

CROATIA AND TURKEY: IS EU ENLARGEMENT POLICY BEYOND  
THE PRINCIPLE OF CONDITIONALITY?

A Master's Thesis

by  
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September 2008



*to My Beloved Family...*

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THE PRINCIPLE OF CONDITIONALITY?

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of  
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by

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September 2008

I certify that I have read this thesis and have found that is fully adequate, in scope and in quality, as a thesis for the degree of Master of Arts in International Relations.

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## **ABSTRACT**

### **CROATIA AND TURKEY: IS EU ENLARGEMENT POLICY BEYOND THE PRINCIPLE OF CONDITIONALITY?**

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This thesis aims to understand the enlargement policy of the European Union in the light of the comparative analysis of Turkish and Croatian accession process to the Union. In order to do that, the study asks the question whether the EU's enlargement policy is beyond the principle of political conditionality, which is to be applied to all applicant states on equal footings. The focus here is on change in conditionality policy with respect to its approach and priorities. Given the need for comparison between Croatia and Turkey, the thesis tries to find out the relations between conditionality and the enlargement process and the EU itself in terms of impact of the current policy environment on its commitment for enlargement. This study affords a picture of the problems which change in conditionality since 2004 has risen for the understanding of enlargement policy. Moreover, the thesis investigates how recent developments might have an effect on the enlargement policy of the Union. In this context, the thesis analyses the reason behind the different levels of

commitment on the part of the EU towards Turkey and Croatia. Since they simultaneously started the accession negotiations with the EU, there appears a great opportunity to evaluate the EU's enlargement behaviour with its similarities and differences. In conclusion, member state preferences and concerns have a greater role in the changed policy environment, which requires an approach beyond the simple analysis of political conditionality to understand the enlargement policy of the Union.

Keywords: Political conditionality, European Union, enlargement, candidate country, Turkey, Croatia

## ÖZET

### HIRVATİSTAN VE TÜRKİYE: AB GENİŞLEME POLİTİKASI ŞARTLILIK PRENSİBİNİN ÖTESİNDE MİDİR?

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Bu tez, Avrupa Birliği'nin genişleme politikasını Türkiye ve Hırvatistan katılım süreçlerinin karşılaştırmalı analizi ışığında anlamayı amaçlar. Bunu gerçekleştirebilmek için, bu çalışma AB genişleme politikasının tüm başvuruda bulunan ülkeler için eşit düzeyde uygulanması gereken siyasi şartlılık prensibinin ötesinde olup olmadığı sorusunu sorar. Burada odak noktası, şartlılık politikasının yaklaşımı ve öncelikleri bakımından gösterdiği değişimdir. Türkiye ve Hırvatistan arasında karşılaştırma yapmak ihtiyacı ile bu tez, şartlılık ile genişleme süreci ve AB arasındaki ilişkiyi mevcut siyasi ortamın AB'nin genişleme konusundaki sorumluluğu bakımından keşfetmeye çalışmaktadır. Bu çalışma, 2004 yılından beri şartlılık prensibindeki değişimin genişleme politikası konusunda yol açtığı problemlerin resmini çizmektedir. Ayrıca, bu tez yakın geçmişte yaşanan gelişmelerin Birliğin genişleme politikasını nasıl etkileyebileceğini araştırmaktadır. Bu çerçevede tez, AB tarafından Türkiye



ve Hırvatistan'a yönelik farklı düzeylerdeki sorumluluğun nedenini analiz etmektedir. AB ile eş zamanda katılım müzakerelerine başlayan bu ülkeler, AB'nin genişleme davranışını benzerlikleri ve farklılıkları ile inceleme şansını sunmaktadır. Sonuç olarak, üye ülkelerin tercihleri ve endişeleri, Birliğin genişleme politikasını anlamak için siyasi şartlılık prensibinin basit bir analizinin ötesinde bir yaklaşımı gerektiren değişen siyasi ortamda daha büyük bir role sahiplerdir.

Anahtar Kelimeler: Siyasi şartlılık, Avrupa Birliği, genişleme, aday ülke, Türkiye, Hırvatistan

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## CHAPTER I

### INTRODUCTION

The enlargement of the European Union with its consequences and application of different integration theories have attracted interest of scholars working in the field of European integration. The literature includes research focused on the internal dynamics of enlargement and effectiveness of the EU on candidate countries to transform and reconstruct their institutional and state structures and identities they adhere to themselves. Since the EU is a *sui generis* organization, enlargement of the EU presents an interesting model for scholars and researchers who want to understand the rationale and the motivation behind the decision to enlarge. It is still vague when and under which conditions enlargement will actually take place for candidate and potential candidate countries and why the EU prioritize some states over others. Hence there is a need to understand the complexity of the enlargement policy of the Union to explain why there is different level of commitment of the EU to admit candidate or potential candidate countries to the EU and the impact of member states on outcome of accession process of a candidate country.

The political conditionality, which simply means the use of incentives to alter a state's behaviour or policies through which the EU promotes compliance by national governments with the EU acquis, has obtained increasing importance with successive enlargements in the last decade. However political conditionality has significantly changed in its scope and focus and priority and procedures in the 1990s (Pridham, 2007a: 171). It was first activated with the Commission's recommendation on applicant states and progress reports on the compliance with the conditionality. Then, the scope of political conditionality widened beyond its first-order democratization tasks, and the Copenhagen criteria set in 1993 for applicant states the rules of stability of democratic institutions, the rule of law and the protection and promotion of human rights. Rather importantly, a first reference to the EU's absorption capacity was introduced. Since then, the EU has detailed political conditionality for countries wishing to join the EU in order to transform or "Europeanize" their state structure, administrative and legal system. It has also specified pursuit of anti-corruption measures and a series of particular human and minority rights besides economic, social and cultural rights for all countries. And it has spelled out particular conditions for each candidate country which is included in pre-accession and accession process, if seemed necessary. Thus, a new priority has been harmonized in the political conditionality. The Commission insisted in its conditionality approach and declared that the conditions set out in the Copenhagen criteria were to be met before accession negotiations with a candidate country was opened. Hence, the political conditionality has thus appeared as a precondition to start the accession talks with the EU.

The political conditionality has widened in its procedures with introduced mechanisms to monitor and control the progress in each candidate country, and the

Commission has burdened the responsibility for issues related to the accession and political conditionality through tight-monitoring mechanisms with annual regular reports on the candidate countries and Accession Partnerships. Although the EU operated monitoring and control mechanisms during the 2004 enlargement, there was no procedure for a halt to negotiations. It was rather slow and cumbersome in the presidency conclusions of the European Council. In fact, it was never exercised for candidate countries despite the lack of reforms and unsatisfactory progress with regard to particular issues in some candidate countries, especially in Romania and Bulgaria.

