factor is then not important when local NGOs are considered as actors of track 1 and a $\frac{1}{2}$ diplomacy.

Awareness of context of conflict is next important factor of the success. Knowledge about the context of conflict is important for the correct identification of the roots, causes and all relevant actors of the conflict. In the first years of the operation of ARLPI, its activities were focused on the organizing of conferences and informational workshops to gain information about the how different stakeholders perceive the conflict (Ochola II., 2004:5-9). Awareness of the context of the conflict was then found important also by ARLPI's members.

Impartiality of track 1 and a $\frac{1}{2}$ mediator is another very important factor of the success of track 1 and a $\frac{1}{2}$ diplomacy and also its important strong point (in comparison with the track 1 diplomacy). And impartiality was also one of the most important values of ARLPI which was very often mentioned. Otim wrote: "ARLPI has lived up to the common Acholi saying 'Religious leaders do not bend, they are always straight' referring to the impartiality and integrity of the religious leaders" (Otim, 2009:2), and also Ochola mentioned that "the ARLPI emerged then as a neutral force, not interested in any political gains but ending the dire suffering of the population" (Ochola, 2006:132). So neutrality and impartiality was, as an important factor of the success of mediation mentioned also in case where local NGO was mediator.

The last of the factors important for the success of track 1 and a¹/₂ diplomacy is knowledge of characteristics of parties. This factor includes the organization structure of the parties of the conflict, culture of these parties, and legitimacy of the parties' negotiators. ARPLI members were aware of this information in the case of Uganda. First, they lived in the conflict for many years, so they knew who were actors and also their activities. Second, they also met many times with actors of the conflict before official mediation was initiated (meeting with both the government and also LRA were regularly organized from 1998, Ochola, 2006:139-142). So this factor was also fulfilled by the ARPLI and then can be considered as important for the success.

3. Results of the analysis

From the analysis above we can conclude that not all of the Mapendere's identified characteristics and factors of the success of track 1 and a ¹/₂ diplomacy were fulfilled by the ARPLI even though this organization is considered as a good and successful example of track 1 and a¹/₂ diplomacy. Therefore it seems that not all of the mentioned characteristics and factors were important or analytically useful when local NGOs are considered as actors of track 1 and a¹/₂ diplomacy. This led me to adjust the original set of characteristics of actors of track 1 and a¹/₂ diplomacy and the set of factors of its success.

Based on the analysis in this paper I can summarize that two characteristics identified by Mapendere did not fit the characteristic of ARLPI. ARLPI did not have international visibility and also did not have international respect when they started to operate on the level of track 1 and a¹/₂ diplomacy. From the analysis of the local NGO I can specify that visibility and respect is important but it does not have to be inevitably international. On the contrary, visibility and especially respect among the actors of conflict and the society of the state in conflict seems to be more important.

It is also important to mention that there were two characteristic identified as important factors for the success of track 1 and a ¹/₂ diplomacy which were fulfilled by the local NGO: knowledge and resources. Good knowledge of the context and stage of the conflict was mentioned as one of the important factors of the success of track 1 and a¹/₂ diplomacy. Resources were mentioned as the basic condition for any type of diplomatic activity and were identified as a specific factor (Mapendere, 2001:45-46, see chapter 2.3).

This indicates that identification of both specific characteristics and factors of success of actors of track 1 and a ¹/₂ diplomacy (at least as Mapendere identified them) does not have

analytical value – identifying just the factors is sufficient. Characteristics either cannot be applied for all types of actors or they are an integral part of factors of the success. As the definition of track 1 and a ½ diplomacy is actor based – it is identified by the actors who organize mediation and by the actors who take part in it – I do not see any additional value in specification of some sort of predefined characteristic of actors of this type of diplomacy. For the right identification it is enough to know that these actors are not political representatives and that they negotiate with the official representatives of conflicting sides.

From the personal factors influencing the success of track 1 and a ½ diplomacy only one was not fulfilled by ARLPI (political rank) and one was fulfilled only partially (knowledge and expertise). From the analysis of ARLPI political rank cannot be considered as the necessary factor for the success of track 1 and a ½ diplomacy. It seems that this factor was included in the concept just because all known actors of track 1 and ½ diplomacy in 1990s shared it. I consider the factor knowledge and the expertise of the actors was fulfilled only partially because ARLPI members were not academics or experienced experts in mediation or facilitation of conflicts, however they tried to improve their knowledge and expertise. This means that actors of track 1 and a ½ diplomacy do not have to experts but need to have at least some level of knowledge of mediation tactics and processes.

Environmental factors of the success of track 1 and a ½ diplomacy were almost all suitable also for analysis of ARLPI. The only environmental factor, which was not fulfilled by ARLPI was the good knowledge about track 1 and a ½ diplomacy. Even though the members of ARPLI did not have any information that this specific type of diplomacy exists and did not know how to operate on track 1 and a ½ level, they were able to negotiate the peace. This indicates good knowledge about the actors of the conflict, context and stage of the conflict can overturn theoretical knowledge about track 1 and a ½ diplomacy. This factor can therefore be then omitted from the set of necessary factors of the success.

Conclusion

The paper dealt with the concept of track 1 and a ½ diplomacy. Its aim was to show that this concept does not apply only to INGOs or famous former politicians, as was until now identified in academic literature on the topic. It is also possible to find successful local NGOs which operate on track 1 and a ½ level. On the case of Acholi Religious Leaders Peace Initiative I analyzed if the identified characteristics of actors and identified factors of their success can be used also for analysis of activities of local NGOs. I found out that

identification of special characteristics of actors does not have additional analytical value and thus should be discarded from the concept definition. I also recognized that not all of the factors of success can be applied also for the analysis of local NGOs operating on 1 and a ½ level and I prepared an adjusted set of these factors. My findings are based on the analysis of only one case and thus create potential for further wider analysis of local NGOs as track and a ½ mediators.

