

**THE IMPACT OF POLITICAL STRUCTURES ON 3RD PARTY  
INTERVENTION**

**By  
ALEXANDRU BALAS**

Submitted to the Graduate School of Arts and Social Sciences  
in partial fulfillment of  
the requirements for the degree of  
Master of Arts

Sabanci University  
Spring 2006

© Alexandru Balas 2006

All Rights Reserved

# THE IMPACT OF POLITICAL STRUCTURES ON 3RD PARTY INTERVENTION

Alexandru Balas

Conflict Analysis and Resolution, MA Thesis, 2006

Prof. Dr. Ayse Betul Celik

Keywords: 3rd party intervention, political opportunity structures, Europeanization, conflict transformation, transposition

European Union's conflict transformation approaches are best known in the framework of the Europeanization process of Central and Eastern Europe. Little is known about the European Union's 3<sup>rd</sup> party structural transformation intervention into the social conflicts taking place inside the European Union.

Many Member-States of the European Union experienced over the last decade an increase in the social conflict involving Muslim communities. The E.U.'s bodies and institutions are the most suited to address such an European-wide conflict.

As a 3<sup>rd</sup> party, the European Union uses a structural transformation approach to address this conflict, through legislation and policies aimed at changing the structures of the Member-States. However, the 3<sup>rd</sup> party intervention of the European Union depends on the capacity of the Member State's political structures to adopt the requested legislation and policies which address the conflict.

The research question is: Do political opportunity structures impact the process of 3<sup>rd</sup> party intervention in the context of the European Union? Political opportunity structures is operationalized as institutional arrangements (centralized vs. decentralized) which allow for an easier or more difficult filtration of 3<sup>rd</sup> party intervention mechanisms coming from above the state level. Political culture is also taken into account in relationship to the institutional arrangements. The process of 3<sup>rd</sup> party intervention has two phases: transposition and implementation.

The research methods used were comparative case studies (France and Spain) and secondary data analysis. The conclusion is that political structures impact the process of 3<sup>rd</sup> party intervention in an insignificant way and are not influential on the levels of conflict.

# POLİTİK YAPILARIN ÜÇÜNCÜ PARTİ MÜDAHALELERE ETKİSİ

Alexandru Balas

Uyuşmazlık Analizi ve Çözümü, Yüksek Lisans Tezi, 2006

Prof. Dr. Ayse Betul Celik

Anahtar Kelimeler: Üçüncü parti müdahaleler, Politik fırsat yapıları, Avrupalılaşıma, uyuşmazlık dönüşümü, çaprazlama

Avrupa Birliği'nin uyuşmazlık dönüşümü yaklaşımları özellikle Merkezi ve Doğu Avrupa'nın Avrupalılaşıma metodu sistemiyle bilinir. Avrupa Birliği'nin üçüncü parti yapısal değişimlerinin Avrupa Birliği içindeki sosyal uyuşmazlıklara müdahaleleri hakkında çok az şey bilinmektedir.

Avrupa Birliğinin birçok ülkesinde, son on yılda Müslüman topluluklar ile ilgili sosyal uyuşmazlıklarda bir artış söz konusudur. AB'nin yapısı ve bünyesinde bulundurduğu kurumlar bu tür sorunların temellerinin aranması gereken en uygun yerlerdir.

Üçüncü Parti olarak Avrupa Birliği üye devletlerin yapılarını değiştirmeyi amaçlayan yasalar ve politikalar kullanarak bu tip uyuşmazlıklara bir yapısal değişim yaklaşımında bulunur. Halbuki, Avrupa Birliği'nin üçüncü parti olarak müdahalesi bu tip uyuşmazlıkların sebebi olan üye ülkelerin politik yapılarının talep edilen yasalara ve politikalara uyumuna bağlıdır.

Bu tezin odaklandığı araştırma konusu şudur: Üçüncü Parti müdahaleleri Avrupa Birliği bağlamında politik fırsat yapılarından etkilenir mi? Politik fırsat yapıları (merkezi ya da

merkezi olmayan), devlet'ten daha yukarıkadan gelen üçüncü parti müdahale mekanizmalarının daha kolay ya da daha zor işlemlerini sağlayan kurumsal düzenlemelerdir. Politik kültür bu kurumsal düzenlemelerde hesaba katılan bir diğer önemli unsurdur. Üçüncü parti müdahale süreci iki ana bölümden oluşur: çaprazlama ve uygulama.

Kullandığımız araştırma metodları, karşılaştırmalı durum analizi (Fransa İspanya) ve ikincil data analizidir. Bulduğumuz sonuç göstermektedir ki; politik yapıların uyumsuzluk düzeyine herhangi bir etkisi yoktur ve politik yapıların üçüncü parti müdahalelerine etkisi önemsizmeyecek kadar azdır.

## ACKNOWLEDGEMENTS

This research would not have been possible without the kind help and support of my supervisor, Prof. Dr. Ayse Betul Celik as well as my professor and thesis defense committee member, Esra Cuhadar-Gurkaynak. I thank them for their insightful comments and the continuous support and encouragement for the last two years and during the writing process of the thesis. I also want to thank Prof. Dr. Burak Arikan for his helpful comments on the thesis.

I would like to thank Professors Peter Eisinger, Herbert Kitschelt, Robert Rubenstein, Daniel Druckman, Tudor Onea and Dragos Stoica for their comments and support with their ideas regarding the thesis.

My colleagues and friends, Andreas Kotelis, Katharina Ploss and Athina Giannaki gave me moral support and helped my thesis with constructive criticisms. Aygun Nuh Dalkiran also deserves a big thank you for listening to my explanations and my late night struggles through the process of writing the thesis.

Last but not least I want to thank my family, my mother and my sister for their moral support and for transferring to me some of their energy, during the writing process of the thesis.

## Table of Contents

Introduction.....	pg.1
Chapter 1.Characteristics of the Conflict Involving Muslim Communities in EU.....	pg.4
1.1. Violent Attacks Perpetrated by Muslims.....	pg.5
1.2. Hate Speeches in the Name of Islam.....	pg.9
1.3. Violent Attacks Perpetrated Against Muslims.....	pg.9
1.4. Hate Speeches Against Muslims.....	pg.11
1.5. Conflict Issues.....	pg.12
Chapter 2. Literature Review.....	pg.17
2.1. Overview of 3 <sup>rd</sup> Party Intervention.....	pg.17
2.2. Particularist Approach to Conflicts.....	pg.20
2.3. Structuralist Approach to Conflicts.....	pg.23
2.4. Structural Causes of Conflict.....	pg.27
2.5. 3 <sup>rd</sup> Party Intervention Addressing Structural Causes of Conflict.....	pg.28
2.6. Types of States and Successfulness of Structural Transformation.....	pg.30
2.7. Political Opportunity Structures Influencing the Outcome of 3 <sup>rd</sup> Party Intervention.....	pg. 32
Chapter 3. Methodology.....	pg.39
3.1. Research Questions and Hypotheses.....	pg.39
3.2. Research Methodology.....	pg.40
Chapter 4. European Union as a 3 <sup>rd</sup> Party.....	pg.45
4.1. European Union-a Built-In System for Conflict Transformation.....	pg.45
4.2. European Union and Conflict Resolution – Historical Timeline.....	pg.46
4.3. Linking Integration & Peace: A Theoretical Perspective.....	pg.49
4.4. Europeanization of Central and Eastern Europe as a Conflict Resolution Mechanism.....	pg.50
4.5. Europeanization as a Conflict Resolution Mechanism Inside the European Union.....	pg.52
4.6.European Union Intervention in the Conflict Involving Muslim Communities.....	pg.54
4.7. European Union’s General Conflict Transformation-Framework of Analysis.....	pg. 59



Chapter 5. Political Structures of France and Spain.....	pg.65
5.1. Political Structure of France.....	pg.66
5.1.1. Institutional Arrangement.....	pg.66
5.1.2. Political Culture-General Features.....	pg.69
5.1.2.1. Political Culture-Laicite-Relations between State and Religion.....	pg.72
5.1.2.2. Political Culture-Relationship with the European Union.....	pg.75
5.2. Political Structure of Spain.....	pg.76
5.2.1. Institutional Arrangement.....	pg.77
5.2.2. Political Culture-General Features.....	pg.79
5.2.2.1. Political Culture-Relations between State and Religion.....	pg.80
5.2.2.2. Political Culture- Relationship with the European Union.....	pg.83
5.3. Conclusion.....	pg.83
Chapter 6. Research Findings.....	pg.85
6.1. Process-EU Charta of Fundamental Rights and National Constitutions.....	pg.88
6.2. Process- Transposition of EU Council Directives.....	pg.91
6.3. Process-Implementation of the EU Council Directives.....	pg.97
6.4. Conclusions.....	pg.102
Chapter 7. Concluding Remarks.....	pg. 107
Bibliography.....	pg. 115

## LIST OF TABLES

Table 1. Most Similar System Design-France and Spain .....	pg.43
Table 2. Transposition and Implementation of European Union's 3 <sup>rd</sup> Party Intervention.....	pg.101

## INTRODUCTION

All across the European Union, part of the Muslim communities seem to find themselves in a state of tension and conflict with non-Muslims or the states in which they reside. There have been a number of high-profile incidents involving Muslims (Madrid bombings, London bombings, the killing of Theo van Gogh, Paris suburbs' riots), as well as a number of less known incidents (mosques being burnt, Muslims being beaten or harassed, hate speeches against Muslims). The levels of the social conflict involving Muslim communities have been rising steadily for the past 5 years, since 9/11, in Europe, as well<sup>1</sup>.

Considering that this is an European-wide conflict, the European Union seems to be the most appropriate actor for a 3<sup>rd</sup> party role. Evidence suggests that some EU member states deal with the conflict better than others. For example, France witnessed higher levels of the conflict than Spain. In the case of France the riots of fall 2005 have just been the pinnacle of the conflict in that country. The levels of discrimination in France are also higher than in the case of Spain. This difference in the levels of conflict, even though the Muslim communities in France and Spain share many commonalities, determined me to search for a possible explanation. Thus, I am researching the European Union's attempt to address the conflict and understand if the political structures of the member states have an impact on the process of 3<sup>rd</sup> party intervention, at the levels of transposition and implementation. The research question is: Do political opportunity structures impact the process of 3<sup>rd</sup> party intervention in the context of the European Union? This research is part of the larger body of literature, which attempts to understand the factors influencing the process of 3<sup>rd</sup> party intervention. More specifically, the research tries to understand if structural factors (political opportunity structures) impact the 3<sup>rd</sup> parties in inter-religious conflicts.

Political opportunity structures are represented by the institutional arrangements (decentralized vs. centralized). I will also pay attention to the political culture not as an independent variable, but only in relationship to the institutional arrangements. By the process of 3<sup>rd</sup> party intervention I understand two distinct actions: transposition and implementation.

---

<sup>1</sup> In France, during the fall 2005 riots, over a period of 20 days, 8,973 vehicles were torched, 2,888 people were arrested and 126 policemen were injured.

“Nicolas Sarkozy sort renforce de la crise des banlieues”, *Le Monde*, November 17, 2005  
<http://www.lemonde.fr/web/articleinteractif/0,41-0@2-706693,49-710990@51-704172,0.html>  
(accessed on November 17 2005)

Transposition refers to the adoption into national legislation of the European Union requirements, while implementation refers to the policies which put in practice the requirements of the EU after it was transferred into national legislation.

The importance of this research cannot be emphasized enough. First of all, it allows a better understanding of the challenges a 3<sup>rd</sup> party could face in intervening in a social conflict of these proportions which affects several European countries. Secondly, there is a lack in the literature of research on the impact of political structures on 3<sup>rd</sup> parties. This thesis aims to bridge this gap existent in the literatures on 3<sup>rd</sup> party intervention, political opportunities structures and Europeanization. Through this research I want to bring within the boundaries of the field of conflict analysis and resolution some conflicts, studied in the above mentioned literatures, which have not been analyzed from a conflict resolution perspective until now. The major focus of the research is to determine if the political opportunity structures influence the process of a 3<sup>rd</sup> party's structural transformation attempt when the 3<sup>rd</sup> party is a supra-statal entity (the European Union) and the states in which it intervenes, to deal with communal conflicts (Muslims vs. non-Muslims), are fully functional political entities (EU member states). The only other possible case which could be studied, besides the one of the European Union, is represented by India with the federal government as 3<sup>rd</sup> party, the different states of India as the political structures and the communal conflicts (Muslims vs. Hindus). I chose to study the European Union case because the differences between the political structures are sharper, and secondly, the levels of the conflict require a better understanding of the factors influencing effective 3<sup>rd</sup> party intervention.

The methodology I will use is comparative case study. I chose to analyze the impact of two political opportunity structures (those of France and Spain) on the 3<sup>rd</sup> party intervention of the European Union, represented by legislation and funds, into the conflict involving Muslim communities in Europe. Secondary data analysis was the method used to analyze the legislation of the European Union as well as that of France and Spain. I chose France and Spain as my case studies because from the cases available they fit best the most similar system design (MSSD) approach as I explain in the methodology chapter. The major differences are about the political opportunity structures, centralized in the case of France, quasi-federal in the case of Spain. The similarities are about membership to the European Union, the characteristics of the Muslim communities and characteristics of the social conflict involving the Muslim communities. Another similarity is the fact that in both countries membership to the nationality is gained through *jus solis* and not just *sanguinis* as in the case of Germany. This is an important similarity in respect to the second and third generations of

Muslims, the sons and daughters of the initial waves of immigrants, living in France and Spain.

Chapter 1 of the thesis analyzes the characteristics of the European-wide social conflict involving the Muslim communities and draws parallels with the cases of France and Spain. Chapter 2 puts this research on the map of conflict analysis and resolution, highlighting the particularist and structuralist approaches to conflict intervention. Chapter 3 explains in detail the methodology used and how this research was conducted. Chapter 4 and 5 present the 3<sup>rd</sup> party intervention mechanisms of the European Union and the political structures of France and Spain affecting the implementation of the EU requirements. In chapter 6, I will analyze the data gathered and present the findings, while chapter 7 portrays the conclusions of the research.

# CHAPTER 1

## CHARACTERISTICS OF THE CONFLICT INVOLVING MUSLIM COMMUNITIES IN EU

In this chapter I will analyze the characteristics of the social conflict taking place in Europe, involving Muslim communities. The cases analyzed come from various European countries, however, these conflict cases have similar characteristics with those of France and Spain. A conflict is defined by Wolff as a “situation of social tension in which two or more actors who interact with each other pursue incompatible goals, are aware of this incompatibility, and claim to be justified in the point of their particular course of action to realize their goals.”<sup>2</sup>

Dennis Sandole uses a more complicated definition differentiating between *manifest conflict process* in which no violence is involved and an aggressive manifest conflict process, which involves violence. Manifest conflict process (MCP) is “a situation in which at least two actors, or their representatives, try to pursue their perceptions of mutually incompatible goals by undermining, directly or indirectly, the goal-seeking capacity of one another.”<sup>3</sup> An (AMCP) aggressive manifest conflict process is a “situation in which at least two actors, or their representatives, try to pursue their perceptions of mutually incompatible goals by physically damaging or destroying the property and high-value symbols of one another: and/or psychologically or physically injuring, destroying or otherwise forcibly eliminating one another.”<sup>4</sup>

What these definitions have in common is the presence of at least two actors, a perceived mutual incompatibility of goals and an attempt to undermine the actions of the other actor to attain his goals, in a non-violent or violent way. Therefore, in order to prove that there is a conflict in Europe involving parts of the Muslim communities, the conflict should qualify under these three major characteristics.

---

<sup>2</sup> Stefan Wolff, *Disputed Territories: The Transnational Dynamic of Ethnic Conflict Settlement*, (New York-Oxford Berghahn Books, 2003), 8

<sup>3</sup> Dennis Sandole, “Economic Conditions and Conflict Processes”, in *Models of Political Economy*, ed. P. Whiteley, (London and Beverly Hills: Sage, 1980); Dennis Sandole, “Traditional Approaches to conflict management: Short-term gains vs. long-term costs”, *Current Research on Peace and Violence* 9 (1986): 119-124

<sup>4</sup> Ibid.

Identifying the primary parties to such a conflict is extremely difficult because there are no specific institutions or organizations engaged in it, but rather groups of people. There are two loose terms under which the parties to the conflict can identify themselves: “the hardcore Europeans” and the radical Muslims. The radical Muslims are fighting against the secularity and depravation of the European Union states. Two levels of conflict exist: Muslims vs. non-Muslims / Muslims vs. the state. As a practicing Muslim who has been taught that his/her religion is the one and only to be respected and practiced if you want salvation, that person would, most likely, get frustrated by all these challenges. There are levels of frustration which can lead to aggression and the willingness to use violence against those who are perceived as “the enemy.” “As research has shown, the more discrimination and social exclusion members of a minority face, the more they tend to unite around the perceived cause of their discrimination, e.g. their religious affiliation.”<sup>5</sup>

If we add to this rallying around the “green flag of Islam” the fact that many imams in European countries have been using hate speeches against the non-Muslim Europeans, inciting violence against them<sup>6</sup>, then we get the sparks of a conflict from the Muslim side. These sparks have been lighted up several times. There are two types of actions that Muslims take as part of the conflict: a) violent attacks; b) hate speeches.

### **1.1. Violent Attacks Perpetrated by Muslims**

The violent attacks took the form of the bombings in Madrid (2004) or the two bombing attempts in London (2005)-one of them failed. Also to the same category we could include the killing of the Dutch film-maker Theo van Gogh as well as street riots in several European cities like Antwerp (2002) and Paris (2005).

On March 11th 2004, in Madrid, ten bombs were set off by members of the Moroccan Islamic Combatant Group (MICG), killing 191 people and wounding 1,460. It was the deadliest terrorist attack perpetrated against civilians in Europe for more than a decade. The people arrested by the Spanish police in connection with the bombings were all of Muslim

---

<sup>5</sup> See Åke Sander, ”Muslims in Sweden,“ in *State Policies toward Muslim Minorities in Sweden, Great Britain and Germany*, eds. Muhammad Anwar, Jochen Blaschke, Åke Sander (European Migration Center, 2004), 264

<sup>6</sup> International Helsinki Federation for Human Rights , *Intolerance and Discrimination against Muslims in the European Union. Developments since September 11* , March 2005

origin from Morocco, Tunisia and Algeria. Based on a videotape released by what the Spanish authorities have identified as the main group behind these attacks, MICG, not only that the perpetrators were of Muslim origin but, they acted based on what they considered to be Qu'ranic percepts.<sup>7</sup>

In London there were two bombing attempts. On July 7<sup>th</sup> 2005 three bombs exploded on the London Underground and one in a double-decker bus killing 56 people and wounding 700. The attack was perpetrated by a group of four British Muslims, three of which are of Pakistani descent and one is a Jamaican convert to Islam. There were several organizations claiming responsibility for the attacks. All messages received had in common the appeal to the nation of Islam to fight against the crusader Europeans and Americans. But to stress the religious aspects of these bombings, the best evidence is the videotape of one of the four suicide bombers in which he makes the following statement:

“I and thousands like me are forsaking everything for what we believe. Our drive and motivation doesn't come from tangible commodities that this world has to offer. Our religion is Islam, obedience to the one true God Allah and following the footsteps of the final prophet messenger.

Your democratically elected governments continuously perpetuate atrocities against my people all over the world. And your support of them makes you directly responsible, just as I am directly responsible for protecting and avenging my Muslim brothers and sisters. Until we feel security you will be our targets and until you stop the bombings, gassing, imprisonment and torture of my people we will not stop this fight. We are at war and I am a soldier. Now you too will taste the reality of this situation.”<sup>8</sup>

A second round of four bombs was supposed to explode on July 21<sup>st</sup> 2005 but only the detonators exploded and not the bombs. The 4 main people charged for this terrorist attack are of Muslim descent and the police reported that before embarking on this endeavor they watched movies about how the Americans killed and tortured people in Iraq. However, there

---

<sup>7</sup> “This is a response to the crimes that you [the Spanish Government] have caused in the world, and specifically in Iraq and Afghanistan, and there will be more, if God wills it. You love life and we love death, which gives an example of what the Prophet Mohammed said that if you don't stop your injustices, more and more blood will flow and these attacks will seem very small compared to what can occur [...]”,

“Video Claims Al-Qaeda to Blame”, *CNN News*, <http://edition.cnn.com/2004/WORLD/europe/03/13/spain.blasts/>, (accessed on November 21, 2005)

<sup>8</sup> Tape of Mohammed Sidique Khan, [http://en.wikisource.org/wiki/Tape\\_of\\_Mohammad\\_Sidique\\_Khan](http://en.wikisource.org/wiki/Tape_of_Mohammad_Sidique_Khan), (accessed on November 21, 2005)



is no clear report linking their Muslim identity to these attacks but rather the attacks seem to be carried out in order to draw attention only to the situation in Iraq.

On November 2<sup>nd</sup> 2004, the Dutch film-maker Theo van Gogh was murdered while cycling in Amsterdam, by a Dutch-Moroccan. Theo van Gogh was the director of the movie “Submission” in which the treatment of women in Islam is presented in what has been considered a “blasphemous” way by the Muslim community living in the Netherlands. The killer used another knife to stick a 5 page manifesto on the body of van Gogh in which he attacked the Western European culture and wished its destruction: “I surely know that you, O, America, will be destroyed, I surely know that you, O Europe, will be destroyed, I surely know that you, O Holland, will be destroyed”<sup>9</sup>

This event sparked a strong anti-Muslim reaction in the Netherlands with more than 90 incidents against Muslims taking place only in the month of November 2004.<sup>10</sup> Most of them took the form of attacks against mosques (throwing Molotov cocktails, putting them on fire, writing anti-Muslim slogans on their walls) and against Muslim businesses (restaurants, cafes).

In Belgium, in November 2002, a deadly attack on an Islamic school teacher led to what was dubbed as a “mini-Intifada” in Antwerp. For two days, young Muslims, of Moroccan origins mainly, attacked police officers, wrecked cars and broke shops’ windows.<sup>11</sup> The leaders of the Antwerp riots were annoyed that even though they are Belgian citizens, the authorities and especially the police, treat them as foreigners and that the Muslims are harassed by a system that blocks their access to houses, jobs and everything else in the Belgian society.<sup>12</sup>

In fall 2005, there were a number of urban riots in many Western European countries which involved mainly young Muslims. The riots started in France, on the outskirts of Paris

---

<sup>9</sup> “English translation-letter left on Theo van Gogh’s body by the militant Islamist killer was ‘Jihad Manifesto’-A call to destroy America and all “unbelievers”, available at <http://www.militantislammonitor.org/article/id/312> (accessed on November 21, 2005); International Helsinki Federation for Human Rights, *Intolerance and Discrimination against Muslims in the European Union. Developments since September 11*, March 2005

<sup>10</sup> Gerrit de Witt, “Muslims under Fire”, *Der Fabel van der Illegal* 68, (2005), <http://www.gebladerte.nl/30105v01.htm>, (accessed on November 22, 2005)

<sup>11</sup> Ambrose Evans-Pritchard, “Arab racist sparked riot in Antwerp, say Belgians”, *Telegraph*, November 29, 2002,

<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2002/11/29/wantw29.xml>, (accessed on November 22, 2005); Ian Black, “Arab Group Denies it Stocked ‘mini-Intifada’ on streets of Antwerp”, *The Guardian*, November 29, 2002

<sup>12</sup> Ibid.

and rapidly spread to the entire country and then to neighboring Belgium, Netherlands and Germany. Even though there were many non-Muslims participating in these riots, the majority was formed by Muslim youngsters from the so-called “banlieues” of the major Western European cities. In France only, over a period of 20 days, 8,973 vehicles were torched, 2,888 people were arrested in the riots and 126 policemen were injured.<sup>13</sup> The reasons for these riots are still unclear. It seems to be a cocktail of reasons, depending on the people who participated in them. The discrimination taking place against people with a Muslim background (mostly North African background) seems to have played a role in fueling frustration. Another layer of frustration came from the rejection by the larger French society of the young French citizens of North African background, which led to their poverty status in the banlieues. The BBC reported that “there was a huge well of fury and resentment among the children of North African and African immigrants in the suburbs of French cities.”<sup>14</sup>

Unemployment is a major problem for the French Muslims. 26.5 % of the university graduates of North African origin are unemployed compared with 5% of those of French origin. Secondly, racial and religious discrimination against persons with dark skin or “Muslim sounding names” has been identified as another source of unhappiness in the areas affected by the riots.<sup>15</sup>

This European-wide conflict may not be because of religious issues, but the way one of the parties identifies itself and is identified by the others is based on religious identity: “Muslims”. It is worth to notice that it is not all the Muslim communities that find themselves in conflict, but rather “pockets” of Muslim communities. There seems to be no coordination between the violent actions in several European countries and there are no clear organizations behind these violent attacks.

---

<sup>13</sup> “Nicolas Sarkozy sort renforce de la crise des banlieues”, *Le Monde*, November 17, 2005 <http://www.lemonde.fr/web/articleinteractif/0,41-0@2-706693,49-710990@51-704172,0.html> (accessed on November 17 2005)

<sup>14</sup> “Ghettos Shackle French Muslims”, *BBC News*, <http://news.bbc.co.uk/2/hi/europe/4375910.stm> , (accessed on November 22, 2005)

<sup>15</sup> SOS Racisme, *Rapor d'Analyse des Affaires Recentes de Discriminations a L'Embauche Poursuivies par SOS Racisme*, March 21, 2005

## **1.2. Hate Speeches in the Name of Islam**

Besides violent attacks perpetrated by people with a Muslim background, hate speeches are another component of the conflict. Hate speeches in the name of Islam have thrived throughout Europe. The “hate-speakers” that get most attention are the imams, because through their Friday sermons they can influence the entire community. However, there is also the laymen level of hate-speech towards the Europeans, or specific nationalities. There is a general fear across Europe that a small minority of imams, preaching in mosques across Europe, is spreading radical Islamic ideas and incites believers to fight against the host-nations. In France, it is considered that “of 1,500 Muslim prayer places, some 50 preach a radical form of Islam”.<sup>16</sup> The evidence though is scarce. It is hard to get specific evidence for it, because most of the time they take place in the mosques and the Muslim organizations are unwilling to have their sermons taped by the national authorities. The analysts agree that only a minority of the imams allow for hate-speeches in their sermons, however, because many of them come from the North African/ Middle Eastern countries of origin of the Muslim communities living in Europe there is a belief at the level of the authorities that they may be propagating radical versions of Islam.

## **1.3. Violent Attacks perpetrated against Muslims**

In the 1990s, a new term was coined to express fear and prejudice towards Muslims and the religion of Islam, Islamophobia. The Runnymede Trust,<sup>17</sup> a UK-based race relations think-tank described nine major features of Islamophobia in Europe, and this description has been adopted by the European Monitoring Center on Racism and Xenophobia. Islamophobists perceive Islam as inferior to the West, barbaric, primitive, violent, aggressive, threatening and therefore discriminatory practices towards Islam and their exclusion from mainstream European society are justified.

---

<sup>16</sup> “Islamic Terrorism in Europe. After van Gogh”, *The Economist*, November 11, 2004, [http://economist.com/displayStory.cfm?story\\_id=3379357](http://economist.com/displayStory.cfm?story_id=3379357) (accessed on November 21, 2005)

<sup>17</sup> “Islamophobia: A Challenge For All of Us”, <http://www.runnymedetrust.org/publications/pdfs/islamophobia.pdf>, (accessed on November 22, 2005)

The attacks of 9/11 on the World Trade Center towers in New York City have increased the fear and prejudices towards Muslims throughout Europe. In 2004, in Germany, 46% of the population believed that Islam is a backward religion, 34% said that they do not trust Muslims and 27% considered that immigration to Germany should be forbidden for Muslims. There are other reports from United Kingdom<sup>18</sup> or conducted by the European Union that show a steady increase of attacks towards “Muslim-looking” people. “Relatively low levels of physical violence were identified in most countries, although verbal abuse, harassment and aggression was much more widespread. [...] Mosques and Islamic cultural centers were also widely targeted for damage and retaliatory attacks.”<sup>19</sup>

In France, between 2003 and 2004, the French Organization against Islamophobia<sup>20</sup> registered 26 cases of verbal and physical assaults, 28 cases of vandalism and attempted arsons targeting mosques and 11 cases of desecration of Muslim graves. In the Netherlands after the killing of the film director, Theo van Gogh, only in the month of November 2004, 106 incidents were targeted at Muslims and Muslim institutions ranging from verbal abuse to bomb attacks and arsons on mosques.<sup>21</sup> The Dutch monitoring center on racism and xenophobia also released a report about cyber-racism. They mention an increase in cyber-racism from 1,300 cases in 2003 to 1,800 cases in 2004 and that the majority of these are against Muslims. In Sweden, one of oldest mosques in the country, the Malmo mosque, built in 1984 and servicing more than 55,000 people, was almost entirely burnt in an arson attack in 2003. The costs of the damage amounted to 4.5 million Euro. These are just examples of anti-Muslim attacks taking place in France, the Netherlands and Sweden but many more cases can be found throughout Europe. The attacks against Muslims have grown to such a level, that there is now a non-profit organization, called Islamophobia Watch<sup>22</sup> which documents what they consider to be Islamophobic acts perpetrated in Western countries (mainly European countries, the US and Canada). Most attacks on Muslims are verbal and physical abuses, anti-Muslim graffiti on mosques, desecration of graves, attempted arsons against Muslim offices, mosques, cultural centers and burning of Muslim-owned shops. Most of the time the targets of attacks are Muslim women wearing the veil and Muslim-looking people (Sihks are often attacked, because of the turbans they wear). Anti-Muslim attacks seem to increase in the

---

<sup>18</sup> <http://news.bbc.co.uk/1/hi/uk/2223301.stm>

<sup>19</sup> European Monitoring Center on Racism and Xenophobia, *Summary Report on Islamophobia in the EU after 11 September 2001*, May 2002

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> [www.islamophobia-watch.com](http://www.islamophobia-watch.com) , accessed on November 21, 2005

months immediately following Muslim-perpetrated attacks (9/11, Madrid, London, or the killing of Theo van Gogh) across Europe. However, in the United Kingdom anti-Muslim attacks have stayed at a high level since 9/11.

#### **1.4. Hate Speeches against Muslims**

As in the case of the Muslim communities, hate speeches are located at two levels. One is the level of political leaders, and the second one is the level of regular citizens. At the level of the political leadership, we have in most European countries far-right parties which added an Islamophobic rhetoric to their already existing racist and xenophobic speeches. The Freedom Party in Austria, Vlaams Blok in Belgium, the Progressive Party in Denmark, The National Front in France, the Swedish Democrats or the British National Party are just some examples of parties which have a strong anti-Muslim platform. Some of these parties are mignons on the national political arena (Swedish Democrats, British National Party), while others play a major role (Freedom Party, Progressive Party or National Front). Regardless of their role on the political stage through their rhetoric and the appeal that they have among many people, they forced the mainstream parties to adopt stronger stances towards immigrants and especially towards those immigrants having a Muslim background.

Across Europe there have been several politicians indicted and condemned for racial hatred speeches. In Denmark a member of the Progressive Party was sentenced by the Supreme Court for demanding that “all Muslims be placed in concentration camps and deported.”<sup>23</sup> Then, in France, Jean-Marie Le Pen was condemned for an article he wrote in *Le Monde* in 2003 in which he warned against the threat of Muslims increasing their numbers to a point where they could control France.<sup>24</sup> The attacks against Muslims do not have the same big scale of the Madrid or London bombings and they usually do not capture the news headlines and are less known to the public eye. However even though they score low on the intensity barometer they have a very high frequency. These are small incidents which affect

---

<sup>23</sup> “Politicians Absolved of Racist Slurs”, *The Copenhagen Post*, December 11, 2003, <http://www.cphpost.dk/get/73947.html>, (accessed November 23, 2005)

<sup>24</sup> “Jean-Marie Le Pen condamne pour incitation a la haine raciale”, *Le Monde*, February 24, 2005, [http://www.lemonde.fr/cgi-bin/ACHATS/acheter.cgi?offre=ARCHIVES&type\\_item=ART\\_ARCH\\_30J&objet\\_id=890343](http://www.lemonde.fr/cgi-bin/ACHATS/acheter.cgi?offre=ARCHIVES&type_item=ART_ARCH_30J&objet_id=890343), (accessed on November 23, 2005)

large Muslim communities and happen on a regular basis. On the other hand, the strong anti-Muslim rhetoric used by far-right parties and its appeal with the European non-Muslim people raises fears of an Europe which tries to exclude, as much as possible, the Muslim communities from the political, social and economic spheres.

### **1.5. Conflict Issues**

From all the examples above we can conclude that there are two major actors who try to undermine each other's goals or initiatives by using non-violent or violent means. The violent means of the Muslim side got most of the media's attention, but frequent violence has been perpetrated against the Muslim communities, too. Hate-speeches from both sides fuel the conflict and turn it into a larger European-wide conflict. Let us now analyze the issues around this conflict and the incompatible interests of the parties.

This European-wide conflict takes place within a larger framework of a perceived world-wide value-based conflict. Some of the issues of dispute between the Muslims and the non-Muslim Europeans are over the following areas:

1. hijab
2. public sphere (building of mosques and cemeteries, religious education)
3. discrimination in job employment

#### **1. Hijab**

The issue that caught the attention of the media most is the one related to the headscarf the Muslim women have to wear in accordance with the requests of Islam. In many European countries, the women who wear the hijab are immediately identified as Muslims and in many instances as fundamentalist Muslims, because they are perceived as abiding to strict traditions. "In France, 70% of all attacks on individual Muslims in 2003-2004 comprised attacks on Muslim women who wear the headscarf."<sup>25</sup> The causes in the case of France are different than in other parts of Europe due to the debates over the legislation prohibiting students to wear religious symbols in the educational system. Generally, throughout Europe,

---

<sup>25</sup> International Helsinki Federation for Human Rights, *Intolerance and Discrimination against Muslims in the European Union. Developments since September 11*, March 2005

the veiled Muslim women are the ones taking the lion's share of verbal abuse and harassment because they can easily be identified by their religious symbols.