With the lessons drawn from the 2004 enlargement, a stricter approach of EU conditionality has been adopted after the new European Commission under President Jose Manuel Barroso and the Commissioner responsible for Enlargement Olli Rehn. The tighter conditionality has included new mechanisms of safeguard clause and benchmarks for opening and closure of negotiation chapters, and an easier procedure for the halt of negotiations has been adopted and implemented in the negotiation frameworks for Croatia and Turkey.

A more negative conditionality and the extension of conditionality in its scope have sharpened with the enlargement fatigue within the EU and a decrease in the public support for further enlargement. Henceforth, individual member states have had more room to affect the policy environment and the decision making process. Moreover, discussions about the borders of the EU have been voiced more in the enlargement process, while individual member states establish their national preferences about the enlargement policy. Therefore, a changed approach to EU's political conditionality has been reinforced with a less-friendly environment for further enlargement. Although a much tighter political

conditionality is being introduced for candidate and potential candidate countries, political conditionality is much easily overridden on the grounds of interests and preferences of individual member states. Since absorption or integration capacity of the Union is now being considered in the overall accession negotiations, alternatives to full membership for particular candidate countries are voiced more in the EU and within individual member states.

The priority given to the political conditionality is much more affected by other considerations in enlargement decisions of the EU. Geopolitical or security considerations and individual member state preferences and pressure have thus appeared other membership criteria which is undefined in formal documents. A much quoted decision is that the EU leaders decided at the Helsinki Summit in December 1999 to include Southern Cyprus in the name of the Republic of Cyprus among the other Central and Eastern European countries to start accession negotiations despite the unresolved dispute in the island. Therefore one should also refer to the limitation and legitimacy of the political conditionality.

This thesis asks the question of whether the enlargement decision of the EU is beyond political conditionality, which is declared to be rigorous and fair for all, with a comparative analysis of the Turkish and Croatian case. The study is based on the conceptual meaning of political conditionality rather than compliance with conditions set out for the candidate countries. Rather, it tries to analyze the motivation and the rationale behind the decision to enlarge for the candidate countries of Turkey and Croatia.



This thesis is focused on the change in the approach of EU's political conditionality since 2004 and its effect on the candidate countries of Turkey and Croatia. Since these are the candidate countries which simultaneously started the accession negotiations with the EU, this situation presents a chance to make a comparative study to understand the impact of the motivation and the rationale behind for the concerned countries. Unlike Central and Eastern European countries, there is now a much tighter conditionality approach introduced for the two candidate states. However, it does not necessarily mean that the stricter the conditionality is the more rigorous and fair it is.

The thesis claims that the political conditionality is not sufficient to explain the policy environment within the EU and the individual member states for the decision to admit these two countries. Unlike Croatia, Turkey is not a new democracy. Moreover, Turkey's relations with the EU date back to 1959 whereas Croatia established its formal relations with the EU in 1997. Therefore Turkey is the only "still-not-a-member" (Erdoğan, 2006: 2) state and it is still being offered an alternative to full membership in the form of privileged partnership by some particular member states and European bureaucrats. Besides, the question of "Europeanness" of Turkey presents a challenge to the accession of Turkey to the EU. In a policy environment of political conditionality which is more complicated and less easy to control the individual member state preferences and interests over the enlargement policy, the Turkish case presents an interesting case due to the concerns raised by the individual member states on the Turkish accession to the EU.

The aim of this thesis is not to analyze the compliance with the conditions in Turkey and Croatia. Therefore, the compliance with EU acquis is not evaluated throughout the paper. Rather, the evolving nature of the EU conditionality is to be assessed within the

framework of the relations of the EU with the two countries. A quest for credible criteria in the enlargement policy of the EU is asked to find out the different attitude of the EU toward particular states, although political conditionality is applied to all candidate states in the same way.

In the first chapter, I will explain the EU enlargement policy and the development of political conditionality as a mechanism to promote Europeanization beyond its borders with the prospect of membership. It explores the evolution of EU's political conditionality and the change in its aims, approach and priorities since 2004, while it questions the credibility and legitimacy of EU's political conditionality with a special reference to the preferences of individual member states over the enlargement policy of the Union and the discussions about the European identity and its impact on the enlargement policy.

The second chapter analyses the historical evolution of the relations between the EU and Turkey with a strong emphasis on formal documents and the reaction of individual member states and particular European bureaucrats to the Turkish accession to the EU. In the third chapter the relations with Croatia and the EU is overviewed. The issue of concern in this chapter is the evolution of political conditionality in the Western Balkans including Croatia. However, it will not ask the compliance of Croatia with the political conditionality. Rather, it will reflect the specific reference to the policy environment for the case of Croatian accession to the EU.

The final chapter is a section which will look for the rationale and motivation behind the two cases of enlargement while it tries to find out the concerns about the

Turkish accession to the EU and the analysis of the justification for enlargement for Turkey and Croatia and its linkage with the European identity and the future of the Union.

This thesis aims to provide a contribution to the studies on European Union enlargement, which is predominantly focused on either the internal dynamics of enlargement or the effect of the EU on candidate countries, with an established link to the change in conditionality policy and its impact on the candidate countries within the dynamics of accession. The quest for credible criteria for the EU enlargement policy can be helpful in comparing the accession processes of the two candidate countries, namely Croatia and Turkey and for those who are interested in the impact of and the role played by individual member states on the EU enlargement behaviour at the Union level within a changed policy environment since 2004.

## CHAPTER II

### ENLARGEMENT POLICY AND POLITICAL CONDITIONALITY

Enlarging the European Union has always been a continuous process, but has never been an exclusive agenda. From its early start, the door has been left open to any European country. And this was not only an expectation but an actual envisagement. Article 237 of the Treaty of Rome<sup>1</sup> signed on 25 March 1957 by the six European countries stated that “any European State may apply to become a member of the Community”. In the Preamble, the signatories of the Treaty declared that they were “determined to lay the foundations of an ever closer union among the peoples of Europe”. With regard to the primary law of the European Union, it is clear that the applicant state should meet the criteria set out in Article 49 of the Treaty on the European Union (TEU) which notes that “any European country

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<sup>1</sup> The Treaty’s original name was the Treaty establishing the European Community, later renamed by the Treaty of Maastricht to Treaty establishing the European Community. On 22 and 23 June 2007 it was decided at the European Summit that both the Treaty on European Union and the Treaty establishing the European Community will be amended by a new Treaty of Lisbon. The Treaty establishing the European Community has been renamed, this time to Treaty on the Functioning of the European Union.

which respects the principles set out in Article 6(1) of the Treaty on the European Union (TEU) on which the European Union is founded could become a member of the EU”.

Schimmelfennig and Sedelmeier (2002: 503), who are most known experts on the field of European integration, define enlargement as “a process of gradual and formal horizontal institutionalization of organizational rules and norms”. Here, institutionalization means the process by which the actions and interactions of social actors come to be normatively patterned. By defining enlargement as institutionalization, Schimmelfennig and Sedelmeier aim to establish a link to the study of institutions and open the analysis of enlargement to theories about the effects of institutions. Others such as Jupille, Caporaso and Checkel (2002:7) argue, “Horizontal institutionalism takes place when group of actors whose actions and relations are governed by organization’s norms becomes larger”. Such a definition thus widens the field of enlargement studies beyond formal membership to the organization.