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Substantive representation by conservative Islamist women in Morocco

Katarína Pevná

Abstract

Political representation of women in Arab countries constantly lags behind other regions in the world. However, the Moroccan monarchy has recently pushed for promotion of women's rights and quotas for representation in parliament. This project resulted in an increased number of women representatives, albeit mostly members of conservative Islamist Party of Justice and Development (PJD). The paper analyses substantive representation of conservative women by female members of PJD. In order to find whether the gender constructions and reform initiatives of PJD women are in congruence with conservative women preferences, they are compared to those of the most popular Islamist movement Justice and Benevolence (JB). The paper finds that PJD women generally interpret gender roles in more conservative, traditionalist fashion than women from JB. This finding casts a doubt about PJD women substantively representing Islamic feminists and non-feminist conservative women in Morocco and on the assumption that women from conservative parties are often more liberal than their male counterparts.

Introduction

Participation of women throughout the Arab World has been steadily growing since 1990s. At the same time, female members of Islamist movements have become increasingly active as well. The biggest puzzle regarding this phenomenon is what accounts for the rise of women in these highly conservative parties and how does it relate to the desired gender outcome-political equality? The paper analyses substantive representation of conservative women based on a case study of Islamist female representatives of Moroccan Party of Justice and Development (PJD). Morocco itself offers a great example to study representation of conservative women. In the last decades, Moroccan King Mohammed VI. initiated several legal reforms unprecedented in the wider region. While the King's support for liberal/universal women's rights movement helped to promote the moderate image of Morocco abroad, it has indirectly empowered more religiously conservative interpretations of Islam opposing the King's reforms (Zeino-Mahmalat, 2014). Using the concept of conservative women's claims (Celis and Childs, 2012) the article will trace specific gendered claims of Islamist women in PJD.

In order to explore the newly emerging phenomenon of representation of Islamist women, the paper considers PJD women's claims to be a result of three variables- public

attitudes towards gender roles in Morocco, specific party ideology and women's internal position inside the party. Generally, Islamist parties reject egalitarian concept of gender and often push for less favorable legislation towards women. However, even in this sense their positions have been subjected to change depending on the level of moderation of their illiberal ideology (Jamal and Langohr, 2009). Therefore, the main question remains, how have the Islamist women been able to reconcile their commitment to socially conservative party and its female electorate with the more egalitarian/ liberal demands of the broader feminist movement in Morocco? Gender constructions and reform initiatives of PJD women will be compared to those of the most popular, albeit illegal Islamist movement Justice and Benevolence (JB). This way, we can find whether there are differences between the dominant interpretations of both Islamist actors and therefore whether PJD substantively represents Islamic feminists and non-feminist conservative women in Morocco.

Substantive representation and conservative claims

Substantive representation is traditionally analyzed as the degree of gender accountability, or 'responsiveness to women's interests' (Pitkin, 1967). Fewer studies reflect the question of which women should be substantially represented. Women's interests are a broad category and they often significantly diverge within particular society. Traditionally, conservative claims were disregarded as symptoms of false consciousness unintentionally or intentionally harming women's interests (Celis and Childs, 2012). Nonetheless, conservative parties in many countries have recently become more successful in descriptive representation than their leftist counterparts. But even the right-wing parties differ in terms of conservative claims. Women from socially conservative parties are generally more active in making non-feminist claims than women from economically conservative parties, because gender relations are central to their ideological beliefs (Celis and Erzeel, 2015). This is especially true for religiously motivated parties. The ideas about complementarity of both genders, instead of equality stressed by these parties, constitute the core of conservative claims regarding women (Celis and Erzeel, 2015).

As such, the often implied link between female identity / feminist awareness and representatives' substantive behaviour often goes against the reality, especially in MENA countries. Because women do not form a homogenous group, responsiveness, which is crucial

for substantive representation, may also arise if ‘complementary, competing and conflicting views on what women, and their interests and needs are, are represented’ (Celis and Childs, 2012; Weldon, 2011). Moreover, responsiveness to the diverse needs of different women (progressive secular feminists on the one end and conservative, religious and anti-feminist women on the other) can be regarded as a precondition for more complex democratic representation of women (Celis and Erzeel, 2015). In this sense, conservative representative claims and actions are understood as part of an economy of gendered representative claims (Celis and Childs, 2012). On the one side of the scale of representative claims are liberal feminists, who generally support the bills aimed at advancing feminist or progressive visions of women’s roles (e.g. equality of women’s standing in family law; protection of women from domestic violence, honor crimes and sexual harassment; ban on female genital mutilation; gender parity in childcare; facilitation of access to education, employment and health care for women and expansion of their reproductive choices). Kardam (1997) defines these issues as gender-sensitive policies. Conservative women at the other extreme of the scale usually support non-feminist bills, which reify women’s traditional roles by limiting access to contraception and abortion and/or by affirming motherhood as a supreme women’s role essential for the society (Piscopo, 2014).

Conservative women may differ in terms of priorities and attitudes as much as across other, mainly leftist or secular parties. Women in conservative parties also usually exhibit more liberal views than their male counterparts. However compared to the leftist parties, they fare much worse in terms of support for feminist issues (Reingold, 2006). Scholars generally study substantive representation in three dimensions (1) policy style, agenda, and outcomes, (2) legislative voting, parliamentary roles, and ideological values, or (3) attitudes, priorities, and policy promotion (Wängnerud, 2009). In the Moroccan context, with scarcity of data concerning the actual working of the parliament, I have chosen the third option. By looking at the attitudes, priorities, and policy promotion of Islamist women we may encounter that they pledge on ‘safe’ issues rather than addressing domestic women’s issues which go against the embedded social norms and the preferences of their particular party (Childs et al, 2010). Socially conservative Islamist ideology binding to all members, women’s roles and positions within the party, as well as societal and individual preferences may explain this phenomenon.