However, besides the easy targets represented by women wearing the hijab, a second polarization took place in France due to the desire of the state to pass a law banning religious symbols to be used in the educational system. In France, the hijab was perceived as a threat to one of the most important principles on which the French republic is built: that of "laicite"- a clear separation between state and religion, between the public sphere and the private sphere, with religion being assigned to the private sphere only. Secondly, the hijab started to be associated with an opposition to integrate into the French society and accept the values of the French republic, instead of being just perceived as a religious symbol, without any socio-political connotations. These perceptions reinforced the pre-existing resentments towards Muslims living in France, caused by several factors from external ones, like 9/11 or other attacks to issues related to high rates of crime and violence in the French city neighborhoods inhabited by people with a Muslim background. If in the case of most parts of Europe, hijab means Islam and therefore a threat because of the violent attacks which took place in the name of this religion, in the case of France, hijab means a way to express one's identity and is perceived as a threat to the identity of the state and of the French people in the same time. It is a statement saying "Muslim first, French second", which is unacceptable in a country where being French is more important than any other type of identity. On the other hand the law prohibiting "conspicuous" religious signs to be worn in public schools, even though not aimed at one particular religious group, was perceived by the Muslims as targeting them mainly.

Therefore, in the case of France the issue of hijab was a trigger that polarized both camps even more. "The CCIF (The French Organization against Islamophobia) has concluded that the headscarf has become the primary target of feelings of fear and hatred toward Muslims."<sup>26</sup>

## 2. Public Sphere

There are three major issues of contention regarding the presence of Islam in the European public sphere. The problems brought by each of these conflict issues could be ranked based on their visibility on the public scene. First of all there is the issue related to the building of mosques and Muslim cemeteries. A mosque is a clear, visible sign of the presence of Islam in Europe. Many non-Muslim Europeans do not feel comfortable with this presence.

---

<sup>26</sup> Ibid., pg.64

Even though the European countries are signatories of the international standards regarding the freedom to build houses of worship, there have been many instances in France, Germany and Austria in which the Muslim communities were not allowed to build mosques. In several cases “local authorities have arbitrarily rejected requests to build mosques.”<sup>27</sup> Instead of proper mosques, the Muslim communities use all kinds of various facilities which were not built to serve as mosques, like apartments, industrial premises or basements. In other cases the authorities add humiliation to rejection by assigning lands for mosques in industrial areas, or outside the town, far away from the public eye and sites which are difficult to access from the town.

There are two aspects related to education:

- A. discrimination in the educational system against Muslims;
- B. religious education.

The discrimination against Muslims in the public educational system is reflected in several ways: the dress code required to the Muslim students who are not allowed to wear the veil; the curricula which is not sensitive to the faith of the Muslim students, by asking them to draw images not allowed by their religion or co-ed classrooms and gym hours. These are serious problems with implications that lead to Muslim school-children and students having to lie to their parents about drawing pictures forbidden by Qu’ran as part of class assignments or questioning their religion when they are unable to explain to their professors why they do certain things in a different way.

Religious education is a major problem. There are two major ways EU countries deal with religious education in public schools: a) denomination religious education; b) religious education from a non-denominational perspective but which often times emphasizes more the characteristics of the majority religion. In Germany and Spain, the right to receive religious education in the public school systems is protected by law. In Spain a scheme for providing classes of Islam in Spanish cities with a large Muslim population has been initiated in 2005.<sup>28</sup> In other countries like France there are no religious classes offered at all in the educational system. There have been several complaints that more problems exist with the establishment of private religious schools. In most European countries it is difficult to obtain the permits for establishing such schools. Secondly, there is an increased fear that the education the Muslim school-children get in these schools is not in accordance with some of

---

<sup>27</sup> Ibid., pg.20

<sup>28</sup> Ibid.



the values promoted by the European Union: toleration for diversity and gender equality. Thus, the private Muslim schools are seen as hotbeds for future problems with the Muslim communities. However, these allegations have not been supported by factual evidence and the few incidents that existed have been blown out of proportions.

### 3. Job Employment Discrimination

Several reports about discrimination in the EU member states have shown that “affiliation with Islam may be a particular disadvantage in the labor market”<sup>29</sup>. In France for example, the employment agency AIDA undertook a study in 2004 in which it showed that people with Arab-sounding names have less chances of getting employed than those with French-sounding names.<sup>30</sup> In United Kingdom, a survey undertaken by BBC between 2003-2004 showed that people with typical Muslim names are less likely to get an interview when applying for a job than the ones with British-sounding names. “Candidates with British-sounding names were invited to an interview in 23% of the cases, the corresponding rate was only 9% for candidates with names suggesting that they may be Muslim.”<sup>31</sup> There are several other examples of such surveys and researches across Europe suggesting that people with Muslim-sounding are discriminated against when applying for jobs.

Another reason of discrimination of Muslims on the labor market is the wearing of the headscarf in the work place. In Sweden, according to the Sweden’s Young Muslims organization (SUM), “Muslims who wear the headscarf or otherwise openly show that they are Muslims are particularly vulnerable to discrimination in the labor market.”<sup>32</sup> In Denmark “there have been several publicized cases where women wearing the headscarf have alleged discrimination by employers.”<sup>33</sup> Muslim women are especially discriminated for positions which require interaction with the public.

---

<sup>29</sup> Ibid., pg.19

<sup>30</sup> Thomas Fuller, “The Workplace: In France, Worker Bias Has a Name,” *The International Herald Tribune*, November 24, 2004, at <http://www.ihf.com>, (accessed November 24, 2005)

<sup>31</sup> Hugh Muir, “Muslim Names Harm Job Chances,” *The Guardian*, July 12, 2004, <http://www.guardian.co.uk/race/story/0,11374,1259075,00.html>, (accessed on November 26, 2005)

<sup>32</sup> International Helsinki Federation for Human Rights, *Intolerance and Discrimination against Muslims in the European Union. Developments since September 11*, March 2005, pg. 132

<sup>33</sup> “Court Finds against Department Store in Muslim Headscarf Case”, *European Industrial Relations Observatory*, 2000, <http://www.eiro.eurofound.eu.int/2000/08/feature/dk0008192f.html>, (accessed on November 26, 2005)

On the whole of the European Union, people with a Muslim background have a much higher unemployment rate than non-Muslims. There are many reasons for this, ranging from skills, to socio-economic conditions, but some of them are due to the discrimination practiced on the job market towards Muslims. It is hard to get data for the entire EU proving this assertion because in many countries it is not allowed to gather such data based on religious affiliations, however the cases which have data support this trend. For example, in the case of Denmark, the official employment rate for non-Europeans, out of which many are Muslims, is of 47% while for the native Danes is of 77%.<sup>34</sup>

There is a conflict at the societal level in Europe which has two major dimensions: 1. Muslim communities vs. non-Muslim communities and 2. Muslim communities vs. the state. The conflict manifests itself in both violent and non-violent ways. At the level of the community-based conflict, there have been violent attacks perpetrated by both sides. At the community vs. state level, in numerous cases the state officials used hate speeches, discriminated or harassed people who looked to have a Muslim background. The major issues of contention revolve around wearing the hijab, public sphere issues (discrimination in education, building of mosques and cemeteries) as well as on the labor market.

In the next chapter, I will underline the researches conducted on the factors which influence 3<sup>rd</sup> parties, focusing the particularist and structuralist approaches. Considering the fact that this research encompasses concepts from several social sciences, the used literature is from the fields of conflict analysis and resolution, political science and Europeanization.

---

<sup>34</sup> Danish Ministry of Refugees, *Immigration and Integration, Arbog om Udlændinge i Danmark*, 2004

## CHAPTER 2

### LITERATURE REVIEW

In this chapter, I will locate this research within the conflict analysis and resolution field and highlight the variables which impact the process of 3<sup>rd</sup> party intervention. These variables are drawn from different literatures such as conflict resolution, political opportunity structures and Europeanization. Although these sources of literature answer several sub-categories within the overall question this thesis tries to answer, there is not yet one single study that analyzes the issues at hand in a comprehensive way.

The literature on variables which influence the successfulness of 3<sup>rd</sup> party intervention deals only with social structures, disregarding the impact of political opportunity structures. The literature on political opportunity structures deals only with how social movements can influence the policy-making process, disregarding the influence of the supra-statal level on the policy-making. The literature on Europeanization, which addresses the international sources of domestic policy change, does not deal with how the international sources themselves are filtered differently by the various political opportunity structures. Secondly, the Europeanization and transposition literature did not generally deal with EU's directives or policies which attempted to address social conflicts<sup>35</sup>.

#### **2.1. Overview of 3<sup>rd</sup> Party Intervention**

A third party to a conflict can play many roles, varying from offering “good offices” to adjudicating the conflict. In-between there are a number of roles, such as conciliation, consultation, facilitation, pure mediation, power mediation, arbitration, which can be played by the third party.<sup>36</sup> These roles vary according to how much power the third party has in influencing

---

<sup>35</sup> With the exception of Antoaneta Dimitrova and Mark Rhinard, who deal with Anti-Discrimination Transposition in the case of Slovakia. Antoaneta Dimitrova and Mark Rhinard, “The Power of Norms in the Transposition of EU Directives”, *European Integration Online Papers* 9 (2005)

<sup>36</sup> Denis Sandole, “Typology”, in *Conflict: From Analysis to Intervention*, ed. Sandra Cheldin, Dan Druckman and Larissa Fast, (London:Continuum, 2003)

the process of resolution. In the case of good offices, a 3<sup>rd</sup> party just provides a neutral setting in which the parties to the conflict can negotiate. At the other end of the spectrum, in the case of adjudication, the 3<sup>rd</sup> party leads the process and gives a binding solution. A 3<sup>rd</sup> party also chooses what role it considers fit to play based on its skills and characteristics, the nature of the conflict, the stage of the conflict, the environment in which the conflict takes place as well as the requests and expectations of the parties to the conflict<sup>37</sup>. The scholars of conflict analysis and resolution offer a variety of intervention options at various stages of the conflict. What option is chosen also depends on the third parties' "leverage and linkage to the parties, their level of interest, and the sustainability of their potential commitment to the intervention role."<sup>38</sup>

Individuals, non-governmental organizations, regional and international organizations, academic centers and universities, international financial institutions as well as states can be third parties to various types of conflicts.<sup>39</sup> The focus of this paper is on a hybrid 3<sup>rd</sup> party intervener, which is something in-between a regional organization and a confederal state, the European Union. By "hybrid 3<sup>rd</sup> party" I refer to the fact that, the European Union is not a regular political entity, which could be easily categorized, because it has features of both international organizations and states.

A 3<sup>rd</sup> party can settle, manage, resolve or transform a conflict<sup>40</sup>. The debate about what process is applied is actually a debate about the goals of the intervention process. Should a 3<sup>rd</sup> party lead towards an agreement, improve and harmonize a relationship, build

---

<sup>37</sup> Louis Kriesberg, *Constructive Conflicts from Escalation to Resolution*, (Lanham, MD: Rowman and Littlefield Publishers, 1998), 230-231

<sup>38</sup> Chester A Crocker, "Intervention: Toward Best Practices and a Holistic View," in *Turbulent Peace: The Challenges of Managing International Conflict*, ed. Chester Crocker, Fen. O. Hampson and Pamela Aall (Washington D.C.: USIP, 2001), 233

<sup>39</sup> James Boyce, "Can International Institutions Help Prevent Conflict?", *World Policy Journal*, 15, (1998): 42-51; Virginia Haufler, "Is There a Role for Business in Conflict Management" in, *Turbulent Peace: The Challenges of Managing International Conflict*, ed. Chester Cracker, Fen Osler Hampson & Pamela Aall, (Washington D.C: United States Institute of Peace Press, 2001); Vesna Bojicic-Dzelilovic, "World Bank, NGOs and the Privat Sector in Post-War Reconstruction" in *Recovering from Civil Conflict*, ed. E. Newman and A. Schanbel, (London and Portland: Frank Cass, 2002)

<sup>40</sup> John Burton, *Conflict: Human Needs Theory*, (London and New York: Macmillan and St. Martin's Press, 1990); John Burton and Franklin Dukes, *Conflict: Readings in Management and Resolution*, (New York: St. Martin's Press, 1990); Robert Baruch Bush and Joseph Folger, *The Promise of Mediation: Responding to Conflict Through Empowerment and Recognition*, (San Francisco: Jossey-Bass, 1994); John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies*, (Washington, D.C.: United States Institute for Peace Press, 1997)

mechanisms through which the parties could address future challenges together or change the “conflict inducing structure”<sup>41</sup>? The answer to this question also points to the type of process used for the intervention. The 3<sup>rd</sup> party intervention processes used lead towards two types of outcomes: one tangible, concrete, in form of contracts, agreements, ceasefires, the development of conflict prevention mechanisms etc; and one, less tangible taking the form of changed attitudes, behaviors, perceptions or relations between the parties to the conflict or changes in the conflict-inducing structures in which the conflict took place.

A successful outcome of a 3rd party intervention depends on a high number of factors, many of which end up impacting the outcome, by impacting the process of intervention. However, before presenting what the literature considers about this issue, it is important to determine what a successful outcome is. Some scholars consider that a final agreement and a ceasefire represent a successful intervention.<sup>42</sup> Others take the goals of the 3rd party or of the parties as the starting point for assessing the successfulness.<sup>43</sup> And yet other scholars talk about “Transformative Mediation”<sup>44</sup> which is not focused on the outcome of the 3rd party but rather on improving the relationship between the parties. New research<sup>45</sup> suggested a comprehensive framework which looks at 4 types of changes which could be noticed in interactive conflict resolution: changes in representation (new learning, attitude change, integrative framing, better communication and new language); changes in relations (empathy, improvements in relational climate, validation and re-conceptualization of identity); foundations for transfer (perception of possibility, empowerment, new leadership); foundations for outcome/implementation (networks, reforms in political structure, increased capacity for jointly facing future challenges). The forth type, foundations for

---

<sup>41</sup> Tamara Pearson D’Estree, Larissa Fast, Joshua Weiss and Monica Jakobsen, “Changing the Debate About Success in Conflict Resolution Efforts”, *Negotiation Journal* 17 (2001):101

<sup>42</sup> Jacob Bercovitch, J.T. Anagnoson and D. Willie, “Some conceptual issues and empirical trends in the study of successful mediation in international relations”, *Journal of Peace Research* 28 (1991): 8; Louis Kriesberg, “Formal and Quasi-Mediators in International Disputes: An Exploratory Analysis”, *Journal of Peace Research*, 28 (1991):19; L. Susskind and E. Babbitt, *Overcoming the Obstacles to Effective Mediation in International Disputes*, in *Mediation in International Relations: Multiple Approaches to Conflict Management*, ed. Jacob Bercovitch, and J.Z.Rubin, (New York: St. Martin’s, 1992), 31

<sup>43</sup> W.P. Smith, “Effectiveness of the Biased Mediator”, *Negotiation Journal* 1 (1985): 363-372; Saadia Touval and William Zartman, *International Mediation in Theory and Practice*, (Boulder: Westview, 1985), 14

<sup>44</sup> Robert Bush and Joseph Folger, *The Promise of Mediation: The Transformative Approach to Mediation*, (San Francisco: Jossey-Bass, 1994)

<sup>45</sup> Tamara Pearson D’Estree, Larissa Fast, Joshua Weiss and Monica Jakobsen, “Changing the Debate About Success in Conflict Resolution Efforts”, *Negotiation Journal* 17 (2001): 101-113

outcome/implementation, is more about medium to long-term goals and aims to produce structural changes. This type of reforms to the political structures falls within the area of interest of my thesis.

## **2.2. Particularist Approach to Conflicts**

Whenever analyzing the variables that have an impact on the success or failure of 3<sup>rd</sup> party interventions in conflicts, the researchers focus mainly on endogenous variables to the conflict. This is a reflection of the mainstream trend in the field which focuses on the idea that conflict is “essentially a problem of miscommunication and misunderstanding and quirks of individual personality.”<sup>46</sup> Therefore the 3<sup>rd</sup> party should only pay attention to the particular characteristics of that dispute or conflict. This is the dominant particularist approach to third party intervention.<sup>47</sup> These endogenous variables<sup>48</sup> are:

- a) the characteristics of the 3<sup>rd</sup> party (impartiality and motives for intervention, leverage, status, goals and objectives etc.)
- b) the conflict resolution tools employed, the timing or sequencing of these tools, the relationship between the causes of the conflict and the tools employed, issues of coordination and complementarity between the various 3<sup>rd</sup> party interveners;
- c) characteristics of the conflict- the level of intensity, the issues of conflict, the stage of the conflict
- d) the parties to the conflict and the relationship between them

The scholars who argue that impartiality (equal distance towards the parties of the conflict) is a crucial characteristic of a 3<sup>rd</sup> party, use an argumentative line which links mediator’s impartiality with the parties’ trust in the mediator, therefore with the acceptance of

---

<sup>46</sup> William Ury and Ronald Fisher, *Getting to Yes: Negotiating Agreement Without Giving In*, (Houghton Mifflin: Boston, 1981); R.A.B. Bush and J.P. Folger, *The Promise of Mediation: The Transformative Approach to Mediation*, (San Francisco: Jossey-Bass, 1994)

<sup>47</sup> Franklin Dukes, “Structural Forces in Conflict and Conflict Resolution in Democratic Society” in *Conflict Resolution: Dynamics, Process and Structure*, ed. Ho-Won Jeong (Aldershot: Ashgate, US, 1999)

<sup>48</sup> Mariane Kleiboer, “Understanding Success and Failure of International Mediation”, *Journal of Conflict Resolution* 40 (1996); Susan Allen Nan, “Complementary and Coordination of Conflict Resolution Efforts in the Conflicts over Abkhazia, South Ossetia and Transnistria”, (PhD diss., George Mason University, 2002)

the mediator which is essential for the success of the mediation process.<sup>49</sup> The power to distribute or restrain resources from the parties (leverage), makes the mediator more acceptable. There are several dimensions on which leverage could be placed: negative sanctions (sticks) vs. positive sanctions (carrots)<sup>50</sup> as well as material aspects (economic aid) vs. immaterial aspects (ability to use psychological pressure).<sup>51</sup> Leverage is seen by the majority of the literature<sup>52</sup> as an indispensable asset for convincing parties to make concessions in order to ensure adherence to agreements. A research<sup>53</sup> using an event data set for three case studies (Israel-Lebanon, Israel-Palestine and Balkans conflicts) shows that a reduction in violence correlates with negative sanctions towards both parties combined with positive sanctions towards the weaker antagonist. The institutional and positional statuses of the 3<sup>rd</sup> party are other variables influencing the outcome of the intervention. There are two approaches in the literature on the role of the status: 1. the higher the status, the better chances for success<sup>54</sup>; 2. the status of the third party should be attuned to that of the parties.<sup>55</sup>

---

<sup>49</sup> E. Jackson, *Meeting of Minds*, (New York: McGraw-Hill, 1952); O.R. Young, *Intermediaries: Third Parties in International Crisis*, (Princeton, NJ: Princeton University Press, 1967); F.S. Northedge and M.D. Donelan, *International Disputes: The Political Aspects*, (London: Europa, 1971); H. Assefa, *Mediation in Civil Wars: Approaches and Strategies-The Sudan Conflict*, (Boulder:Westview, 1987); H. Miall, *The Peacemakers. Peaceful Resolution of Disputes Since 1945*, (London: Macmillan, 1992); C. Hume, *Ending Mozambique's War. The role of Mediation and Good Offices*, (Washington, D.C.: United States Institute of Peace Press, 1994)

<sup>50</sup> Saadia Touval and William Zartman, *International Mediation in Theory and Practice*, (Boulder: Westview, 1985),13

<sup>51</sup> T. Princen, "Mediation by a Transnational Organization: The case of the Vatican", in, *Mediation in international relations: Multiple approaches to conflict management*, ed. Jacob Bercovitch and J.Z. Rubin (New York: St. Martin's, 1992), 142

<sup>52</sup> J.P. Cot, *International Conciliation*, (London:Europa, 1972); Jacob Bercovitch, J.T. Anagnoson and D. Willie, "Some conceptual issues and empirical trends in the study of successful mediation in international relations", *Journal of Peace Research* 28 (1991); Saadia Touval, "The Superpowers as Mediators", in *Mediation in international relations: Multiple approaches to conflict management*, ed. Jacob Bercovitch and J.Z. Rubin (New York: St. Martin's Press, 1992)

<sup>53</sup> Deborah Gerner and Philip Schrodt, "An Event Data Analysis of Third-Party Mediation in the Middle East and the Balkans", *Journal of Conflict Resolution* 48 (2004): 310-330

<sup>54</sup> S. Low, "The Zimbabwe Settlement, 1967-1969" in *International Mediation in Theory and Practice*, ed. Saadia Touval and William Zartman (Boulder, CO: Westview, 1985), 107

<sup>55</sup> M. Wolfers, *The Organization of African Unity as Mediator*, in *International Mediation in Theory and Practice*, ed. Saadia Touval and William Zartman (Boulder, CO: Westview, 1985), 185-186

Keashly and Fisher in their contingency approach to conflict intervention, believe that “different interventions are appropriate at different stages of the conflict”<sup>56</sup> based on the stages of the conflict. They talk about four stages of the conflict: discussion / polarization / segregation and destruction. At each stage a different type of 3<sup>rd</sup> party intervention is appropriate. For discussion, the 3<sup>rd</sup> party’s role is to develop communication. For polarization, consultation and bridging the relationship are required. At the segregation stage, arbitration and power mediation should be employed. At the destruction stage, peace operations should be deployed. Thus the process of 3<sup>rd</sup> party intervention is contingent upon the level of conflict.

Besides choosing the appropriate type of intervention at the appropriate stage, this approach also implies the sequencing and timing of the types of interventions. Secondly, “this approach acknowledges that no one third party should be expected to deal with all or even most elements of a given conflict.”<sup>57</sup> In most conflicts there are several 3<sup>rd</sup> parties (states, IGOs, NGOs, IFIs etc.) which have different backgrounds, fields of expertise and goals. Therefore, in order to ensure the effectiveness of the overall 3<sup>rd</sup> party intervention, complementarity and coordination<sup>58</sup> between the activities of all the involved 3<sup>rd</sup> parties is necessary. Complementarity stands for allowing each 3<sup>rd</sup> party to conduct the activities they are best equipped for within the larger 3<sup>rd</sup> party intervention framework. Secondly, coordination is meant to make sure that the activities of a 3<sup>rd</sup> party do not impede on the activities of another 3<sup>rd</sup> party.

Characteristics of the conflict can influence the success of the 3<sup>rd</sup> party intervention as well. The literature identifies three major types of variables under this heading: conflict ripeness, conflict intensity levels and the nature of the conflict issues<sup>59</sup>. Conflict ripeness is an independent factor, related to the conflict stages, which influences the outcome of a 3<sup>rd</sup> party intervention. The assumption is that conflicts pass through various stages and some stages are more prone for a successful intervention than others.<sup>60</sup> Bercovitch considers that as the

---

<sup>56</sup> Ronald Fisher and Loreleigh Keashly, “A Contingency Perspective on Conflict Interventions: Theoretical and Practical Considerations” in *Resolving International Conflicts*, ed. Jacob Bercovitch (Boulder: Lynne Rienner Publishers, 1996), 240

<sup>57</sup> Ibid, pg. 41

<sup>58</sup> Susan Allen Nan, “Complementary and Coordination of Conflict Resolution Efforts in the Conflicts over Abkhazia, South Ossetia and Transdnistria”, (Unpublished PhD Thesis, George Mason University, 2002)

<sup>59</sup> Mariane Kleiboer, “Understanding Success and Failure of International Mediation”, *Journal of Conflict Resolution*, 40 (1996)

<sup>60</sup> O.R. Young, *Intermediaries: Third Parties in International Crisis*, (Princeton, NJ: Princeton University Press, 1967), 19-20



conflict intensity levels increase, the chances for a successful intervention decrease<sup>61</sup>. There is also strong empirical support for the hypothesis that the greater the intensity, the higher the chances for an acceptable and successful intervention.<sup>62</sup> There seems to be an agreement among the conflict resolution scholars that conflict issues which arise from deep-rooted values or ideologies are more difficult to handle than those arising from differences of interests<sup>63</sup>. Such an instance of protracted conflicts would be the identity-based conflicts involving ethnicities, religions, cultures etc. In terms of the characteristics of the parties to the conflict, the cohesiveness of their constituencies<sup>64</sup> as well as the previous relationships between the parties have an impact on the 3<sup>rd</sup> party intervention.<sup>65</sup>

### **2.3. Structuralist Approach to Conflicts**

Scholars<sup>66</sup> also started to pay attention to the environment in which the conflict takes place and the way this affects the process of the 3<sup>rd</sup> party intervention. Conflicts take place between individuals or various social groups inside certain contexts. A conflict is "embedded within a context, and is thus, influenced by that context. Situations, social identities, cultures,

---

<sup>61</sup> Jacob Bercovitch, "International Mediation and Dispute Settlement: Evaluating the Conditions for Successful Mediation", *Negotiation Journal* 7 (1991):17-30

<sup>62</sup> E. Jackson, *Meeting of Minds*, (New York: McGraw-Hill, 1952); O.R. Young, *Intermediaries: Third Parties in International Crisis*, (Princeton, NJ: Princeton University Press, 1967); H. Assefa, *Mediation in Civil Wars: Approaches and Strategies-The Sudan Conflict*, (Boulder:Westview, 1987)

<sup>63</sup> John Burton, *World Society*, (Cambridge: Cambridge University Press, 1972); Edward Azar, *Protracted International Conflicts: Ten Propositions*, in *International Conflict Resolution: Theory and Practice*, ed. E.E. Azar and John Burton (Boulder: CO: Lynne Rienner, 1986); Howard Gadlin, *Conflict Resolution, Cultural Differences, and the Culture of Racism in The Conflict and Culture Reader*, ed. Pat Chew (New York and London: The New York University Press, 2001)

<sup>64</sup> H. Assefa, *Mediation in Civil Wars: Approaches and Strategies-The Sudan Conflict*, (Boulder:Westview, 1987)

<sup>65</sup> J.Z. Rubin, "Introduction" in *Dynamics of Third Party Intervention: Kissinger in the Middle East*, ed. J.Z.Rubin (New York: Praeger, 1981); Morton Deutsch, *The Resolution of Conflict: Constructive and Destructive Processes*, (New Haven,CT: Yale University Press, 1973)

<sup>66</sup> Louis Kriesberg, *Constructive Conflict. From Escalation to Resolution*, (Lanham: Rowman and Littlefield Publishers Inc., 1998)

social structures, and institutions are aspects of contexts for conflict that influence the way they unfold."<sup>67</sup>

The above mentioned variables that have an impact on the process of a 3<sup>rd</sup> party intervention looked only at the level of the units involved in conflict and the relations between them, without taking into account the environment in which these units interact and how the deeper-rooted various social divisions reshape the conflict and can influence the process of the intervention. The structuralist approach to conflict has as an assumption the fact that great structural forces, independent of individual will, shape the process of 3<sup>rd</sup> party intervention and thus its outcome.

In analyzing the impact of the context on the conflict cycle, most scholars paid attention to the role of social structures. Social structure is an essential concept in the field of sociology which misses a commonly agreed definition. There are many ideas included within this concept and it seems to be used as a catch-all phrase by scholars. In the thesis I shall use the concept as defined by Gordon "as a set of crystallized social relationships which its members have with each other which places them in groups, large or small, permanent or temporary, formally organized or unorganized, and which relates them to the major institutional activities of the society, such as economic and occupational life, religion, marriage and the family, education, government, and recreation."<sup>68</sup> These groups could be based on ethnicity, nationality, culture, class, gender or any other type of social entities that together form society as a whole.

Culture and social structure are usually seen as different, with culture representing the content which fills in the form, represented by social structures. However, as Murphy acknowledges, "culture and social structure are used in exactly the same way and to refer to the same things by their respective champions."<sup>69</sup>, which come from the fields of cultural studies and sociology, respectively. Secondly the form of the social structures is embedded within the cultural settings and therefore differentiating between them is quite a difficult task.

"In all conflicts and conflict resolution processes, culture largely defines the values and interests that are at the core of each conflict."<sup>70</sup> Culture, considered to be a shared set of

---

<sup>67</sup> Sandra Cheldin, Daniel Druckman and Larissa Fist, *Conflict: From Analysis to Intervention*, (Continuum: London & New York, 2003), 91

<sup>68</sup> Milton Gordon, *Assimilation in American Life*, (New York: Oxford University Press, 1964), 30

<sup>69</sup> R.F. Murphy, *The Dialectics of Social Life*, (London: George Allen & Unwin, 1972)

<sup>70</sup> Mohamed Rabie, *Conflict Resolution and Ethnicity*, (Westport, Connecticut and London: Praeger, 1994), 31

values, beliefs, symbols and understandings about life and how the world functions, is everywhere around an individual or a group, influencing each and every aspect of their lives.

Therefore, considering the different understandings and approaches towards conflict dependent on the culture, Avruch and Black consider that in order to have a valid and useful conflict analysis, analysts should employ an “ethno-conflict theory” which takes into account the indigenous understandings of the root causes of the conflict and of its dynamics. They argue against the universal usage of the theories developed in the United States and Europe about conflicts, considering that culturally sensitive theories need to be employed. Secondly, they argue that “ethno-conflict praxes”-3<sup>rd</sup> party intervention mechanisms- should be used in order to manage or resolve conflicts.<sup>71</sup>

The role of a 3<sup>rd</sup> party is set by the Western (American and European) scholars mainly. What should a 3<sup>rd</sup> party do, when and how and with which tools, are all answered from a Western perspective and therefore they are embedded within the major cultural traits of the West. It is to a certain extent a prescriptive model that the 3<sup>rd</sup> party imposes on the parties to the conflict, because it prescribes to them a recipe which works on a certain category of people, coming from a certain culture. This approach may be appropriate within a specific socio-linguistic and cultural setting, however when taken out of that setting and used somewhere else it could prove to be counter-productive. Counter-posed to this approach is Lederach’s elicitive model, which considers that a 3<sup>rd</sup> party should make use of “the resources present in a particular setting and respond[ing] to needs in that context.”<sup>72</sup> Bercovitch’s quantitative research showed that “cultural differences between parties in conflict reduce the likelihood of a successful mediation outcome” [...] and therefore the effectiveness of the international mediators<sup>73</sup> will be affected by these.

"Social structure applies not only to a society, but also to relations between societies. [Morgenthau, Galtung]<sup>74</sup> see the world structured as a system of national states with constant tensions and conflicts. [...] we need to recognize that there are divisions of wealth and power in the world today that are enormous [...] and that these form a continuing basis for conflicts

---

<sup>71</sup> Kevin Avruch and Peter Black, “The Culture Question and Conflict Resolution”, *Peace and Change* 16 (1991): 31-34

<sup>72</sup> John Paul Lederach quoted in Kevin Avruch, *Culture and Conflict Resolution*, (Washington D.C.: United States Institute for Peace Press, 1998), 97

<sup>73</sup> Jacob Bercovitch and Ole Elgstrom, “Culture and International Mediation: Exploring Theoretical and Empirical Linkages”, *International Negotiation* 6 (2001):19

<sup>74</sup> Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, (New York:McGraw-Hill, 1993); Johan Galtung, “A Structural Theory of Aggression”, *Journal of Peace Research* 1 (1964);

on a worldwide scale."<sup>75</sup> As Marianne Kleiboer<sup>76</sup> points out the relations between the various units of the international system, the states, create a system which is more or less prone to certain 3rd party intervention mechanisms at various points in time. Attempts at solving conflicts during the Cold War had to take into account the positions and interests of the two major powers regarding the conflict. Each international system has its own rules and conflict resolution mechanisms built into itself. If the United Nations was not involved much during the Cold War period in forging agreements and bringing conflicts to an end due to a deadlock caused by the shape of the international system, its role as a 3<sup>rd</sup> party increased after the end of the Cold War.

The particularist approach and its emphasis on the behavior of the parties to the conflict has its merits which need to be analyzed. However, in this thesis I place a lot more emphasis on the literature of structural approaches to conflict. The macro-level of structural cleavages and causes of conflict have to be taken into account when attempting to solve or transform conflicts if there is a desire to promote a sustainable conflict resolution. But, one cannot dismiss the micro-level of misunderstandings, divergent interests, values and perceptions. "Structures and behavior are inseparable...How people act and live, are shaped, though in no way dictated or determined, by the larger circumstances in which they find themselves."<sup>77</sup> The structuralist approach needs to be emphasized considering that many scholars in the field of conflict analysis and resolution, in a desire to carve out their space in the social sciences, believe that it as an approach better suited for the fields of peace studies or sociology. "Unfortunately, there is not yet a unified body of conflict theory which offers a clear path towards an understanding of the balance of an individual circumstance and social structure. [...] most dispute resolution practices focus on the micro-aspects of communication and bargaining as exchange."<sup>78</sup>

---

<sup>75</sup> James Schellenberg, *Conflict Resolution: Theory, Research and Practice*, (Albany: State University of New York Press, 1996),96 quoting from Ralf Dahrendorf, *Life Chances*, (Chicago: University of Chicago Press, 98

<sup>76</sup> Mariane Kleiboer, "Understanding Success and Failure of International Mediation", *Journal of Conflict Resolution*, 40 (1996)

<sup>77</sup> C. West, *Race Matters*, (Beacon Press:Boston, 1993), 12; quoted in Franklin Dukes, "Structural Forces in Conflict and Conflict Resolution in Democratic Society" in *Conflict Resolution: Dynamics, Process and Structure*, ed. Ho-Won Jeong (Aldershot: Ashgate, US, 1999), 159

<sup>78</sup> Franklin Dukes, "Structural Forces in Conflict and Conflict Resolution in Democratic Society" in *Conflict Resolution: Dynamics, Process and Structure*, ed. Ho-Won Jeong (Aldershot: Ashgate, US, 1999)

A conflict analyst, though, should not over-emphasize the structuralist approach by stretching it to the maximum, because otherwise it will be doing the same mistake as a particularist. Secondly, the structuralist approach has been associated by many with the peace studies field however there are several major differences. One of them is the fact that unlike the peace studies scholars who hold peace and the eradication of conflict as the goal of their interventions, the structuralists consider that in many instances conflict is necessary in order to address the structural causes of a much larger and intensive but hidden conflict.