The three aspects of enlargement, which are applicant states’ enlargement policies, policies of member states over enlargement, enlargement politics at the EU level and its impact on the outcome create separate dependent variables for the study of enlargement. Because the policy environment for EU’s political conditionality has become more complicated and more open to the involvement of the member state’s preferences for further enlargement, the motivation for further enlargement on the candidate countries has become to dominate more than ever the whole EU enlargement policy. With this regard significant change in the EU enlargement politics with the change in the EU’s conditionality policy since 2004 will help to clarify the dependant variable which will facilitate the debate and make us reach a precise picture of further enlargement.

## 1.1 Conditionality and the European Union

Since the EU appears a *sui generis* phenomenon (Dimitrova and Pridham, 2004: 94) it has developed a distinct integration model having a much broader impact than any other international organization by offering security as well as economic and political benefits to its members. As Pridham (2002: 953-4) claims;

Full membership to the EU generates powerful, broad-based and long-term support for the establishment of democratic institutions because it is irreversible, and sets in train a cumulative process of economic and political integration that offers incentives and reassurances to a very wide array of social forces ...it sets in motion a very complex and profound set of mutual adjustment processes, both within the incipient democracy and in its interactions with the rest of the Community, nearly all of which tend to favour democratic consolidation... in the long run such “democracy by convergence” may well prove the most decisive international dimension of democratisation.

Checkel (2000: 1) argues that such “democracy by convergence” is applied through conditionality which means the use of incentives to alter a state’s behaviour or policies, or which is a strategy through which international institutions promote compliance by national governments. Through the conditionality the EU provides a “certain and direct pressure for the introduction and consolidation of democratic rules and procedures” (Pridham, 2002: 959). And this process has a significant effect on democratization when the conditionality is combined with the prospect of membership. Schimmelfennig, Engert and Knobel (2002: 1) claim that the EU applies conditionality as reacting to the fulfilment or non-fulfilment of its conditions by granting rewards but does not proactively punish compliant states. Following from this Samardžija and Staničić (2005: 99) remind that conditionality is somewhat different when enlargement is only a distant notion or not on the table. In similar

fashion, Samardžija and Staničić define conditionality in the context of enlargement as “an exchange between the EU and a candidate country in which the EU offers the candidate a realistic prospect of EU membership”. But they argue that conditionality involves the withdrawal of the perceived benefits of accession if the candidate state fails to comply with the requirements of conditionality. The perceived benefits of accession forms the driving force behind domestic reforms in applicant countries, but it does not create an endless push for democratization. Therefore there might appear deviation in the process leading to the opening of the accession negotiations and the subsequent period. The governing elite in the candidate country might face with domestic opposition and declining popularity, and might stand in to postpone the reforms. And the EU may temp not to grant full membership. In such situation, Samardžija and Staničić (2005: 100) claim that the EU may stimulate the candidate country to make reforms without a certain prospect of full membership which in turn means that entry to the European Union may be delayed or postponed for many years.

The conditionality has acquired ever-increasing importance with successive enlargements. The literature on conditionality with regard to enlargement has increased after the European Union remarkably established the principle of conditionality for candidate countries that eventually join the EU. The studies on the principle of conditionality have discussed the feature of the principle of conditionality and the impact of it on a variety of countries, policy areas and institutional settings. Since it is extremely broad and ever expanding therefore vague, the scope of conditionality has remarkably changed in time. However, in previous enlargements the scope of conditionality was limited to the EU rules and regulations, the *acquis communautaire*. Kahraman (2000: 2) notes that prior to the EC's first enlargement in 1973 which added Britain, Denmark, and Ireland to the

Community, the enlargement process was concluded in accordance with Article 237 of the Treaty of Rome that stated the condition for full membership to the Community as being “a European state that is politically and economically eligible for membership”. Since Turkey and Greece were not ready for accession when they applied for associate membership in 1959, the EC applied a gradual integration to the Community. It relied on the association mechanism of Article 238 of the Treaty of Rome according to which Association Agreements established a relationship involving reciprocal rights and obligations, common action, and special procedures. The Association Agreements concluded with Greece in 1961 and Turkey in 1963 did not automatically grant full membership.

In the absence of a defined framework of conditionality, the EC conditions were limited to the economic matters, notably to the completion of customs union between associates and the Community. However, a political dimension in 1962 with a declared report drawn by the EP’s Political Committee was added to the interpretation of Article 238 which states that “only those states that guarantee democracy and respect for fundamental rights and freedoms can become full members of the Community” (Kahraman, 2000: 2). Then, Southern enlargement which added Greece in 1981 and Spain and Portugal in 1986 illustrated the importance of political considerations over economic considerations in the decision to enlarge.

Furthermore, Kahraman (2000: 5) adds that the European Community added additional criteria for full membership, which is “adherence to the principles of democracy, respect for human rights, and fundamental freedoms, and the rule of law”. It is seen that the Southern enlargement was much like a foreign policy practice which shaped the



Community's external identity. Hence, the Community appeared as a promoter of democracy and human rights which will then affect the nature of enlargement policy of future enlargement rounds. However, the EU did not specifically dedicate itself to the promotion of democracy until the mid 1990s because it lacked institutional arrangements to deal with the Central and Eastern European Countries (CEECs). Therefore, it did only respond to the dramatic changes in the eastern part of the Continent. Zaborowski (2002-3: 12) notes that the EU only offered technical and financial assistance in the transition of CEECs to market economies including funding for projects in the years after the end of the Cold War. On the other hand Sadurski (2004: 374) asserts that conditionality operated through association and cooperation agreements with CEECs and Phare assistance programme based on the condition of promotion of human rights and democratic stability. And Olsen (2000: 148) adds that the democracy component of Phare "aimed to contribute to the consolidation of pluralist democratic procedures and practices as well as the rule of law".

However, EU's democracy premise was rather small and it was mainly contained within the Phare programme. There was no institutional tie between the CEECs and the EU. Still, enlarging to the East has set a new and wider set of requirements for candidate countries. Dimitrova and Pridham (2004: 95) define the Copenhagen Summit as the cornerstone in the establishment of the principle of conditionality for candidate countries. The European leaders in 1993 stated that "ten countries in the former communist Europe might eventually become members of the European Union, if they wished so and if they were able to assume the obligations of membership".

Thenceforth, Copenhagen Criteria which can be summarized “stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities” appeared as the *sine qua non* political condition for accession to the EU (Schimmelfennig, Engert and Knobel, 2002: 5). Nevertheless, Sadurski (2004: 375) notes that conditionality focused on the internal market of the *acquis* in the period between 1993 and 1997. Kochenov (2004: 6) proposes that only the Madrid Summit in December 1995 made a move towards making the eastern enlargement a reality because the Council asked the Commission to prepare its opinions on application for membership of the Union by CEECs.