The paper will study the claims of women representing Islamist Party of Justice and Development (PJD) in Morocco. PJD was allowed to participate in politics uninterrupted for almost two decades, which is somewhat unique in case of an Islamist party. This allows us to study the development in women’s participation and their representative claims over time. In

2011 PJD formed coalition government and currently commands large popular support. It is also more moderate than other similar movements and parties across the Arab world. As Celis and Childs (2012) note, one may judge substantive representation of conservative women by searching for congruency (responsiveness) between conservative representative claims and the views of conservative women in society. In line with this research design, the first section of the paper studies what constitutes PJD women's claims and why. In the second section of the paper I study responsiveness of these conservative representative claims by comparing them with the views of the most popular Islamist association- Justice and Benevolence (JB).

As already mentioned, the attitudes, priorities, and policy promotion of Islamist women are to a great degree result of state feminism and public opinion; party ideology and internal positional power of women. Therefore it is especially important, before moving on to their representative claims, to assess these aspects accordingly.

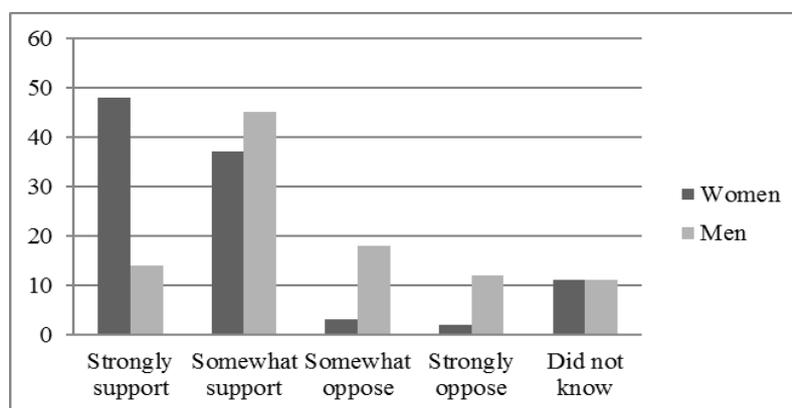
(1) The role of state feminism and public opinion in claim-making

Morocco has been marked as one of the most promising examples of women-empowerment in the Middle East and North Africa region (MENA). In 1997 four women were appointed as ministers and three years later, governing party Socialist Union of Popular Forces became the first one to implement party quotas for women (Ballington et al, 2012). The new modernist king Mohammed VI. assumed power in 1999 which marked the beginning of discussions on employment of quotas on nation-wide level. These efforts were finalized in an informal agreement of political parties in 2002 and reserved 30 of the 325 seats in the lower House of parliament for female candidates (Sadiqi, 2010). This amount of seats has been increased after electoral reform of 2011, and women gained 60 seats out of 395 (Darhour and Dahlerup, 2013). Thus the proportion of women increased from 10 per cent to 17 per cent in 2011 elections. Quotas in Morocco are based on closed party lists in proportional system, while the rest of the chamber is elected in 92 local districts. However, reserved seats have not successfully challenged the male-dominated political system, due to a very slim margin of additional women (about 2%) elected via local district seats (Lloren, 2014). The Moroccan King also played a vital role in pushing through the controversial reform of the Family code, which granted women significant rights in terms of marriage, divorce and limits on polygamy (Cavatorta and Dalmasso, 2009). Besides feminist activists, the newly granted venues for

women's representation have also empowered conservative women, mainly from Islamist party PJD. The pro-feminist steps taken by the King are not generally agreed upon by political parties. In fact, the progressive steps towards gender equality are contested mostly on the account of the social reality of traditionalist Moroccan society.

As a standard political party aiming to win as many seats in the parliament as possible, PJD is essentially populist and conforms to public opinion on women's issues in Morocco. On the one hand, on certain accounts the experiences and views of the public are more progressive than the country's laws. When looking at the latest results of World Values survey, we find that when asked whether Moroccans agree that "Women have the same rights as men" overall results reached 7,9 points (where 10 means completely agree¹⁴). Interestingly, this score is the highest among all countries of Middle East and North Africa. However, social conservatism or rather gender gap can be observed when delving into specifics of what this equality entails. For instance, we may look at the public opinion about the scope of the Family Law reform. As seen from the Graph 1 women tend to be largely more supportive of the reform than men.

Graph 1: Support for the reform of the Personal Code¹⁵

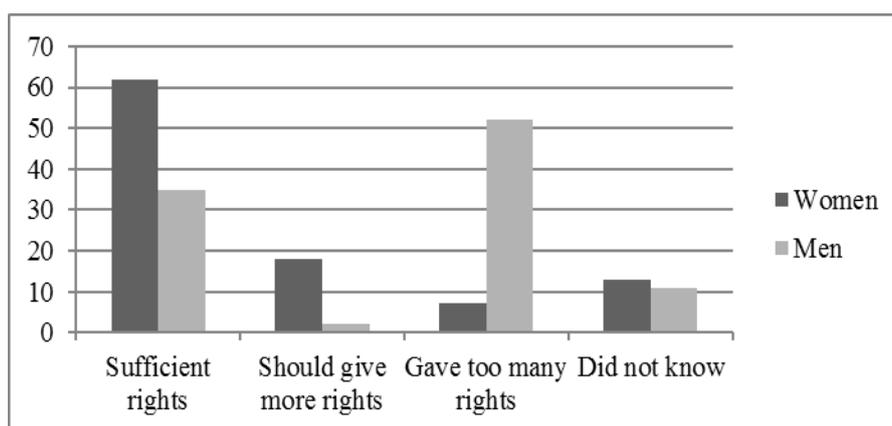


At the same time, it is notable that majority of women consider the current form of the law to be satisfactory (Graph 2), even though the reform left many issues, such as inheritance, family duties and violence against women, unresolved. This trend reveals that observations about traditionalist society in Morocco are largely valid.