Therefore, one can notice two major approaches which deal with variables influencing the process of 3<sup>rd</sup> party intervention. The particularist approach considers that the characteristics of the 3<sup>rd</sup> party influence the process of intervention. On the other hand, the structuralist approach considers that the environment in which the conflict takes place is the one impacting the process of intervention. Thus, in the particularist approach the goals and the objectives of the 3<sup>rd</sup> party as well as its relationship with the parties to the conflict have a major role in explaining the changes in the process of intervention. In the structuralist approach, the already existing culture and social structures determine and condition the path the process of intervention will take. If the particularist approach focuses on the specific relations between the parties to the conflict, the 3<sup>rd</sup> party and the characteristics of the conflict, the structuralist approach pays attention at the conflict environment and how this conditions impact the process of intervention.

Before going in depth to reveal what the literature has to say about the mechanisms through which a 3<sup>rd</sup> party can address the structural causes of conflict, a short discussion, on what these causes may be, is required.

#### **2.4. Structural Causes of Conflict**

"All individual conflicts should be examined to determine if they are embedded in structural variables such as power asymmetry, incompatibilities among different roles, adversarial forms of identity, and group organizations."<sup>79</sup>

Dukes considers that the current structural challenges, which the democratic states need to address if they want to deal with the current social problems, are:

---

<sup>79</sup> Franklin Dukes, 1999 quoted in *Conflict: From Analysis to Intervention*, ed. Sandra Cheldin, Dan Druckman and Larissa Fast, (London:Continuum, 2003),165

1. “the disintegration of the community and the meaning found in the civic life
2. citizens’ alienation from the institutions and practices of governance
3. the inability of centrally organized public institutions to resolve public conflicts”<sup>80</sup>

There are several other factors attached to Dukes’ structural challenges specific to Europe, which make structural causes of conflict even more important on the Old Continent. There is a disintegration of the sense of community in Europe, and in the same time a strong sense of community within Europe’s religious-cultural minorities. Disintegration of community in Europe poses the question of identity and in most cases the identity of a group or of an individual is defined against “the other”. In the case of Europe, “the other” is represented by the strong communities of Muslims in Europe. Citizens’ alienation from the institutions and practices of governance which are seen as far away removed from the individual citizen could easily lead on a path of civil disobedience and attempts to solve the issues outside the legal framework of the state. The inability of centralized political systems to resolve public conflicts may lead to a trend of decentralization and subsidiarity with an attempt to solve conflicts at the lowest level of governance possible.

### **2.5. 3<sup>rd</sup> Party Intervention Addressing Structural Causes of Conflict**

The way to address the structural causes of conflict is through a conflict transformation approach, in which there is an attempt to restructure social structures and institutions in order to address the deep social divides which cause the conflict.<sup>81</sup> However the literature on conflict transformation is quite scarce, and “viewed with suspicion or outright hostility”<sup>82</sup> by the mainstream conflict resolution field which values the attainment of agreements over larger goals of change in the social structure.

---

<sup>80</sup> Franklin Dukes, “Structural Forces in Conflict and Conflict Resolution in Democratic Society” in *Conflict Resolution: Dynamics, Process and Structure*, ed. Ho-Won Jeong (Aldershot: Ashgate, US, 1999)

<sup>81</sup> Christine Harrington and Sally Engle Merry, “Ideological Production: The Making of Community Mediation”, *Law and Society Review* 22 (1988): 709-735; Franklin Dukes, “Public Conflict Resolution: A Transformative Approach”, *Negotiation Journal* 9 (1993): 45-57

<sup>82</sup> Franklin Dukes, “Why Conflict Transformation Matters: Three Cases”, *Peace and Conflict Studies* 6 (1999): 53-72

"The field lacks social theories about conflict resolution, more specifically, discussion about what types of social changes are desirable for a more sustainable relationship and how to achieve them. In particular, the analysis of deep-rooted conflicts should reflect the structural concerns and causes."<sup>83</sup> Identity-based conflicts, like the one developing between Muslims and non-Muslims in Europe, are such deep-rooted conflicts taking place over issues and values which are not up for negotiation or trade.

"A transformative practice addresses a wide range of problems, including pivotal issues of race, ethnicity, class, and gender. [...] It also recognizes that ordinary disputes are often the manifestation of these deeper societal divisions. It acknowledges the disparities of power that favor relations of dominance along these divisions, and embraces the opportunities for revealing injustice and mobilizing concern presented by the inevitable conflicts that accompany and uncover these relations. [...] transformative practice also recognizes that site-specific disputes are the manifestation of larger social conflicts."<sup>84</sup> The question for a conflict transformation 3rd party is if it can assist the parties to social conflicts to make revolutionary system changes without a mass violence erupting? Rubenstein<sup>85</sup> believes that this cannot happen, however, the length and intensity of the violence can be controlled.

In these circumstances, a conflict transformation 3<sup>rd</sup> party can:

- a) promote dialogue and a process of education to change the positions of the dominant groups of interests<sup>86</sup>
- b) organize and conduct problem-solving workshops which are suited for identifying key social structures which should be transformed<sup>87</sup>

---

<sup>83</sup> Sandra Cheldin, Dan Druckman and Larissa Fast eds., *Conflict: From Analysis to Intervention*, (London:Continuum, 2003)

<sup>84</sup> Franklin Dukes, "Why Conflict Transformation Matters: Three Cases", *Peace and Conflict Studies* 6, (1999): 53-72

<sup>85</sup> Richard Rubenstein, "Conflict Resolution and the Structural Sources of Conflict" in *Conflict Resolution: Dynamics, Process and Structure*, ed. Ho-Won Jeong (Aldershot:Ashgate, 1999)

<sup>86</sup> Sandra Cheldin, Dan Druckman and Larissa Fast (eds.), *Conflict: From Analysis to Intervention*, (London:Continuum, 2003)

<sup>87</sup> Franklin Dukes, "Structural Forces in Conflict and Conflict Resolution in Democratic Society" in *Conflict Resolution: Dynamics, Process and Structure*, ed. Ho-Won Jeong (Aldershot: Ashgate, US, 1999); Richard Rubenstein, "Conflict Resolution and the Structural Sources of Conflict" in *Conflict Resolution: Dynamics, Process and Structure*, ed. Ho-Won Jeong (Aldershot:Ashgate, 1999); Herbert Kelman, "An Interactional Approach to Conflict Resolution and Its Application to Israeli-Palestinian Relations", *International Interactions* 6 (1979 ): 99-122; Christopher Mitchell and M. Banks, *Handbook of Conflict Resolution: The Analytical Problem-Solving Approach* (London: Pinter, 1996)

- c) change a society's political constitution as well as socio-economic framework<sup>88</sup>

Dukes offers an example of how facilitated problem-solving workshops addressing a conflict between rival gangs actually showed the participants that the real root causes of their conflict was to be found in the poverty, lack of education, unemployment and racism, which were affecting both groups. Therefore, it helped unravel the structural tensions which were creating the conflict.

Theoretically it is possible to change the socio-economic framework of a society as well as its political constitution, however the greatest fear of those who hold the current power is that the changes made are irreversible and they will forever lose the grip on their privileged status. With the stakes so high and with pressure coming from the most influential and powerful groups in the society to maintain the status-quo which advantages them, it is understandable why “structural changes may not be easily or immediately achieved”.<sup>89</sup>

The next section will look into how structural transformation has different results depending on the political structure of a state in which it is applied.

## **2.6. Types of States and Successfulness of Structural Transformation**

Regional organizations seem to be the most suited type of 3<sup>rd</sup> party to use structural transformation at the conflict prevention stage than in forging agreements in the later stages of conflicts.<sup>90</sup> However, the successfulness of using conflict transformation also varies depending on the type of state it is applied to, a failed state or a functioning state. There seems to be a quite strong hypothesis in the field that conflict transformation works much better in collapsed states because there are no strong interest groups defending the socio-political status-quo in such cases. However the transformation of the socio-political structures of a

---

<sup>88</sup> Richard Rubenstein, “Conflict Resolution and the Structural Sources of Conflict” in *Conflict Resolution: Dynamics, Process and Structure*, ed. Ho-Won Jeong (Aldershot:Ashgate, 1999)

<sup>89</sup> Ho-Won Jeong, *Peace and Conflict Studies*, (Aldershot:Ashgate, 2000), 164

<sup>90</sup> Ayse Betul Celik and Bahar Rumelili, “EU Enlargement from a Conflict Resolution Framework: A Comparative Analysis of the Greco-Turkish and Turkey’s Kurdish Conflicts”, August 2006 (forthcoming)



collapsed state resembles more with a reconstruction rather than an actual transformation.<sup>91</sup> This structural transformation usually comes in the aftermath of violent conflicts in the form of peace-building.

“Measures in peace-building are more geared toward facilitating a change in the existing social structures associated with the [previous] violent political order.”<sup>92</sup> The aim is to “openly promote nonviolent mechanisms that reduce adversarities, minimize and ultimately eliminate violence, and foster structures that meet basic human needs (substantive justice) and maximize participation of people in decisions that affect them (procedural justice).”<sup>93</sup> Peace-building in the aftermath of violent conflicts entails addressing structural issues which created the violent environment as well as the development of peace enhancing structures. Some of the structural issues addressed are: reducing demographic pressures, increasing the job opportunities for young people, stabilizing the economy, supporting the transition to democracy, increasing popular participation and thus the legitimization and popular faith in the new political structure. The peace-enhancement structures developed during the peace-building phase are represented by political institutions engineered in such a way as to allow for all major stakeholders in society to participate in the process; a free-market economy; a restorative justice system as well as education, communication and information systems in order to heal the wounds of the past violence.<sup>94</sup> These changes at all levels of society (social, economic and political) are long-term approaches to peace-building, which according to Lederach’s nested paradigm require at least a decade in order to fully blossom.<sup>95</sup>

In fully functional states which retain legal sovereignty, are in control of the coercive power and are seen as legitimate, addressing conflicts through structural transformation is a much more daunting task. There are basically two camps in the literature<sup>96</sup>: the technocrats

---

<sup>91</sup> Reconstruction refers to building new relations between the stakeholders in a state, starting from a point in which those relations were broken or non-existent. Actual transformation implies that the relations were never broken, and they need to be transformed.

<sup>92</sup> Ho-Won Jeong, *Approaches to Peace-building*, (New York: PalgraveMacMillan, 2002), 154

<sup>93</sup> John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies*, (Washington, D.C.: United States Institute for Peace, 1997), 83

<sup>94</sup> Luc Reychele and Thania Paffenholz, *Peace-building: A Field Guide*, (London: Lynne Rienner Publishers, 2001)

<sup>95</sup> John Paul Lederach, *Building Peace: Reconciliation in Divided Societies*, (Washington, D.C.: United States Institute for Peace, 1997)

<sup>96</sup> Richard Rubenstein, “Conflict Resolution and the Structural Sources of Conflict” in *Conflict Resolution: Dynamics, Process and Structure*, ed. Ho-Won Jeong (Aldershot: Ashgate, 1999)

and the political. The technocrats<sup>97</sup> accept the current conflict management mechanisms of the status-quo and believe that if the social structures need to be changed in order to address social conflict, then this could be done through individual cases. Freire's folly, the idea that literacy, an individual transformation, represents in the same time a tool for exploring and promoting social change, is a case in point for the technocrats. The technocrats are strong supporters of alternative dispute resolution mechanisms and state-sponsored conflict resolution mechanisms. On the other hand the political consider that what the technocrats are doing is mere system maintenance without addressing the root causes of conflicts. In their view a 3<sup>rd</sup> party should gather the political will to make the necessary social changes, empower the weaker party to the conflict and change the relationships of power and status between the parties.<sup>98</sup>

The literature of the reformists (both the technocrats and the political) seems to show that conflict transformation works best when the state authority has not broken down yet at the same time there are signs that the key players in the system are starting to lose their long-term legitimacy.<sup>99</sup> This makes an attempt like the one of the European Union, to intervene as a 3<sup>rd</sup> party in fully-functional states a much more daunting experience.

### **2.7. Political Opportunity Structures Influencing the Outcome of 3<sup>rd</sup> Party Intervention**

In fully functional states, structural transformation attempts to reform the policies of the political structure, in order to eliminate those tensions from the system, which cause the conflict. Social movements (environmentalist groups, anti-nuclear groups, ethnic/religious minority groups etc.) also attempt to address these tensions from below. The literature points to the concept of "political opportunity structures" which refer to the specific features of a

---

<sup>97</sup> John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies*, (Washington, D.C.: United States Institute for Peace, 1997); William Ury and Ron Fisher, *Getting to Yes: Negotiating Agreement Without Giving In*, (Houghton Mifflin: Boston, 1981); Paulo Freire, *Pedagogy of the Oppressed*, (New York: Continuum, 1970)

<sup>98</sup> J. Laue and G. McCormick, "The Ethics of Intervention in Community Disputes" in *The Ethics of Social Intervention*, ed. B. Kelman and Warwick (Halsted Press: Washington, D.C., 1978)

<sup>99</sup> Richard Rubenstein, "Conflict Resolution and the Structural Sources of Conflict" in *Conflict Resolution: Dynamics, Process and Structure*, ed. Ho-Won Jeong (Aldershot: Ashgate, 1999):184

political system. “Political opportunity structures are comprised of specific configurations of resources, institutional arrangements and historical precedents for social mobilization.”<sup>100</sup> This concept developed as a tool to understand why certain American cities dealt better with urban race riots while others did not.<sup>101</sup> The literature on political opportunity structures has been focused on the link between certain structures and the different strategies and impacts social movements<sup>102</sup> had on the policy-making process. There are differences between open and closed political opportunity structures based on the way the structures are built to respond to the demands coming from social movements, to change or enact certain policies. One of the major components of political opportunity structures, the institutional opportunity structures refer not only to the political institutions but also to the dominant policy style<sup>103</sup> of that country as well as the informal procedures and dominant strategies<sup>104</sup>.

Political opportunity structures function as a filter between the policy demands of social movements and the actual policy-making process, because depending on these structures, certain types of strategies will be employed by the movements and their impact will also differ. The literature on this concept paid attention only to the sub-state level and how social movements or even individual citizens<sup>105</sup> could influence the policy-making process. No student of the political opportunities structures literature has actually researched how the attempts of supra-statal entities to influence the policy of states depend on the political opportunity structures of that state. In certain cases, the supra-state level has the same aims as social movements, to change or enact policy which will eliminate some of the

---

<sup>100</sup> Herbert Kitschelt, “Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies” *British Journal of Political Science* 16 (1986): 58

<sup>101</sup> Peter Eisinger, “The Conditions of Protest Behavior in American Cities”, *The American Political Science Review*, 67 (1982)

<sup>102</sup> Peter Eisinger, “The Conditions of Protest Behavior in American Cities”, *The American Political Science Review*, 67 (1982); Herbert Kitschelt, “Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies”, *British Journal of Political Science* 16 (1986); Ted Robert Gurr, *Handbook of Political Conflict*, (New York: Free Press, 1980), 238-294; Sidney Tarrow, *Social Movements: Resource Mobilization and Reform During Cycles of Protest: A Bibliographic and Critical Essay*, Western Societies Program, Occasional Paper No. 15, Center for International Studies, (Ithaca, NY: Cornell University, 1982); Doug McAdam, *Political Process and the Development of Black Insurgency, 1930-1970*, (Chicago: University of Chicago Press, 1982)

<sup>103</sup> J.J. Richardson, *Policy Styles in Western Europe*, (London: George Allen & Unwin, 1982)

<sup>104</sup> Hanspeter Kriesi et. al, “New Social Movements and Political Opportunities in Western Europe”, *European Journal of Political Research* 22 (1992): 219-244

<sup>105</sup> Michael Nentwich, “Opportunity Structures for Citizen’s Participation: The Case of the European Union”, *European Integration Online Papers* 1 (1996), <http://eiop.or.at/eiop/texte/1996-001.htm> (accessed on March 25, 2005)

structural causes of tension and violence in the society. The strategies and the impact of the actions of the supra-state level are also determined by the level of responsiveness of the political opportunity structures to these actions. I believe that if the political opportunities structure hypothesis holds for sub-state social movements it should also hold for an intervention from above the state level, represented by the legislation and funds of the European Union and how the supra-state policy-making requests are changed in contact with the political opportunity structures.

Enacting the same policy, on political opportunity structures which are different, in order to assess whether the outcomes differ based on the variations in the structure, is extremely hard to see in practice. The only examples are provided by the European Union and to a lesser degree by the case of India, in which there are differences between the political structures of the states. In a research<sup>106</sup> on the differences between various Indian states in reducing poverty (a key component of structural causes of conflict), Harriss showed that the differences in outcomes across local states, of the central state's Indian Alleviation Programme depend to a certain degree on the political structures of the state. The states were responsible for the implementation of the program and those who had a decentralized system, like West Bengal, fared better than the others. However, Harriss does not disregard the influence of the economic and social development patterns of those states on the reduction of poverty.

In the case of the European Union, it is acknowledged that the impact of the "European policy-making is highly different across policies and countries"<sup>107</sup> and that "European policy means different things in different domestic constellations."<sup>108</sup> The differences across countries and therefore political opportunity structures as well as political cultures, stem from the different transposition or Europeanization processes taking place in these countries. Europeanization, "the impact that European policies in particular and European integration in general have on national polities, politics and policies"<sup>109</sup>, has only

---

<sup>106</sup> John Harriss, *How Much Difference Does Politics Make? Regime Differences Across Indian States and Rural Poverty Reduction*, Working Paper Series, London School of Economics Development Studies Institute, 2000

<sup>107</sup> Adrienne Heritier et. al, *Differential Europe*, (New York: Rowman and Littlefield, 2001)

<sup>108</sup> Adrienne Heritier and Christoph Knill, "Differential Responses to European Policies: A Comparison", in *Differential Europe*, Heritier et. Al (New York: Rowman and Littlefield, 2001), 286

<sup>109</sup> Annette Elisabeth Toller, "The Europeanization of Public Policies-Understanding Idiosyncratic Mechanisms and Contingent Results", *European Integration Online Papers* 8 (2005): 1

recently become a research interest for scholars<sup>110</sup> who aim to understand how national policies are shaped and changed due to European integration. The transposition research analyzes how the EU laws and policies are adopted into the national legal and administrative instruments as well as the necessary changes that need to take place for the accommodation of EU legislation. These research areas are part of the larger literature which deals with the international sources of domestic change.

The explanations given by the literature, for the degrees of transposition profoundness of certain policies or in certain political structures, are related to the idea that there is a type of misfit between what the EU asks and what the states have. "Misfit with the given situation in a member state has been highlighted as the crucial explanatory factor for implementation performance in much of the recent literature on European integration."<sup>111</sup> This misfit is explained differently by different schools of thought. The rational choice institutionalists<sup>112</sup> believe that the misfit happens due to the negative responses of a number of mediating factors: the increased number of veto-points in the institutional arrangements or the shape of the formal institutions which can be more or less prone towards adopting the required EU directives. Some research suggests that a more centralized institutional arrangement allows for a better implementation of the requirements from above than a more decentralized arrangement: "the more comprehensive and fragmented administrative structures, the more

---

<sup>110</sup> Christoph Knill and Dirk Lehmkuhl, "The National Impact of European Union Regulatory Policy: Three Europeanization Mechanisms", in *European Journal of Political Research* 41 (2002); Claudio Radaelli, "The Europeanization of Public Policy" in *The Politics of Europeanization*, ed. Kevin Featherstone and Claudio Radaelli (Oxford: Oxford University Press, 2003); Markus Haverland, "The Impact of the European Union on Environmental Policies" in ed. Kevin Featherstone and Claudio Radaelli, *The Politics of Europeanization*, Oxford: Oxford University Press, 2003

<sup>111</sup> Gerda Falkner, "Comparing Europeanisation Effects: From Metaphor to Operationalisation", *European Integration Online Papers* 7 (2003):2

<sup>112</sup> Frank Schimmelfennig and Ulrich Sedelmeier, "Governance by Conditionality. EU Rule transfer to the candidate countries of Central and Eastern Europe", *Journal of European Public Policy* 11(2004): 661-679; Walter Mattli and Thomas Plumper, "The Internal Value of External Options: How the EU shapes the scope of regulatory reforms in transition countries", *European Union Politics* 5 (2004): 307-330; Ellen Mastenbroek, "Surviving the Deadline: The transposition of EU Directives in the Netherlands", *European Union Politics* 4 (2003): 371-396; Heather Mbye, "Why National States Comply with Supranational Law: Explaining Implementation Infringements in the European Union, 1972-1993", *European Union Politics* 2(2001): 259-281; Christoph Knill and Andrea Leschow (eds.), *Implementing EU Environmental Policy: New Directions and Old Problems*, (Manchester: Manchester University Press, 2000)

difficult it is to implement reforms from “above.”<sup>113</sup> I would add that such a thing happens as long as there is no major misfit between the EU requirements and the nation-state institutional arrangement. The political opportunity structures’ literature, presented above, fits at this level of the rational choice institutionalism.

On the other hand, the sociological institutionalists<sup>114</sup> believe that the implementation depends on the mediating factors of change agents, who attempt to lobby for the EU directive in the society, or the political culture and norms of the society which could be more or less prone towards adopting the content of the EU directive. Some examples of sociological institutionalist explanation is given by Sverdrup’s<sup>115</sup> “different administrative cultures” and Falkner’s<sup>116</sup> “worlds of compliance”. Therefore the barriers against adopting the EU directives and policies could be framed as policy misfit- related to the content of the directive which comes in contradiction with the norms and political culture of that particular society and institutional misfit<sup>117</sup> - related to the political structure of the system which either does not contain the necessary institutions to adopt the EU directives or creates a blockage due to numerous veto points in the system.

Another explanation is provided by Versluis, who considers that “issue salience” could be the cause of why certain policies are implemented better in certain countries or faster than other policies in the same country. “Issue salience in general terms refers to the visibility of

---

<sup>113</sup> Arthur Benz and Klaus Goetz, “The German Public Sector: National Priorities and the International Reform Agenda” in Arthur Benz and Klaus Goetz (eds.), *A New German Public Sector? Reform, Adaptation and Stability*, (Aldershot: Dartmouth, 199), 1-26

<sup>114</sup> Antoaneta Dimitrova and Mark Rhinard, “The Power of Norms in the Transposition of EU Directives”, *European Integration Online Papers* 9 (2005); Ulf Sverdrup, “Compliance and Styles of Conflict Management in Europe”, *ARENA Working Papers WP 08/3* (2003), [http://www.arena.uio.no/publications/working-papers2003/papers/wp03\\_8.pdf](http://www.arena.uio.no/publications/working-papers2003/papers/wp03_8.pdf); Gerda Falkner, “Comparing Europeanisation Effects: From Metaphor to Operationalisation”, *European Integration Online Papers* 7 (2003):2; James March and Johan Olson, *Rediscovering Institutions: The Organizational Base of Politics* (New York: Free Press, 1998)

<sup>115</sup> Ulf Sverdrup, “Compliance and Styles of Conflict Management in Europe”, *ARENA Working Papers WP 08/3*, [http://www.arena.uio.no/publications/working-papers2003/papers/wp03\\_8.pdf](http://www.arena.uio.no/publications/working-papers2003/papers/wp03_8.pdf)

<sup>116</sup> Gerda Falkner, *Complying with Europe* (Cambridge:Cambridge University Press, 2005)

<sup>117</sup> Tanja Borzel and Thomas Risse, “When Europe Hits Home: Europeanization and Domestic Change”, *European Integration Online Papers* 4 (2003):61-62; Tanja Borzel, “Institutional Adaptation to Europeanization in Germany and Spain”, *Journal of Common Market Studies* (1999); Christoph Knill, “European Policies: The Impact of National Administrative Traditions”, *Journal of Public Policy*.18 (1998); Christoph Knill and Andrea Lenschow, “Coping with Europe: The Impact of British and German administrations on the implementation of EU Environmental Policy”, *Journal of European Public Policy* 5 (1999):595-614; Claudio Radaelli, “Whiter Europeanization: Concept Stretching and Substantive Change”, *European Integration Online Papers* 4 (2000)

and the importance attached to a topic and starts from the assumption that the visibility of an issue conditions behavior."<sup>118</sup> The salience of an issue depends on two variables: the risk that the issue addresses- if risks are high and tend to affect large portions of the society and secondly, focusing events- several problems on the same issue happening in a short span of time. The author argues that high issue salience leads to change, but it is not enough in the absence of mediating factors. On the other hand low issue salience is enough to block or postpone the application of the EU directives into national legislation.

The major question asked in the field of Europeanization or transposition research has been how does the Europeanization process change the national policy, politics and polity? And the explanations of change have been on the lines mentioned above of rational choice institutionalism with the redistribution of resources which will lead to domestic change and the sociological institutionalism with the socialization and social learning among the policy-makers which will allow for domestic changes. However, nobody has paid attention to the question if the European policies change due to the domestic, member state's barriers in front of them (either rational choice institutional barriers or sociological institutional barriers), therefore possibly losing their initial purpose after the interaction with the domestic barriers. Falkner<sup>119</sup> touches upon the issue by drawing attention that more research should be focused on the correctness of the EU directives transposition and their overall implementation. In a research on how the implementation effectiveness is dependent on the national administration traditions, Knill defines implementation effectiveness as "the degree to which the formal transposition and the practical application of supranational measures at the national level correspond to the objectives defined in European legislation".<sup>120</sup>

Following the interaction with the political structures, the EU directives and policies can either be filtered smoothly, and thus, adopted easily in the domestic arenas and address the social tensions, or be changed in content, delayed or even derailed. The explanations for why the various types of results occur can be given by the institutional misfit or policy misfit.

The process of 3<sup>rd</sup> party intervention encompasses many activities and can last for long periods of time. The influences on it can come from two major camps: particularist and structuralist. Even though the strength of the particularist explanations is acknowledged by the

---

<sup>118</sup> Esther Versluis, "Explaining Variations in the Implementation of EU Directives", *European Integration Online Papers* 8 (2004): 10

<sup>119</sup> Gerda Falkner, "Comparing Europeanisation Effects: From Metaphor to Operationalisation", *European Integration Online Papers* 7 (2003)

<sup>120</sup> Christoph Knill, "European Policies: The Impact of National Administrative Traditions", *Journal of Public Policy* 18 (1998)

literature of conflict resolution, in this thesis the focus is more on the structuralist approach, trying to understand if elements from the conflict environment (e.g.: political opportunity structures) impact the process of 3<sup>rd</sup> party intervention in the context of the European Union. The reason for the focus on the structuralist approach is related to the type of intervention the European Union does, which is a structuralist, conflict resolution intervention. On the other hand, the literature on Europeanization provides insights into possible explanations for the different transposition of EU regulations, across EU member-states by looking at the rational choice institutionalists who can block the institutional arrangements, and at the sociological institutionalists which place it on the different administrative cultures.

In the next chapter I will present the methodology used for this research and explain why I focus on this conflict in France and Spain. The research question and the hypotheses put forward for the thesis are also enunciated.



## CHAPTER 3

### METHODOLOGY

#### 3.1. Research Question and Hypotheses

In this chapter, I will present in detail the methodology used in order to answer my research question, as well as the hypotheses put forward. First I present the research question and the conceptualizations and operationalizations of the terminology and then I explain the comparative case studies methodology used.

This study tries to answer the question: ***Do political opportunity structures impact the process of 3<sup>rd</sup> party intervention in the context of the European Union?*** For conceptualizing political opportunity structures, I use a modified definition of Kitschelt which considers political opportunity structures as “comprised of specific configurations of resources [and] institutional arrangements”.<sup>121</sup> Thus, political opportunity structures refer to the institutional arrangement (the distribution of power within a political system). I shall also pay attention to the role of political culture, but only as it is linked to the institutional arrangements. Operationalizing the concept, I shall be looking at the differences between unitary centralized and unitary decentralized political systems.

Impact on the process of 3<sup>rd</sup> party intervention is operationalized as changes that the political structures will insert on the intervention. If the political structures changed something in the desired 3<sup>rd</sup> party intervention, then they had an impact. If the intervention took place without any changes from the political structures, then no impact will be recorded. The changes would have to be caused by the distribution of power in the political system (center vs. periphery) in order to be recorded as an impact. I want to highlight here that the impact on the process of 3<sup>rd</sup> party intervention takes place after the intervention has been decided by the 3<sup>rd</sup> party, and I do not aim in this thesis to take into account the impact that political structures could have on the 3<sup>rd</sup> party intervention at the pre-intervention moment when the type and mechanisms of intervention are not decided yet. In order to control for that, I only consider the impact of the political structures on the process of 3<sup>rd</sup> party intervention in the aftermath of the European Union Directives.

---

<sup>121</sup> Herbert Kitschelt, “Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies”, *British Journal of Political Science* 16 (1984): 58

I have the following hypotheses for this thesis:

Hypothesis 1: *A centralized political system correlates positively with a worse implementation of the intervention and thus with higher levels of social conflict, in the context of the European Union.*

Hypothesis 2: *A decentralized political system correlates positively with a better implementation of the intervention and thus with lower levels of social conflict, in the context of the European Union.*

A decentralized political system can filter easier and better the desires of the 3<sup>rd</sup> party intervention to the level of political authority which is closest to the conflict, and thus I hypothesize that it has a better understanding of the conflict than the national level. A better implementation of the intervention leads to lower levels of conflict for decentralized systems and higher levels for centralized systems.

### **3.2. Research Methodology**

The type of social conflict I want to focus on is not a territorial based one, with which decentralized states deal better according to the conflict resolution literature, but a conflict involving a non-territorialized religious minority: Muslims. As shown in the first chapter there is a conflict at the societal level across Europe, involving Muslim communities. Considering the European-wide scale and trans-nationality of the conflict, the most suitable 3<sup>rd</sup> party intervener in this conflict is the European Union. Thus, I have to choose a centralized political system and a decentralized political system from among the members of the European Union in which the social conflict involving Muslim communities has approximately the same characteristics, so that the chances for other variables impacting the conflict would be minimized.

I shall use a focused comparative case study approach for two cases. The comparative case study method that I am planning to use is the Most Similar System Designs method (MSSD) in which “cases are chosen because they are similar in most respects. The cases

differ on only one or a few independent variables.”<sup>122</sup> I have chosen two political structures for analysis: France and Spain.

The differences between France and Spain are related to the political opportunity structures. France is a centralized unitary system, in which the role of the local governments is limited and controlled by the central state. Spain is a decentralized unitary system, a “quasi-federal” system in which the Autonomous Communities (the regions) play a major role in determining what and how the policies coming from higher levels of authority are implemented. I have not chosen a federal political system, in order to have all the spectrum of centralized-decentralized systems, because inside the European Union, none of the federal states has the same similarities, in terms of the characteristics of the Muslim population and the social conflict, with Spain and France. Choosing Germany as the federal case would have meant that a number of independent variables related to differences within Islam and relationship to religious authorities, between Turks (the major Muslim population of Germany) and Maghrebians (the major Muslim population of France and Spain), would have been brought into the picture. Secondly, the fact that most of the Muslims in Germany were not citizens until recently, would have negatively impacted the possibility of comparison with the other two cases.

The other differences between France and Spain are related to the different political cultures which play a major role in determining the shape of the institutional arrangements. France has a strong republican, centralized culture in which several concepts are at the top of the spectrum while others are not taken into account. Spain has a political culture which steams from it being at the crossroads between Europe and Africa, the New World and the Old World. It embraces diversity and regionalism. Thus, the different approaches to minorities can be observed in our cases: France- not even acknowledging the existence of minorities while Spain having it enshrined as a constitutional principle that minorities have to be publicly supported and respected. Another difference between France and Spain can be observed in regard to the relationship with the 3<sup>rd</sup> party intervener: the European Union. France has been having a “love-hate” relationship with the EU, but mainly “hate” over the last period. Spain has been having a “love affair” with the European Union, since its early days for membership application, which continues even nowadays, considering the amount of funds it receives from the center. A final difference between the two countries is the variation in the dependent variable (the levels of conflict). As it will be shown in Chapter 6, France has

---

<sup>122</sup> Daniel Druckman, *Doing Research. Methods of Inquiry for Conflict Analysis*, (Thousand Oaks: Sage Publications, 2005), 210

higher levels of conflict than Spain. In order to reach this conclusion I have been using anecdotal evidence from various Spanish and French sources which collected data on perceptions towards the Muslim communities as well as on violent acts against Muslims in Spain and France.

The similarities between Spain and France range on three characteristics: 1) membership to the European Union; 2) Muslim communities; 3) characteristics of the social conflict. Both countries are old members of the European Union and thus, considering that the social conflict involving Muslim communities started to gain steam since the mid-1980s, whatever conflict resolution mechanisms the European Union adopted towards this conflict affected both countries. The interest of this thesis is related to 3<sup>rd</sup> party intervention which took place after 2000, because starting with this year the European Union initiated its 3<sup>rd</sup> party intervention. Another similarity is the fact that in both countries membership to the nationality is gained through *jus solis* and not just *sanguinis* as in the case of Germany. This is an important similarity in respect to the second and third generations of Muslims, the sons and daughters of the initial waves of immigrants, living in France and Spain.