Maniokas *et al* (2004) argues that a new enlargement method has thus been developed and a separate *acquis* with regard to enlargement has arisen including requirements for horizontal administrative reform, judicial reform, improvement in the situation of the minorities, and friendship and cooperation treaties. With this increasing scope of the conditions, the scale of the conditionality has widened. Later on, the research focused on how the principle of the conditionality operates.

It was first stated in the presidency conclusions of the Luxembourg European Council of December 1997 that “compliance with the Copenhagen political criteria is a prerequisite for opening of any accession negotiations”. Dimitrova and Pridham (2004: 97) claim that the EU thenceforth used a whole array of policy tools and instruments such as progress reports and association partnerships which set out the priorities for candidates through a process labelled as institution building after the declared Agenda 2000 in the year of 1997.

In its opinion on the applications and subsequent annual progress reports, the Commission evaluated political conditions in all candidate countries (Schimmelfennig, Engert and H. Knobel, 2002: 5). Among institutional ties established with the Union and the CEECs through association agreements, the prospect of full membership appeared as the strongest institutional link. The reward for accession was conditional on the specified achievements that the accession states advance their transformation, which in turn promote a certain level of homogeneity among the Union's members (Dimitrova and Pridham, 2004: 95). The Commission in June 1997 stressed "the absolute priority of the Copenhagen political criteria before beginning and continuing the accession negotiations with any candidate country". And it ever mentioned in its Composite Paper in 1999 the quality of integration and it stroked "the right balance of keeping up speed of enlargement without sacrificing quality".

Political conditionality has thus been a major element in the EU enlargement process since the establishment of the Copenhagen political criteria, and a new set of rules have thus been established for applicant states. However, Pridham (2007b: 446) asserted that political conditionality was occasionally rather visible element in the past decade, the EU has thus had control over candidate countries through accession partnerships and progress reports, provided that they are committed to a European integration strategy.

Have established the unprecedented scale and extensiveness of the political conditionality (Grabbe 2001, Dimitrova 2002), there is now an increasing empirical and comparative literature on political conditionality and democracy promotion in consideration with its general and diverse activity. The research in this field has thus focused on the use of conditionality and its impact on candidate countries. Consequently, a number of studies

based on rationalistic concepts and frameworks on the use and effectiveness of political conditionality have been done. Vachudova *et al* (2001) and Moravcsik and Vachudova (2003: 44) have referred to “asymmetrical interdependence” concept to explain the use of conditionality in the bargaining of the enlargement process. Accordingly, applicant countries accept the costs of enlargement because the cost of exclusion is higher. For that reason, they do their best to become a member of the EU. On the other hand, Schimmelfennig, Engert and Knobel (2003) have developed rather a bargaining framework focused on the idea of “reinforcement by reward”. They (2003: 297) have suggested that the EU keeps back rewards in the form of institutional ties and financial ties if the government of the applicant state fails to comply with democratic conditions.

Mattli and Plümpfer (2003) have focused on the incentives within the national politics in the applicant country to understand the effectiveness of the political conditionality. Whereas Mattli and Plümpfer focus on the interaction between the applicant country and the EU, Schimmelfennig and Sedelmeier (2002) have tried to explain the effects of conditionality by suggesting that governments would adopt EU rules if the benefits of EU rewards exceed the domestic adoption costs. While these studies contribute to the understanding of how conditionality operates, most of the literature is based on effectiveness of the conditionality in applicant states rather than the EU’s approach toward applicant states. However, some studies are quite critical about of the approach and the methods used because the conditionality is too top-down and it seeks to impose the Western norms in the applicant states, and because the priority of the conditionality principle is determined to a significant degree by the interests of the EU and its members rather than the interest of democratization or Europeanization in the applicant states.

Therefore, the EU is not free from criticism. It is true to say that the EU has a top-down approach in its conditionality, because it imposes its own political norms to applicant states. Therefore, there occurs the problem of compliance after accession due to the lack of the transposition of behavioural patterns.

Altogether, Pridham (2007b: 447) acknowledges that there are questions about aims, approach and priorities of EU's political conditionality which require exploring. Pridham *et al* notes that the research so far is based on the scope of conditionality and importance of European-domestic interactions as a test of EU leverage, and theoretical work has been interested in the conditionality as a component of the EU's decision-making on enlargement along rationalist and constructivist lines. However, he reminds that there is a need to reconsider the principle of conditionality within the dynamics of accession. Since new challenges and high cost of compliance appeared after the 2004 enlargement, it is necessary to reconsider change and continuity in the EU conditionality.

## **1.2 Enlargement Fatigue and Change in European Union Political Conditionality**

The crisis in the EU over the Constitution for Europe arose only a year after Central and Eastern European countries joined the EU. After enlarging to 27 members, the EU acquired a new identity which embraces widely different peoples, languages and culture. This heterogeneity of the Union was labelled "unity in diversity" based on shared values and norms rather than a standardized identity. However, an enlarged EU of 27 members

has revealed a problem of sense of unity within the members. Facing the challenges brought about by enlargement rounds, a sense of growing discontent appeared within the peoples of Europe. Further enlargement has exposed not only a growing discontent within the peoples of the Union, but also new challenges to the governing of the Union. It was obvious that an enlarged EU would be difficult to govern; the need for institutional reform therefore became urgent. It would have been very difficult to go deeper and wider unless the decision-making system of the Union was to be strengthened.

However, a less enlargement friendly environment in the EU and the lack of public support for further enlargement, the rejection of the European Constitution in the Dutch and French referenda in spring 2005 let loose an “enlargement fatigue”, and introduced a repercussion against the pace of integration among the member states. While Turkey was part of the “*non*” vote campaign on the constitution in France, the campaigns in the Netherlands and France against the constitution reflected a more pessimistic view on further enlargement in Europe. Consequently, enlargement became a buzz word, as evident in the media reflection on the question. This situation generated a call for a slowdown in the enlargement policy, and drew on the argument that the EU’s capacity to absorb new members should be first priority before further enlargement. Some leading politicians especially in France and Germany called for a pause on enlargement until the Union resolved its crisis about its own future. Now, cautious statements are being voiced against further enlargement, particularly against Turkish membership. There is now a more complicated and sometimes contradictory enlargement environment with regard to political conditionality.

Such broader and tighter conditionality policy, dealing with historical legacies from the conflict in Western Balkans or national concerns on Turkey brought about greater overlap between conditionality and EU foreign policy. Then, EU has adopted a more vague approach to democracy promotion- the first aim of conditionality- because of rival concerns such as security and economic interests and strategic priorities. After the 2004 enlargement it became known that there was noticeably less enthusiasm about further enlargement, and enlargement policy has become more open to differences among member states, as it has traditionally been in foreign policy. The new mechanisms over conditionality such as safeguard clauses and benchmarks over opening or ending of negotiating chapters with a tight and tougher approach envisaged a procedure for a slowdown, even blockage in the progress with further enlargement.