¹⁴ See: <http://www.worldvaluessurvey.org/wvs.jsp>

¹⁵ IFES: Focus on Morocco. Opinions on the Family Law and Gender Quotas. Topic Brief June 22, 2010, see: http://www.ifes.org/~media/Files/Publications/Papers/2010/swmena/2010_Morocco_Quotas_and_Family_Law_English.pdf

Graph 2: Satisfaction with the reform of the Family Law¹⁶



Finally, when analyzing the results of Pew Research poll¹⁷ interesting trends emerge as well. Concerning the traditional gender constructions expressed by Islamist women in PJD, they seem to be based on a close examination of public attitudes. When asked whether a wife must always obey her husband 92 per cent of respondents agreed. Furthermore, only 15 per cent agreed that sons and daughters have equal inheritance rights. Researchers attribute these positions to existing legal framework. Where more egalitarian laws were adopted in the past (even if by means of forced secularization), people tend to be more supportive of these rights. To illustrate, in Turkey 88 per cent of people agreed with equal inheritance rights, as these have long been part of the legal framework. These data illustrate that the more feminist female representatives are needed in order to legally challenge the current patriarchal system in Morocco. However, women representatives of PJD tend to reflect the status quo in order to gain political power rather than fight against the embedded inequalities.

(2) The role of party's ideology in claim-making

Islamist parties instrumentalize *shari'a* (Islamic law), which has traditionally served as theological and ethical concept and put it on equal terms with *fiqh* (Islamic jurisprudence), which is a human creation and as such cannot claim to have divine authority. In many Muslim countries their usage of out-dated classical jurisprudential texts conserved patriarchy and lead to regressive gender policies, such as compulsory dress codes, gender segregation and inferior roles of women within the family (Mir-Hosseini, 2011). This on the other hand forced many

¹⁶ *ibid*

¹⁷ Pew Research poll: The World's Muslims: Religion, Politics and Society. April 30, 2013. See: <http://www.pewforum.org/files/2013/04/worlds-muslims-religion-politics-society-full-report.pdf>

women to reconsider the link between patriarchy and Islamic religion, by using political Islam as a language to critique gender biases in family laws and beyond. As Mir-Hosseini argues, “they [Islamists] don't say that women have no rights – after all, the language of political Islam is also one of rights. Rather, they claim that Islam gives women all the rights they need, though, what this actually means for women is, for all practical purposes, the same patriarchy” (Sikand, 2010). Whilst Islamic feminism is very fluid and diversified phenomenon, formalization of religious tenets by the Islamist parties inhibits genuine progress in reinterpretation, as the party prefers to advocate ‘fixed constants’ instead of an open approach to women’s issues.

PJD publicly demonstrated its vision of gender equality in March 2000, when it co-organized massive rallies against the proposed reform of Family Law (*Moudawana*). Islamists mainly disagreed with the abolition of polygamy and women’s right to conclude marriages without guardian. The protests also targeted secularists and feminists thought to be “manipulated by West to harm Islam” (Wegner, 2011: 87). Their protests in Casablanca far outnumbered largely secular feminist marches supporting the reform in the capital Rabat. Reform was criticized by the Islamists mainly on the basis of its inconsistency with Moroccan identity, culture and religion (Chaara, 2011). Under this pressure the Family Law had to be redesigned and reworded in order to fit Islamic frame of reference. Otherwise, the reform would be considered by a large amount of public, including Islamist women, as an anti-Muslim act. Legitimization by the Koran was therefore seen as a necessary tactical shift to push through the changes to inferior status of women in Morocco.

The progressive reform of Family Law, however does not mean its tenets are being applied in practice. First, there is a gap between the wording of the laws and its implementation by various conservative judges in the country. Second, Morocco is oscillating between its modernist image exemplified by recognition of universal human rights and its Islamic character also stipulated within the Constitution. As PJD’s Minister of Justice Mustapha Ramid claims "Equality should prevail with respect to human rights, but it should not lead to a confusion of the sexes and their roles" (Kaiser, 2014). This statement signifies there is no political will on the side of PJD to reform the discriminating laws on inheritance and unequal treatment of women and men in the eyes of the law. Support for polygamy, imbalanced inheritance rights, and a traditional division of gender roles both in public and private life obstruct PJD’s popularity in more progressive circles. In Morocco, polygamy is legal but severely restricted under the new Family Law. However, at least two prominent

ministers from PJD- Mustapha Ramid and Abdellah Baha- boast of being polygamous. They defend this practice, claiming that "it can offer a solution, not a problem" (Rapp, 2008).

PJD generally argues, that one of the party's priorities is gradual empowerment of women in the country. In the latest electoral programmes, the party stressed issues, which are not usually in the Islamists' dictionary, such as promotion of women's work outside the home and the need for building more pre-school facilities to enable women to strengthen their public roles (Hill, 2011: 1099). In terms of concrete steps, the party has so far engaged in advocating laws against violence on women, laws advocating equality of women and men in the workplace and gradual ban on the work of underage women¹⁸. However, the construction of family roles in line with the party's interpretation of Islam remains to be the most contentious issue in PJD's ideology. There has certainly occurred a gradual ideological shift. Nonetheless, these changes are limited by the party's Islamist character. In practice, this means that the highly loaded issue of traditional gender roles is replicated by women members as well. Otherwise they would face strong criticism from male-dominated leadership for straying from their original doctrine.