Secondly, both countries have large Muslim communities. In France there are approximately 6 million Muslims, 3.5 millions having North African origins. Most of them are French citizens, with approximately 1.5 million Muslims as immigrants (either legal or illegal immigrants). "A range of analysts and groups estimate that approximately 10 percent of the French population, or 6 million people, is of Muslim background."<sup>123</sup> In Spain there are approximately 600,000-1,000,000 Muslims. Out of them the largest group is represented by North Africans, especially Moroccans, which account for approximately 300,000 Muslims. There are no exact data on the number of Muslims in France or Spain because such data is not allowed to be gathered. The largest Muslim communities in France are located in Ile-de-France, Provence-Alpes-Cote d'Azur, Rhone-Alpes and Nord-Pas de Calais. In Spain, the largest Muslim communities are located in Catalonia, Madrid, Andalusia, Valencia, Canary and the Baleare Islands. The large waves of immigration in France took place during the 1950s and 1960s at the end of the French colonial domination of North Africa as well as in the 1980s and 1990s, when there was a crackdown on Islamist movements in Morocco, Algeria and Tunisia, and many fled to France. In Spain, most of the immigrants came in the 1990s once the Spanish economic started growing intensively and more job opportunities opened up for immigrants. Secondly, in the aftermath of the Schengen Treaty, Spain was seen

---

<sup>123</sup> Paul Gallis, *Muslims in Europe: Integration Policies in Selected Countries*, (Washington, D.C.: Congressional Research Service, Library of Congress, 2005), 22

as the most porous entry point for North African immigrants into Europe, and thus large numbers came to Spain, in order to later, move freely inside the European Union.

Most of the Muslim communities come from the poor areas of the North African countries in search of a better future in Spain or France. They are employed most of the time as unskilled laborers. They live in the suburbs of big cities (Paris, Marseille, Barcelona or Madrid) in difficult socio-economic conditions. These suburbs resemble the ghettos of Afro-Americans in the United States. Little interaction with the authorities or non-Muslims takes places. The socio-economic problems are main causes of conflict in both Spain and France.

**Table 1. Most Similar Systems Design –France and Spain**

	France	Spain
Differences	Institutional Arrangement-Centralized	Institutional Arrangement-Decentralized
Similarities	European Union member-state	European Union member-state
	Large Muslim communities of Maghrebian background	Large Muslim communities of Maghrebian background
	Characteristics of social conflict-socio-economic grievances as the main causes of conflict	Characteristics of social conflict-socio-economic grievances as the main causes of conflict
	Jus Solis – in regard to citizenship	Jus Solis – in regard to citizenship

The type of European Union intervention I shall analyze is represented by measures of structural intervention, such as legislations and funds offered for various anti-discriminatory projects. As shown, in the following chapter, the European Union’s main intervention tool that I will analyze (legislation and funds) could be considered as sticks (if legislation is not implemented than EU punishments) and carrots (EU offering funds to develop projects addressing the social conflict) as a 3<sup>rd</sup> party intervention mechanism. Legislation is a legitimate type of 3<sup>rd</sup> party intervention because it impacts on the conflict environment and moreover the 3<sup>rd</sup> party aims to impact the conflict. Numerous directives of the European Union are targeted to deal with various conflicts inside the Union (directives targeted at

Northern Ireland, ethnic conflicts, conflicts involving Roma and Sinti communities, etc.). The transposition and implementation in the same form and content of directives is not compulsory for all the member states of the Union.<sup>124</sup> The member states have a lot of freedom to choose how they will transpose and implement the directives of the European Union. At this level the impact of the political structures on the 3<sup>rd</sup> party intervention is crucial.

The main mechanism for analyzing the legislation of the European Union and its transposition and implementation into the national legislation is through the use of the European Union monitoring system for the transposition and implementation of directives. In doing so I will try to understand in what respects the transposition and implementation differ from the requirements of the European Union. The European Union has specifically devised a monitoring and evaluation component within the Community Action Program to combat discrimination. In order to analyze the impact of political structures I will pay attention to the obstacles that inhibit the proper transposition and implementation and examine if they are related with the institutional arrangement of the state. For the anti-discrimination legislation and programs of France and Spain, I searched through the online databases of the French National Assembly and Spanish Parliament in order to identify the appropriate legislation.

---

<sup>124</sup> <http://www.publicadministration.leidenuniv.nl/index.php3?m=1&c=276> (accessed February 25, 2006)

## CHAPTER 4

### EUROPEAN UNION AS A THIRD PARTY

#### 4.1. European Union - a Built-In System for Conflict Transformation

The history of Europe is a history of old rivalries, violent conflicts and bloody wars. All these skyrocketed in the first half of the 20<sup>th</sup> century with World War I and World War II which basically left Europe destroyed. Throughout the ages, European thinkers and philosophers tried to figure out world systems (understood as European systems, at that time) which could bring upon “perpetual peace”<sup>125</sup> to the peoples and nations of Europe. The second half of the 20<sup>th</sup> century showed that this dream can be achieved through the development of a European Union among the continent’s nation-states.

In 1941, two Italian thinkers came up with the so-called “Ventotene Manifesto” which asked for the establishment, in the after-war period, of a European federation in order to provide security and social justice to all Europeans. Altiero Spinelli and Ernesto Rossi thought that a European Federation would easily solve "the multiple problems which poison international life on the continent."<sup>126</sup> Robert Schuman, the French Minister of Foreign Affairs in the aftermath of the Second World War, picked up this idea of a European federation, but believed that if such a thing will happen, then the ages-old conflict between France and Germany needs to be addressed. And this shall happen through "the pooling of coal and steel production [which] should immediately provide for the setting up of common foundations for economic development as a first step in the federation of Europe, and will change the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims."<sup>127</sup> Thus, the beginning of the European Union lies in the desire to merge together important, war-related, national

---

<sup>125</sup> Immanuel Kant, *Perpetual Peace: A Philosophical Sketch*, 1795, <http://www.mtholyoke.edu/acad/intrel/kant/kant1.htm> (accessed March 21, 2006)

<sup>126</sup> Altiero Spinelli and Ernesto Rossi, *The Ventotene Manifesto. For a Free and United Europe. A Draft Manifesto*, 1941, [http://www.streitcouncil.org/content/pdf\\_and\\_doc/The%20Ventotene%20Manifesto.doc](http://www.streitcouncil.org/content/pdf_and_doc/The%20Ventotene%20Manifesto.doc)

<sup>127</sup> Robert Schuman, *The Schuman Declaration* in Brent Nielsen and Alexander Stubb (eds.), *The European Union: Readings on the Theory and Practice of European Integration*, (Boulder, London: Lynne Rienner Publishers, 1998), 14

economic resources in order to surpass the ages-old conflicts. This led to the establishment of the European Coal and Steel Community which aimed “to create, by establishing an economic community, the basis for a broader and deeper community among peoples long divided by bloody conflicts; and to lay the foundations for institutions which will give direction to a destiny henceforward shared”<sup>128</sup>

The following European communities established shared the same goals of eliminating violent conflict from the continent through the development of a web of common interests which will make conflict unthinkable and undesirable. Or as, what is considered to be the father of the European Union, Jean Monnet, put it, these types of unions “are steps on the road to the more orderly world, we must have if we are to escape destruction”.<sup>129</sup> What these quotes from the early days of what was to become the European Union aim to underline is the fact that the European Union was built with a conflict transformation approach, even though it was not called as such at that time. It aimed to transform the ages-old conflict relations existing between the European nation-states into cooperation in order to achieve the elimination of violent conflicts on the continent. Conflict transformation lies at the very heart of the European Union. Peter Wallensteen argues that European integration studies are actually studies in conflict transformation, which are triggered by “the simultaneous and surprising experience of the integration of two former enemies, Germany and France, [which] illustrated the potential for reversing dynamics.”<sup>130</sup>

#### **4.2. European Union and Conflict Resolution- Historical Timeline**

European Union has been involved in conflict resolution since the 1970s, even though it was not named as such. It got involved in the East-West conflict of the second half of the 20<sup>th</sup> century, through attempts to open dialogue, the Arab-Israeli conflict or post-colonial conflicts like Angola, Mozambique, South Africa or Rhodesia. The traditional European

---

<sup>128</sup> European Coal and Steel Community, Preamble of the Treaty Establishing the European Coal and Steel Community, (Paris: 1951)

<sup>129</sup> Jean Monnet, “A Fermant of Change” in Brent Nielsen and Alexander Stubb (eds.), *The European Union: Readings on the Theory and Practice of European Integration*, (Boulder, London: Lynne Rienner Publishers, 1998)

<sup>130</sup> Peter Wallensteen, *Understanding Conflict Resolution: War, Peace and the Global System*, (London et. al: SAGE, 2002),33



Union instruments for conflict resolution were related to economic incentives and regional integration (common trade policy, ability to conclude association and cooperation accords, provision of humanitarian and economic development assistance-undertaking programs for economic and technical cooperation).

The violent conflict which took place in EU's backyard, in the former Republic of Yugoslavia, raised the importance of conflict prevention/conflict resolution mechanisms on EU's agenda. "The lessons from 'recent conflicts like Yugoslavia where the antecedents were troublesome conditions within particular sovereign states, such as repression of political oppositions, mounting economic dislocations, human rights abuses against minorities, or acts of inter-group violence', have prodded the Union to increasingly take a more comprehensive approach to conflict prevention."<sup>131</sup> In the mid 1990s, the European Union used the concept of conflict prevention with two meanings: a short-term approach of conflict prevention as a reaction to nascent fast-escalating conflicts (short-term conflict prevention) and a long-term approach of conflict prevention as project stability (long-term conflict prevention or peace-building). A clear difference between conflict prevention and peace-building activities has been set in April 2001 by the European Commission.<sup>132</sup> Therefore the concept of "conflict prevention" has been used by the European Union to cover a significant number of activities which are considered by the literature to fall under the general category of conflict resolution. Short-term conflict prevention implied early warning systems, rapid deployment mechanisms as well as special representatives. Long-term conflict prevention or peace-building implied actions towards regional integration, supporting democracy, rule of law, civil society, gender equality and development policy etc. Long-term conflict prevention or peace-building has been defined by the European Union as "actions undertaken over the medium and longer-term to address root-causes of violent conflicts in a targeted manner."<sup>133</sup>

In light of the conflicts in former Yugoslavia and the Great Lakes region in Africa, the European Union developed a structural conflict prevention mechanism in order to address the root-causes of conflict. This mechanism aims to establish "structural stability" through promotion of good governance, sustainable economic development, democracy and respect for human rights, viable political structures and healthy environment and social conditions

---

<sup>131</sup> Esther Barbe and Elisabeth Johansson, "EU and Conflict Prevention", *Observatori de Politica Exterior Europea*, Working Paper No.8 (2001):4

<sup>132</sup> European Commission Communication on Conflict Prevention, COM (2001), 211 Final, Brussels, April 2001

<sup>133</sup> [europa.eu.int/comm/development/development\\_old/prevention/definition.htm](http://europa.eu.int/comm/development/development_old/prevention/definition.htm) (accessed March 23, 2006)

without resort to violence. Basically, in the mid-1990s, the European Union decided to use the same structural transformation approach it used to transform conflicts within its Member States, to the out-of-Europe states of Africa, Central America and Central and Eastern Europe<sup>134</sup>. The EU took into account the fact that a major condition for the success of a structural transformation intervention has to be the adaptation of the 3rd party mechanisms to that country's own situation, history and culture. The EU's successful 3rd party interventions in the conflicts in El Salvador and Guatemala gave the ownership of the co-operation projects to these countries, thus allowing a historical/cultural specific approach to the conflicts.<sup>135</sup>

As noticed, most of the conflict resolution mechanisms used by the European Union have been targeted towards out-of-Europe conflicts in Africa, the Middle East, Latin America or Asia. A proof that EU's conflict resolution has been geared mainly towards conflicts on the other continents is the establishment within the European Commission's External Relations Directorate of a Conflict Prevention Unit. "Conflict prevention has become a centerpiece of EU's foreign policy in the 1990s, and will most likely remain as one of the main objectives of the Common Foreign and Security Policy in the years to come."<sup>136</sup> The instruments used by the European Union in intervening into these conflicts vary from political dialogue in order to create systemic confidence between the parties to rapidly deploying peacekeeping troops. In between there are other types of interventions like the appointment of EU special representatives (for the Middle East, Africa's Great Lakes Region, South East Europe and Kosovo), Civilian Crisis Management instruments (training and assistance for the development of law enforcement, judicial systems, civil administrations and rescue services), as well as Early Warning Mechanisms monitored by the Policy Planning and Early Warning Unit in the Council of the European Union Secretariat. However, the European Commission states that "development policy and other co-operation programs provide without a doubt, the most powerful instruments at the Community's disposal for treating the root causes of conflict."<sup>137</sup>

---

<sup>134</sup> El Salvador, Guatemala, Indonesia, D.R. Congo, Afghanistan, Balkan's Stabilization and Accession Process

<sup>135</sup> José Javier Fernández Fernández, "La contribución de la Unión Europea a los procesos de paz y democratización en América Central y el futuro del proceso de San José", *Revista de Derecho Comunitario Europeo* (2000): 417-452

<sup>136</sup> Esther Barbe and Elisabeth Johansson, "EU and Conflict Prevention", *Observatori de Política Exterior Europea*, Working Paper No.8 (2001): 13

<sup>137</sup> *Ibid.*, pg. 9

### **4.3. Linking Integration and Peace: A Theoretical Perspective**

But the European Union is best known for its conflict resolution practices in its neighborhood and mainly in Central and Eastern Europe, through the integration process. “European integration was designed to bring peace to a continent of war.”<sup>138</sup> The obvious question then is what links integration and peace?

David Mitrany, a Romanian-born scholar, is considered by many to be the father of functionalism. In his masterpiece “A Working Peace System” published during the Second World War, in 1943, he attempts to figure out how to turn the international system into a peaceful one. He considers that after the war the countries will have similar needs and in order to answer these needs a web of international activities and agencies should be created, through which the interests and life of all the nations will be gradually integrated. His belief is that functional integration will spread from one sector to the other and thus entangle the relations between nations in such a way that it will become very difficult to start a war because of the interdependency between them. Mitrany’s idea was that this has to happen at the highest level, universal and not at the regional level. He was a strong critique of the European Union, considering that this will only lead towards a regional-based conflict in the future instead of a nation-state one. However, the founding fathers of the European Union drew on Mitrany’s functionalist approach when they set up to build a peaceful Europe.

The neo-functionalist approach explains why nation-states in Europe integrate in certain policy areas and do not do the same for others. It uses the functionalist idea that “technical linkages between policy areas lead to integration spill-over, spinning a web of interdependence that make war a costly undertaking, too costly to be contemplated”<sup>139</sup>. However, unlike the functionalist approach of Mitrany who considered that the achievement of peace was the ultimate goal, the neo-functionalists explain integration and the subsequent peace as derived from the selfish economic interests of the states. A third possible explanation for the link between integration and peace considers that more levels of governance could better address conflicts. “The third tier could facilitate conflict settlement and conflict

---

<sup>138</sup> Stephen Stetter, Mathias Albert and Thomas Diez, “The European Union and Border Conflicts: The Transformative Power of Integration”, *ECPR Joint Session Workshops*, Uppsala, (2004):35

<sup>139</sup> *Ibid.*, pg.3

resolution both at the institutional level and in the policy fields of economy, politics and security."<sup>140</sup> This, however, is an untested hypothesis put forward by a group of scholars and more research needs to be done in order to understand if it holds true.

#### **4.4. Europeanization of Central and Eastern Europe as a Conflict Resolution Mechanism**

Integration of the Central and Eastern Europe into the European Union, often times called Europeanization, addressed re-emerging ethnic conflicts by linking requirements to the national governments to take measure in order to prevent violent conflicts with the prospect of European Union membership. Europeanization has been using two major tools in order to determine the future member states to comply with the European Union requirements: conditionality and social learning. Conditionality refers to the threat of freezing membership talks if there is no compliance with the requirements, while social learning refers to a process in which participation in joint institutions and working frameworks at the supra-national level leads to a change of identity, interests and therefore ensuing actions, thus erasing the conflicts.<sup>141</sup>

"The strongest incentive the EU can put on the negotiating table to guide nudge the parties towards a conflict settlement is the prospect of EU membership."<sup>142</sup> This gives the European Union leverage to demand the structural transformation of the governing political structures, economy and civil society in order to align it to the European standards. These institutional and policy changes also address the social conflicts within the states. The European Union has the leverage to use conditionality in order to realize its structural transformation goals because of the asymmetrical differences in power as well as the uncertainty embedded within the Europeanization process which keeps the prospective states

---

<sup>140</sup> Gergana Noutcheva, Nathalia Tocci, Bruno Coppieters, Tamara Koviziriadze, Michael Emerson and Michel Huysseune, "Europeanization and Secessionist Conflicts: Concepts and Theories" in *Europeanization and Conflict Studies: Case Studies from the European Periphery*, ed. Bruno Coppieters, Michael Emerson, Michel Huysseune, Tamara Kovziridze, Gergana Noutcheva, Nathalie Tocci and Marius Vahl, *Journal of Ethnopolitics and Minority Issues* 1 (2004): 9

<sup>141</sup> Stephen Stetter, Mathias Albert and Thomas Diez, "The European Union and Border Conflicts: The Transformative Power of Integration", *ECPR Joint Session Workshops*, Uppsala (2004)

<sup>142</sup> *Ibid.*, pg. 12

on good behavior. But the explanation for the domestic changes provoked by conditionality is given by the rational institutionalism approach which considers that rational calculating players confronted by institutional constraints may alter their strategies and tactics in order to achieve their interests. The institutional constraints are created by changes in the institutional opportunity structures through the structural transformation brought in by the Europeanization process.

The social learning aspect of the Europeanization refers to the creation of a common culture, norms and values among the elites of the nation-states and the Euro-bureaucrats. It has a top-down approach in which the social learning process is transmitted from the elites' level to the society in general. Conditionality and social learning are not mutually exclusive. The literature draws a time sequence between the two, considering that on the short-term conditionality can work but on the long term, social learning is required in order to build the "we-feeling" of Europeanness. "The extent to which 'adaptational pressures' generate domestic change depends on the goodness of the fit between EU and domestic practices."<sup>143</sup> Great incompatibility between EU requirements and domestic practices makes conditionality unlikely to have an effect. However other scholars consider that in such cases, EU's intervention to a social conflict creates a much-needed "conflict with the conflict" by challenging the traditional discourse or opening opportunities for non-conflict related discourses.<sup>144</sup>

The literature on European Union as a third party differentiates between EU as an actor and EU as a framework.<sup>145</sup> EU as an actor refers to the conflict resolution activities conducted by the EU aimed at having short-term effects on the conflict, such as offering good offices or direct mediation. EU as a framework refers to those conflict resolution activities which have long-term affects and are targeted towards three levels of the state: a) legal and administrative structures; b) domestic economic, social or security policies; c) societal

---

<sup>143</sup> Maria Cowles, James Caporaso, Thomas Risse, "Europeanization and Domestic Change" in *Transforming Europe: Europeanization and Domestic Change*, ed. Thomas Riise, Maria Green Cowles and James Caporaso (Ithaca, NY: Cornell University Press, 2001)

<sup>144</sup> Stephen Stetter, Mathias Albert and Thomas Diez, "The European Union and Border Conflicts: The Transformative Power of Integration", *ECPR Joint Session Workshops*, Uppsala (2004):18

<sup>145</sup> Gergana Noutcheva, Nathalia Tocci, Bruno Coppieters, Tamara Koviziriadze, Michael Emerson and Michel Huysseune, "Europeanization and Secessionist Conflicts: Concepts and Theories" in *Europeanization and Conflict Studies: Case Studies from the European Periphery*, ed. Bruno Coppieters, Michael Emerson, Michel Huysseune, Tamara Kovziridze, Gergana Noutcheva, Nathalie Tocci and Marius Vahl, *Journal of Ethnopolitics and Minority Issues* 1 (2004): 20

changes (political representation, party system, interest groups, domestic discourses or identities). EU as a framework is best used in addressing conflicts in the European neighborhood (Central and Eastern Europe, Balkans) or inside the European Union, because it is strongly related to the Europeanization process. Structural transformation takes place when EU intervenes in its “EU as a framework” approach. This type of intervention will be the focus in my thesis chapter.

According to Stetter et al. another distinction is drawn regarding the level of intervention of EU as a 3<sup>rd</sup> party. Based on a matrix between the level of the society impacted (individual or societal) and the approach by EU (actor-driven or structural) there are four pathways of EU impact: compulsory impact, enabling impact, connecting impact and constructive impact. The thesis is looking at the constructive impact which takes place when the “EU as a framework” impacts the societal level in general (institutions and policies), because this is a structural transformation type of intervention, the same as the one applied by the European Union for the social conflict involving Muslim communities in Europe. This "is, if successful, the most indirect but also most persuasive mode of transformation, since it aims at changing the underlying identity-scripts of conflicts, thus supporting a (re)-construction of identities that is conducive to peaceful relations between conflict parties.”<sup>146</sup>

#### **4.5. Europeanization as a Conflict Resolution Mechanism Inside the European Union**

As mentioned above, European Union’s conflict resolution approaches are best known in the framework of the Europeanization process of Central and Eastern Europe. Little is known about the Europeanization process taking place inside the EU, with the exception of the early days of the European project when it was thought as a solution to the conflicts between the European nation-states. There are many social and community-based conflicts inside the European Union itself. The lack of EU conflict resolution approaches to these conflicts may derive from a desire of the member states to deal with these conflicts at the local level and not at the European level. However, the European Union has an impact on all these conflicts even though it does it in its role of “EU as a framework”. Stetter et al. consider

---

<sup>146</sup> Stephen Stetter, Mathias Albert and Thomas Diez, “The European Union and Border Conflicts: The Transformative Power of Integration”, *ECPR Joint Session Workshops*, Uppsala (2004):23

that the “structural impact [of the EU] is usually less powerful in cases of mere association of two conflict parties or cases in which only one party is an EU-member than in cases where both conflict parties are EU members, and are therefore directly subject to the *acquis communautaire*.”<sup>147</sup> The only inside-the-EU community or social conflict in which the EU played a major role is the Northern Ireland conflict and this would be a good example to show the structural transformation that the EU provoked.

In the case of Northern Ireland, both countries with interests in the conflict, Ireland and U.K., joined the European Union at the same time in 1973. Back then, the resolution of such conflicts was not considered to be an issue for the European Union, but rather for the domestic governments and therefore it did not play a role in the integration process of Ireland and United Kingdom. However, in 1984 the European Parliament through the Haagenrup Report highlighted the importance of addressing the Northern Irish conflict by using EU mechanisms. The mechanisms through which the EU intervened in this communal, identity-based conflict have been mainly incentives and “subversion”. Starting with 1994 the EU opened up a fund, named Special Support Programme for Peace and Reconciliation (SSPPR), which “aims to reinforce progress towards a peaceful and stable society by increasing economic development and employment, promoting urban and rural regeneration, developing cross-border co-operation and extending social inclusion.”<sup>148</sup> The program is implemented through inclusive (cross-community), joint (Ireland-United Kingdom) as well as grassroots-level, locally-based partnerships. As the former European Commissioner for Regional Policy, Ms. Danuta Hübner, said on the day of the prolongation of the SSPPR, “The European Union understands that economic and social development in support of peace and reconciliation at grassroots level is not a short term process.”<sup>149</sup> A second incentive for co-operation between the two communities has been the inclusion, of Northern Ireland and the northern regions of Ireland bordering Northern Ireland, into the regions which can receive structural funds, even though they did not meet the criteria.

---

<sup>147</sup> Ibid, pg.19

<sup>148</sup> Angela Bourne, “European Integration and Conflict Resolution in the Basque Country, Northern Ireland and Cyprus”, *Perspectives on European Politics and Society* 4 (2003): 399

<sup>149</sup> IP/05/667, Brussels, 3 June 2005, European Commission launches extension of PEACE Programme for Northern Ireland and the Border Region of Ireland, <http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/05/667&type=HTML&aged=0&language=EN&guiLanguage=fr>

The “subversive” mechanism of the EU to address the Northern Irish conflict refers to the encouragements the EU gives to the parties to “co-operate with each other or make conciliatory moves as part of their compliance with the technical requirements of EU membership or as a consequence of functional objectives otherwise unrelated to the politics of conflict.”<sup>150</sup> INTERREG is a fund of the European Union which encourages cross-border co-operation all across the European Union in an effort to improve integration with the European markets of all the regions. Many of its funds have been given to cross-border co-operation in Northern Ireland and they have also indirectly helped in forging better inter-communal relations between the Protestants and the Catholics. Even though funding for inter-national cross-border co-operation plays a major role in addressing communal-based conflicts, border-conflicts do not refer only to state borders, but may as well include other types of social borders: gender, race, religion or cultural borders. “Borders are socially constructed institutions”<sup>151</sup> and as such they provide mechanisms for social exclusion or inclusion into certain contexts, like the European society.

The evaluation of EU’s third party structural intervention into the Northern Irish conflict has mixed reviews. “The SSPPR programme in particular has been praised for improving contacts between communities at the level of civil society.”<sup>152</sup> Other scholars consider that the EU’s structural intervention “has been piecemeal and unsystematic, [and] has not really been able to address the complex core of issues causing the conflict.”<sup>153</sup>

#### **4.6. European Union Intervention in the Conflict involving Muslim Communities**

“The issue of religious discrimination, or rather religion as a concept and integral part of people's lives, has gained new prominence as a public matter. This is due to changes in the religious landscape of Europe through migration and the rising popularity of new religious

---

<sup>150</sup> Ibid., 400

<sup>151</sup> David Newman, *Conflict at the Interface: The Impact of Boundaries and Borders on Contemporary Ethno-National Conflict*. (Unpublished Manuscript, Ben Gurion University: Beer Sheva, 2003)

<sup>152</sup> Angela Bourne, “European Integration and Conflict Resolution in the Basque Country, Northern Ireland and Cyprus”, *Perspectives on European Politics and Society* 4 (2003): 400

<sup>153</sup> Ibid., 411



movements"<sup>154</sup> Thus, the European Union realized that the conflicts of the future will be related to cultural and religious differences<sup>155</sup> and the 1997 EU Treaty of Amsterdam, in its Article 13, enshrined that discrimination based on religious grounds is not to be tolerated in the European Union.

In light of that, in April 2002, the EU adopted an action program for the dialogue between cultures and civilizations and it founded a Foundation for Dialogue between Cultures in Civilizations. The major cultures and civilizations with which the European Union wants to open bridges of dialogue are the Arab-Muslim culture and civilization of its Mediterranean border as well as from inside the European Union.

As mentioned in the first chapter, the conflict involving Muslim communities has been slowly increasing over the last few years. However, this is not a new conflict in Europe, but rather one which has been gaining speed since the mid-1970s when the “guest workers”, most of them having Muslim origins, were not welcomed anymore, because the European economies were going through a tough period of unemployment. "By the end of the 1980's, one can speak of a clear and defined division between Muslim communities in France and mainstream French society in their respective views of socio-political and cultural identity."<sup>156</sup> The same effects were noticed all throughout Europe, not only in France.

Considering that conflicts involving Muslims communities, either as the victims or as having representatives from the Muslim communities as the attackers, take place all throughout European Union, the EU's bodies and institutions are the most suited to address such an European-wide conflict. "The Commission believes that at European level, the EU, with its spectrum of policies in various areas, could be used to address violent radicalization."<sup>157</sup> According to the Council Framework Decision on Combating Terrorism, violent radicalization represents such actions taken with “the aim to seriously intimidate the population of a country, unduly compel a government to perform or abstain from performing

---

<sup>154</sup> Manuela Scharf, “Belief and Exclusion: Combating Religious Discrimination in Europe”, *The European Network Against Racism*, 2003, 9

<sup>155</sup> Therefore the request from the European Union to European Union Monitoring Center on Xenophobia and Racism to conduct a research on Islamophobia in Europe, following the September 11, 2001 attacks in New York City. The research was conducted by Prof. Jorgen Nielsen from University of Birmingham

<sup>156</sup> Barrie Wharton, “The Integration of Islam in the European Union: Prospects and Challenges”, <http://www.eliamep.gr/eliamep/files/op0402.PDF>, 18

<sup>157</sup> Mirjam Dittrich, *Muslims in Europe: Addressing the Challenges of Radicalization*, European Policy Center Working Paper No.23, (2006), 41

an act, or seriously destabilizing or destroying the fundamental political, constitutional, economic and social structures of a country.”<sup>158</sup>

The European Commission conducted an analysis of the factors which lead to violent radicalization for the specific case of Muslims in Europe in order to better understand how it should address this conflict. It found out that failed integration and social exclusion represent major factors leading to violent radicalization. “Factors relating to exclusion, which can relate to being part of minority or immigrant groups - either individually or shared by the group with which one identifies or belongs to as a whole-can result in feelings of being discriminated against within the European societies in which people live.”<sup>159</sup> Thus an identity threat develops on members of these socially excluded groups. On a more psychological explanation, “not feeling accepted in society, feeling discriminated against and the resulting unwillingness even to try to identify with the values of the society in which one is living, can also lead to feeling of alienation or low self-esteem” which in turn could easily lead to violent radicalization. A similar process could occur among members of the mainstream, majoritarian society, who could feel their identity threatened by the waves of immigration and the requirements to accommodate different habits, cultures and traditions inside what they consider to be their own society.

The Amsterdam Treaty empowered the EU to take appropriate actions in order to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.<sup>160</sup> Therefore, the major areas that the European Commission considered to address in order to prevent violent radicalization which will lead to an escalation of the conflict involving Muslim communities are: “education, youth engagement, employment, social exclusion and integration issues, equal opportunities and non-discrimination and inter-cultural dialogue.”<sup>161</sup>

---

<sup>158</sup> Council of the European Union, Council Framework Decision of 13 June 2002, on Combating Terrorism 2002/475/JHA, Official Journal of the European Communities L.164 p.003-007, 22.06.2002, [http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l\\_164/l\\_16420020622en00030007.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_164/l_16420020622en00030007.pdf)

<sup>159</sup> Commission of the European Communities, *Communication from the Commission to the European Parliament and the Council concerning Terrorist recruitment: addressing the factors contributing to violent radicalization*, (COM (2005) 313 final, Brussels, 21.09.2005), 14

<sup>160</sup> European Union, *Treaty of Amsterdam Amending the Treaty of the European Union, The Treaties establishing the European Communities and Related Acts*, Article 13, Official Journal of the European Communities C 340, November 10, 1997

<sup>161</sup> *Ibid.*, 3

The types of structural intervention that the European Union conducted in its attempt to address the conflict involving Muslim communities in Europe could be classified into: *general intervention* and *particular intervention*. The *general conflict transformation intervention* relates to activities, mainly legislation, that the European Union did in order to prevent discrimination against all kinds of minorities, be it religious or ethnic, linguistic or racial. Secondly it also includes the EU's policies to combat social exclusion and to integrate immigrants or citizens from a various religious-cultural minorities group. Thirdly it includes funds targeted for projects aiming to address discrimination of minorities. More specifically, the following are part of the general intervention:

- European Union's Charta of Fundamental Rights, 2000;
- The European Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin;
- The European Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation
- The Community Action Program to Combat Discrimination (2001-2006)
- The Common Basic Principles for Immigrant Integration Policy in the European Union, 2004
- The Communication for a Common Agenda for Integration: Framework for the Integration of 3rd Country Nationals, 2005
- Anti-discrimination projects funded through European Union's YOUTH and EQUAL Programs, 2000-2005

The *particular conflict transformation intervention* of the EU refers to activities of the European Union directed specifically towards the conflict with the Muslim communities. In this category I placed:

- the series of Round-Tables on Anti-Semitism and Xenophobia with a specific interest on Islamophobia (three round tables which were held between 2002-2003)
- EU's Strategy for Combating Radicalization and Recruitment to Terrorism, 2005
- European Union Council Communication to the European Parliament and the Council concerning terrorist recruitment: addressing the factors contributing to violent radicalisation, 2005

With the exception of the series of Round-Tables on Anti-Semitism and Xenophobia, all the other intervention mechanisms of the European Union had to do with the political structures of the member states. The implementation of the European Fundamental Rights, the transposition and implementation of the Council Directives into national legislation or the implementation of the Action Program to Combat Discrimination and for social integration need to pass through the political institutions of the Member States. Secondly, the funds of the European Union for the Youth and Equal Programmes are implemented by the civil society of those member states through national agencies or institutions. The Round-Tables mentioned above were attended by a number of speakers and only had an informative character without any outcomes which should be implemented by the member states.

In my research, I shall focus mainly on the Member States' abidance by the principles of the European Union Charter of Fundamental Rights and the transposition and implementation into national legislation of the Council Directives 2000/43/EC and 2000/78/EC.

The *particular conflict transformation interventions* took place in 2005 and therefore they have not been implemented yet at the national level making it impossible to assess if the political structures influenced the intervention.

The reason for which I focus on the *general conflict transformation intervention* of the European Union instead of the *particular*, Muslim-targeted, *conflict transformation intervention*, is also because the European Union officials prefer to address this social conflict without targeting the Muslim community. "Many European Union officials and member states worry that targeting Muslims in its [EU] initiatives aimed at either promoting integration or combating extremism could be counterproductive if they further feelings among some Muslims of exclusion and discrimination."<sup>162</sup> Thus, the European Union addresses this social conflict by placing it in a larger framework of anti-discrimination or pro-integration legislation and policies targeted towards immigrants or minority groups. There are many critics of this approach though, among which I number myself, too, who consider that the "EU's focus on integration of third-party nationals may not account sufficiently for the identity and social exclusion problems faced by second or third generation European Muslims."<sup>163</sup>

---

<sup>162</sup> Paul Gallis, *Muslims in Europe: Integration Policies in Selected Countries*, (Congressional Research Service: Library of Congress, 2005), 6

<sup>163</sup> *Ibid.*, 6

#### **4.7. European Union' General Conflict Transformation Intervention- Framework of Analysis**

In the following sub-chapters I shall analyze the intervention of the European Union as having a constructive impact on the conflict. This means, analyzing “EU as a framework” because through the above mentioned intervention tools it targets changes at three levels of the state

- a) legal and administrative structures;
- b) domestic, economic, social or security policies
- c) societal changes

The approach of the EU towards this social conflict is not one targeted at the level of the elites, but rather one which aims to affect the entire society as a whole, either through transposition and implementation of legislation or through various grass-roots projects funded by the European Union.