In stark contradiction what Pridham (2007b: 466) claims, the crisis in the EU over the Constitution did not weaken high-political inclinations over further enlargement. Pridham argues that member states, when acting collectively in the European Council, had in the past overridden conditionality on grounds of “high politics”. He (2007b: 468) argues that a stricter conditionality is applied in countries which are already on the path of accession and Pridham reminds the postponement of accession talks was postponed with Croatia in March 2005. In truth, the Council of Ministers was sharply divided on that occasion; it however had to accept the Commission’s decision. Although Croatia did still not fulfil its obligation on the surrender of the war crime suspect Ante Gotovina to the International Tribunal for Crimes against humanity in former, the Council of Ministers insisted on opening of accession talks with Croatia in October 2005.

In view of the problems within the EU, it is hardly unforeseen that the prospect of membership of Croatia has been less divisive than that of Turkey. Yet, the European Parliament is in favour of a greater role in the use of conditionality over the applicant states with the new mechanisms developed, the members of the European Parliament have a cautious stand, if not hostile, against Turkey whereas the MEPs are in favour of the end of accession negotiations with Croatia before the next parliamentary elections by 2009.

Overall, the impact of enlargement fatigue and change in the political conditionality has produced more discrepancies in the enlargement policy since 2004 which has, in turn, generated a new uncertainty and controversy about the future of enlargement. This significant change in political conditionality has an effect on perspectives and expectations of present and consequently attitudes of EU member states towards conditionality.

Pridham (2007b: 468) describes conditionality since 2004 much broader in its scope, much tighter in its procedures and less easy to control and more against less certainty about the prospects of enlargement within a less enlargement friendly environment in the EU. Contrary to what Pridham claims, the policy environment among the member states is different and the decision-making process has become more complicated. External pressures on maintaining a stricter and more rigorous conditionality policy remain strong for further candidate countries than those from Central and Eastern Europe and even Romania and Bulgaria.



### **1.3 The Limits to the Political Conditionality and National Preferences of Member States**

While Pinelli (2004: 359) suggests that conditionality has greatly contributed in shaping the European integration based on a common identity, the imminence of the Eastern enlargement has played an important role in galvanising the debate on the future of the Union.

In fact, enlargement provides an impetus to the development of a common identity through the application of conditionality imposed on the applicant countries. The emphasis on democracy did not decisively remain limited to the enlargement policy of the EU, but also reverberated directly inside the EU (Sedelmeier, 2003: 9). Since the arrival of new members brought diversity to the Union, a problem of sense of unity thenceforth appeared within the Union. This problem created an urgent need to reform the EU institutions so that the governance of the Union can be brought closer to its citizens (Kok, 2003: 70). It was no coincidence that while the Treaty of Nice in 2001 revised the existing treaties in terms of changing the numbers of votes and seats in EU institutions, CEECs were also invited to participate in discussions about the Convention.

Priban (2004: 148) argues that Eastern enlargement has fundamentally affected the constitution making in the EU because this enlargement indicated that it would be very hard to go simultaneously deeper. It is true to claim that constitutional developments in the EU are also likely to change the course of political conditionality in the sense that the approval of the Reform Treaty is expected to reduce the longstanding ambiguity

surrounding the identification of the conditionality. Still, political conditionality is to be rigorously applied for the new comers.

Although accession of new members has been a turning point for conditionality, the future enlargement rounds are still deeply affected by the use of conditionality. Since Turkey and Croatia are still candidate countries, the relationship between conditionality and enlargement policy has also implications on the European identity (Pinelli, 2004: 360) and imposes challenges for the existing members. Pinelli (2004: 361) notes that this challenge was demonstrated when delegates of some member states proposed “the insertion of a reference to the Christian heritage of European peoples within Constitutional Treaty draft”, thus exposing the European identity on religiously- civilisational grounds which would have put an intractable burden on Turkey’s accession to the EU.

This new environment in the EU has brought much discussion about what drives the EU to enlarge despite risks given and challenges facing Europe. The literature on European integration is generally based on the assumption that actors seek to maximize their own interest and that they use their power to veto the enlargement process. However, it is not only the interests which drive the EU to enlarge. If there are risks and challenges given when decided to enlarge, it is then generally assumed that norms must also have played a role in the decision to enlarge. However, the way the norms are complied with is controversial. The issue of enlargement goes beyond a relatively simple analysis whether the candidates are able to meet the Copenhagen criteria. The decision to enlarge is affected by national preferences of the member states and their capability to influence the EU.

It seems that fulfilment of the conditions set out in the Copenhagen criteria cannot be exclusively taken to become a member of the EU. If so, Bulgaria and Romania, new and weak democracies of the EU, should not have been full members of the EU in January 2007, despite the lack of progress in the field of justice and home affairs. But it seems that the member states' preferences and their power to play role in decision making must have played a role in the decision to enlarge. However, it is not only the member states' preferences and interests but also norms play a role. But, prioritization of some states over others needs a distinction so that the role played by the norms in the enlargement process could be understood.

Moravcsik (1996: 517) suggests that national preferences of member states are determined by “the imperatives induced by interdependence and in particular the exogenous increase in cross-border trade and capital movements”. Henceforth, Moravcsik (Piedrafita and Torreblanca, 2005: 38) asserts:

The increase of trade and capital flows and the supply of cheaper resources but qualified labour will lead to efficiency stemming from higher competition, a better allocation of resources and higher specialisation, thereby strengthening European competitiveness in the world market.

The distribution of enlargement preferences among member states are, however, diverse, no single factor seems, therefore, to explain the member states' preferences. Although Moravcsik (Schimmelfennig, 2001: 49) claims that state preferences determined by “international interdependence, opportunities for economic exchange and the dominant economic interests in national society”, Schimmelfennig argues that the decision to enlarge cannot solely be explained with national preferences of member states and their power to bargain.

Schimmelfennig (Moravscik, 1996: 520) suggests that preferences of member states largely represent two main factors: geographical position of the member states, and their socio-economic structure. Moravscik and Vachudova (2002: 1) maintain that geographical position of member states vis-a-vis applicant states can be understood as an intervening variable because international interdependence and geographical proximity make bordering states more sensitive to the developments in applicant countries. This is why except for Greece and Italy which have borders with the Central and Eastern European countries supported the Eastern enlargement. Zank (2003: 2) clarifies that enlargement is firstly accepted as an instrument to stabilize the region where wars and crises made the Central and Eastern European countries vulnerable to the negative externalities for those countries. After the war in Yugoslavia and the dissolution of the USSR, security interests made it impossible for the EU to turn its back on Central and Eastern Europe” (Piedrafita and Torreblanca, 2005: 37). Moravscik and Vachudova (2002: 1) add that geopolitical stabilization and economic revitalization of Central and Eastern Europe would dampen nationalist conflict and make illegal immigration more manageable.