(3) The role of internal positional power of female representatives in claim-making

Patriarchal and authoritarian structures of the state are generally reflected in the exclusion of women from internal decision-making in all the Moroccan parties, regardless of their ideology (Sadiqi, 2010). Islamist PJD set up an internal 15% quota for women in its regional offices (Benbarek, 2002). According to a prominent member of PJD Lahcen Daoudi, women currently make up around 15-20 per cent of the whole membership, which reflects their percentage in workforce (Bennani, 2007). However, in terms of their decision-making power, there are currently only two women in the executive General secretariat. In comparison, popular secular parties such as Istiqlal, Socialist Union of Popular Forces (USFP) or Party of Progress and Socialism (PPS) have given women more space inside the party structures. For instance, Istiqlal assigns 20 per cent of its executive committee to women (roughly 20 seats), while socialist USFP assigns 20 per cent of the seats in its internal congress to women (Rapp, 2008). Female members of PJD thus still face enormous obstacles in reaching key internal decision-making structures, namely General secretariat or *Shura* council. This is either because of their personal detachment from higher politics, patriarchal traditions or resistance

¹⁸ Author's interview with prominent member of PJD, Rabat, July 2013

from male leadership (Pruzan-Jørgensen, 2012). As one female representative of PJD stated “our members are fairly representative of the Moroccan society. Some of them would still not allow a woman to attain position of responsibility” (Bennani, 2007).

Female members of PJD are organized inside a parallel women's section- Organization for the Renewal of Women Awareness (ORWA). Such a division of labor inside a political party is not exclusively related to Islamists. For instance, secular PPS created its women's section already in 1985 under the label of Democratic Organization of Moroccan Women and two years later Istiqlal party followed the suit with Union of Feminine Action (Rapp, 2008). However, Islamic sanctioned design of a separate section for women creates barriers to their political activities. Women are supposed to act within the boundaries of “women's issues” as set by the patriarchal male-dominated structures of the party. It also results in segregation of women inside the party (Clark and Schwedler, 2003). As the female leader of ORWA, Bassima Hakkaoui argues “..women and men evolve in the same political sphere. Several experiments show that separation of women in a specific organization often condemns them to occupy themselves only with the issues that affect them as women” (Bennani, 2007). She further elaborates that women should engage more in public debates, not just those that concern women issues. Hakkaoui also admitted that although the party publicly utilizes her high-profile image, within internal meetings her position is often questioned. ORWA's lack of concrete steps in terms of empowerment of women may be ascribed to their unwillingness to alienate important men within the party (Gray, 2014: 123). As Hakkaoui claims, it's not the patriarchy of society that reflects into politics, but on the contrary “Society is demanding greater rights for women, while there are some men in positions of power who have a problem sharing this political power with women” (Ouchtou, 2012).

Women are important for PJD in several ways. PJD systematically raises the number of women inside the party in order to convey the image of modern and open party and to escape further criticism (Bennani, 2007). Additionally, the Moroccan government provides financial incentives to parties enlarging female membership bases and nominating women to elections. Even if leaders are not at ease with more women assuming positions of power, they recognize that the proposed Islamic society is better when worn by a woman. This is also influenced by the specific nature of Moroccan monarchy, which sanctions overusing of Islamist ideology and at least symbolically champions gender equality. Women members and candidates are therefore often accused of serving to propagate and legitimize the party (Rapp, 2008).

Female members of PJD first acted as an important vehicle for gaining votes, either as volunteers during the election campaigns and monitoring or in mobilizing conservative women's votes. PJD thus soon realized that female candidates in elections may help the party win more mandates in parliament, especially under quota system. As one female member of PJD argued, "We have easy contact. A woman can enter every home while the man cannot. People open up more easily to women. This is our strength"(Bennani, 2007). PJD women proclaim they make use of the idea that women are more effective in positions of responsibility and less corruptible. Furthermore, almost 94% of female PJD candidates for elections hold university degree, appear cultured and well integrated into political life. Internally, PJD women largely fulfil duties such as those found in other Islamist movements, for instance organizing district meetings, assisting education and propaganda activities, organizing seminars, forums, and conducting door-to-door campaigning. However, the extent of their specialization in the party is largely unknown. It remains questionable whether it follows similar pattern to Islamist AKP in Turkey, where recently mostly urbanized lower middle classes undertake grassroots activities and less religiously conservative women from upper middle classes are active in the higher ranks (Narli, 2006).

From all Moroccan parties PJD has had the largest absolute number of women in parliament and highest male-to-female ratio of its MPs (14,3 % of total seats in 2002, 12,7 % in 2007 and 16,8 % in 2011¹⁹). Thus paradoxically, as in many parliaments in the world, the party with most female representatives is not necessarily one with a pro-feminist stance (Darhour and Dahlerup, 2013). Currently, the number and percentage of PJD women parliamentarians largely outweighs that of other parties in the Moroccan system. Nonetheless, PJD seems to rely on women MPs as 'tokens' or proxies who enlarge their presence in parliament and due to the strict party discipline may help deliver voting for selected bills. To illustrate Islamists reluctance to give decision-making power to women, consider the make-up of the latest PJD's coalition government. Only one woman from PJD became minister-Bassima Hakkaoui, who has already held a seat in PJD's general secretariat. This move was highly criticized by women's organizations in Morocco as a huge departure from previous government which included seven women.