The European Union is using sticks, carrots, recommendations as well as attempts to identity-changes in order to address the conflict. If a Member State does not apply the provisions included in the European Charta of Fundamental Rights as well as the European Commission's Race and Equal Employment Directives, it can be brought in front of the European Court of Justice for failing to transpose the requests of the European Union (sticks). The “sticks” of the European Union are not targeted at the state per se, but rather at the political representatives of the majoritarian society (the parliamentarians who are responsible for the transposition into legislation of the Charta and the Directives), with whom the members of the Muslim communities find themselves in conflict. On the other hand, the European Union offers a number of carrots for both groups through the funds it allocates for projects to address the xenophobia, discrimination and to promote inter-cultural dialogue at the grass-roots levels (YOUTH and EQUAL programmes).

The Common Basic Principles for Immigrant Integration Policy in the European Union and the Communication for a Common Agenda for Integration: Framework for the Integration of 3rd Country Nationals fall under the category of recommendations. The European Union does not have mechanisms to enforce the provisions suggested in these documents, however it tries to make the case that it is in the best interest of the European societies to adopt these recommendations which promote integration of socially excluded immigrant, minority groups, in order to avoid or manage social conflicts.

The process of identity-changes attempted by the European Union is a more subtle one. The Muslims are embraced by the European Union and their cultural and religious rights protected, as long as they abide by the European basic values, which in some cases requires an identity-change in terms of the relationship between religion and politics or the application of sharia-Islamic law<sup>164</sup>- in society. On the other hand the European Union pushes the Member-States to recognize the existence of minorities inside their societies<sup>165</sup> and to take steps to ensure the protection of minority rights. The literature on the identity-changes as a 3<sup>rd</sup> party mechanism of structural transformation considers that “European integration [...] helps make states more accommodating and minority demands more moderate.”<sup>166</sup>

The European Union Charta of Fundamental Rights defends the freedom of religion in article 10 (1): "Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private to manifest religion or belief, in worship, teaching, practice and observance."<sup>167</sup> Article 21(1) of the Charta enshrines that any discrimination based on religion or belief is to be punished by law: "Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited."<sup>168</sup> The European Union Charta of Fundamental Rights allows for the EU to address social conflicts taking place inside the European Union, when discrimination takes place on any of the above mentioned accounts, by allowing for such cases to be taken up in front of the European Court of Justice. The Member States' legislation and its implementation have to protect the freedoms upheld by the Charta.

The Council Directive Race defines discrimination as understood by the European Union:

---

<sup>164</sup> Following a European Court of Justice decision, Sharia is not allowed inside the European Union.

<sup>165</sup> France, Malta and Luxembourg are the only three EU members who do not recognize the existence of minorities in their societies. However, many of the other Member-States recognize only one or two specific national minorities, excluding religious, linguistic, cultural, regional or other national minorities from this process.

<sup>166</sup> Angela Bourne, “European Integration and Conflict Resolution in the Basque Country, Northern Ireland and Cyprus”, *Perspectives on European Politics and Society* 4 (2003): 410

<sup>167</sup> Charta of Fundamental Rights of the European Union, 2000/C 364/01, Official Journal of the European Communities C. 364, 18.12.2000, pg.10

<sup>168</sup> *Ibid.*,21

“Art 2.2. (a) direct discrimination shall be taken to occur where one person is treated less favorably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin;

(b) indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.”<sup>169</sup>

Even though this directive refers to the ethnic and racial origins of individuals, it also covers religious identities of the Muslim communities living in Europe. One reason for this is because of the difficulty to differentiate between discrimination on religious grounds and discrimination on racial and ethnic groups both for the discriminators and the discriminated in numerous cases. Is an individual being discriminated because he is a Muslim, an Arab or because of his physical appearance? The differences are hard to make even in the minds of those who discriminate. The areas in which discrimination is prohibited are: access to employment, employment and working conditions, social security, health care, social advantages, education, access to and supply of goods and services available to people as well as housing. Member States were given approximately three years to transpose the above mentioned requirements, compliance being sought by July 19th 2003.

The purpose of the European Council Directive Equal Treatment was “to lay down a general framework for combating discrimination on the grounds of religion and belief, disability, age or sexual orientation as regards employment and occupation with a view to putting into effect in the Member States the principle of equal treatment.”<sup>170</sup> Hepple and Choudhury<sup>171</sup> identify that the most common areas in which employers are called to

---

<sup>169</sup>Council of the European Union, *Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial and ethnic origin*, Official Journal of the European Communities, L 180 , 19/07/2000 p. 0022 - 0026

<sup>170</sup>Council of the European Union, *Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation*, Article 1, Official Journal of the European Communities, L. 303, 2.12.2000, p. 0016-0022

<sup>171</sup> Bob Hepple and Tufyal Choudhury, “Tackling Religious Discrimination: Practical Implications for Policy-Makers and Legislators”, *Home Office Research Study 221* (2001): 58-59

accommodate religious observance and practices are related to dress code, break policies and flexible scheduling, recruitment and job applications as well as religious leave. A specific part of this directive is dedicated to the Northern Irish conflict. This fact represents a proof that the European Union Council Directives on anti-discrimination are 3rd party structural transformation tools, aimed at addressing the structural causes of conflicts. Member States were requested to comply with the provisions of this directive by December 2nd, 2003.

However, the European Union realized that legislation is not enough to address the problems of discrimination and therefore added a number of financial incentives (carrots) through the YOUTH and EQUAL programmes.

The European Union Youth Programme has been having for the last 5 years as a major goal, the promotion of diversity and in particular the attempt to reduce all forms of racism and xenophobia. The types of projects being funded

- address issues of cultural diversity through joint activities of young people from multicultural, multi-ethnic, and multi-faith backgrounds
- promote the youth dimension in other policy areas dealing with racism and xenophobia
- use online mechanisms to support action against racism and xenophobia

A great number of the projects funded under the five Action Funding Plans of the European Union Youth Programme deal with young people of a Muslim background. For example the project named “Relations between Communities of Muslim origin and Autochthon Communities in the European Union” and funded by EU, aimed to bring local young people of Muslim and non-Muslim, autochthonous, backgrounds to tackle the issues of inter-communal conflicts and xenophobia towards the Arab culture. Other projects focused on building inter-communal/inter-religious bridges of communication with the Muslim youth living in the European Union.

The European Union Equal Programme was created to tackle discrimination and exclusion based on gender, religion, ethnicity, race disability or sexual orientation. In two rounds of funding offered until now, a total of 178 projects out of 3,376 were funded on the issue of tackling racism in employment. In most of these projects the Muslim communities are not singled out as a target group however they are their main recipients. Usually, the more encompassing labels of “3<sup>rd</sup> country nationals”, “immigrants”, “people of foreign origins”, “socially excluded people” are used. Such project usually take place at the regional or local level and deal with either providing better access of immigrants/foreigners to employment or with the place of immigrant women in the work force (e.g.: Favoriser l’egal access, le



maintien et la promotion dans l'emploi des personnes (Favoring the equal access, the maintenance and the promotion into the labor market of people) – in Alsace, France; INMEX-project on immigration in Extremadura, Spain targeted on Moroccan communities etc.)

In 2001, the European Union launched a five years action plan to combat discrimination. The aim of the action plan is to better understand the phenomenon of discrimination taking place in Europe through analysis and evaluations of the effectiveness of EU anti-discrimination policies; to raise awareness about these issues through information campaigns and to fund several trans-national projects which deal with anti-discrimination. Out of the 52 transnational projects funded by the EU for the period 2003-2006, there are many in which the recipients are Muslim communities, but only one of them was targeted directly at the Muslim community: "Religious and Social Cohesion-Building Social Participation in the Framework of Religious Differences: Local Muslim Communities in Europe". Through this project a number of key municipal players (religious organizations, communal institutions and social partners) have been identified to promote discussions and inter-cultural dialogue in order to address the needs of the Muslim communities at the local level in several European countries (Belgium, France, Italy, Spain and United Kingdom).

The last type of general conflict transformation intervention that the EU used is represented by the recommendations it made to the Member-States in terms of integration policy. The Common Basic Principles for immigrant integration policy in the European Union stress the links that exist between immigration policy, integration policy and the ability to maintain social tensions under control. It is emphasized that "the failure of an individual Member State to develop and implement a successful integration policy can have in different ways adverse implications [...] for the other Member States and for the European Union [...] and it can breed alienation and tensions within the society."<sup>172</sup> The integration policies are the primary responsibility of the Member States, the EU acting just as a guide and distributor of best practices. The local, regional and national institutions with whom the immigrants interact have to play a major role in determining the integration policies. Employment and knowledge

---

<sup>172</sup> Council of the European Union, *Draft Conclusions of the Council and the Representatives of the Governments of the Member States on the establishment of Common Basic Principles for immigrant integration policy in the European Union, 2004*, Brussels, 18 November 2004, pg. 4, [http://ec.europa.eu/justice\\_home/funding/doc/council\\_conclusions\\_common\\_basic\\_principles.pdf](http://ec.europa.eu/justice_home/funding/doc/council_conclusions_common_basic_principles.pdf)

of the history, culture, language of the host countries are important characteristics for a smooth integration process. The mechanisms through which successful integration policies could be implemented are represented by shared knowledge, inter-cultural dialogue, education about the immigrants' culture and traditions, as well as improving housing conditions and employment opportunities for the immigrants. "Constructive social, inter-cultural and inter-religious dialogue, education, thoughtful public discourse, support for cultural and religious expressions that respect national and European values, rights and laws (as opposed to expressions that violate both the letter and the spirit of such values and rights), and other non-coercive measures are the preferred way of addressing issues relating to unacceptable cultural and religious practices that clash with fundamental rights."<sup>173</sup>

The adoption by the European Commission of the Common Agenda for the Integration of Third-Party Nationals into the European Union is a major commitment which highlights the seriousness with which the EU deals with the social inclusion of immigrants. Among the already emphasized points regarding the importance of employment, housing, proper health services and neighborhood safety, the Agenda underlines the importance of inter-faith dialogue. "Such dialogue is particularly necessary since strong religious beliefs can be one of the factors which contribute to the development of radicalisation especially among young immigrants looking for a new sense of identity."<sup>174</sup>

In the current social conflict involving Muslim communities, the European Union is using its built-in mechanisms of conflict transformation and attempts to address the conflict through several avenues: sticks (anti-discrimination *acquis communautaire*), carrots (funds for inter-cultural/inter-faith projects), recommendations (the basic principles for integration of immigrants) and attempts at identity-change of both the member states and the traditions of the Muslim communities. For the purposes of this thesis, I shall focus on the way through which the *general conflict transformation intervention mechanisms*, the European Charter of Fundamental Rights and the Council Directives on Race and Equal Employment, are filtered through the political opportunity structures at the Member State level and if these filters impact the intervention process.

---

<sup>173</sup> Ibid., pg. 13

<sup>174</sup> Commission of the European Communities, *Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, A Common Agenda for Integration Framework for the Integration of Third-Country Nationals in the European Union*, 2005, COM (2005) 389 final, Brussels, 1.09.2005, pg.20

## CHAPTER 5

### POLITICAL STRUCTURES OF FRANCE AND SPAIN

In order to analyze if the political opportunity structures impact the 3<sup>rd</sup> party intervention of the European Union in its attempt to address the social conflict involving Muslim communities in Europe, I have to present a brief overview of the political structures of the two countries under analysis, France and Spain. In doing so I shall focus on the following components of Western European political structures:

- a) institutional arrangement (the distribution of power and policy-making);
- b) political culture;
  - b.1.) the relationship of the national state towards religion and especially religious minorities;
  - b.2.) the relationship between the national state and the European Union.

Political culture and the distribution of power between center-periphery or between various branches of the center (legislative, executive, bureaucracy) as well as the levels at which policy is made (center vs. local) are major components in the analysis of every political structure in the world. Within the larger subchapters on political culture of France and Spain, I shall deal with the general features of the political structures then pay particular attention to the way religious minorities are treated and the attitude towards the E.U. at the national level.

I added the relationship with religious minorities as well as with the European Union, because these two relationships have a major role in the possible influence the political opportunity structures may play towards the transposition and implementation of EU requirements. The relationship with the religious minorities and towards the European Union could be considered as part of the encompassing political culture. They are attitudes, values and beliefs towards either minority religious groups or towards the authority emanating from Brussels, and fit underneath the heading of political culture.

By adopting this approach to the study of the political structures, I encompass all “schools” who deal with the differences between various political opportunity structures, regarding the transposition and implementation of European requirements (directives, programs etc.): rational choice institutionalists who highlight the institutional opportunity structures and the relationship between the various institutions of a state; sociological institutionalists who underline the importance of a fit between the national political culture

and the requirements of the EU; as well as the ones who stress the “issue salience”, by paying attention to the relationship and importance attributed by the national state to the religious minorities.

### **5.1. Political Structure of France**

France has a centralized political system built on the Jacobin notion of the “one and indivisible Republic.”<sup>175</sup> The French system embodies a model which promotes the equal treatment of both, the citizen and the territory and no differences regarding the treatment of either individuals or territory are permitted. The centralized nature of the French political system is intricately linked with the developments of the French Revolution. The Jacobins needed a strong, centralized, Paris-based state in order to promote their republican ideas to the rural, monarchist, conservative France. “To permit regionalism and administrative decentralization would also have meant allowing many of the last vestiges of the old, hierarchical and even feudal society to survive. [...] Only a powerful Paris-directed administration, with its regulations and enforcement procedures, could ensure equality before the law in a country used to inequality and privilege.”<sup>176</sup>

#### **5.1.1. Institutional Arrangement**

However, if one were to look at the structure of the French administration s(he) would discover that there are 36,000 communes (communities/villages/towns which have local administration), 100 departments in France and overseas and 26 regions. This might seem as a sign that France is not as centralized as the pundits claim it to be. But, in order to understand the centralization of the French political system, one has to look at what level the power lies and who is making the policies.

---

<sup>175</sup> J.E.S. Hayward, *Governing France: The One and Indivisible Republic*, (London: Weidenfeld & Nicolson, 1983)

<sup>176</sup> Samuel Beer and Adam Ulam, *Patterns of Governance: The Major Political Systems of Europe*, (New York: Random House, 1966),438

"Most Frenchmen seem to have long ago agreed that public services are best administered centrally and that some sectors of social life need considerable government supervision."<sup>177</sup> France follows a "state-led society" model, in which the central state has developed autonomous authority structures over society in order to lead the nation by active intervention and control.<sup>178</sup> Even though, enshrined in the Constitution, the communes and the departments do not have any power in policy-making, but rather the Prefects (the head of the departments) have to consult all the time with the responsible minister or another authority in Paris. The regional level is just another layer of administration added in the early 1980s, due to the requirements of decentralization promoted by the European Union. The fact that the Constitution was not changed in order to incorporate the layer of regions, but rather they were enacted through regular law could be considered as a sign of the limited importance, the center attributes to the regions.

The 26 regions have no power to legislate and their role is mainly linked with the ability to obtain structural funds from the European Union which can be used in research and technology programs, supervising some sectors of the education establishments and building of infrastructure. There are several regional success stories, in which French regions with EU funds managed to upgrade their economic status. However, one must never forget that "the trust of their activities has depended crucially on conformity with an agenda set by the center."<sup>179</sup> A second reason why the regions depend so much on the center of power, Paris, is because the applications for the EU structural funds through which the regions fund their projects and programs, need to be supported by the national governments.

Therefore, after having decided that the center of power and policy-making is located in Paris and not at any of the other administrative layers (communes, departments, regions) which all depend on the decisions from the center, I will take a closer look at the various political branches which dispute their primacy in Paris. In this sense it is worth to note that "The history of French political institutions is the history of two traditions of politics, two approaches to the solution of political problems that have never been successfully merged or brought into compromise"<sup>180</sup>: an administrative tradition and a representative one. The

---

<sup>177</sup> Ibid., 438

<sup>178</sup> Bertrand Badie and Pierre Bimbaum, *The Sociology of the State*, (Chicago: Chicago University Press, 1983)

<sup>179</sup> Gino Raymond, *Structures of Power in Modern France*, (Palgrave Publishers, 1999),173

<sup>180</sup> Samuel Beer and Adam Ulam, *Patterns of Governance: The Major Political Systems of Europe*, (New York: Random House, 1966),279

administrative tradition is embodied in the executive and the bureaucracy of the French state, while the representative tradition takes shape and expression in the National Assembly.

The 1958 Constitution of the 5th Republic enshrined the predominance of the administrative tradition. Its bureaucratic embodiment has been the oldest institution of the French public life, long-antedating democratic institutions. The power of the bureaucracy can be noticed in the difficulty and almost impossibility of reforming it in order to better answer the demands of the society, or of the European Union. It is the bureaucrat, who, in a highly centralized political system like France, implements the policies at all the levels of administration, and ,thus he has the last and maybe most important word on the way those policies affect the citizen. Even nowadays, a job in the bureaucratic system is seen as a symbol of high status and is sought by many graduates of the French universities.

The other embodiment of the administrative tradition lies in the executive branch of the government. When de Gaulle conceived the 1958 Constitution he aimed to take away power from a Parliament which in the 4<sup>th</sup> Republic proved to be incapable of managing the society, and place it in the hands of the executive. Therefore “all public policy is dominated by the decisions of the executive and principally by the will of one man, the President himself.”<sup>181</sup> The executive can interfere with the workings of the legislative via several avenues:

- a) the areas in which the Parliament can legislate are limited, even though quite broad in comparison with other political systems
- b) the executive can intervene directly in the law-making process of the Parliament by expediting laws it deems of national importance
- c) the Senate can be used by the executive to block unfavorable legislation coming out of the National Assembly
- d) the Constitutional Council, dominated by the executive, can block on unconstitutionality grounds, laws which conflict with the interests of the executive

The executive-bureaucratic alliance is the one which has the power and is making the policies which matter, in the French political system. The National Assembly and the Senate give voice to the people and represent their interests, however, their power pales in comparison with those of the two other branches mentioned.

---

<sup>181</sup> Ibid.,303

The legacy of the past can be “smelled” through the history of the “institutional wars” of France. One scholar<sup>182</sup> once noted that the relations between the executive and legislative branches of the French system set by the Constitution are even more tough than those between two inimical states which found themselves at war with each other. However the characterization of the political institutions made by Beer and Ulam in the mid-1960s seems to hold to nowadays’ French political landscape, too:

1. unstable, antagonistic relations between the executive and the legislative (the co-habitations periods of Mitterand-Chirac (1986-1988) and Chirac-Jospin (1997-2002) are the most illustrative examples)
2. relative ineffectiveness of French political institutions in the face of immediate and long-ranging problems (the examples of the banlieues riots of October 2005 or the street demonstrations in regard to the employment law of March-April 2006)
3. the continuing existence of groups of people who are hostile to the constitution and its principle (it used to be the Church, the pro-monarchists, the Communists and now it seems that the Muslim French and the multiculturalists are filling in this space)

### **5.1.2. Political Culture-General Features**

The components of political culture are represented by values, beliefs and emotional attitudes. The French political culture is built on several pillars which have a long history behind: sovereignty, equality, distrust for parliamentarians, a flair for dramatic changes, social democracy and laicite (secularism). The concept of “sovereignty” put forward for the first time by Jean Bodin in the 16<sup>th</sup> century, was meant to serve a double purpose: to strengthen the grip of the sovereign- the king- over the peripheries of the French Kingdom, as well as to keep at bay the external enemies, embodied by the Holy Roman Empire or the Pope. The concept survived the Revolution, and nowadays the sovereign became the people and the state is its depository. The concept embodies the strength of the central state apparatus and the unitary, indivisible character of the Republic. In this type of state, the authority lies in Paris and no other centers of authority are seen as legitimate as this one, even if they might be located in Brussels. As a sign of the centralism of the French system, it is worth to mention

---

<sup>182</sup> Ibid.,50

that the distrust of the Jacobins towards local and minority's rights, shown at the height of their power during the French Revolution, still permeate the French political culture nowadays. "It expresses itself as the defense of political centrism, nationalism, national sovereignty and the rejection of minorities' and women's claims to special protection or special treatment under the law."<sup>183</sup> The indivisible character of the French Republic is not an issue to be debated.

Equality, one of the concepts in the name of which the French Revolution was fought, shapes the French understanding of the relations in society. "The French in their Rousseauist obsession with the uniformity of conditions are more interested in equality than in individual liberty. This accounts for the relative weakness of mediating institutions in France, such as labor unions, churches, grassroots lobbies and other civic and social organizations, and the paramount importance of state intervention in social solidarity."<sup>184</sup> Gueldry believes that there is a zero-sum game between equality and liberty in this case. However, Raymond makes the point that the state believes that public manifestation of membership in such mediating institutions only inhibits the liberty of the individual because the "natural communities, religious or otherwise, dissolve the individual into an organic whole, fuse him with it and therefore diminish his freedom."<sup>185</sup> Individual rights are upheld by the French Republic but community-based rights do not exist according to law.

France does not accept the existence of the concept of "minority" on its territory, and therefore such mechanisms of quota or positive action for certain groups of the society who are disfavored, are not applicable. It is the Republican belief that an equality of rights leads to an equality of opportunities, and there is no need for such mechanisms to address the problems of certain sectors of the society. In a strong defense of the concept of equality, a founding concept of the identity of the Republic and of the nation, the French state does not even gather data on membership of its citizens to various racial or religious backgrounds, considering that this would be grounds for creating inequality as well as for dividing the indivisible state. The end result of a policy of equality of conditions between all the citizens of France is an atomization of them and their increased dependency on the services of the central government.

---

<sup>183</sup> Michel Gueldry, *France and European Integration: Toward a Transnational Polity?*, (Greenwood Publishing Group, 2001), 18

<sup>184</sup> *Ibid.*, 21

<sup>185</sup> Gino Raymond, *Structures of Power in Modern France*, (Palgrave Publishers, 1999), 140



A 2005 survey conducted by CSA<sup>186</sup> and Le Parisien in October 2005 showed that politicians are not trusted among the French population. 76% of the people don't trust politicians, 85% believe that politicians think only about their own career, 75% believe politicians have no recipes to improve France's economic situation, 63% believe politicians don't have any vision for the future, 62% believe politicians don't understand how their compatriots really live, 78% believe politicians don't care about their woes, 48% believe politicians are corrupt and incompetent. However, this distrust towards the politicians is not something new. It has been a feature of the French political system for ages and it goes back as long as to the 3<sup>rd</sup> and 4<sup>th</sup> Republics with their high governmental instability. The distrust towards politicians is mainly geared towards the parliamentarians and only recently towards members of the executive branches, too, due to the allegations of corruption raised towards Mr. Chirac and several of his ministers. But, these high levels of distrust do not impede the French citizens to obey the rules set forward by the executive-bureaucratic establishment.

The history of France since the Revolution until nowadays noticed a great number of political systems (monarchy, directorate, republic, empire etc.) and the changes that put forward one or the other happened in dramatic fashion. The idea of evolutionary change seems not to have established itself in French politics, and only riots, revolts and street manifestations are the ones which bring forward change within the society. Even the modern 5<sup>th</sup> Republic, considered by many scholars of French politics to accommodate all the interests within its framework, is constantly shaken by numerous demonstrations. The examples of the 1968 or 2006 student/youth riots, the many strikes of various trade unions over the last decade or the marches of the farmers towards Paris are images that describe French political life. Things start changing and questions are posed only when such events make the headlines. This is an argument supporting the conclusion of Beer and Ulam that France does not have a political system that can answer immediate and long-ranging problems.

“Fraternite”- brotherhood or cohesion- is the third concept in the “Liberte, egalite, fraternite” banner under which the French Revolution was fought, and therefore a significant part of the French political culture to nowadays. It got transformed into an allegiance to social values and a rejection of the wild style liberalism of Britain and the U.S. Instead a capitalist system, in which the state plays a major rule in maintaining the social cohesion of the French

---

<sup>186</sup> <http://www.csa-tmo.fr/dataset/data2005/opi20051007a.htm> (accessed on 15 May 2006)

nation, was adopted. For certain groups within the French society, “the social model became the central element defining the national identity.”<sup>187</sup>

### **5.1.2.1. Political Culture - Laicite- Relations between State and Religion**

The role of religion in politics and the way the political sphere relates to the religious sphere have been some of the most important characteristics of any political culture. The treatment of religious minorities by the political sphere is a good indicator for the tolerance and openness to differences that exist within a certain political culture. It shows how important the values of the religious majority are, upon the attitudes, beliefs and values of the political structure.

The last pillar of the French political culture is the concept of “laicite” (secularity or secularism) which in a sense defines the relations between State and Religion(s) within the French Republic. The Republic in itself is built around the concept of “laicite”<sup>188</sup>. It has been elevated to the level of a founding value and it is part of the Constitution. The concept rests on three foundations: liberty of conscience, equality of spiritual and religious rights, neutrality of political power. "Laicite is not simply secularism, but the balancing of religious freedom and public order. The government protects freedom of religion; at the same time, there is an effort to ensure that religious groups do not engage in political activism disruptive of public life."<sup>189</sup>

The concept of laicite is nowadays probably the most challenged component of the identity of the French Republic, and therefore of outmost interest for this research. It concerns the relationship between French national, common values, forged in the blood of a republican revolution and community values held by Muslim minorities that claim their right to be different. In order to understand why this concept is so important for the identity of the French

---

<sup>187</sup> Bertrand Benoit, *Social-Nationalism: An Anatomy of French Euroscepticism*, (Aldershot: Ashgate, 1997), 82

<sup>188</sup> Rapport au President de la Republique de France, Commission de Reflexion sur L'Application du Principe de Laicite Dans la Republique de France (Report to the President of the French Republic, Commission on the Reflection of the Application of the Principle of Secularity in France), 2003, available at [lesrapports.ladocumentationfrancaise.fr/BRP/034000725/0000.pdf](http://lesrapports.ladocumentationfrancaise.fr/BRP/034000725/0000.pdf)

<sup>189</sup> Paul Gallis, *Muslims in Europe: Integration Policies in Selected Countries*, (Washington, D.C.: Congressional Research Service, Library of Congress, 2005), 28

Republic and how it comes into the discussion about the social conflict involving Muslim communities in Europe, we need to have a look in history and understand its roots.

The French Revolution broke free with everything the Ancien Regime stood for, including with the highly hierarchical Catholic Church- a bastion of the Ancien Regime itself. The Civic Constitution of the Clergy of 1789 required members of the clergy to take an oath of allegiance to the new regime, to the French State. This contradicted the vision of the Catholic Church which saw only God as the supreme authority and no manly organization, like the one established d by the Enlightenment-inspired leaders of the Revolution, could hold such an authority. Approximately 55% of the clergy undertook this oath and kept their heads, while the others were killed or thrown out of the clergy. This was the beginning of a long lasting conflict between the political, republican vision of the society and the religious vision of the society. From a Republic perspective, religion has no role in the public sphere and it should pay allegiance to the values of the Republic. A return to a status quo ante in which the highly hierarchical Catholic Church will run the society would mean a return to the 16<sup>th</sup> century religious wars which brought havoc among the French state.

The 19<sup>th</sup> century witnessed the crystallization of the conflict between a Catholic Church, playing on the defense of its lost authorities and the offensive republicans who tried to emancipate the State and the society from the hands of religious leaders. Dramatic moments of excommunications of French politicians by the Vatican, diplomatic ties being broken with the Holy See and outright conflict and protests were a natural sight during the 19<sup>th</sup> century France.

The 1905 Separation Law brought to a conclusion the relationships between the state and religion, by making clear that religion is prohibited in the public sphere and all its organization has to exist under the leadership of the state. Religion became a private affair and while the state upheld the freedom of religion, it did “not recognize, payroll or subsidize any religious group.”<sup>190</sup> Voted in what has been described as “an atmosphere of religious war”<sup>191</sup> the Separation Law had a mediating effect on the relations between the state and religion, by turning a “laicite of war” into a “laicite of compromise”. A major mediating role

---

<sup>190</sup> Article 2 of the Law of 9 December 1905 regarding the separation between State and Church, Official Journal of the Republic of France on 11 December 1905, [http://fr.wikisource.org/wiki/Loi\\_du\\_9\\_d%C3%A9cembre\\_1905\\_concernant\\_la\\_s%C3%A9paration\\_des\\_%C3%89glises\\_et\\_de\\_l%27%C3%89tat](http://fr.wikisource.org/wiki/Loi_du_9_d%C3%A9cembre_1905_concernant_la_s%C3%A9paration_des_%C3%89glises_et_de_l%27%C3%89tat)

<sup>191</sup> R. Remond, *Introduction a L'Histoire de Notre Temps, Vol.2, Le XIXe siecle, 1815-1914*, (Paris: Seuil, 1974), 11

was played by the religious minorities of Jews and Protestants, strong supporters of laicite, as a defense mechanism against the power of the Catholic Church.

The last turf of the conflict between Church and the State was represented by the school system. If, for a long period of time monastic orders were in charge of education in many corners of the Republic, in the 20<sup>th</sup> century a strong attack on this was mounted. The conflict has deep roots going back to the establishment by Napoleon of the Imperial University, a Republican, Enlightened establishment, which was running against the usual tradition of the Catholic Church style of scholastic education. Even nowadays, in the social conflict involving Muslim communities, laicite is fought over on the turf of the school system. "If the school question remains so charged with emotion in France today, it is because it has crystallized, in the course of history, all the conflicts that have accompanied the establishment of political modernity."<sup>192</sup> The latest development in this conflict, played on school turf, is the law of 2004 through which "ostentatious religious symbols" are prohibited from being worn in class. It is not that these symbols and signs are considered to be incompatible with the concept of laicite, but rather the possible threat that they could possess the seeds for political activism drawn on religious identity cleavages, which could become disruptive of the public life.

The power of the republican values and the rejection of the Church from the public space, made one scholar to consider that "the Republic established itself in France in the form of a veritable civil religion that has endowed itself with a Pantheon, a martyrology, a hagiography, a plural, multiform, and ubiquitous liturgy; it has invented its myths, its rites, its altars, constructed its temples and multiplied its props-statues, frescos, street signs, school manuals-being a permanent educative spectacle."<sup>193</sup> Thus the Republican civil religion replaced the Catholic Church and the questioning of the concept of laicite by Muslim communities in France undermines the supremacy of the Republican civil religion in itself.

If the Jewish or the Protestant minority religions were the ones raising the same questions about the concept of laicite, the answer from the Republic would have, most likely, been as strong as in the case of the Muslim communities. However, there is another feature of the political culture of France that plays a role in the relationship between the State and a religious minority like Islam. It is the "superior civilization syndrome" that the French

---

<sup>192</sup> Daniele Hervieu-Leger, "The Past in the Present. Redefining Laicite in Multicultural France", in Peter Berger (ed.) *The Limits of Social Cohesion*, (Boulder:Westview, 1998),48

<sup>193</sup> Pierre Nora, *Lieux de memoire. Vol.1 La Republique; Vols. 2-4, La Nation*. (Paris: Galliamrd, 1984),651

Republic has in respect to its culture and civilization, and with regard to the “uncivilized” lands of the Muslim North Africa. Therefore, one can observe a neo-colonial attitude in the French political culture, which perceives the Muslim communities of North African background as inferior to the mainstream components of the nation. On the other hand “there remain lingering notions of inferiority in the French Muslim population that grew out of the relationship between France as colonial power and the subject colonial populations in North Africa and elsewhere.”<sup>194</sup> In terms of the components of political culture, these remarks are at the level of emotional attitudes and not at the level of values, because they would clash with the founding republican value of equality.

#### **5.1.2.2. Political Culture - Relationship with the European Union**

The attitudes of the national political level towards the European Union, shape the way the political structures will approach any initiative coming from the higher level of authority situated in Brussels. These attitudes, beliefs and values that the political structure of France developed towards the European Union are part of its political culture, because they stem from the same approach towards politics the French usually have, and which was presented above. In the context of this research, the relationship with the European Union gains in importance, because it may well have a strong influence on the impact of political structures on EU’s 3<sup>rd</sup> party intervention.

France, one of the founding members of the European project has had a love-hate relationship with Brussels. Its’ “sometimes difficult relationship with the EU is largely due to its unitary political structure and state-centered political culture.”<sup>195</sup> There are several key concepts of the French political culture which are challenged by the European Union: unitary-centralized state, sovereignty and citizenship. France perceives the European construction as a quasi-federal one which runs counter to its deeply embedded unitary and indivisible state tradition. Through the European Union, sub-national levels of administration gain more prominence and power in respect to the national level, thus undermining the values of the

---

<sup>194</sup> Paul Gallis, *Muslims in Europe: Integration Policies in Selected Countries*, (Washington, D.C.: Congressional Research Service, Library of Congress, 2005),24

<sup>195</sup> Michel Gueldry, *France and European Integration: Toward a Transnational Polity?*, (Greenwood Publishing Group, 2001),39

Republic. This gain of prominence and power takes place through the ability of regional governments to express their views at the European Union level –EU Committee of Regions, circumventing the level of the national state. Another reason for which the regional levels gain in power is due to the requests of the European Union to devolve power to the lowest levels of government and adopt regional and local policies. Secondly, the shift of authority in several policy fields, from Paris to the European Commission in Brussels, runs against the notion of sovereignty, aimed at keeping at bay other centers of authority except Paris. Thirdly, the requirements of the European Union for minority rights’ protection at the member states’ level clash with the construct of the French nation which does not accept the idea of minorities.

The May 2005 French refusal of the European Constitution, which would have strengthened the grip of Brussels on the political construction at the expenses of the Member States, was one of the biggest blows to the European Union the French citizens gave. It showed that even though there is a pro-European minded executive-bureaucratic leadership, the people are the ones who decide and thus France turned an almost safe approval into a stop of the whole European construction.

### **5.2. Political Structure of Spain**

According to the Constitution of 1978, Spain is a de-centralized unitary state. It is a state famous for its many forms of government in the past few centuries and numerous coup d’etats. During the most part of the 20<sup>th</sup> century it has been known as a centralized, fascist regime, led by General Franco. However, its death in 1975 put Spain on a democratization and Europeanization path, turning it into a role model for Central and Eastern European states. The many identities of the medieval Spain were never killed off by Franco’s authoritarianism and were able to resurface since then, both at the identity level and in the institutional arrangement of the state.