The explanation of the enlargement preferences of the states sounds well in empirical findings. Schimmelfennig (1999: 18) argues that “Northern countries had a greater interest in stabilization through enlargement, Germany’s interests in the multilateralization of its disproportionately high unilateral transfers to Central and Eastern Europe.” He (2001: 50) adds that this geographical proximity created opportunities for trade and investment. Although geography appears to explain the broad pattern of the enlargement preferences, it had difficulty in explaining why Britain, a remote country, had a pro-enlargement stance and

why Italy waived over the enlargement although it is in close geographical proximity with South-eastern Europe (Schimmelfennig, 1999: 18).

Socio-economic structure among member states relates to the distribution of costs, but the nature of this distribution is unequal. Therefore there is “different degrees of enthusiasm” (Schimmelfennig, 2001: 51) to the Eastern enlargement and enlargement created high costs for the poorer, less developed and more agricultural members. Zank (2003: 20) explains that because poorer states were based on resource-intensive industries, their share in the EU market would have certainly decreased. Thenceforth, Schimmelfennig (1999: 18) maintains that the Northern countries were the industrialized ones in the Union and they, therefore, had less fear from the Central and Eastern countries market share which is highly dependent on agricultural and low-tech exports.

Geopolitical and security concerns of member states do also influence the national preferences of them. France had such fear that the Central and Eastern European countries would side with Germany in the European Council. By contrast, Greece and Italy, which are closer to CEECs were more interested in the Mediterranean security. Despite the geographical distance to Eastern Europe, Britain also supported Eastern enlargement because of the fact that an intensely-integrated would harm the national interests of the country.

When defined the EU as a problem solving entity, material economic interests become much more important than any other issue. This is the main motive and the basis of legitimacy in the first years of the Community. This is why the EC concluded the Association Agreement with Turkey, although it was clear that Turkey was not ready to

become a full member of the Community. However, Sjursen (2002: 499) claims that these explanations do not explain the decision to enlarge. It might be true that the member states have utility maximizers, but it does not explain why all the members accepted to enlarge while there are given risk and high costs. Therefore, as Christiansen, Jorgensen and Wiener (1999: 540) claim there must have been norms and ideas that shaped the enlargement preferences and bargaining among member states. Accordingly, it is assumed that states inside and outside of the organization share a collective identity and beliefs, the analysis of enlargement is then based on social identities, values, and norms not the material consequences of enlargement for individual member states.

From this perspective, the EU represents the main organization of the European community of states based on a European and liberal collective identity. Presumably, European international community is not restricted to the geographical borders of Europe, but spreads across the world. This is Schimmelfennig's "liberal community hypothesis" (2002: 598) on enlargement based on the assumption that "regional organizations represent international communities of values and norms." Thenceforward, states which share the collective identity of an international community adopt its constitutive values and norms to join international organization. The emphasis on values, as Sjursen (2002: 499) highlights, is evident in the official documents of the EU. Art. 49 of TEU state it is open to all European states with a democratic system of governance.

Schimmelfennig (2001: 61) argues that rhetorical action is the causal mechanism through which the EU's values and norms assert themselves against utility maximisation of member states' preferences and actions. According to rhetorical action, member states which share constitutive values and norms of the EU commit themselves to the collective

identity of the EU and they adhere to its norms and values. But, it does not mean that this collective identity determines preferences of the member states. On the contrary, member states develop their preferences and behaviours based on cost-benefit calculation, then, such calculations can compete with the member states' commitment to the EU's values and norms. Rhetorical action explains how the members focus on their collective identity while they establish their preferences according to their individual national interests.

Rhetorical commitment that only “a union of the democratic European states could create the lasting peace among the European states” is the driving motor of the European integration (Schimmelfennig, 2001: 61). A pan-European collective identity based on liberal ideology calls other peoples of Europe who share their ideal to join in their efforts, which is also affirmed in the statement that any European state has the right to apply for membership. Thus Sjursen (2005: 500) states that the salience of the enlargement process since the end of the Cold War and consequently the Eastern enlargement was considered the end of the divisions of Europe which had artificially been created in the Cold War and their return to Europe required to adhere to the constitutive values and the norms of the EU.

In the light of the explanation above, a model of accommodation which combines these two approaches is based on the assumption that the EU member states have instrumental and normative preferences. While member states seek to maximise their individual interests; they have constitutive values and norms they commonly share. Taken together member states are, at the same time, negotiating to maximise their particular interests and to institutionalise the general principles, norms and values which they share.

Therefore, the member states negotiate their interests, but at the same time norms have an impact on their preferences.

The logic of justification asks what might have led actors to support enlargement, and whether this justification is applicable to all enlargement issues irrelevant of the applicant state. Accordingly, there are two ways of justification; the first one is ethical-political arguments that are revealed through references to values and traditions that are seen as constitutive of European identity (Sjursen, 2005: 502). The second one is that a moral obligation approach to justification. In order to solve the issue who should be part of the EU, the EU could choose an appropriate act given a particular identity or role, or a solution that appears right just according to the standards which are not dependent on a particular identity (Sjursen, 2005: 509).

As Sjursen (2005: 509) defines the EU as a values-based community presents common European values and experiences and the key is the presence of a kinship with respect to expansion. In this context, the Eastern enlargement fitted to these norms is justified on the basis of “a duty to overcome the division of Europe” based on the assumption that east and west of Europe is considered as two parts of the same entity. But on the other hand, with reference to Turkey justification for enlargement is different. Turkey is described an “important partner” rather than a “natural insider” belonging to the European family of nations with a reference to rights and norms that created European identity (*Ankara Papers*, 2004: 7). The rationale for admitting Turkey is different; it is explicitly based on the geopolitical interests of the EU linked to the utility-maximisation behaviour. With regard to Turkey a duty is absent. That explains why Poland has taken more resources from the EU for their support of democratization. Indeed, this might



contribute to the understanding of why Turkey was not included in the last wave of enlargement.

The lack of institutional design for an efficient and more democratic Union for future enlargements does not mean to ignore the power of the EU in providing scope and direction to applicant countries through the application of conditionality. The EU has helped to construct common values through its norms and institutions. On national identities, European institutions have promoted better cultural identities at the European level. The EU has helped to shape a distinctive European identity that is common to all Europeans. Since the definition of “Europeanness” is always based on history, geography and culture, European identity has become identifiable and meaningful through institution building mechanisms articulated by common values (Schimmelfennig, 2002: 593). However, this does not mean that the same logic applies to all the candidates. The efforts to define European identity and the borders of Europe might have important consequential impacts on Croatia and Turkey alike. In other words the ultimate decision on the borders of Europe and outcome of the discussion on who belongs to Europe and who represents and shares the European identity would also have a great impact on the EU’s final decision about Turkey’s accession to the EU, while such a problem does not exist for Croatia.