Women of PJD generally defend this decision by stressing the democratic method of nomination, where "the women of the party participate..and the appointment of one female minister..was a democratic choice made by all the members of the party, regardless of gender"

¹⁹ Inter-Parliamentary Union, See: <http://www.ipu.org/iss-e/women.htm>

(Haitami, 2013). This decision may have been taken through democratic means albeit in a party which strongly supports the patriarchal *status quo*. Besides, this procedure for nominating ministers is also used when deciding about the female candidates in elections on reserved women's list. The fact that central organs of the party are responsible for nominating female candidates gives the upper echelons a great leverage to filter what kind of women are placed in parliamentary seats in order to prevent more liberal women assuming positions of power. Traditionally, PJD women attain seats in parliament through these quota arrangements, because they are hardly ever able to secure constituency vote. This is unfortunate because nomination procedure in constituency vote is delegated to regional offices, which may offer more liberal women a chance to gain power. The eagerness of female members of PJD to defend their party regardless of outcomes for women therefore results from their weak internal power (and the fact that the undesired women are being filtered by the leadership), acceptance of party's ideology and reflection of general public attitudes in Morocco.

Attitudes, priorities, and policy promotion of Islamist women in PJD

The main issue upon which substantive representation can be adequately judged is the construction of gender roles in family (including for instance equality in marriage, marital life, marriage dissolution and inheritance). In the words of a famous Islamic feminist Ziba Mir Hosseini "the issue of gender relations within the family... actually relates to the core of power in society at a broader level. Since the family is the basic unit of society, only if there is justice and democracy within the family can you possibly have justice and democracy in the wider society" (Sikand, 2010). On the one side of the spectrum of gender roles in family is the liberal feminist construction of gender equality. On the other side is the traditional/ patriarchal construction. Through analysis of conservative claims by female PJD representatives we can illustrate the type of gender roles these women propagate. We may also posit these claims on a scale. The following part will mainly analyze official positions of Organization for the Renewal of Women's Awareness (ORWA), which is the umbrella for all female members of PJD party and of its leader Bassima Hakkaoui. Hakkaoui is not only a heavy-weight inside PJD but since 2011 she has served as Minister of Social Affairs. This ministry is currently under the watchful eye of fellow Islamic and secular feminists as its agenda deals precisely

with the issues considered to be the basic barriers to gender equality- family roles. Therefore substantial representation of PJD women will be studied in this context in further detail.

The PJD's women parliamentary group launched two associations in mid 1990s- The Zahra Forum and ORWA. Zahra Forum is more of a cultural organization focused on issues related to development. It mainly champions the need to harmonize motherhood duties of women with work by creating nurseries at workplace, lowering retirement age for women and extending the duration of maternity leave (Eddouada and Pepicelli, 2010). ORWA is more political arm of Islamist PJD party which officially aims to "preserve authenticity and Islamic identity" in relation to women and implement "women's rights in conformity with the *shari'a*". It stresses the need for "validation of the role of the wife ... in the preservation of family cohesion and instruction of wives in their rights and duties according to the teachings of Islam." It calls for "the adoption of laws in conformity with the vision of Islam in all areas of women's lives" (Eddouada and Pepicelli, 2010). In order to present PJD party as continually less dogmatic Hakkaoui argues that unlike Muslim Brotherhood in Egypt, PJD does not consider Islam as its religious and political programme. She specified PJD party's goals as national development reconciled with Moroccan cultural and religious traditions, where neither the term secular nor Islamist capture its political ideology fittingly (Gray, 2014). Yet her women's section usage of traditional religious vocabulary and construction of conservative division of gender roles is fairly apparent.

In terms of more concrete steps towards empowerment of women Hakkaoui argues that maternity leave should be extended to six months instead of three, vacation days should be harmonized with school calendar in the interest of working mothers and day-care centers in workplaces should be established (Gray, 2014). As can be seen, PJD women basically claim to represent family issues which are considered to be in line with feminist perceptions. However, they are more concerned with the overall family rather than individual women's interests. For instance, the PJD's women section established that if a man is able to secure family, woman should not work outside home. Housework shall be considered as a regular profession and possibility of paternity leave is outright rejected as non-Islamic and contrary to proscribed gender roles (Eddouada and Pepicelli, 2010). Hakkaoui rejects the idea of paternal leave on the basis of conservative-religious reasoning but also pragmatically asserts that "our men would jump at the opportunity to take parental leave, but they would not spend a minute actually taking care of the baby" (Gray, 2014: 121).

Hakkaoui notes that "the concept of justice is broader than that of mere equality, which is limited to the goal of securing uniform treatment, and as such implies greater rights

for women. She believes that justice is a way to avoid confusion of gender roles and thus to recognize the value of a woman's role as a wife and a mother“(Eddouada and Pepicelli, 2010). In a traditional setting such as that of Morocco, an accent on complementarity aims to secure rights of those women who chose to take care of a family instead of working. As she states ”equality...leads to confusion and depreciation of a woman's role as a wife and a mother” (Gray, 2014: 121). However, when delving into specifics of women's section legislative preferences, ORWA presents fairly illiberal stances. Two issues are of particular importance- their position on reform of Family Law in Morocco and on international gender treaties.

Women inside PJD do not push for any further changes to the current laws pertaining to family and women. This is most obvious in the case of inheritance law, which even after the reform is still under the influence of *shari'a* and discriminates against women's share. Regarding this issue Hakkaoui presents the notion articulated in the male-dominated ideology of the party. She states that "Men get more in some cases because they have to protect and provide for the family," emphasizing: "I believe in God's justice" (Vogel, 2011). Islamist women have also praised polygamy as a tool for protecting the family unit instead of focusing solely on the individual. What is more striking, even some PJD women living in polygamous marriages defend this practice (Gray, 2014).