### 5.2.1. Institutional Arrangement

In a span of 20 years Spain transformed itself from one of the most highly centralized states of Europe, to one of the most decentralized states, comparable with federal states like Germany, even though it is a unitary state. It comprises 17 Autonomous Regions, each of them having a legislative and executive branch. Considering that centralism has been a strong feature of the institutional organization of Spanish politics since the 1810s and that during Franco's regime, the Spanish political system endured four decades of centralization, "the process of decentralization initiated with the constitution must be seen as a path-breaking moment, especially after nearly forty years of strongly centralized dictatorship."<sup>196</sup> Since the early days of the Spanish state forged in the struggle for Reconquista, the Spanish regions maintained a high degree of independence and autonomy from the centralizing tendencies of the Castilian-Aragonese leadership. The regional identities, different languages and customs, worldviews and cultures have been a normal landscape in Spain. Once the dictatorship was over, the old repressed identities resurfaced under the leadership of the Basques, the Catalans and the Galicians.

The Constitution of 1978, which enshrines the decentralized system of the Spanish politics, leaves the distribution of power issue between the center and the regions in an open-ended, flexible status and without an institutionalized system of power-sharing and cooperation between them. A difference is made in terms of the fields and policy issues which fall under the exclusive state jurisdiction and those which fall under the autonomous region's jurisdiction. The open-ended, flexible decentralized system allowed, over the past two decades, for a large transfer of power and responsibilities to the regional level, stretching the constitutional agreement to the maximum. Currently, the regions spend more public money than the central government on fields which vary from education to public health or other social security issues. They are financially independent because they can gather taxes for themselves, even though part of the taxes has to go to the central government.

A second reason for the increased importance of the regional level over the last two decades is to be found in the Spanish party system. Even though there are two strong parties, the Socialists (PSOE) and the Popular Party (PP) who dispute the general elections, for a long

---

<sup>196</sup> Pablo Beramendi and Ramon Maiz, "Spain. Unfulfilled Federalism (1978-1996)", in Ugo Amoretti and Nancy Bermeo (eds.), *Federalism and Territorial Cleavages*, (Baltimore: Johns Hopkins University Press, 2004), 124

period of time in the 80s and 90s, none of them could rule without the help of a coalition of smaller parties. The regional parties, like the CiU of Catalonia were usually chosen, and thus the importance of the regional level and the devolution of powers increased. This state of affairs reinforced the need for cooperation with the regions rather than confrontation over their increased powers and ability to make policies at the local level.

At the central level, it is significant to underscore the regained strength of the Parliament over the executive, which under the previous 40 years of dictatorship became a strong branch of the Government. During the 1980s there was one party dominating the executive with minority regional parties in coalition, which allowed for an easy control of the Parliament. However, the governments of the 1990s with minority parties in leadership moved the balance of power in favor of the Parliament. "The relative unrestrained nature of executive rule in the 1980s...has given way in the 1990s to a governing style in which the government has to be more mindful of its parliamentary weakness."<sup>197</sup>

When it comes to the implementation of European policies, there has been for a long period of time a strong domination of the central state of the regions. Lately, the regions mounted a "total warfare" on this issue and gained some of the implementation rights from the center, considering that many of the issues regulated by the European directives deal with socio-economic issues for which the regional autonomous governments are directly responsible. There are issues which are directly moved to the regional level for both legal transposition and administrative implementation and issues which are dealt in common by the central and regional levels through a joint mechanism of consultations.<sup>198</sup> However there seems to be an institutionalized culture of non-cooperation between the regions when it comes to implementing European policies. Each region seems to be "inventing its own wheel", due to large variations in regional styles and approaches to European issues.<sup>199</sup>

Spain can be considered a federal state if we are to analyze the power and policy-making abilities of the regional governments in relationship to the central government. "From the perspective of the political capacities of its constituent units we can hardly deny its federal

---

<sup>197</sup> John Gibbons, *Spanish Politics Today*, (Manchester: Manchester University Press, 1999)

<sup>198</sup> Tanja Borzel, *States and Regions in the European Union. Institutional Adaptation in Germany and Spain*, (Cambridge: Cambridge University Press, 1997)

<sup>199</sup> Esther Versluis, "Explaining Variations in the Implementation of EU Directives", *European Integration Online Papers* 8 (2004): 8



and highly asymmetrical character. However, federalism in Spain is also incomplete.<sup>200</sup> The main reason of the incompleteness of the Spanish quasi-federal system is in Maiz's point of view, the absence of a mechanism to regulate the relations between the center and the regional governments, as in the federal systems of other countries. There is a self-rule mechanism instituted through the regional governments but no shared-rule mechanism which would protect both the center and the regional realms of power and interests.

### **5.2.2. Political Culture- General Features**

A state which accepts the existence of self-defined nations, like the Catalan, Basque or Galician and many numerous other regional identities, can only be, to a high extent a pluralist, multicultural one. This has been a feature of the lands which nowadays form the Spanish Monarchy since the medieval times of the peaceful co-existence of Jews, Muslims and Christians- an example given today for the entire world. Even though a highly Catholic establishment due to the centuries of Church power over these lands, the Spain of the last two decades, is an extremely tolerant state towards different identities and minorities of all kinds.

Due to the highly decentralized system of politics in Spain, the Spanish state and identity are glued together by the institution of the monarchy. King Juan Carlos and his family are a symbol of the entire state with which all individuals associate, regardless of their nationalities (Basque, Catalan, Galician etc.) The monarchy is seen as the solution for all the political problems of the past century and as a return to the old, glory days when Spain was the strongest state in Europe.

To a certain extent, the Spanish citizens' appreciation of the king may be linked with the desire for strong leaders that the Spaniards seem to have. Authoritarianism is valued in Spain even nowadays. The Arab thinker Ibn Khaldun, who had an Andalusian background, said in the 14<sup>th</sup> century a line which is deeply enshrined in the political culture of the Spanish people, "good leader is a leader who commands obedience." Jose Maria Aznar, the former leader of the Popular Party lost several elections, due to his questionable leadership character. Linked to the taste for strong leaders is an apolitical nature of the Iberian population. Spanish

---

<sup>200</sup> Pablo Beramendi and Ramon Maiz, Spain. Unfulfilled Federalism (1978-1996), in Ugo Amoretti and Nancy Bermeo (eds.), *Federalism and Territorial Cleavages*, (Baltimore: Johns Hopkins University Press, 2004), 137

citizens are not known to be strongly involved into politics, be it a democratic or a dictatorship system. The only times when the population takes its politics to the streets are related to issues of power for the regions or major socio-economic issues. Another characteristic of the political culture is its patronage and highly hierarchical system. This reminds of the old days of the 16<sup>th</sup> -17<sup>th</sup> century Spanish Cortes with the numerous ranks of nobility and the patronage system existing then.

One could conclude that the Spanish political culture is a mixture of the old, traditional, hierarchical, centralized, ceremonial, Catholic strand and the new, progressive, democratic, decentralized, pluralist strand of the last decades of the 20<sup>th</sup> century. In the following paragraphs I shall explore more in-depth the relationship between one of the pillars of the Spanish identity, religion, and the post-1978 state.

#### **5.2.2.1 Political Culture - Relations between State and Religion**

The Spanish Reconquista against the Muslim Moorish kingdoms was fought under the banner of Christendom. From the very beginning, the Catholic religion was one of the main components of the Spanish identity and state. “One must not forget that Spain’s conversion to a modern state-probably the first in Europe- occurred by basing political unity on religious unity.”<sup>201</sup> Therefore, religion played and continues to play a major role in the Spanish state. The 1978 Constitution did not bring, as in the case of France a total rejection of religion and its replacement with a civil religion, even though slight attempts at this took place in Spain, too, during the last two centuries. Rather it modified a political system strongly embedded with religion into “one that promotes religious freedom and cooperation between the state and all religious faiths.”<sup>202</sup>

The issue of religion in the aftermath of Franco’s death was a potential conflict point, considering the role it played in numerous conflicts in Spain over the history, including in the brutal and violent Spanish Civil War. During Franco’s dictatorship, the power of the Catholic Church increased to such an extent that it dominated the morals of the society and any law or judicial decision which was considered to be disrespectful of the Catholic doctrine could be

---

<sup>201</sup> Jose Antonio Souto Paz, “Perspectives on Religious Freedom in Spain”, *Brigham Young University Law Review*, Volume 2 (2001): 669-710

<sup>202</sup> *Ibid.*, 669

nullified. The 1978 Constitution marked a clear departure from the previous state-religions relationships. There are three major provisions contained in the Constitution. First of all, it guarantees both individual and community based rights for the freedom to ideology, religion and worship as long as public order is maintained. Secondly, Catholicism is not anymore the state religion. Thirdly, the state has to cooperate with the Catholic Church as well as the other religious denominations. It can be seen that the Spanish state is not a secular entity in the French understanding of secularism, but rather one in which religion plays a major role in the public sphere. Art. 16 of the Constitution, which contains the above mentioned regulations about religion, has been put into practice through the General Act on Religious Freedom. This Act stipulates the necessity for Cooperation Agreements between the State and the recognized official religions: Catholicism, Evangelism, Judaism and Islam.

Cooperative Agreements have been signed with the institutions representing all these denominations. These agreements provide the same rights and duties upon all the religions, without any major differences between them. Some of the points worth to be mentioned are:

- The state offers legal protection for places of worship and for ministers- the latter are also allowed to participate in Spain's Social Service program
- Recognition of the civil validity of religious marriages performed according to the Catholic, Evangelical, Judaic and Muslim rites
- Acknowledgment of the right for pastoral support within the army, hospitals and penitentiaries, according to the specific denominations
- Access to school grounds as well as religious instruction in each religion in classrooms, according to the denomination of the pupils
- Guarantees the right to one day for rest on the appointed day for each faith (Friday for Islam; Saturday for Judaism; Sunday for Christians) and the right to participate in specific religious holidays. This right extends to both academia and the workforce.

As one can notice, the Spanish state goes a long way into making sure that there is equality between the treatment the various major religious denominations receive under law. The amount of rights, not only individual but also community-based, that religions have in Spain are larger than in many other European Union Member States.

The major religious minorities, Jews and Muslims, "have formed part of the historic reality of Spain for many centuries. They have implanted so many important features into Spanish culture, language, art, and customs that it would be impossible to understand Spanish

history without them."<sup>203</sup> Besides the Cooperation Agreements set in place with them, in October 2004, the Spanish state also set up a foundation to help the development of the religious minorities and their integration into the Spanish society. By law, Spain requires the Autonomous Regions "to take into account the [religious] needs of the children of immigrants in their education systems and to promote their social integration."<sup>204</sup> The historical national, ethnic and cultural diversity within the boundaries of the Spanish state and the struggle to make these differences accepted and tolerated, played a positive role on the acceptance of diversities from outside of the Spanish state, mainly from the North African Maghreb. Most Spanish regions and especially Catalonia have noticed high levels of internal, Spanish immigrants since the beginning of the 20<sup>th</sup> century (e.g: Andalusians moving to Catalonia or the Basque country are considered immigrants). Given the cultural diversity of these immigrants, mechanisms to accommodate them have been created, which are currently used to accommodate the Maghrebian immigrants. "Given Catalonia's traditional capacity to absorb immigrants, Catalan leaders were never particularly interested in raising insurmountable barriers between natives and newcomers. Immigrants were never resented as a major threat to Catalan identity; the main threat was obviously from Madrid, which presented a far greater danger to the survival of the Catalan nation."<sup>205</sup> Secondly, because Spain has been for many centuries a country of passage between the Muslim Maghreb and the Christian Europe, traditionally it absorbed many cultural influences and people of various backgrounds. Foreigners are welcomed and the concepts of territoriality and residence, not ethnicity or blood are the ones dominating the definition of identity in the Spanish context.

The religious freedom present in the Spanish society is a best practices example given by both the European Union and the United Nations. Considering the difficult relations between state and religion in the history of Spain, the current relationship is one of the major achievements of the last two decades in Spain, because it "guarantees peaceful coexistence in a multicultural society where religious pluralism constitutes one of the most significant manifestations of diversity."<sup>206</sup>

---

<sup>203</sup> Alberto de la Hera, "Relations with religious minorities: the Spanish model", *Brigham Young University Law Review*, Volume 2 (1998): 392

<sup>204</sup> Paul Gallis, *Muslims in Europe: Integration Policies in Selected Countries*, (Washington, D.C.: Congressional Research Service, Library of Congress, 2005), 42

<sup>205</sup> Daniele Conversi, *The Basques, the Catalans and Spain. Alternative Routes to Nationalist Mobilization*, (Reno, Las Vegas: University of Nevada Press, 1997), 193

<sup>206</sup> Jose Antonio Souto Paz, "Perspectives on Religious Freedom in Spain", *Brigham Young University Law Review*, Volume 2 (2001): 710

### **5.2.2.2. Political Culture - Relationship with the European Union**

The relationship between the European Union and Spain has been a positive one since the very beginning. Spain was in search of catching up with the other European states, after four decades of dictatorship which brought it in a very difficult economic situation and the European Union applicant status and membership were the means through which it managed to uplift its economy. Numerous structural funds were directed from the European Union level to the various regions of Spain in order to improve their economy. For many years, Spain was the largest beneficiary of these funds.

As the fifth largest country in the European Union, Spain currently plays a major role in determining the future direction of the EU. Accustomed with a system of multiple points of authority, the Spanish people accepted another layer of governance steaming from Brussels without the problems that France had to go through. Especially among the regional governments there is a high level of fondness towards the European Union, because EU is the mechanism through which more decentralization and regionalization took place in the Spanish system, too. As a sign of the way the Spanish people think towards EU, an indicator could be the vote of the Spaniards for the European Constitution. 77% of the votes casted were in favor of adopting the European Constitution.

### **5.3. Conclusion**

As a conclusion of this descriptive chapter on the political systems of France and Spain, I would like to highlight several points which will be important in the next chapter. France is a strongly centralized system in which the power of the legislative does not matter much and nor do the regions. If a policy is against what the executive desires or questions the fundamentals of the Republic, especially the concept of laicite, then it most likely will never be implemented. The Muslim minorities feel as they are targeted by the laic policies of the Republic, regarding religious minorities, even though this may well not true and rather the policies are targeted at minorities in general and not one specific minority. France is strongly

resistant to any policy of the EU, because Brussels is not on the Paris-approved list of accepted centers of authority.

Spain is a decentralized unitary state in which most of the socio-economic policies are dealt at the regional level. It is a pluralist and multicultural state which is built on various cultural and national identities. It has been and still is a space in which people of various backgrounds settled. This gives it its world-praised policies for integrating foreigners and minorities. Religious minorities benefit from strong support from the State and can manifest themselves freely in all the fields of society. For Spain, the European Union has been a blessing in terms of the economic advantages it brought.

## CHAPTER 6

### RESEARCH FINDINGS

In the early stages of the data gathering, observations on the levels of conflict in France and Spain were conducted. Acts against Muslim communities (discrimination and violence) as well as violent acts perpetrated by Muslims were the main indicators for the levels of conflict. Data from Islamophobia Watch<sup>207</sup>, a group monitoring all acts of Islamophobia in Europe and North America, was used. A second resource was the European Union Monitoring Center reports on Racist Violence in France and Spain. A number of other reports and newspaper clips were used to get a better understanding of discrimination in Europe, considering that official data on religious/racial/ethnic discrimination cannot be gathered in the two countries.

Islamophobia Watch has 100 entries for France and 9 entries for Spain over a period of three years, 2003-2006. Out of these entries, 48 were directly related with either violence committed against Muslim communities in France or cases of discrimination based on real or assumed race, religion or name. For Spain, only 2 entries dealt with attacks against Muslims; for France, 20 deal with the veil affair of 2004, while 12 deal with the banlieues riots of fall 2005. However, considering that Islamophobia Watch is a strongly biased site and that even actions which remotely seem to be discriminating against Muslims are posted, and the low level of entries for Spain, we can get an idea that in Spain the social conflict involving Muslims has much lower levels than in the case of France.

"Some studies find widespread discrimination against North Africans and other Muslims who seek employment in France. Few Muslims are visible in the top levels of French politics, media, the judiciary, business, and the civil service. There are no Muslims in the French Parliament. The percentage of Muslims who fail to finish secondary school appears to be considerably higher than that of non-Muslims."<sup>208</sup>

"Racist violence has been rising in France. In 2003, there were 232 recorded acts of violence against the Muslims; that number rose to 595 in 2004."<sup>209</sup> According to the same

---

<sup>207</sup> Islamophobia Watch was initiated in January 2005 as a non-profit making project to document articles and organizations advocating Islamophobia, present in the Western media.

<sup>208</sup> Paul Gallis, *Muslims in Europe: Integration Policies in Selected Countries*, (Washington, D.C.: Congressional Research Service, Library of Congress, 2005), 24

<sup>209</sup> *Ibid.*, 25

research, in Spain violence against immigrants was rare, even though one could notice two anti-immigrants (mainly anti-Moroccans) riots in 2000 and 2002.

On a 2002 Eurobarometer<sup>210</sup> regarding discrimination, French people seemed to be more willing to discriminate than did the Spanish, even though the differences were insignificant (85% of the French thought discrimination is something bad, while 89% of the Spaniards thought the same). However 28% of the French said that they noticed discrimination on racial or ethnic backgrounds, while only 19% of the Spaniards noticed the same thing. In a 2003 Barometer<sup>211</sup> on racist violence in Spain, 55.5 % of those questioned mentioned that “almost never” have they noticed racist discrimination in their neighborhoods, while 25.3 considered that such things happen, but “not very frequently”.

"Anecdotal evidence suggests that [in France] discrimination against young people from Arab neighborhoods is particularly strong. Muslims have claimed that they are frequently discriminated against on the basis of their name in access to certain professional positions and several associations have used the testing technique to demonstrate how access to employment can be affected by perceptions about the first name or family name of candidates."<sup>212</sup> It is generally acknowledged that in the French society, the number of cases of discrimination brought before the courts is not a good indicator of the degree of societal discrimination, hiding the real, very high number of discriminations.

"For many French Muslims, especially the youth living in the suburbs of large cities, there are increasing tensions as a result of economic and social deprivation coupled with negative treatment by the authorities, particularly the police."<sup>213</sup> The French National Advisory Commission on Human Rights (CNCDDH) noted that a significant increase in racial violence took place between 1999 and 2001, which continued to increase over the period 2002-2004 as shown above. Most acts of racial violence were targeted at Arab-Muslim looking persons. A Le Monde survey of 2001 revealed that the 63% of the French people thought “there are too many Arabs in France.”<sup>214</sup> On the other hand, Spain sees “legal immigration as positive and

---

<sup>210</sup> Alan Marsh and Melahat Sahin-Dikmen, *Eurobarometer 57.0 Discrimination in Europe*, (London: Policy Studies Institute, London & The European Opinion Research Group, 2003)

<sup>211</sup> Barometro del CIS, Center for Sociological Investigations, July 2003, [http://217.140.16.67/cis/export/sites/default/-Archivos/Marginales/2520\\_2539/ES2528.pdf](http://217.140.16.67/cis/export/sites/default/-Archivos/Marginales/2520_2539/ES2528.pdf)

<sup>212</sup> Open Society Institute, *The Situation of Muslims in France*, 2002, pg.96

<sup>213</sup> Pandeli Glavanis, *Muslim Voices in the European Union: The Stranger Within. Community, Identity and Employment*, (University of Manchester, 1999), 20

<sup>214</sup> *Le Monde*, April 22, 2001



even necessary for Spain's future."<sup>215</sup> As a last piece of evidence, Spain did not have riots on the scale of those France had in fall 2005, in which mainly French Muslim immigrants or of immigrant origins took their socio-economic dissatisfactions to the streets in a wave of violence unprecedented for the entire France since the 1968 student riots. Even though Spain had a significant terrorist attack in spring 2004 in Madrid, the number of people involved in this attack was small and the support it got from the Muslim community was basically none. The French riots spread like wild fire through the entire country and tens of thousands of Muslims participated in them.

Thus the observations suggest that there are different levels of conflict in France and Spain (higher in France; lower in Spain). The European Union applied the same intervention for both France and Spain in order to deal with the conflict. This intervention is on two main pillars, based on the main instruments of European Union's 3rd party intervention: 1) the EU Charta of Fundamental Rights; 2) the Council Directives. Even after European Union's intervention, the levels of conflict remained at the same levels of intensity or even increased in intensity, but with France having higher levels of conflict and Spain lower levels. My research question aims to understand if the reason for the same distribution of the levels of conflict before and after the EU intervention can be explained through an impact of the political opportunity structures on the 3<sup>rd</sup> party intervention: *Do political opportunity structures impact the process of 3<sup>rd</sup> party intervention in the context of the European Union?* The major variable of the concept of political opportunity structures which could impact the process of 3<sup>rd</sup> party intervention is represented by the institutional arrangement (decentralized vs. centralized political systems). As I mentioned in the methodology chapter, I shall also take into account political culture in relationship to the institutional arrangement, but not as a different variable, rather part of the institutional arrangement one.

Regarding the process of 3<sup>rd</sup> party intervention, the transposition of the European Union fundamental rights and directives into national laws as well as their implementation is the object of my analysis. By transposition I understand the way the specific requirements of the European Union are transferred into national laws. By implementation I understand the way the national laws, which transposed the EU requirements, are put into practice through various governmental programs and policies. The research question "Do political opportunity structures influence 3<sup>rd</sup> party intervention in the context of the European Union?" will thus be answered regarding two issues:

---

<sup>215</sup> Patricia Rojo, *Analytical Report on Legislation Regarding Migrants and Minorities*, (Madrid: RAXEN National Focus Point Spain, 2004), 4

- A. Impact on transposition into national legislation
- B. Impact on implementation of the issues transposed

The hypotheses put forward for this research are:

Hypothesis 1: *A centralized political system correlates positively with a worse implementation of the intervention and thus with higher levels of social conflict, in the context of the European Union.*

Hypothesis 2: *A decentralized political system correlated positively with a better implementation of the intervention and thus with lower levels of social conflict, in the context of the European Union.*

### **6.1. Process - European Union Charta of Fundamental Rights & National Constitutions**

Three major points exist in the EU Charta about religion:

- a) everyone has the right to freedom of thought, conscience and religion (Art. 10(1))
- b) freedom to manifest religion or belief in public (Art. 10(1))
- c) any discrimination based on identity-based grounds shall be prohibited (Art. 21(1))

How are these rights portrayed in the Constitutions of France and Spain? The 1958 Constitution of France states in Article 1 that “it shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs.”<sup>216</sup> Even though the first sentence of the Constitution reinforces that France is a secular state, this does not mean that France does not respect the freedom of religion. The principle of equality of all before the law, regardless of their origin makes sure that discrimination is prohibited. The highly-valued concept of “laïcité”(secularity) makes sure that religions will not be manifested in public, but rather just in the private sphere. Here, the French Constitution does not possess Charta’s fundamental rights to allow citizens to manifest their religion in the public sphere. The public sphere in this case is represented by public institutions of education.

---

<sup>216</sup> Constitution of the Republic of France (1958), <http://www.assemblee-nationale.fr/english/8ab.asp> (accessed April 23, 2006)

The Charta acknowledges the presence of minority groups, in particular national minorities, and asks for their special protection. The French Constitution, in virtue of the republican principle of equality, does not accept the existence of any minorities on the territory of the French state and therefore any requirements made by the European Union towards minorities are considered to be void for the French state.

The Spanish Constitution of 1978 contains several references to freedom of religion. In the first section under Chapter 2, Rights and Freedoms, sub-section 14, enunciates the fact that no Spaniards will be discriminated on either identity or social conditions or circumstances: “Spaniards are equal in front of law and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other personal or social condition or circumstance.”<sup>217</sup> Thus, unlike the French Constitution, the Spanish Constitution considers that equality in front of law for all citizens is not enough to protect them from discrimination and the principle of discrimination is mentioned directly, strengthening the punishments for such offences.

Sub-section 16 mentions that “freedom of ideology, religion and worship of individuals and communities is guaranteed, with no other restriction on their expression than may be necessary to maintain public order as protected by law.”<sup>218</sup> Two observations are required on this point. The first observation relates to the fact that unlike the French Constitution, the Spanish Constitution recognizes that not only individuals but communities have the freedom of religion and worship. Thus group-based freedoms and rights are granted through the Spanish Constitution and not only individual freedoms and rights are taken into account. This allows for sub-identities (minorities) to be formed along religious, cultural, national, linguistic or territorial lines. Secondly, section 16 specifically recognizes the right to publicly express religion. In Spain, religion is not a private matter anymore, but a public matter. If point 1 of section 16 is not enough to show this, point 3 of the same section strengthens the public presence of religion in Spain “The public authorities shall take into account the religious beliefs of Spanish society and shall consequently maintain appropriate cooperation relations with the Catholic Church and other confessions.”<sup>219</sup>

The French Constitution is “religion-blind”, considering that, because of the principle of laicite, it should be neutral towards all religious manifestations. Secondly, the principle of

---

<sup>217</sup> Constitution of Spain (1978), [http://www.igsap.map.es/cia/dispo/ce\\_ingles\\_art.htm#t1](http://www.igsap.map.es/cia/dispo/ce_ingles_art.htm#t1) (accessed April 30, 2006)

<sup>218</sup> Ibid., section 16

<sup>219</sup> Ibid. Section 16 (3)

equality does not allow special treatment to any group in society, including religious groups. Religion is a private matter and the “civil religion” of republicanism is the only one allowed to populate the public sphere. In contrast, the Spanish Constitution is not “religion-blind” but has it enshrined that the state has to take into account the various religious beliefs existent in the Spanish society and take action to accommodate them. All religions are welcomed in the public sphere and all are acknowledged but treated in the same way by the authorities.

The European Charter of Fundamental Rights was adopted in 2000, while the French and Spanish Constitutions in 1958 and respectively, 1978. The absence of any amendments to the Constitutional chapters referred above could be explained by the French and Spanish authorities’ belief that the fundamental rights of the European Charter are already included in those rights of their Constitutions, thus there was no need to amend the Constitutions. The Spanish Constitution contains all the related requirements of the Charter, however France is lacking in terms of allowing for the public manifestation of religion and the recognition of minority, group-based rights. The transposition into national legal instruments of the requirements of the Charter was not necessary, because it already existed in the earlier adopted Constitutions of the two states. The only points where transposition did not take place are the ones mentioned above in the case of France.

Did the political structures of Spain and France play a role in the adoption of the requirements of the European Charter of Fundamental Rights? The French Constitution has been amended in many cases, through a relatively easy procedure and thus it could have been amended to include the two requirements of the EU Charter. However, these requirements run counter to three of the founding principles of the French state and political structure: laicity, equality, and indivisibility. The French State is supposed to be neutral and in upholding neutrality instead of allowing all religions to express themselves in the public sphere, it bans all of them to do such a thing. The principle that all individuals are equal ensures that no minorities will be formed on the territory of France which could endanger the unity of the Republic. Thus, there is a misfit in terms of the values requested by the European Union and those attached to the French Republic. In Knill’s<sup>220</sup> terms, the pressure coming from the European Union level is high and contradicts French national administration’s core principles. Therefore, in the case of France, we observe incomplete, ineffective and or just symbolic adoption of the EU requirements. The answer to the question raised at the beginning of the paragraph is positive, because it is the French political structure which modifies the

---

<sup>220</sup> Christoph Knill, “European Policies: The Impact of National Administrative Traditions”, *Journal of Public Policy* 18 (1998): 1-28

requirements of the EU Charta of Fundamental Rights. For Spain the principles required by the European Union Charta were already set in place and thus the European and national levels fitted nicely one with the other.

## **6.2. Process - Transposition of EU Council Directives**

The two directives under analyses are EU Council Directive 2000/43 and EU Council Directive 2000/78. For Directive 2000/43 there are four major points to be highlighted:

- 1) definition of direct discrimination
- 2) definition of indirect discrimination
- 3) areas in which discrimination is prohibited (access to employment and working conditions, social security, health care, social advantages, education and access to & supply of goods and services)
- 4) positive action targeted to identity-based minorities

For Directive 2000/78, the most important point to be highlighted is the equal treatment an individual, regardless of his/her religion, belief, sexual orientation, disability or age, should receive on issues related to employment and occupation. Both directives recommend the adoption of positive action measures to make sure that the socially disfavored groups will be able to benefit from the regulations of the directives.

Directive 2000/43 is completely transposed by the following French laws: Law no.1066-2001<sup>221</sup> of November 16, 2001; Law no. 2002-73<sup>222</sup> of January 17, 2002 regarding social modernization and Law no.2004-1483<sup>223</sup> of December 30, 2004 regarding the creation

---

<sup>221</sup> Law no. 2001-1066 of 16 November 2001, regarding the fight against discrimination, Official Journal of the Republic of France, no.267 of 17 November 2001, pg. 18311, <http://www.legifrance.gouv.fr/WAspad/Visu?cid=569991&indice=1&table=JORF&ligneDeb=1> (accessed on May, 1, 2006)

<sup>222</sup> Law no. 2002-73 of 17 January 2002, regarding social modernization, Official Journal of the Republic of France, no. 15 of 18 January 2002, pg. 1008, <http://www.legifrance.gouv.fr/WAspad/Visu?cid=586486&indice=3&table=JORF&ligneDeb=1> (accessed on May 1, 2006)

<sup>223</sup> Law no. 2004-228 of 17 March 2004, regarding the application of the principle of laicite, the wearing of signs or symbols signaling membership to a religion, in schools, colleges and public high-schools, Official Journal of the Republic of France, no.65 of 17 March 2004, page 5190,

of a specialized body against discrimination and for equality. A number of articles from the Penal, Civil and Labor Codes also transpose parts of the requirements of the Directives. Directive 2000/78/EC has been transposed “with respect to employees, civil servants and access to housing.”<sup>224</sup>

Two of the main concepts of the directives, religion or belief are not defined by the French law. However, discrimination is prohibited in the Penal, Labor and Civil Codes, based on both real and assumed characteristics. This means that if a person discriminates against another person because he/she believes the discriminated person is part of a certain identity-group, even though this may not be true, then the offender is still punished as if he or she discriminated. This approach of the French law goes even more than the EU directives in making sure that all forms of discrimination are being punished.

The concept of direct discrimination is mentioned in all the legislation dealing with discrimination (articles 225-1 and 2 of the Penal Code; Article L122-45 and following L123-1 of the Labour Code, Law no. 2002-73 of January 17, 2002<sup>225</sup> dealing with social modernization which addresses also the issue of discrimination regarding housing rights as well as Article 19 of the Law HANDE - Law no.2004- 1486<sup>226</sup> of December 30, 2004). The general protection against direct discrimination covers all individuals who find themselves on the territory of the French Republic including non-nationals, “unless the legislator can justify a difference in treatment on the basis of conditions of public interest.”<sup>227</sup>

The principle of indirect discrimination was introduced in the Labor Code (section L.122- 45 LC) and then in the Civil Code in matters related to a general principle forbidding racial discrimination (introduced through article 19 of the Law HALDE). However, according to the opinion of a French law expert, the principle of indirect discrimination was not properly

---

<http://www.legifrance.gouv.fr/WAspad/Visu?cid=725370&indice=1&table=JORF&ligneDeb=1> (accessed on May 1, 2006)

<sup>224</sup> Sophie Latraverse, *Report on Measures on Combat Discrimination. Directives 2000/43/EC and 2000/78/EC. Country Report France*, (Brussels: The Migratory Policy Group, 2004), 8

<sup>225</sup> Law no. 2002-73 of 17 January 2002, regarding social modernization, Official Journal of the Republic of France, no. 15 of 18 January 2002, pg. 1008,

<http://www.legifrance.gouv.fr/WAspad/Visu?cid=586486&indice=3&table=JORF&ligneDeb=1> (accessed on May 1, 2006)

<sup>226</sup> Law no. 2004-1486 of 30 December 2004, regarding the creation of the High Authority for the Fight Against Discrimination and for Equality, Official Journal of the Republic of France, no. 304 of 31 December 2004, pg. 22567,

<http://www.legifrance.gouv.fr/WAspad/Visu?cid=725370&indice=1&table=JORF&ligneDeb=1> (accessed on May, 2, 2006)

<sup>227</sup> Sophie Latraverse, *Report on Measures on Combat Discrimination. Directives 2000/43/EC and 2000/78/EC. Country Report France* (Brussels: The Migratory Policy Group, 2004), 18

defined because “compliance with EU Directives on this point would imply referring to special categories of the population (which is prohibited by the French Constitution).”<sup>228</sup> It is thought that institutionalizing this principle would run counter to the highly praised concept of equality of the French Republicanism. Another problem with the principle of indirect discrimination is the fact that it does not apply to criminal matters because there is a need for evidence of intentional discrimination in such cases, which cannot be proven through indirect discrimination. What this implies is that a murder committed on grounds of indirect discrimination cannot be trialed under the banner of discrimination because it cannot be proved there was an intention to discriminate.

The French legislation covers all required areas in which discrimination is not allowed. There are two areas worth mentioning because of the rules attached to those laws. Law no. 2004-228 on the application of the principle of secularity in public schools forbids “in public elementary, secondary and high schools, the wearing of signs or clothes by which a student ostensibly manifests his or her religious beliefs.”<sup>229</sup> Thus it tries to make sure that no discrimination among religious groups will be allowed in the public educational sphere. However, the perception of many minority religions, especially Muslims is that their Muslim symbols (e.g.: headscarf) are specifically targeted. Secondly, the French legislation creates an aggravated sanction in the case of discriminatory refusal to sell or provide access to public goods or spaces. Thus, not only that discrimination on the grounds of access to public and private goods and services is considered to be under the Penal Code, but it also involves aggravated sanctions. “The Law HALDE completes implementation of directive 2000/43 by creating at article 19 a general principle prohibiting direct and indirect discrimination on the basis of “race” and origin.”<sup>230</sup>

Article 5, EU Directive 2000/43/EC and Article 7, EU Directive 2000/78/EC encourage member states to take positive action measures in order to protect certain groups of the society: “With a view to ensuring full equality in practice, the principle of equal treatment shall not prevent any Member State from maintaining or adopting specific measures to

---

<sup>228</sup> D. Borillo, "Les Instruments juridiques français et européens dans la mise en place du principe d'égalité et de non-discrimination" (French and European legal roots in the implementation of the principle of equality and non-discrimination), *RFAS* 1, (2006):126

<sup>229</sup> *Ibid.*, Article 1

<sup>230</sup> Sophie Latraverse, *Report on Measures on Combat Discrimination. Directives 2000/43/EC and 2000/78/EC. Country Report France*, (Brussels: The Migratory Policy Group, 2004), 22

prevent or compensate for disadvantages linked to racial or ethnic origin”<sup>231</sup> [or religion, sexual orientation, age] for that matter.