## **CHAPTER III**

### **A KEY FOR UNDERSTANDING: EU'S PENDULUM TOWARDS TURKEY**

#### **2.1 From Association to Candidacy**

Although Turkey has recently attained a candidate status from the EU since 1999, its relations with the Union date back to the late 1950s. Because Turkey definitely belonged to the Western alliance since its very inception, the desire for closer relations with the European Community was not a sudden decision for Turkey. In fact, the decision to participate in the European Community is the result of a plain logic that the Western alliance meant participating into all the organizations that the Alliance created (Eralp, 1998: 38). Following the Greek application to the Community for an association agreement on 8 June 1959 (EEC Community, 1960: 245-246), Turkey applied for an association on 31<sup>st</sup> of July. Because neither Turkey nor Greece was ready to be admitted as a full member, the Commission, therefore, granted the two countries the status of “association” (Kinnas, 1982: 54) defined as a “form of institutionalized relationship between one or more states and an

intergovernmental organization which permits the integration of some functional dimensions, while, at the same time, keeping others separate”. Greece and Turkey were thus given a promise of subsequent full membership with the association agreements they signed with the Community. The public opinion was mostly favourable when the Agreement was signed: It was remarked as the “most permanent and productive step in Turkey’s efforts of the last 150 years to westernize and become an equal member of the Western world” (*Hürriyet*, 13 September 1963). Although it was rather a political decision seeking to preserve the balance between Turkey and Greece for the Community, the association with the Community gave rise to the Turkish dream for accession. However, the granted Turkish and Greek associations were based on Article 238 of the Rome Treaty rather than Article 237 of the Rome Treaty which specifies that “any European country may apply to become a member of the Community”.

The Association Agreement envisioned three phases, which, in theory, went beyond the customs union. The Preamble to agreement stated that the EC and Turkey “determined to establish ever closer bonds between the Turkish people and the peoples brought together in the European Economic Community” (Official Journal of the European Communities, 1977). Article 28 went even further and stated that “as soon as the operation of this Agreement has advanced far enough... the Contracting Parties shall examine the possibility of the accession of Turkey to the Community”. And the final stage would begin only when Turkey was ready for full membership. However, there was no automatic progress, the speed of the process depended on the level of readiness of the associated member, which in turn meant the start of lengthy and protracted negotiations for Turkey.

However, the association with the Community deteriorated in the early 1970s as Turkey's economic and political situation took a sharp turn. Then, Turkey's perception of association with Europe was increasingly viewed in terms of economic policies rather than as a matter of political issue (Eralp, 1993: 28). The difficulties at the end of the 1970s including implementation of tariff reductions finally resulted in the freeze of the Association Agreement in October 1978 (Eralp, 1998: 40). Despite the attempts to revive the relations with the EU, military intervention in 1980 complicated the Turkish bid for incorporation in Europe, thus ushering in a new tense phase in Turkish-EC relations (Eralp, 1993: 31). The agreement was suspended in January 1982 with regard to the respect for human rights because of the political situation in Turkey. In the aftermath of the military intervention, the issue of democracy acquired increasing weight within the EC and the relations with Turkey as well (Gündüz, 2003: 1). The Community emphasized the promotion of democracy particularly in its relations with the Mediterranean countries and with Turkey. Eralp (1998:40) maintains that "while the European Community regarded democracy as a *sine qua non* for inclusion into Europe, Turkish leaders continued to regard it as an internal problem".

The relations began to return to normal following the 1984 local elections, only after Turkey returned to democratic rule. While an attempt to revive the Association Agreement was still being discussed, the Prime Minister Turgut Özal, who called membership of the EC the "ultimate aim" (Karluk, 1994: 344), applied for full membership to the EU on 14 April 1987. The Turkish ambassador to the EC, Özden Sanberk (Paoloni, 1991: 42) explains the reasons for the application:

We felt it was necessary to remove the general uncertainty surrounding EC-Turkish relations and reinforce the consensus about becoming fully European... Indeed, the opening of these negotiations should reassure the Turkish people that they are at the first stage of an irreversible chain of events leading to full EC membership.

The Commission of the European Communities (1989), however, submitted its recommendation two years later, and it stated that accession negotiations with any country should not start before 1993 at the earliest, except in exceptional circumstances. Consequently, it (*Bulletin of the European Communities*, 1989: 88) stressed that the specific analysis of the economic and political situation in Turkey showed that “it would hard for Turkey to cope with the adjustment constraints with which it would be confronted in the medium term if it acceded to the Community”. Then, it (*Bulletin of the European Communities*, 1987: 2) concluded that “Turkey and the Community cannot be easily integrated”. In fact, it was not what Turkey expected to hear from.

Nevertheless, the Commission recommended the re-launch of the Association Agreement including the completion of the customs union. Although the cooperation plan named by the reporter, Matutes Plan, implied that Turkey was eligible for membership, there was, however, no particular date for the recommencement of the negotiations.

The collapse of the USSR and the end of the Cold War brought about dramatic changes in Eastern Europe. Hence, the division of Europe which the Cold War had artificially created led the EC members, in turn, to focus their attention on Central and Eastern Europe. Recognizing Turkey’s economic and political importance for the EC in the post- Cold War era, the Association Council was re-launched, and it was decided to complete the Customs Union. Although Turkey was not even mentioned in the list of the countries which are considered for membership, the post-Cold War context carried a

change in policy direction on Turkish membership to the EU. Lisbon European Council of 1992 had important consequences for Turkey's relations with the European Union. The Commission (*Bulletin of the European Communities*, 1992: 23) reported to the European Council that "the Turkish role in the present European political situation is of the greatest importance and that there is every reason to intensify cooperation and develop relation with Turkey".

The outcome was the introduction of the Customs Union by January 1, 1996. And, Customs Union was believed to be a stepping stone on Turkey's long road to the EU (Rumford, 2000: 339). It was indisputably believed that Customs Union would open the door to full membership, and the aim was Turkey's full integration in the EU.

Now, a non-member EU-state became a member of the Customs Union, for the first time in EU's history. Until then, all applicant states joined the EU first and entered into the Customs Union after a transitional period. However, the signing of the agreement prompted a lively debate in Turkey. Since the EU made strong commitments to candidates from Central and Eastern European countries, Turkey required meeting the conditions of Customs Union and Copenhagen Criteria with no sign of Turkey to be included in the European Union. The former Foreign Minister, Mümtaz Soysal (1995: 17) stated that the "Europe passion" of the government made Turkey lose in the Customs Union by seemingly satisfied with the conclusion.