The ORWA women are also outspoken against “the importation of western laws and laws incompatible with life in Morocco as well as adherence to international treaties that do not conform to Islamic standards” (Eddouada and Pepicelli, 2010). The June 2011 constitution stipulates supremacy of international gender obligations over national laws, which was seen as a step towards full implementation of CEDAW Convention. However, the only female minister from PJD, Bassima Hakkaoui, recently voiced her reservations about the CEDAW's article 16 granting parity to men and women in family codes as a violation of principles of Islam. Legally, her peers make use of the Constitution according to which certain constants such as “immutable national identity” have to be protected irrespective of international conventions (Elboubkri, 2013). Hakkaoui also accounts that article 9 of the CEDAW Convention curtails Morocco's character as a Muslim state and infringes on its principle of sovereignty (Ouchtou, 2012).

Besides her ideological conservatism, even Hakkaoui's agenda as a minister of Social Affairs came under fire several times since 2011. Hakkaoui's current Governmental Plan for Gender Equality (2012–2016) was inherited from a previous government. The plan receives financial support from the European Union and its primary aims are: increasing access to

education and health for women, equal opportunities in the labor market, equal access to public office and the strengthening of women's economic and social independence and political participation. However, the document has been reworded to include the need to implement this strategy in harmony with Islam and Moroccan family values, which lead many secular/ liberal feminists to argue its future inefficiency and reduction of the issue of equality to "welfare and charity" (Zeino-Mahmalat, 2014). Moreover, regarding the penal code, in 2012 Hakkaoui described the article 475, which allows rapists to go unpunished if they marry the victim, as not necessarily unfair to the victim. Widely publicized suicide of a minor Amina Filali in March 2012 who suffered abusive marriage under this stipulation, forced PJD majority parliament to abolish the controversial clause. Also, the 2013 law criminalizing sexual violence and harassment devised by the Hakkaoui's ministry was deemed to concentrate too much on the punishment of the perpetrators, while ignoring social discrimination against women.

As we have seen, representative claims of female PJD members can be considered non-feminist or anti-feminist. In this sense, the president of the women's section Hakkaoui rather translates official party line and its discourse on women. They do not propose any concrete legal changes to the Moroccan women's status quo. However, PJD's treatment of women issues is not any different from Moroccan secular parties' (Ramírez, 2006: 114). This shows that the way political scene is set and structured has deep repercussions for women activism. As we will see in the next section, in the associational sphere, women have more leeway to pursue feminist agenda.

Do PJD women substantively represent conservative women?

PJD is the only legally accepted Islamist party operating in political system of Morocco. Therefore it is necessary to analyze whether the above mentioned conservative views of women from PJD are in congruence (Pitkin, 1967) with the views of a segment of society they claim to represent. If so, we might argue that women of PJD substantively represent conservative women. The spectrum of conservative Islamist women in Morocco is rather varied. On the one hand, there are female activists from PJD who choose to work from within the system, regardless of the patriarchy within the party and the male-dominated ideology they represent. It offers them a good starting point due to the current political strength of PJD and its position in government. However, secular activists argue that Islamist women are not part of the women's movement because their supreme cause is Islamic state where women are secondary (Salime, 2007: 14). On the other hand, there are those who

choose to work outside the system, either in extremely popular anti-regime Islamist movement Justice and Benevolence (JB) or unaffiliated by starting their own projects and NGOs. Furthermore, there are many Muslim women, mostly scholars, propagating the 'third way' who deem Islamist parties unreformable and propose religious reinterpretation to enforce full-fledged equality in the family and beyond.

As I have previously shown, female members of PJD party mostly represent their party's conservative ideology and contrary to what the literature suggests they are not necessarily more liberal than their male colleagues. The only exception is Islamist women stances on the importance of women's political engagement and assumption of more important positions within the party. For PJD women the quest for numerical strength and political empowerment thus overshadows the need for more progressive reinterpretation of women's roles within society and family. Considering the main issue inducing change in gender attitudes and their access to equal political opportunity- construction of family roles- Islamist women from PJD offer rather conservative, anti-feminist claims.

Therefore, in the next section, I analyze, whether these claims are representative of a section of women within Moroccan society. As Celis and Childs (2012) note, one may judge substantive representation of conservative women by searching for congruency (responsiveness) between conservative representative claims and the views of conservative women in society. By comparing ideology of PJD women with that of the most popular Islamist social movement Justice and Benevolence, we can trace whether their gender constructions are in congruence with conservative women's movement in place.

The Sufism-inspired movement JB is also a conservative religious movement, however its track-record in terms of gender equality is more positive, when compared to PJD. What is striking, unlike PJD, the more popular albeit illegal Islamist movement, has almost achieved gender parity within its structures. Currently it claims to have around 50 per cent of female members even without the formal adoption of internal party quotas (Rapp, 2008). This is in large part due to the activism of women's rights champion and vocal representative of Islamic feminism, Nadia Yassine, who is the daughter of the movement's founder and acts as a spokes-woman (Rapp, 2008). Women in this Islamist movement are nowadays present all throughout the movement and even constitute one-third of its leading figures, including those in executive positions, in committee of Islamic experts and partly in its supreme body- 'political circle' (Pruzan-Jørgensen, 2012). Female members are also said to be extremely active in all domains of the associations' work (Cavatorta, 2007: 389).

While conservative on social issues, the movement is more favorable to equality of sexes than PJD. Albeit initially opposing the reform of Family Law the movement finally accepted it under the internal pressure of the women affairs section (Cavatorta, 2007). The movement's focus on women's issues and gender equality is closer to the Islamic feminism than the ideology of PJD. Women in JB advocate reinterpretation of woman's role in original Islam as the basic instrument for a reform. As Nadia Yassine asserts "Our religion is very much friendly to women. In theory, in our sacred texts, we have many rights. But the men, these little machos, have robbed us of that. It's their fault that the whole world believes the opposite" (Spiegel, 2007). She also argues that unlike Western women, who had to fight for their rights, Muslim women lost theirs over the years, and therefore they need to find their own "remedies". To that end, JB recently championed an initiative to train women as religious scholars in order to disseminate their vision of more equal rights for women under Islam (Rapp, 2008). The PJD women's concentration on fixed principles or "constants" is therefore in sharp contrast to the dynamic approach of the more popular conservative Islamist movement in Morocco.