How does France cope with the positive action requirements of the EU Directives, considering that minority identities are not recognized as such by the state and cannot be targeted by positive action measures? "French positive action, as it has been conceived by the jurisprudence of the Conseil d'Etat, is based on neutral and general grounds of distinction such as sex, disability, territory or socio-economic conditions. France does not enforce such programs in terms of "race" or origin. Nevertheless, the criteria of socio-economic condition and territory are means to indirectly target discriminations based on origin."<sup>232</sup>

Thus, the French Republic devised policies targeted at disadvantaged suburbs in its “politique de la ville”, which apply mainly to racial, ethnic, and religious minorities inhabiting these disadvantaged suburbs. These projects (Great City projects, Urban Stimulation zones, Priority Education Measure zones) also address issues of anti-discrimination. In 2002, four agencies (DGEFP (General delegation to employment and vocational training), DPM (Direction of population and migration), ANPE (National Employment Agency) and FASILD (National fund for the support of immigration and actions against discrimination)) joined hands in the fight against discrimination which occurs against people from the disadvantaged suburbs and to favor their access to employment.

Bill no.84-1911<sup>233</sup> of December 2004 regarding social cohesion lays down a vast plan to increase immigrants’ employment. The Bill provides for the creation of an extra 800,000 jobs for young people under the age of 26, through vocational trainings and promotes equality chances in employment. Secondly, the Bill proposes the creation of a National Agency dedicated to welcoming immigrants and supporting them: "A special program has been set up in the public service called the PACTE in order to favor "social melting pot in the public service" and foster the integration of unqualified youth of immigrant origin under 26 through a vocational training and education program of two years leading to an examination and a

---

<sup>231</sup> Council of the European Union, Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial and ethnic origin, Official Journal of the European Communities, L 180 , 19/07/2000 p. 0022 – 0026, Article 5

<sup>232</sup>Sophie Latraverse, *Report on Measures on Combat Discrimination. Directives 2000/43/EC and 2000/78/EC. Country Report France*, (Brussels: The Migratory Policy Group, 2004), 33

<sup>233</sup> Republic of France, Bill no. 84-1911 regarding policies towards social cohesion, adopted on 16 December 2004, [http://ameli.senat.fr/publication\\_pl/2004-2005/110.html](http://ameli.senat.fr/publication_pl/2004-2005/110.html) (accessed on May, 3, 2006)



status of civil servant."<sup>234</sup> These measures aim to put an end to the fatalism of unemployment which is one of the main causes of the social conflict involving Muslim communities in Europe.

In terms of housing and education, the same bill insures the creation of 600,000 social houses over a period of five years, allocates a special fund of 600 million Euros for the disadvantaged neighborhoods and creates 750 educational achievement teams which are meant to improve the quality of education for children in 900 identified zones.

Furthermore, I shall analyze the transposition of the directives into Spanish law and then analyze the data on transposition before moving to the area of implementation. The Directives 2000/43 and 2000/78 were jointly transposed into Law no.62 of 30 December 2003<sup>235</sup> on fiscal, administrative and social measures. The type of law that transposed the requirements of the European Union is not a regular law, but a so-called "Accompanying law"-a law that amends more than 50 other laws. This type of laws are strongly criticized by the Spanish Economic and Social Council (ESC) as "a deterioration of legal guarantees as a result of the use of a law regulating a profusion of disparate matters and that is not easily acceptable to or comprehensible for the citizens affected by it."<sup>236</sup>

Chapter III- Measures for the Application of Equal Treatment- of Title II-Social Measures, deals with the Directives under consideration. Section 1 defines direct and indirect discrimination as requested by the European Union. Section 2 transposes most of the EU directive 2000/43 and establishes a council for the equal treatment and non-discrimination of persons on grounds of race or ethnicity. Section 3 deals with discrimination in the work place (Directive 2000/78). The punishments for discrimination are covered by the Criminal Code and considered as aggravated, therefore receiving the highest sanctions possible. Both nationals and non-nationals are covered by these laws and principles. Secondly, the principles of non-discrimination are applied by the law to all the areas requested by the European Union. They are supposed to be upheld by the Council for the Promotion of Equal Treatment and Non-Discrimination of Persons Based on Race or Ethnicity.

Spain has enshrined positive action as a constitutional principle. Article 9.2 of the Constitution requires the public authorities to promote "the conditions to ensure that the

---

<sup>234</sup> Ibid., pg.34

<sup>235</sup> Law 62/2003 of December 30, 2003 regarding fiscal, administrative and social order issues, Official Bulletin of the State of Spain, no.313 of 31 December 2003, pg. 46874-46992 <http://www.boe.es/boe/dias/2003/12/31/pdfs/A46874-46992.pdf> (accessed on May 5, 2006)

<sup>236</sup> Lorenzo Cachon, *Report on Measures to Combat Discrimination. Directives 2000/43/EC and 2000/78/EC. Country Report. Spain*, (Brussels: Migration Policy Group, 2005), pg.3

freedom and equality of individuals and of the groups that they form are real and effective.”<sup>237</sup> Article 30 of Law 62/2003 reiterates the fact that positive action is expected to take place when applying the principles of the directives in practice: "In order to guarantee full equality irrespective of racial or ethnic origin, the principle of equal treatment shall not prevent the maintenance or adoption of special measures benefiting certain groups, designed to prevent or offset any disadvantages that they suffer as a result of their racial or ethnic origin."<sup>238</sup> However, even though positive action based on race, ethnicity, religion is allowed according to law, there are no major plans or programs to deal with discrimination on these levels.

The analysis of the transposition of the EU Directives will be done on two axes: content and form. Content refers to the provisions of the EU directives and national laws and the compatibility between them. Form refers to the type of national laws which put into practice the EU directives. In terms of the content, French transposition was incorrect regarding two issues: indirect discrimination and positive action. Even though positive action does take place according to territorial lines and not identity-based lines, thus affecting the targeted populations, it is not as requested by the EU Directives. Thus, from a content point of view it is not transposed appropriately. The Spanish legislation however transposes the EU requirements without changes. In the case of France, again, the principle of equality and the fact that minorities are not accepted impede a correct transposition of the Directives.

Regarding the form transposed, we notice that France has transposed the European Directives in a better way, if we are to consider the number of laws adopted for this end. These laws also include specific policy approaches to deal with the discrimination faced by people of different races, ethnicities or religions in their daily lives. Even though there are certain differences from the European Directives especially in respect to indirect discrimination and positive action, France has found ways to deal with problems without threatening the republican principles of its political structure. On the other hand, Spain transposed the legislation only through one single law, which deals with many issues from fiscal problems to social measures. The legislation was transposed as required by the European Union and all principles are in place; however, the fact that they have been moved

---

<sup>237</sup> Constitution of Spain (1978), [http://www.igsap.map.es/cia/dispo/ce\\_ingles\\_art.htm#t1](http://www.igsap.map.es/cia/dispo/ce_ingles_art.htm#t1) (accessed on April 30, 2006)

<sup>238</sup> Law 62/2003 of December 30, 2003 regarding fiscal, administrative and social order issues, Official Bulletin of the State, no.313 of 31 December 2003, pg. 46874-46992 <http://www.boe.es/boe/dias/2003/12/31/pdfs/A46874-46992.pdf> (accessed on May 5, 2006)

all in one decreases the effectiveness of the principles, as we will notice in the implementation part.

Did the political structures of the two countries impact the transposition of the European directives? In terms of the form of the transposition, the answer is no. The French central government adopted the principles without a problem, just twisting the wording of the directives to fit its republican political culture. The Autonomous Communities were not consulted by the Spanish central government when they transposed the Directives, and thus played no part in their transposition. In terms of the content of transposition, we notice that in the case of France they played a role in the way the indirect discrimination and positive action requests were transposed.

### **6.3. Process - Implementation of the European Union Directives**

The fact that the Spanish government transposed the Directives into an Accompanying Law made the implementation of the principles of non-discrimination more difficult, because only those people familiar with the intricacies of such laws understand how the law can be put in practice. Secondly, the Spanish government did not consult any of the social stakeholders before turning these principles into law. "The Directives were transposed in Spain with no formal social dialogue, neither with the social partners nor with the NGOs with a legitimate interest in the fields of the Directives, nor was there any dissemination of the Directives either before, during or after the transposition."<sup>239</sup> Cachon<sup>240</sup> calls this approach a "hidden transposition" because

- a) there was no specific law transposing the Directives and thus the chance to disseminate the information in a better way was lost
- b) the law was not submitted for comments, before adoption, to the Council of State (highest advisory council) or the Economic and Social Council (advisory body formed by social partners) or any other NGOs involved in anti-discrimination work
- c) no member of the Government made any statement on the law and not even a minute of parliamentary debate was spent on the principles of the directives

---

<sup>239</sup> Lorenzo Cachon, *Report on Measures to Combat Discrimination. Directives 2000/43/EC and 2000/78/EC. Country Report. Spain*, (Brussels: Migration Policy Group, 2005), 38

<sup>240</sup> Ibid.

Thus, even though transposed properly, the EU directives in Spain were not implemented because no governmental programs deal with discrimination and no dissemination about the principles of non-discrimination exists. I arrived at this conclusion after searching in vain through the databases of the Spanish Parliament for evidence of legislation which implemented the provisions of Law 62/2003.

Since 2004, the new Socialist government considers the fight against discrimination as one of their major political goals, however not much has been achieved. The only major change noticeable is that, if until then, the central government was in charge of dealing with the immigrants, starting with that moment, the Autonomous Communities have departments of immigration or directions within social issues' departments<sup>241</sup> which analyze the problems immigrants face in terms of housing, education, employment, religious rights etc. Thus, a certain decentralization also took place at this level.

In France, through the legal measures mentioned above in Bill no.84-1911 as well as through a program developed since December 2005, the principles of the directives have been implemented on a much larger and deeper scale than was in Spain. On December 1<sup>st</sup>, 2005 in the aftermath of the Paris suburb riots, the French Prime Minister announced a program for Equal Opportunity,<sup>242</sup> mainly focusing on four areas: employment, education, prosecution of discrimination and the creation of an Equal Opportunity Agency. On employment, the State's Job Center will create a program to support young people from underprivileged suburbs. It also aims to offer incentives for businesses to develop in these neighborhoods and for young people from these neighborhoods to start up their own businesses. This is done through tax-exemptions, subsidies or long-term loans.

On the issue of education, the French program further aims to offer personalized support to children from these suburbs at all levels of their education. The High Authority Against Discrimination was given larger powers to investigate cases of discrimination, while an Equal Opportunity Agency was created to distribute all public funding for all equal opportunity programs. An Equal Opportunity Law, Law no. 2006-393 of 31 March 2006, was also adopted with the "aim to give back to the citizens, regardless of their origins, their belief in

---

<sup>241</sup> "virtually all of the Autonomous Communities have created a department of immigration, designed immigration policies or drafted relevant documentation" in Patricia Rojo, *Analytical Report on Legislation Regarding Migrants and Minorities*, (Madrid: RAXEN National Focus Point Spain, 2004), 27

<sup>242</sup> Prime Minister Press Conference, Government of France, December 1, 2005, [http://www.premierministre.gouv.fr/acteurs/interventions\\_premier\\_ministre\\_9/conferences\\_presse\\_526/conference\\_presse\\_novembre\\_2005\\_54517.html](http://www.premierministre.gouv.fr/acteurs/interventions_premier_ministre_9/conferences_presse_526/conference_presse_novembre_2005_54517.html)

their personal choices, trust in the equitable acknowledgment of their merits and of their place in society”.<sup>243</sup> In order to manage all the equal opportunity programs, the central government appointed a minister delegate for equal opportunity and demanded that an equal opportunity “prefet” (high ranking administrative position) be developed in all the departments (territorial administrative divisions). The role of the equal opportunity “prefet” is that of advising the highest ranking public authority of the territorial subdivisions in all matters concerning the fights against discrimination and to implement in the territory, the anti-discrimination programs and requirements coming from the central government.

Another indicator for the implementation of the EU Directives is represented by the number of EQUAL projects funded for each state. Of particular interest are the projects funded under objective 1 of the EQUAL Programme, which deal with combating racism in employability. In the 2002 first round of funding, France was allocated 22 projects (29% of the total projects developed under Objective 1), while Spain 7 projects (9% of the total). Thus, France ranked 1<sup>st</sup> and Spain 3<sup>rd</sup> in terms of the projects/country for Objective 1. In the second round of funding of 2005, France was allocated 21 projects (20,5%) while Spain 13 projects (12,75%). Overall, out of a total of 178 projects funded for Objective 1-Combating Racism in employability- during the two funding sessions, France and Spain account for 38% of the total projects, ranking 1<sup>st</sup> and 2<sup>nd</sup> respectively. It is important to mention that in both cases the major applicants were not NGOs but rather local authorities (departmental level in the case of France, regional and communal level in the case of Spain). These funds channeled through the European Union’s EQUAL Programme could be considered as “carrots” given to the local authorities to deal with discrimination in their respective jurisdictions.

Thus, we can conclude that the implementation process of the directives into actual programs and projects fared much better in the case of France than it did in the case of Spain. Numerous laws were adopted to deal with the discrimination and a clear, concise plan was laid out by the French Prime Minister and the Government introduced a law to fight against discrimination, detailing specific approaches. In the case of Spain no such grand scale implementation approaches were introduced, one reason for this being the fight over the distribution of power between the center and the regions over who gets to have a say in matters related to immigrants and discrimination. This is caused by the institutional

---

<sup>243</sup> Law no. 2006-393 of 31 March 2006 regarding equality of opportunities, Official Journal of the Republic of France no.79, April 2, 2006, pg. 4950, [http://www.assemblee-nationale.fr/12/dossiers/egalite\\_chances.asp](http://www.assemblee-nationale.fr/12/dossiers/egalite_chances.asp) (accessed on May 12, 2006)

arrangement of Spain. Secondly, considering the high decentralization of the Spanish state, it is not in its political culture to adopt such nation-wide grand scale measures and this could be a reason for the mere rhetoric of the Socialist government about fighting discrimination. This finding actually supports previous research, which showed that “the more comprehensive and fragmented administrative structures, the more difficult it is to implement reforms from ‘above’ ”<sup>244</sup> Thus, a more centralized system better implements requirements coming from above, then a fragmented and decentralized one because there are less power centers and veto points which could stop the process. I would add that such a better implementation in a centralized system, takes place as long as whatever is being implemented does not run counter to the main concepts and objectives of the centralized system. As long as there is a fit with the centralized system’s norms then the implementation occurs in a better way than in other types of system. At this point, it is important to underline that the institutional arrangements impact the levels of implementation of the European Union Directives into national policies. However, in this case, the form of transposition (one law on many other topics or several laws specifically assigned to this topic) seems to have the highest impact on the implementation of the directives because in the case of Spain. The “hidden transposition” basically stopped the process.

Table 1 places in a schematic approach the issues discussed above. “Yes” stands for the transposition and implementation of the EU’s 3<sup>rd</sup> party intervention. “No” stands for either the fact that the content of the transposed EU requirements was not appropriate or the fact that the form of the transposition was not appropriate. “Partially No” stands for the fact that the EU requirements were respected to a certain extent, however there were some issues on which the political opportunity structures operated modifications.

---

<sup>244</sup> Arthur Benz and Klaus Goetz, “The German Public Sector: National Priorities and the International Reform Agenda” in Arthur Benz and Klaus Goetz (eds.), *A New German Public Sector? Reform, Adaptation and Stability*, (Aldershot: Dartmouth, 199), 1-26

**Table 2. Transposition and Implementation of European Union's 3<sup>rd</sup> Party Intervention**

European Union's 3 <sup>rd</sup> Party Intervention		Transposition of EU's requirements		Implementation of EU's requirements	
		Spain	France	Spain	France
<i>1. EU Charta of Fundamental Rights</i>				Yes	Yes
1.1. right to freedom of thought, conscience and religion		Yes	Yes		
1.2. religion in public sphere		Yes	Partially No		
1.3. discrimination based on identity		Yes	Partially No		
2. <i>EU Directives</i> <i>2000/43/EC and</i> <i>2000/78/EC</i>	Content	Yes	Yes	No	Yes
	Form	No	Yes		
2.1. direct discrimination	Content	Yes	Yes		
	Form	No	Yes		
2.2.indirect discrimination	Content	Yes	No		
	Form	No	Yes		
2.3. areas of no- discrimination	Content	Yes	Yes		
	Form	No	Yes		
2.4. positive action	Content	Yes	No		
	Form	No	Yes		

Political structures impact the process at the level of transposition (both fundamental rights and directives) and at the level of implementation. At the level of transposition, it is the French political structure which changes the requirements of the European Union in order to fit them to the French republican tradition. At the level of implementation, it is the form of the transposition as well as the Spanish institutional arrangement which impact the type of implementation. However, are these significant impacts on the 3<sup>rd</sup> party intervention? For this, it is worth to look at the goals of the directives-addressing one of the causes of the conflict-the socio-economic status of the target groups, and if the French legislation deals with these. I would argue that, even though the principles of equality, laicite and indivisibility are upheld and thus the legislation is transposed with modifications, the French legislation finds ways to

target the same population that the EU wants it to target, through “back door” approaches-territorial positive action rather than identity-based positive action. For the impact of the institutional arrangements on the implementation side of the 3<sup>rd</sup> party intervention process, I would argue that, based on the data available, it was mainly the form in which the intervention was transposed initially (one law or many laws dealing with the 3<sup>rd</sup> party intervention requirements) that stopped the process of intervention in the case of Spain. The institutional arrangements play a role (debates between regional governments and the central government over who decides on immigration issues), however in this particular case the form of the transposition, “the hidden transposition” in Spain, is the most important one to impact the process. Thus, this makes me conclude that the impact of the institutional arrangement on the process of intervention is again minimal.

#### **6.4. Conclusions**

The perspective from the point of view of the process of 3<sup>rd</sup> party intervention and what affects it shows that even though the political structures impact the intervention, it is not a significant impact. The next question would be: how do the different levels of conflict in France and Spain correlate with the transposition and the implementation of the Directives?

No collected data exist on the amount of discrimination towards Muslim communities in the member-states of the European Union, because of the regulations forbidding the collection of such data. However, pieces of evidence, like those presented at the beginning of this chapter, suggest that discrimination against Muslim communities in France is much higher than in the case of Spain. Thus, even though the implementation of the European Directives is much better in the case of France, than in that of Spain, the levels of the social conflict involving Muslim communities are much higher in France than in Spain. The riots of fall 2005 took place years after the transposition of the EU Directives into the French laws and the latter’s implementation into actual projects. The implementation of the French laws into actual projects took place before the riots of fall 2005 (Bill 84-1911; funds for the Equal program) as well as in the aftermath of the riots (Equal Opportunity Law, Law no. 2006-393; December 2005’s Prime Minister’s Program of Equal Opportunity). Even if we are to consider that it was the political structure of France (in this case specifically its political culture) which makes it take action only in the aftermath of dramatic events like the banlieues



riots of fall 2005, there was a fair amount of implementation before those events, too. Does a better implementation of the 3<sup>rd</sup> party requirements increase the chances for a decrease in the levels of conflict? The data show that not necessarily. The hypothesis, that implementation is affected by the political structures, and in centralized systems (France) the implementation is lower and thus it explains the high levels of social conflict, is invalidated by the data.

What can explain the correlation between high levels of implementation and high levels of conflict? Three possible explanations exist for the type of correlation the data show, most of them falling within the camp of particularist explanations to the conflict:

1. the 3<sup>rd</sup> party intervention is not proper
2. the 3<sup>rd</sup> party is not appropriate for the type of conflict
3. other causes, not taken into account, impact on the outcome
4. the timeframe for evaluation of the intervention is not appropriate

The 3<sup>rd</sup> party intervention is conditioned by a number of factors, like the 3<sup>rd</sup> party's objectives and goals as well as the leverage and relationship it has with the parties to the conflict. This explanation falls within the particularist model mentioned in chapter 2, which focuses on the characteristics of the specific conflict, disregarding the conflict environment. Regarding the objectives and goals of the 3<sup>rd</sup> party, it may be that the European Union has to change its "political-correctness" if it wants to deal effectively with social conflicts of the scale involving Muslim communities. Data suggest that even though general conflict transformation intervention has its benefits, it is not enough to provoke positive changes in the conflict. Direct conflict transformation intervention targeted specifically at the case of Muslims in Europe has to be adopted by the European Union. The targeted interventions, for example, towards the Roma communities had the positive effect of reducing the levels of inter-communal conflicts in Europe. Such an approach may well have the same effect for the Muslim communities. Secondly, in order to deal with the conflict, data on discrimination directed against Muslim communities has to be gathered so that proper analyses could be conducted to devise appropriate 3<sup>rd</sup> party intervention mechanisms.

The European Union has a certain amount of leverage it could use in order to play a more direct 3<sup>rd</sup> party role in this European-wide conflict and thus take away some of the responsibilities from the national governments or at least co-ordinate their efforts to address the conflict. The 3<sup>rd</sup> party could also use different conflict resolution mechanisms to address

the conflict (problem-solving workshops at various societal levels, support for development of community conflict resolution initiatives etc.)

Another explanation for this type of correlation could be that other types of 3<sup>rd</sup> parties are more appropriate to deal with this social conflict involving Muslim communities in Europe. The European Union may have its approaches limited due to its highly bureaucratic and highly inter-governmental structures which make the adoption of any 3<sup>rd</sup> party intervention mechanisms a long and difficult process. NGOs working on conflict resolution at community level or other types of actors (community leaders or religious institutions) could have a more effective 3<sup>rd</sup> party intervention. It may well be that in order to solve the conflict, NGOs and the Governments of the Muslim Maghreb would have to be involved in the intervention.

A third explanation for this type of correlation could be that, in the case of France, the high levels of the conflict lead towards a better implementation of the directives in order to deal with the dramatic features of the conflict. The impact is not from implementation towards levels of conflict, but the other way around from levels of conflict to implementation. However, one has to point out that a fair amount of implementation took place before the dramatic events of the fall 2005 riots. The implementation was not triggered by them, but rather it increased. Secondly, the fact that a political structure implements the directives of the European Union better than another political structure does not mean that it also deals with the social conflicts in a better way. The low levels of conflict noticed in Spain could be caused not by the effective intervention of the 3<sup>rd</sup> party, but rather by a political culture which welcomes foreigners and an institutional arrangement which accommodates differences. Most of the Muslim immigrants are located in Catalonia, a region known for its multiculturalism and high numbers of both internal (Spanish) and external (foreign) immigrants during the centuries. Moreover, the rights that the regions obtained from the central government, for the protection of their languages, cultures and traditions, reflect upon the way the Spanish state deals with other types of diverse people, Muslim for example. The state became aware that such identity-related problems are extremely important for the well-being of the society. In this line of thought, the Spanish government's low implementation of the 3<sup>rd</sup> party intervention could be caused by the belief that the political structures of the state already deal with such conflicts, and the European Union directives add nothing to what the state already does. On the other hand, the French political structure, which does not allow for the expression of other identities in the public sphere and tells minority groups that their identity is something else than the one they think and desire, may well be the cause for higher levels of conflict. Thus, it may be argued that the political structures affect the levels of social

conflict, which in turn request for a better or worse implementation of the directives. Political structures, as structural variables, influence the conflict characteristics in this approach, and not directly the 3<sup>rd</sup> party intervention. In the case with low levels of conflict, implementation is seen as something worthless, while for the case with high levels of conflict, the EU directives may be a solution to get out of the conflict spiral.

A forth explanation may be that the timeframe for the evaluation of the intervention is not appropriate. This implies that not enough time passed since the 3<sup>rd</sup> party intervention took place, so that a proper evaluation could be conducted. Maybe, this type of evaluation should be conducted at a later stage in time, and by then we may also notice an implementation of the EU requirements into Spanish policies, as well as a stronger impact from the institutional arrangement of Spain on the process of intervention. It may also be that considering the timeframe, the European Union did not have the time to apply the sticks to the political structures for inappropriate transposition and implementation.

The process of 3<sup>rd</sup> party intervention has been affected by the political structures at the level of transposition and implementation. There were three instances in which a misfit between the political structure of France and the EU requirements lead to modifications of the 3<sup>rd</sup> party interventions in order to accommodate the republican principles. Did these modifications change the core of the intervention in a significant way? My answer is no, based on the fact that the French legislation addressed the problems that the EU wanted to address through “back door” mechanisms. The changes were superficial and only to the form of the intervention and not to its core content. For the impact of the institutional arrangements on the implementation side of the 3<sup>rd</sup> party intervention process, I would argue that based on the data available it was not mainly the institutional arrangements that stopped the process in the case of Spain, but rather the form in which the intervention was transposed initially (one law instead many laws dealing with the 3<sup>rd</sup> party intervention requirements). Thus, the impact of the institutional arrangement on the process is also insignificant. One reason for this minimal impact of the political structures on the process of 3<sup>rd</sup> party intervention could be that they already played a role in shaping up the 3<sup>rd</sup> party intervention in the European Council, and thus their concerns were dealt at that pre-intervention level.

The impact of the 3<sup>rd</sup> party intervention on the levels of conflict is basically non-existent, considering that high implementation correlates with high levels of conflict and low implementation with low levels of conflicts. If political structures impact the process of 3<sup>rd</sup> party intervention, then it follows logically that because of this, they would impact also the levels of the conflict. However, considering that, in this case, the impact on the core content

of the intervention, during the process phase is insignificant, the impact on the levels of the conflict is also insignificant. This does not mean that the political structures could not impact the levels of conflict. It just means that they do not do so by impacting the process of intervention. It could well be, as mentioned above, that the political structures influence the characteristics of the conflict and thus the levels of conflict and through this path they would have an influence on the outcome of the intervention.

The data presented in this research show that political structures can provoke changes in the process of 3<sup>rd</sup> party intervention when there is a misfit between the intervention and the political structure of a state. However these changes are minimal and do not affect the core content of the intervention. Moreover, because their impact on the process is so limited, political structures are not responsible for the changes in the levels of conflict through this path. My hypothesis that political structures impact the process of a 3<sup>rd</sup> party intervention is thus just partially validated. Secondly, the hypothesis that de-centralized systems like Spain, internalize better the requirements of a 3<sup>rd</sup> party intervention and thus have a more effective approach towards social conflicts is invalidated. It may well be that decentralized political structures correlate positively with low levels of social conflict, but not because they would have an impact on the 3<sup>rd</sup> party intervention process, rather because such a political structure would impact directly the characteristics of the conflict.

## CHAPTER 7

### CONCLUDING REMARKS

The structural characteristics of the environment in which the conflict takes place, influences both the conflict and the intervention of a 3<sup>rd</sup> party. The European Union intervenes, in conflicts which take place at the societal level in the member states of the Union, through a mechanism of conflict transformation. It attempts to address the root causes of the conflicts, by reforming the policies of the political structures, in order to eliminate those tension points from the system, which are the root causes of the conflict.

The link between certain structures and the different strategies and impacts, social movements<sup>245</sup> had on the policy-making process, is part of the political opportunity structures literature. This research used the same concept of political opportunity structures (POS) to analyze an intervention from above the state level and how it may have been modified in the interaction with the POS. No scholar of the political opportunities structures literature has actually researched how the attempts of supra-statal entities to influence the policy of states depend on the political opportunity structures of that state.

In the case of the European Union, it is acknowledged that the impact of the “European policy-making is highly different across policies and countries”<sup>246</sup> and that “European policy means different things in different domestic constellations.”<sup>247</sup> The differences across countries and therefore across political opportunity structures stem from the different transposition or Europeanization processes taking place in these countries.

This research aimed to bridge the gap existent in the literatures on 3<sup>rd</sup> party intervention, political opportunities structures and Europeanization. The impact of political

---

<sup>245</sup> Peter Eisinger, “The Conditions of Protest Behavior in American Cities”, *The American Political Science Review* 67 (1982); Herbert Kitschelt, “Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies”, *British Journal of Political Science* 16 (1986); Ted Robert Gurr, *Handbook of Political Conflict*, (New York: Free Press, 1980), 238-294; Sidney Tarrow, *Social Movements: Resource Mobilization and Reform During Cycles of Protest: A Bibliographic and Critical Essay*, Western Societies Program, Occasional Paper No. 15, Center for International Studies, (Ithaca, NY: Cornell University, 1982); Doug McAdam, *Political Process and the Development of Black Insurgency, 1930-1970*, (Chicago: University of Chicago Press, 1982)

<sup>246</sup> Heritier et. al, *Differential Europe*, (New York: Rowman and Littlefield, 2001)

<sup>247</sup> A. Heritier and C. Knill, “Differential Responses to European Policies: A Comparison”, in Heritier et. al, *Differential Europe*, (New York: Rowman and Littlefield, 2001), 286

structures on 3<sup>rd</sup> party intervention has not been analyzed until now. In the field of political opportunities structures, research has been focused only on the sub-state level impact on policy-making and none at all on the supra-state level impact on policy making. In the Europeanization literature, European Union interventions into conflicts at the social level, has not been studied as a 3<sup>rd</sup> party intervention, and thus from a conflict transformation perspective.

The major focus of the research was to determine if the political opportunity structures influence the process of a 3<sup>rd</sup> party's structural transformation intervention. The research question was: "Do political opportunity structures impact the process of 3rd party intervention in the context of the European Union?"

I had the following hypotheses for this paper:

Hypothesis 1: *A centralized political system correlates positively with a worse implementation of the intervention and thus with higher levels of social conflict, in the context of the European Union.*

Hypothesis 2: *A decentralized political system correlated positively with a better implementation of the intervention and thus with lower levels of social conflict, in the context of the European Union.*

The type of conflict at the societal level that I analyzed was a de-territorialized identity-based conflict involving Muslim communities in the member states of the European Union. The 3<sup>rd</sup> party intervener is the European Union. The type of intervention the EU used was represented mainly by anti-discrimination legislation (sticks) and funds (carrots) offered for various anti-discrimination programs. I divided the intervention into two major components: general conflict transformation intervention and particular conflict transformation intervention. The general conflict transformation intervention comprised anti-discrimination legislation and action programs targeted at all kinds of minorities (ethnic, religious, national etc.), but not targeted directly at the Muslim communities living in Europe. The particular conflict transformation intervention referred to activities of the European Union targeted directly towards the conflict involving Muslim communities.

In this research, I focused mainly on the Member States' abidance by the principles of the European Union Charter of Fundamental Rights and the transposition and implementation into national legislation of the Council Directives 2000/43/EC and 2000/78/EC.

The particular conflict transformation interventions took place in 2005 and therefore they have not been implemented yet at the national level making it impossible to assess if the political structures influenced the intervention.

The reason for which I focused on the general conflict transformation intervention of the European Union instead of the particular, Muslim-targeted, conflict transformation intervention, is also because the European Union officials, according to their statements, prefer to address this social conflict without targeting the Muslim community.

As a methodology I used focused comparative case studies. The method used was that of the most similar systems design (MSSD). Thus I chose two member states, France and Spain which had differences in terms of their political structures but in which the characteristics of the Muslim communities as well as the characteristics of the conflict involving them were similar. France is a centralized unitary system, in which the role of the local governments is limited and controlled by the central state. Spain is a decentralized unitary system, a “quasi-federal” system, in which the Autonomous Communities (the regions) play a major role in determining what and how the policies coming from higher levels of authority are implemented. I have not chosen a federal political system, in order to have all the spectrum of centralized-decentralized systems, because inside the European Union, none of the federal states has the same similarities, in terms of the characteristics of the Muslim population and the social conflict, with Spain and France.

The data were analyzed on two main intervention mechanisms: the European Charter of Fundamental Rights and the Directives 2000/43 and 2000/78. The impact of the political structures was analyzed on the process side of the intervention. The process part of the intervention referred to the transposition and implementation of the European Union requirements.

The findings showed that political structures impact the 3<sup>rd</sup> party intervention at the level of the process (transposition and implementation), but in an insignificant way. There were three instances in which a misfit between the political structure of France and the EU requirements lead to modifications of the 3<sup>rd</sup> party interventions in order to accommodate the republican principles. The principles of equality, laicite (secularism) and indivisibility as well as the fact that the French political culture does not allow for positive action targeted at groups based on their identity, impacted the transposition of the European Directives. But this impact was insignificant because the French legislation found ways to target the same categories of people asked by the European Union through “backdoor approaches” (positive action based on territorial lines rather than identity based lines). Secondly, the impact of the

institutional arrangement, at the implementation level of the 3<sup>rd</sup> party intervention process, was also insignificant because the form of the transposition played a more important role in stopping the process at the implementation level in Spain. The reason why the impact of the political structures was insignificant may also have to do with the fact that the political structures already played a role in shaping the 3<sup>rd</sup> party intervention at the pre-intervention stage, by influencing how the European Union directives will look like.

The implementation process of the directives into actual programs and projects fared much better in the case of France than in the case of Spain. A clear, concise plan was laid out by the Prime Minister and the Government introduced a law to fight against discrimination, detailing specific approaches. In the case of Spain no such grand scale implementation approaches were introduced, one reason for this being the fight over the distribution of power between the center and the regions over who gets to have a say in matters related to immigrants and discrimination. Secondly, considering the high decentralization of the Spanish state, it is not in its political culture to adopt such nation-wide grand scale measures and this could be a reason for the mere rhetoric of the Socialist government about fighting discrimination. This finding actually supports previous research, which showed that “the more comprehensive and fragmented administrative structures, the more difficult it is to implement reforms from “above”<sup>248</sup> Thus, a more centralized system better implements requirements coming from above, then a fragmented and decentralized one because there are less power centers and veto points which could stop the process. I would add that such a better implementation in a centralized system, takes place as long as whatever is being implemented does not run counter to the main concepts and objectives of the centralized system. As long as there is a fit with the centralized system’s norms, then the implementation occurs in a better way than in other types of system. At this point, it is important to underline that the institutional arrangements impact the levels of implementation of the European Union Directives into national policies. However, the form of transposition (one law on many other topics or several laws specifically assigned to this topic) seems to have a higher impact on the implementation of the directives, according to Cachon, than the institutional arrangement.