When asked about the reasons for the rejection of the first Family Law reform proposal, Nadia Yassine argued that it was not the reform of legal status of women *per se* that was the driving force behind Islamist protests, but rather it is cultural and political framing, disengaged from Islamic references (Eddouada and Pepicelli, 2010). Now she admits that political reasons were also at play. JB sees Moroccan monarchy as the primary reason for the lack of women's rights, regardless of the modernist image and progressive laws adopted. Corruption and favoritism, according to the movement, obstruct social development as well as employment and education opportunities for women (Spiegel, 2007). Even though she openly speaks of the possibility of legislating according to *shari'a* if democratically demanded, she also mentions the need to lead a dialogue and finding the least common denominator among the political forces. Probably the biggest difference between the approach of JB and PJD is that Nadia Yassine was free to argue that the Family Law reform did not do enough. She claims that "the new law should go much further in giving a woman the right to state her conditions for accepting polygamy and repudiation. And it has completely failed to address the question of women's inheritance" (Spiegel, 2007). Yassine sees the discrepancy between number of female candidates and those elected as a result of a society which is even more conservative than the political parties (Rapp, 2008).

Justice and Benevolence feminist organization INSAF, when compared to ORWA, has rather negative views of polygamy and favors nuclear family model and women's activities

outside the home. Its members generally argue for feminist interpretation of religious texts, which puts them in Islamic feminist category, unlike PJD women (Chaara, 2011: 5). INSAF members are also more concerned with the private space of women, where they advocate emancipation of women via education and more egalitarian family and professional obligations. Nonetheless, currently JB women do not propose their own particular model of the rights and responsibilities for women within a state. In fact, JB long discussed the need to bring down the Moroccan monarchy and install Islamic state. For women's section this means that they are responsible for educating Moroccan people about the equality women and men enjoyed in the times of the Prophet Muhammad, before such a state is established (Ramírez, 2006: 116).

To conclude, the essential difference between the women of PJD and JB lies mainly in their ontological presumptions. While women from Justice and Development Party largely prefer to deal with the notion of "gender complementarity" as a cornerstone for cohesion of family and community, women from JB seem to be more concerned with "gender justice". Gender complementarity implies that women's rights derive from their relation to men. It reaffirms traditional stereotypes and bestows leadership role in the society and politics to men. On the other hand, Yassine's Justice and Benevolence stresses that women should attain education and pursue professional career as an essential step towards gender justice. This basically flows from JB's recognition of individual woman's agency (Gray, 2014: 118). The concept of complementarity is not exclusive to Islamists but can also be found in Catholicism. However, Islamist women of PJD are less representative of conservative women in Morocco due to their ideological rigidity and their lesser position in internal structures which forces them to succumb to male-dominated frames and constructions. Additionally, because PJD is a standard political party it needs to carefully consider public opinion, which is largely far from progressive. This distinguishes them from women in Justice and Benevolence association, who understand the challenges of societal traditionalism, but aspire to slowly change this status quo. Therefore, PJD women's substantial representation of conservative women in Morocco is rather weak.

Conclusion

To summarize, when studying conservative claims of PJD women, these seem to be in accordance with general attitudes in society, which hints at a degree of substantive representation. However, women of PJD tend to hold more conservative attitudes towards

gender roles than women from the most popular Islamist movement Justice and Benevolence. As the paper has shown, female members of PJD, contrary to what the literature suggests, are not necessarily more liberal than their male colleagues. The only exception is PJD women's stances on the importance of women's political engagement and assumption of more important positions within the party. Considering the main indicator of gender egalitarian attitudes- family roles- Islamist women from PJD offer rather conservative, illiberal and anti-feminist constructions. This is rooted in several factors. Firstly, political sphere, unlike the associational, is still overly dominated by male-dominated and rigid ideology of political parties. This is especially true of socially conservative religious parties. Secondly, political parties tend to reflect the public attitudes more closely in order to maximize their vote-gaining potential. Therefore PJD women utilize conservative attitudes found in the society, unlike women from JB who strive to change the *status quo*. Thirdly, PJD's women find themselves in inferior positions within the party, when compared to JB. The internal nomination procedure also successfully filters undesired women who could potentially stray from the official party line.

Even if we consider women from Party of Justice and Development to be substantive representatives of conservative women in Moroccan society and part of the "economy of gendered claims" (Celis and Childs, 2012) normative issues necessarily arise. Current underrepresentation of women in Morocco and their inferior status can hardly be challenged by maintaining the status quo. Inability and unwillingness of PJD women to push for more progressive legislation creates a vicious cycle, because as seen from the societal attitudes towards family roles, more egalitarian legal framework may induce cultural change over time. Therefore currently women representing PJD advocate from policy platforms that may be damaging for women's political, economic, and social freedoms in the long-term (Rapp, 2008).

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The Department of Political Science was founded in September 1990 and is one of the youngest departments at Comenius University's Faculty of Arts. It was political changes after 1989 which created conditions for the science of politics to constitute itself as an independent academic discipline not only at the faculty, but also in Slovakia. For the twenty-five years of its existence, the department has succeeded in laying good foundations for high-quality teaching and research in a field that is still one of the youngest social sciences. Despite its relatively small size in terms of the number of full-time teachers, the Department of Political Science is nowadays, given its faculty's wide involvement in research activities at home and abroad, membership in international political studies associations and publications in prominent domestic and international indexed journals, a centre of Slovak political studies.

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