Based on the data analysis, a conclusion is that political structures can impact the process of 3<sup>rd</sup> party intervention if there is a misfit between the political structure of the state and the requirements of the 3<sup>rd</sup> party intervener or if there is a conflict of interests within the

---

<sup>248</sup> Arthur Benz and Klaus Goetz, “The German Public Sector: National Priorities and the International Reform Agenda” in Arthur Benz and Klaus Goetz (eds.), *A New German Public Sector? Reform, Adaptation and Stability*, (Aldershot: Dartmouth, 199), 1-26



institutional arrangement. However, the impact is minimal considering that the core of the intervention was not affected in this case. Therefore the answer to the research question is a partial affirmative one, with the note that the impact is minimal.

The hypotheses were falsified by the data. A centralized political system (France) implemented better the requirements of the European Union, but it had to deal with higher levels of conflict anyway. A decentralized political system (Spain), even though implemented worse the requirements of the European Union, had to deal with lower levels of conflict. The link between centralized system and lower implementation was broken by the data, which showed that centralized systems have higher levels of implementation. The same goes for the decentralized system and higher levels of implementation which was proven to be an incorrect correlation. This means that the explanation for the higher levels of conflict in France than in Spain is not related to the impact of the institutional arrangements of the two countries on the 3<sup>rd</sup> party intervention. This finding does not discard the idea that political structures may play a role in influencing the levels of conflict. It may well be that decentralized political structures correlate positively with low levels of conflict, but not because of the impact on the 3<sup>rd</sup> party intervention, rather because of the fact that they impact directly the characteristics of the conflict.

What could be some of the explanations for the high correlation between high levels of implementation and high levels of conflict? There are three possible explanations, for the type of correlation the data show, most of them falling within the camp of particularist explanations to the conflict:

1. the 3<sup>rd</sup> party intervention is not proper
2. the 3<sup>rd</sup> party is not the appropriate one for the type of conflict
3. there are other causes, not taken into account, which impact on the outcome
4. the timeframe for the evaluation of the intervention is not appropriate

The 3<sup>rd</sup> party intervention is conditioned by a number of factors, like the 3<sup>rd</sup> party's objectives and goals as well as the leverage and relationship it has with the parties to the conflict. This explanation falls within the particularist model mentioned in chapter 2, which focuses on the characteristics of the specific conflict, disregarding the conflict environment. Regarding the objectives and goals of the 3<sup>rd</sup> party, it may be that the European Union has to change its "political-correctness" if it wants to deal effectively with social conflicts of the scale involving Muslim communities. Data suggest that even though general conflict transformation intervention has its benefits, it is not enough to provoke positive changes in the

conflict. Direct conflict transformation intervention targeted specifically at the case of Muslims in Europe has to be adopted by the European Union. The targeted interventions, for example, towards the Roma communities had the positive effect of reducing the levels of inter-communal conflicts in Europe. Such an approach may well have the same effect for the Muslim communities. Secondly, in order to deal with the conflict, data on discrimination directed against Muslim communities has to be gathered so that proper analyses could be conducted to devise appropriate 3<sup>rd</sup> party intervention mechanisms.

The European Union has a certain amount of leverage it could use in order to play a more direct 3<sup>rd</sup> party role in this European-wide conflict and thus take away some of the responsibilities from the national governments or at least co-ordinate their efforts to address the conflict. The 3<sup>rd</sup> party could also use different conflict resolution mechanisms to address the conflict (problem-solving workshops at various societal levels, support for development of community conflict resolution initiatives etc.) Another particularist explanation would be that, based on the research of Keashly and Fisher, the European Union has to use different 3<sup>rd</sup> party intervention tools in the European Union member-states, considering that the levels of conflict vary across them.

Another explanation for this type of correlation could be that other types of 3<sup>rd</sup> parties are more appropriate to deal with this social conflict involving Muslim communities in Europe. The European Union may have its approaches limited due to its highly bureaucratic and highly inter-governmental structures which make the adoption of any 3<sup>rd</sup> party intervention mechanisms a long and difficult process. NGOs working on conflict resolution at community level or other types of actors (community leaders or religious institutions) could have a more effective 3<sup>rd</sup> party intervention. It may well be that in order to solve the conflict, NGOs and the Governments of the Muslim Maghreb would have to be involved in the intervention.

A third explanation for this type of correlation could be that, in the case of France, the high levels of the conflict lead towards a better implementation of the directives in order to deal with the dramatic features of the conflict, in the aftermath of the fall 2005 riots. The impact is not from implementation towards levels of conflict, but the other way around from levels of conflict to implementation. Secondly, the fact that a political structure implements the directives of the European Union better than another political structure does not mean that it also deals with the social conflicts in a better way. The low levels of conflict noticed in Spain could be caused not by the effective intervention of the 3<sup>rd</sup> party, but rather by a political culture which welcomes foreigners and a political structure which accommodates differences. Most of the Muslim immigrants are located in Catalonia, a region known for its

multiculturalism and high numbers of both internal (Spanish) and external (foreign) immigrants during the centuries. Moreover, the rights that the regions got from the central government, for the protection of their languages, cultures and traditions, reflect upon the way other types of diverse people, Muslim for example, are dealt with, by the Spanish state which became aware that such identity-related problems are extremely important for the well-being of the society. In this line of thought, the Spanish government's low implementation of the 3<sup>rd</sup> party intervention could be caused by the belief that the political structures of the state already deal with such conflicts, and the European Union Directives add nothing to what the state already does.

On the other hand, French political system, which does not allow for the expression of other identities in the public sphere and tells minority groups that their identity is something else than the one they think and desire, may well be the cause for higher levels of conflict. The French historical approach towards the North Africans has been a neo-colonialist one in which the colonist-subject dichotomy was kept in place even in the second half of the 20<sup>th</sup> century. "Access to French nationality for Maghrebian youth...involves Frenchmen granting to the children of the ex-colonized what was formerly the colonizers' exclusive privilege. Frenchmen returning to France from Algeria (pieds-noirs), Algerians who deliberately chose France (harkis) and a considerable number of other Frenchmen accept with difficulty [that] the offspring of the formerly colonized, who refused to belong to the French empire, now call for French nationality after their parents fought against colonial France. [...]The claim that Islam is incompatible with laicite is rooted, at least partly, in a historical debate which has not taken place among Frenchmen on colonization, decolonization and access to French nationality for the sons and daughters of Maghrebian migrants."<sup>249</sup> This neo-colonialist attitude towards the Muslims coming from North Africa could be the reason for which there are high levels of conflict in France, while Spain which does not have this attitude, nor a colonialist past in North Africa, but rather a welcoming attitude towards the Maghrebian Muslims, does not experience high levels of conflict.

A forth explanation may be that the timeframe for the evaluation of the intervention is not appropriate. This implies that not enough time passed since the 3<sup>rd</sup> party intervention took place, so that a proper evaluation could be conducted. Maybe, this type of evaluation should be conducted at a later stage in time, and by then we may also notice an implementation of the

---

<sup>249</sup> F. Khosrokhvar, *L'Islam des jeunes (The Islam of the young)*, (Paris:Flammarion, 1997),37-38

EU requirements into Spanish policies, as well as a stronger impact from the institutional arrangement of Spain on the process of intervention.

Thus, it may be argued in further researches that the political structures affect the levels of social conflict, which in turn are the cause for a better (if high levels of conflict) or worse (if low levels of conflict) implementation of the directives. Political structures, as structural variables, influence the conflict characteristics, in this approach, and not directly the 3<sup>rd</sup> party intervention. In the case with low levels of conflict, implementation is seen as something worthless, while for the case with high levels of conflict, the EU directives may be a solution to get out of the conflict spiral. A comparison between the impact of political opportunity structures in the cases of India and European Union could be an interesting research to further shed light upon the factors which influence 3<sup>rd</sup> party intervention.

## BIBLIOGRAPHY

Assefa, H. *Mediation in Civil Wars: Approaches and Strategies-The Sudan Conflict*, Boulder:Westview, 1987

Avruch, Kevin and Peter Black, "The Culture Question and Conflict Resolution", *Peace and Change* 16 (1991): 31-34

Avruch, Kevin. *Culture and Conflict Resolution*, Washington D.C.: United States Institute for Peace Press, 1998

Azar, Edward. *Protracted International Conflicts: Ten Propositions*, in *International Conflict Resolution: Theory and Practice*, ed. E.E. Azar and John Burton. Boulder: CO: Lynne Rienner, 1986

Badie, Bertrand and Pierre Bimbaum, *The Sociology of the State*, Chicago: Chicago University Press, 1983

Barbe, Esther and Elisabeth Johansson, "EU and Conflict Prevention", *Observatori de Politica Exterior Europea*, Working Paper No.8 (2001)

Beer, Samuel and Adam Ulam, *Patterns of Governance: The Major Political Systems of Europe*. New York: Random House, 1966

Benoit, Bertrand. *Social-Nationalism: An Anatomy of French Euroscepticism*. Aldershot: Ashgate, 1997

Benz, Arthur and Klaus Goetz, "The German Public Sector: National Priorities and the International Reform Agenda" in Arthur Benz and Klaus Goetz (eds.), *A New German Public Sector? Reform, Adaptation and Stability*, (Aldershot: Dartmouth, 199), 1-26

Beramendi, Pablo and Ramon Maiz, "Spain. Unfulfilled Federalism (1978-1996)", in Ugo Amoretti and Nancy Bermeo (eds.), *Federalism and Territorial Cleavages*. Baltimore: Johns Hopkins University Press, 2004

Bercovitch, Jacob. "International Mediation and Dispute Settlement: Evaluating the Conditions for Successful Mediation", *Negotiation Journal* 7 (1991):17-30

Bercovitch, Jacob, J.T. Anagnoson and D. Willie, "Some conceptual issues and empirical trends in the study of successful mediation in international relations", *Journal of Peace Research* 28 (1991)

Bercovitch, Jacob and Ole Elgstrom, "Culture and International Mediation: Exploring Theoretical and Empirical Linkages", *International Negotiation* 6 (2001)

Benz, Arthur and Klaus Goetz, "The German Public Sector: National Priorities and the International Reform Agenda" in Arthur Benz and Klaus Goetz (eds.), *A New German Public Sector? Reform, Adaptation and Stability*, (Aldershot: Dartmouth, 199)

Bojicic-Dzelilovic, Vesna. "World Bank, NGOs and the Private Sector in Post-War Reconstruction" in *Recovering from Civil Conflict*, ed. E. Newman and A. Schanbel, London and Portland: Frank Cass, 2002

Borillo, D. "Les Instruments juridiques français et européens dans la mise en place du principe d'égalité et de non-discrimination" (French and European legal roots in the implementation of the principle of equality and non-discrimination), *RFAS* 1 (2006)

Borzel, Tanja. *States and Regions in the European Union. Institutional Adaptation in Germany and Spain*. Cambridge: Cambridge University Press, 1997

Borzel, Tanja. "Institutional Adaptation to Europeanization in Germany and Spain", *Journal of Common Market Studies* (1999)

Borzel, Tanja and Thomas Risse, "When Europe Hits Home: Europeanization and Domestic Change", *European Integration Online Papers* 4 (2003)

Bourne, Angela. "European Integration and Conflict Resolution in the Basque Country, Northern Ireland and Cyprus", *Perspectives on European Politics and Society* 4 (2003)

Boyce, James. "Can International Institutions Help Prevent Conflict?", *World Policy Journal*, 15, (1998): 42-51

Burton, John. *World Society*, Cambridge: Cambridge University Press, 1972

Burton, John. *Conflict: Human Needs Theory*, London and New York: Macmillan and St. Martin's Press, 1990

Burton, John and Franklin Dukes. *Conflict: Readings in Management and Resolution*, New York: St. Martin's Press, 1990

Bush, Robert Baruch and Joseph Folger. *The Promise of Mediation: Responding to Conflict Through Empowerment and Recognition*, San Francisco: Jossey-Bass, 1994

Cachon, Lorenzo. *Report on Measures to Combat Discrimination. Directives 2000/43/EC and 2000/78/EC. Country Report. Spain*. Brussels: Migration Policy Group, 2005

Celik, Ayse Betul and Bahar Rumelili. "EU Enlargement from a Conflict Resolution Framework: A Comparative Analysis of the Greco-Turkish and Turkey's Kurdish Conflicts"

Cheldin, Sandra and Daniel Druckman, Larissa Fist. *Conflict: From Analysis to Intervention*, Continuum: London & New York, 2003

Chew, Pat (ed.). *The Conflict and Culture Reader*, New York: New York University Press, 2001

Conversi, Daniele. *The Basques, the Catalans and Spain. Alternative Routes to Nationalist Mobilization*. Reno, Las Vegas: University of Nevada Press, 1997

Cot, J.P. *International Conciliation*, London: Europa, 1972

Cowles, Maria and James Caporaso, Thomas Risse, "Europeanization and Domestic Change" in *Transforming Europe: Europeanization and Domestic Change*, ed. Thomas Riise, Maria Green Cowles and James Caporaso. Ithaca, NY: Cornell University Press, 2001

Commission of the European Communities, *Communication from the Commission to the European Parliament and the Council concerning Terrorist recruitment: addressing the factors contributing to violent radicalization*, (COM (2005) 313 final, Brussels, 21.09.2005),

Commission of the European Communities, *Communication on Conflict Prevention*, COM (2001), 211 Final, Brussels, April 2001

Commission of the European Communities, *Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, A Common Agenda for Integration Framework for the Integration of Third-Country Nationals in the European Union*, 2005, COM (2005) 389 final, Brussels, 1.09.2005

Council of the European Union, *Draft Conclusions of the Council and the Representatives of the Governments of the Member States on the establishment of Common Basic Principles for immigrant integration policy in the European Union, 2004*, Brussels, 18 November 2004

Crocker, Chester A. "Intervention: Toward Best Practices and a Holistic View," in *Turbulent Peace: The Challenges of Managing International Conflict*, ed. Chester Crocker, Fen. O. Hampson and Pamela Aall. Washington D.C.: USIP, 2001

Danish Ministry of Refugees, *Immigration and Integration, Arbog om Udlaendinge i Danmark*, 2004

D'Estree, Tamara Pearson and Larissa Fast, Joshua Weiss and Monica Jakobsen, "Changing the Debate About Success in Conflict Resolution Efforts", *Negotiation Journal* 17 (2001): 101-113

Deutsch, Morton. *The Resolution of Conflict: Constructive and Destructive Processes*, New Haven, CT: Yale University Press, 1973

Dittrich, Mirjam. *Muslims in Europe: Addressing the Challenges of Radicalization*, European Policy Center Working Paper No.23, (2006)

Dimitrova, Antoaneta and Mark Rhinard, "The Power of Norms in the Transposition of EU Directives", *European Integration Online Papers* 9 (2005)

Druckman, Daniel. *Doing Research. Methods of Inquiry for Conflict Analysis*. Thousand Oaks: Sage Publications, 2005

- Dukes, Franklin. "Public Conflict Resolution: A Transformative Approach", *Negotiation Journal* 9 (1993): 45-57
- Dukes, Franklin. "Why Conflict Transformation Matters: Three Cases", *Peace and Conflict Studies* 6 (1999): 53-72
- Dukes, Franklin. "Structural Forces in Conflict and Conflict Resolution in Democratic Society" in *Conflict Resolution: Dynamics, Process and Structure*, ed. Ho-Won Jeong Aldershot: Ashgate, US, 1999
- Eisinger, Peter. "The Conditions of Protest Behavior in American Cities", *The American Political Science Review*, 67 (1982)
- European Coal and Steel Community, Treaty Establishing the European Coal and Steel Community, Paris, 1951
- European Monitoring Center on Racism and Xenophobia, *Summary Report on Islamophobia in the EU after 11 September 2001*, May 2002
- European Union, *Treaty of Amsterdam Amending the Treaty of the European Union, The Treaties establishing the European Communities and Related Acts*, Official Journal C 340, November 10, 1997
- Falkner, Gerda. "Comparing Europeanisation Effects: From Metaphor to Operationalisation", *European Integration Online Papers* 7 (2003)
- Falkner, Gerda. *Complying with Europe*. Cambridge:Cambridge University Press, 2005
- Fernandez, José Javier Fernández. "La contribución de la Unión Europea a los procesos de paz y democratización en América Central y el futuro del proceso de San José", *Revista de Derecho Comunitario Europeo* (2000): 417-452
- Fisher and Loreleigh Keashly, "A Contingency Perspective on Conflict Interventions: Theoretical and Practical Considerations" in *Resolving International Conflicts*, ed. Jacob Bercovitch. Boulder: Lynne Rienner Publisher, 1996
- Freire, Paulo. *Pedagogy of the Oppressed*, New York: Continuum, 1970
- Gadlin, Howard. *Conflict Resolution, Cultural Differences, and the Culture of Racism in The Conflict and Culture Reader*, ed. Pat Chew. New York and London: The New York University Press, 2001
- Gallis, Paul. *Muslims in Europe: Integration Policies in Selected Countries*. Washington, D.C.: Congressional Research Service, Library of Congress, 2005
- Galtung, Johan. "A Structural Theory of Aggression", *Journal of Peace Research* 1 (1964)
- Gerner, Deborah and Philip Schrodt, "An Event Data Analysis of Third-Party Mediation in the Middle East and the Balkans", *Journal of Conflict Resolution* 48 (2004): 310-330



- Gibbons, John. *Spanish Politics Today*. Manchester: Manchester University Press, 1999
- Glavanis, Pandeli. *Muslim Voices in the European Union: The Stranger Within. Community, Identity and Employment*, University of Manchester, 1999
- Gordon, Milton. *Assimilation in American Life*, New York: Oxford University Press, 1964
- Guedry, Michel. *France and European Integration: Toward a Transnational Polity?*, Greenwood Publishing Group, 2001
- Gurr, Ted Robert. *Handbook of Political Conflict*, New York: Free Press, 1980
- Gurr, Ted Robert. *Minorities at Risk: A Global View of Ethno-political Conflicts*, Washington, D.C: United States Institute for Peace Press, 1993
- Harrington, Christine and Sally Engle Merry, “Ideological Production: The Making of Community Mediation”, *Law and Society Review* 22 (1988): 709-735
- Harriss, John. *How Much Difference Does Politics Make? Regime Differences Across Indian States and Rural Poverty Reduction*, Working Paper Series, London School of Economics Development Studies Institute, 2000
- Haufler, Virginia. “Is There a Role for Business in Conflict Management” in, *Turbulent Peace: The Challenges of Managing International Conflict*, ed. Chester Cracker, Fen Osler Hampson & Pamela Aall, Washington D.C: United States Institute of Peace Press, 2001
- Haverland, Markus “The Impact of the European Union on Environmental Policies” in ed. Kevin Featherstone and Claudio Radaelli, *The Politics of Europeanization*, Oxford: Oxford University Press, 2003
- Hayward, J.E.S. *Governing France: The One and Indivisible Republic*. London: Weidenfeld & Nicolson, 1983
- Hepple, Bob and Tufyal Choudhury, “Tackling Religious Discrimination: Practical Implications for Policy-Makers and Legislators”, *Home Office Research Study* 221 (2001)
- Hera, Alberto de la. “Relations with religious minorities: the Spanish model”, *Brigham Young University Law Review*, Volume 2 (1998)
- Heritier, Adrienne et. al, *Differential Europe*, New York: Rowman and Littlefield, 2001
- Heritier, Adrienne and Christoph Knill, “Differential Responses to European Policies: A Comparison”, in *Differential Europe*, Heritier et. al. New York: Rowman and Littlefield, 2001
- Hervieu-Leger, Daniele. “The Past in the Present. Redefining Laicite in Multicultural France”, in Peter Berger (ed.) *The Limits of Social Cohesion*. Boulder: Westview, 1998
- Hume, C. *Ending Mozambique’s War. The role of Mediation and Good Offices*, Washington, D.C.: United States Institute of Peace Press, 1994

- International Helsinki Federation for Human Rights, *Intolerance and Discrimination against Muslims in the European Union. Developments since September 11*, March 2005
- Jackson, E. *Meeting of Minds*, New York: McGraw-Hill, 1952
- Jeong, Ho-Won. *Peace and Conflict Studies*, Aldershot: Ashgate, 2000
- Jeong, Ho-Won. *Approaches to Peace-building*, New York: PalgraveMacMillan, 2002
- Kant, Immanuel. *Perpetual Peace: A Philosophical Sketch*, 1795
- Kelman, Herbert. "An Interactional Approach to Conflict Resolution and Its Application to Israeli-Palestinian Relations", *International Interactions* 6 (1979): 99-122
- Kitschelt, Herbert. "Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies" *British Journal of Political Science* 16 (1986): 58
- Kleiboer, Mariane. "Understanding Success and Failure of International Mediation", *Journal of Conflict Resolution* 40 (1996)
- Knill, Christoph. "European Policies: The Impact of National Administrative Traditions", *Journal of Public Policy*.18 (1998)
- Knill, Christoph and Andrea Lenschow, "Coping with Europe: The Impact of British and German administrations on the implementation of EU Environmental Policy", *Journal of European Public Policy* 5 (1999):595-614
- Knill, Christoph and Andrea Leschow (eds.), *Implementing EU Environmental Policy: New Directions and Old Problems*. Manchester: Manchester University Press, 2000
- Knill, Christoph and Dirk Lehmkuhl, "The National Impact of European Union Regulatory Policy: Three Europeanization Mechanisms", in *European Journal of Political Research* 41 (2002)
- Kriesberg, Louis "Formal and Quasi-Mediators in International Disputes: An Exploratory Analysis", *Journal of Peace Research*, 28 (1991)
- Kriesberg, Louis. *Constructive Conflicts from Escalation to Resolution*, Lanham, MD: Rowman and Littlefield Publishers, 1998
- Kriesi, Hanspeter et. al, "New Social Movements and Political Opportunities in Western Europe", *European Journal of Political Research* 22 (1992): 219-244
- Khosrokhvar, F. *L'Islam des jeunes* (The Islam of the young). Paris: Flammarion, 1997
- Latraverse, Sophie. *Report on Measures on Combat Discrimination. Directives 2000/43/EC and 2000/78/EC. Country Report France*. Brussels: The Migratory Policy Group, 2004

- Laue, J. and G. McCormick, "The Ethics of Intervention in Community Disputes" in *The Ethics of Social Intervention*, ed. B. Kelman and Warwick. Halsted Press: Washington, D.C., 1978
- Lederach, John Paul. *Preparing for Peace: Conflict Transformation Across Cultures*, Syracuse University Press, New York, 1996
- Lederach, John Paul. *Building Peace: Sustainable Reconciliation in Divided Societies*, Washington, D.C.: United States Institute for Peace Press, 1997
- Low, S. "The Zimbabwe Settlement, 1967-1969" in *International Mediation in Theory and Practice*, ed. Saadia Touval and William Zartman. Boulder, CO: Westview, 1985
- March, James and Johan Olson, *Rediscovering Institutions: The Organizational Base of Politics*. New York: Free Press, 1998
- Marsh, Alan and Melahat Sahin-Dikmen, *Eurobarometer 57.0 Discrimination in Europe*, London: Policy Studies Institute, London & The European Opinion Research Group, 2003
- McAdam, Doug. *Political Process and the Development of Black Insurgency, 1930-1970*, Chicago: University of Chicago Press, 1982
- Mastenbroek, Ellen. "Surviving the Deadline: The transposition of EU Directives in the Netherlands", *European Union Politics* 4 (2003): 371-396
- Mattli, Walter and Thomas Plumper, "The Internal Value of External Options: How the EU shapes the scope of regulatory reforms in transition countries", *European Union Politics* 5 (2004): 307-330
- Mbaye, Heather. "Why National States Comply with Supranational Law: Explaining Implementation Infringements in the European Union, 1972-1993", *European Union Politics* 2(2001): 259-281
- Miall, Hugh. *The Peacemakers. Peaceful Resolution of Disputes Since 1945*, London: Macmillan, 1992
- Mitchell, Christopher and M. Banks, *Handbook of Conflict Resolution: The Analytical Problem-Solving Approach*, London: Pinter, 1996
- Monnet, Jean. "A Fermant of Change" in Brent Nielsen and Alexander Stubb (eds.), *The European Union: Readings on the Theory and Practice of European Integration*, Boulder, London: Lynne Rienner Publishers, 1998
- Morgenthau, Hans. *Politics Among Nations: The Struggle for Power and Peace*, New York: McGraw-Hill, 1993
- Murphy, R.F. *The Dialectics of Social Life*, London: George Allen & Unwin, 1972

Nan, Susan Allen. "Complementary and Coordination of Conflict Resolution Efforts in the Conflicts over Abkhazia, South Ossetia and Transdniestria", PhD. diss., George Mason University, 2002

Nentwich, Michael. "Opportunity Structures for Citizen's Participation: The Case of the European Union", *European Integration Online Papers* 1 (1996)

Newman, David. *Conflict at the Interface: The Impact of Boundaries and Borders on Contemporary Ethno-National Conflict*. Unpublished Manuscript, Ben Gurion University: Beer Sheva, 2003

Nora, Pierre. *Lieux de memoire. Vol.1 La Republique; Vols. 2-4, La Nation*. Paris: Galliamrd, 1984

Northedge, F.S. and M.D. Donelan, *International Disputes: The Political Aspects*, London: Europa, 1971

Noutcheva, Gergana et. Al., "Europeanization and Secessionist Conflicts: Concepts and Theories" in *Europeanization and Conflict Studies: Case Studies from the European Periphery*, ed. Bruno Coppeters, Michael Emerson, Michel Huysseune, Tamara Kovziridze, Gergana Noutcheva, Nathalie Tocci and Marius Vahl, *Journal of Ethnopolitics and Minority Issues* 1 (2004)

Official Bulletin of the State of Spain no.313, Law 62/2003 of December 30, 2003 regarding fiscal, administrative and social order issues, 31 December 2003, pg. 46874-46992

Official Journal of the European Communities L.164, *Council Framework Decision of 13 June 2002, on Combating Terrorism 2002/475/JHA*, p.003-007, 22.06.2002

Official Journal of the European Communities, L 180, *Council of the European Union Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial and ethnic origin*, p. 0022 – 0026, 19.07.2000

Official Journal of the European Communities, L. 303, *Council of the European Union Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation*, , p. 0016-0022, 2.12.2000

Official Journal of the Republic of France no.267, Law no. 2001-1066 of 16 November 2001, regarding the fight against discrimination, 17 November 2001, pg. 18311

Official Journal of the Republic of France, no. 15, Law no. 2002-73 of 17 January 2002, regarding social modernization, 18 January 2002, pg. 1008

Official Journal of the Republic of France, no.65, Law no. 2004-228 of 17 March 2004, regarding the application of the principle of laicite, the wearing of signs or symbols signaling membership to a religion, in schools, colleges and public high-schools, 17 March 2004

Official Journal of the Republic of France, no. 304, Law no. 2004-1486 of 30 December 2004, regarding the creation of the High Authority for the Fight Against Discrimination and for Equality, 31 December 2004

Official Journal of the Republic of France, no.79, Law no. 2006-393 of 31 March 2006 regarding equality of opportunities, 2 April 2006

Open Society Institute, *The Situation of Muslims in France*, 2002

Paz, Jose Antonio Souto. "Perspectives on Religious Freedom in Spain", *Brigham Young University Law Review*, Volume 2 (2001): 669-710

Princen, T. "Mediation by a Transnational Organization: The case of the Vatican", in, *Mediation in international relations: Multiple approaches to conflict management*, ed. Jacob Bercovitch and J.Z. Rubin. New York: St. Martin's, 1992

Rabie, Mohamed. *Conflict Resolution and Ethnicity*, Westport, Connecticut and London: Praeger, 1994

Radaelli, Claudio. "Whiter Europeanization: Concept Stretching and Substantive Change", *European Integration Online Papers* 4 (2000)

Radaelli, Claudio. "The Europeanization of Public Policy" in *The Politics of Europeanization*, ed. Kevin Featherstone and Claudio Radaelli. Oxford: Oxford University Press, 2003

Rapport au President de la Republique de France, *Commission de Reflexion sur L'Application du Principe de Laicite Dans la Republique de France (Report to the President of the French Republic, Commission on the Reflection of the Application of the Principle of Secularity in France)*, 2003

Raymond, Gino. *Structures of Power in Modern France*. Palgrave Publishers, 1999

Remond, R. *Introduction a L'Histoire de Notre Temps, Vol.2, Le XIXe siecle, 1815-1914*, Paris: Seuil, 1974

Republic of France, Bill no. 84-1911 regarding policies towards social cohesion, adopted on 16 December 2004

Reycheler, Luc and Thania Paffenholz. *Peace-building: A Field Guide*, London:Lynne Rienner Publishers, 2001

Richardson, J.J. *Policy Styles in Western Europe*, London: George Allen& Unwin,1982

Rojo, Patricia. *Analytical Report on Legislation Regarding Migrants and Minorities*. Madrid: RAXEN National Focus Point Spain, 2004

Rubenstein, Richard. "Conflict Resolution and the Structural Sources of Conflict" in *Conflict Resolution: Dynamics, Process and Structure*, ed. Ho-Won Jeong. Aldershot:Ashgate, 1999

Rubin, J.Z. "Introduction" in *Dynamics of Third Party Intervention: Kissinger in the Middle East*, ed. J.Z.Rubin. New York: Praeger, 1981

- Sander, Ake. "Muslims in Sweden," in *State Policies toward Muslim Minorities in Sweden, Great Britain and Germany*, eds. Muhammad Anwar, Jochen Blaschke, Åke Sander, European Migration Center 2004
- Sandole, Dennis. "Economic Conditions and Conflict Processes", in *Models of Political Economy*, ed. P.Whiteley. London and Beverly Hills: Sage, 1980
- Sandole, Dennis. "Traditional Approaches to conflict management: Short-term gains vs. long-term costs", *Current Research on Peace and Violence* 9 (1986): 119-124
- Sandole, Dennis. "Typology", in *Conflict: From Analysis to Intervention*, ed. Sandra Cheldin, Dan Druckman and Larissa Fast. London:Continuum, 2003
- Scharf, Manuela. "Belief and Exclusion: Combating Religious Discrimination in Europe", *The European Network Against Racism*, 2003
- Schellenberg, James. *Conflict Resolution: Theory, Research and Practice*, Albany: State University of New York Press, 1996
- Schimmelfennig, Frank and Ulrich Sedelmeier, "Governance by Conditionality. EU Rule transfer to the candidate countries of Central and Eastern Europe", *Journal of European Public Policy* 11(2004): 661-679
- Schuman, Robert. *The Schuman Declaration* in Brent Nielsen and Alexander Stubb (eds.), *The European Union: Readings on the Theory and Practice of European Integration*, Boulder,London: Lynne Rienner Publishers, 1998
- Seldman, Steven. *The Postmodern Turn: New Perspectives on Social Theory*, Cambridge: Cambridge University Press, 1994
- Smith, W.P. "Effectiveness of the Biased Mediator", *Negotiation Journal* 1 (1985): 363-372
- SOS Racisme, *Rapor d'Analyse des Affaires Recentes de Discriminations a L'Embauche Poursuivies par SOS Racisme*, March 21, 2005
- Spinelli, Altiero and Ernesto Rossi, *The Ventotene Manifesto. For a Free and United Europe. A Draft Manifesto*, 1941
- Stetter, Stephen and Mathias Albert, Thomas Diez, "The European Union and Border Conflicts: The Transformative Power of Integration", *ECPR Joint Session Workshops*, Uppsala, (2004)
- Susskind, Larry and E. Babbitt, Overcoming the Obstacles to Effective Mediation in International Disputes, in *Mediation in International Relations: Multiple Approaches to Conflict Management*, ed. Jacob Bercovitch, and J.Z.Rubin. New York: St. Martin's, 1992
- Sverdrup, Ulf. "Compliance and Styles of Conflict Management in Europe", *ARENA Working Papers WP 08/3*(2003)

Tarrow, Sidney. *Social Movements: Resource Mobilization and Reform During Cycles of Protest: A Bibliographic and Critical Essay*, Western Societies Program, Occasional Paper No. 15, Center for International Studies. Ithaca, NY: Cornell University, 1982

Toller, Annette Elisabeth. "The Europeanization of Public Policies-Understanding Idiosyncratic Mechanisms and Contingent Results", *European Integration Online Papers* 8 (2005)

Touval, Saadia and William Zartman, *International Mediation in Theory and Practice*, Boulder: Westview, 1985

Touval, Saadia. "The Superpowers as Mediators", in *Mediation in International Relations: Multiple Approaches to Conflict Management*, ed. Jacob Bercovitch and J.Z. Rubin. New York: St. Martin's Press, 1992

Ury, William and Ron Fisher, *Getting to Yes: Negotiating Agreement Without Giving In*, Houghton Mifflin: Boston, 1981

Young, O.R. *Intermediaries: Third Parties in International Crisis*, Princeton, NJ: Princeton University Press, 1967

Versluis, Esther. "Explaining Variations in the Implementation of EU Directives", *European Integration Online Papers* 8 (2004)

Wallensteen, Peter. *Understanding Conflict Resolution: War, Peace and the Global System*, London et. al: SAGE, 2002

West, C. *Race Matters*, Beacon Press: Boston, 1993

Wharton, Barrie. "The Integration of Islam in the European Union: Prospects and Challenges", <http://www.eliamep.gr/eliamep/files/op0402.PDF>

Wolfers, M. *The Organization of African Unity as Mediator*, in *International Mediation in Theory and Practice*, ed. Saadia Touval and William Zartman. Boulder, CO: Westview, 1985, 185-186

Wolff, Stefan. *Disputed Territories: The Transnational Dynamic of Ethnic Conflict Settlement*, New York-Oxford: Berghahn Books, 2003