Although the Commission (*Bulletin of European Union*, 1997: 77) in July 1997 reaffirmed in its Agenda 2000 that Turkey was eligible for membership and confirmed that it will be judged by the same objective standards and criteria as other applicants,

Luxembourg European Council denied Turkey's candidate status. Still, Turkey was included in the enlargement process but was not given a pre-accession strategy despite the attempts to prevent such an outcome. Moreover, Yeşilada (2002:95) reminds that the EU included the Greek side of Cyprus with no regard to international treaties of Zurich and London Agreements, covering the establishment of the Republic of Cyprus. Consequently, the Minister of Foreign Affairs, İsmail Cem (*International Herald Tribune*, 10 December 1997), wrote:

What justifies the negation of declared EU commitment made to Turkey over a period of three decades? What is it, which causes the reluctance to call a country that has an association agreement with the EU since 1963, a country which is part of the EU Customs Union, a "candidate"? Why is there such a discrimination against a NATO member who has contributed extensively to the defence of Europe?

The exclusion of Turkey from the list of countries with whom the EU would negotiate was a watershed for Turkey. The Turks thought that the decision was unfair and viewed the EU as "a civilizational project with clearly-defined boundaries and no place for a country with a predominantly Muslim population" (Öniş, 2000: 473). İsmail Cem asked in his article whether the cause of the negative approach by the EU is the "undeclared cause for discrimination and whether Turkey was a Muslim country" (*International Herald Tribune*, 10 December 1997). Rumford (2000: 33) maintained that not only the Turkish public opinion viewed the decision to be unjust; some European newspapers also viewed it to be an "historic mistake".

A European Strategy for Turkey, which was offered in the Luxembourg European Council in 1997, aimed to "prepare Turkey for accession by bringing it closer to the European Union in every field", while confirming that "Turkey will be judged on the basis

of the same criteria as the other applicant States”(European Council, 1997: 7-8). This strategy neither offered a candidate status nor gave a timetable. It contained vague commitments which were never turned into concrete steps. That is why Turkey viewed the European Strategy no more than a “consolation prize” (*The Independent*, 10 March 1998).

Article 35 of the Presidency Conclusions of the Luxembourg European Council defined the basis that the relations would depend on:

... its (Turkey’s) pursuit of the political and economic reforms on which it has embarked, including the alignment of human rights standards and practices on those in force in the European Union; respect for and protection of minorities; the establishment of satisfactory and stable relations between Greece and Turkey; the settlement of disputes, in particular by legal process, including the International Court of Justice; and support for negotiations under the aegis of the UN on a political settlement in Cyprus on the basis of the relevant UN Security Council Resolutions.

The Cardiff Summit of June 1998 revived the relations with the EU through enhanced political dialogue. However, it included no certain date for candidacy. Rupert Cornwell (*The Independent*, 17 June 1998) wrote that “Turkey had again to make do with vague wordings, which in reality marked no advance from Luxembourg”.

The first regular report on Turkey’s progress towards accession in 1998 set the conditions which were expected to be fulfilled, if Turkey was to become a candidate. On the political side, the Commission highlighted the lacking reforms necessary to meet the Copenhagen political criteria (European Commission, 1998a). Although the Commission noted “the great importance it attaches to the further development of relations between the EU and Turkey taking forward the European strategy to prepare Turkey for membership”(European Commission, 1998a), the relations between the EU and Turkey were remained uneasy.



## 2.2 The Granted Candidacy

After two years of worsening relations between the EU and Turkey, the 1999 Helsinki Summit recognized Turkey as a candidate for membership upon the Commission's recommendation which advised Turkey is considered as a full candidate (European Commission, 1999a). The reason behind such an outcome after two years can be connected to not only one factor but also many decisive ones. First, it became clear that without Turkey it was not possible to provide security in the West since the security concept acquired a trans-regional dimension in which the security of Europe was linked to the security of the Middle East and larger Eurasia (Eralp, 2000: 25). Such an ambivalent relationship with the EU did not only risk the security of Turkey itself but the EU as well. Thinking of European security problems in Bosnia and Kosovo, there emerged a mutual interest in overcoming the difficulties between Turkey and the EU. It was no coincidence that the Helsinki decision came after NATO summit in Washington in April 1999, where Turkey vetoed the European Security and Defence Identity proposal which called for a future strong EU rapid deployment force that would have access to NATO equipment (Yeşilada, 2002: 96). Second, there proved to be a more conciliatory and pragmatic consideration about Turkey within the EU at the Helsinki Summit. In fact, there was no unanimous attitude on Turkey, bargaining on the EU table among the member states could result in contradictory even controversial foreign policy decisions (Zielonka, 1998; Putnam, 1998).

The Helsinki Summit proved to be a turning point, the granted candidacy elicited enthusiasm from the Turkish government regarding their full commitment to the EU project. European leaders at Helsinki defined the basis of the relations with Turkey (European Council, 1999);

This will include enhanced political dialogue, with emphasis on progressing towards fulfilling the political criteria for accession with particular reference to the issue of human rights, as well as on the issues referred to in paragraphs 4 and 9(a).

The EU did try to prove that the door was open to all as long as required conditions were met. The Helsinki decision set the Copenhagen criteria for Turkey with clear obligations. From the Turkish point of view, nothing short of full membership could be accepted and the Customs Union without a commitment to full membership or a special country status would be inadequate. Accordingly, Customs Union was a form of “competition without full integration” or “loss of sovereignty with limited participation” (Rumford, 1998: 71-76). However, the contentious issues in relations with the EU remained. The candidacy in itself offered solution concerning the Cyprus question and bilateral border disputes. And, the decision made it clear that the Cyprus question and bilateral problems with Greece were still on the agenda. Paragraph 4 of the Presidency Conclusions stated;

The European Council will review the situation relating to any outstanding disputes, in particular concerning the repercussions on the accession process and in order to promote their settlement through the International Court of Justice, at the latest by the end of 2004.

This statement included binding implications for Turkey, although there was no deadline either to resolve or bring the border disputes to the ICJ by the end of 2004. However, the Turkish government suggested that resolution of bilateral problems with Greece was not a

pre-condition within a definite period for the start of the accession talks (Cem, 2005: 198). Concerning the Cyprus issue, the Helsinki decision provided Southern Cyprus to be a member even if the island could not be re-united. Thus, the EU guaranteed Turkey's acceptance on the inclusion of Southern Cyprus in accession talks despite the warning by the Turkish government. However, the resolution of the Cyprus question became a harsh precondition for the start of negotiations for Turkey, although there was no deadline for Turkey to resolve it. The Council declared that it would take account of "all factors" if "no settlement has been reached by the completion of accession negotiations" (European Council, 1999). This was somewhat a non-starter clause because there was nothing to lose for Southern Cyprus if it did not reach a deal concerning the dispute (Cem, 2005: 202).

In December 2000, Turkey and the EU agreed on an Accession Partnership Agreement by which the EU would present a road map for membership of Turkey (*Official Journal of the European Communities*, 2001). Besides the Copenhagen political criteria with which all the candidate countries should comply, Turkey required to meet some specific conditions, which in turn led to problematic relations with the EU. The hesitation with Turkey's accession to the EU still remained at the table in the Gothenburg European Council of June 2001, and European leaders (European Council, 2001) noted the difficulties facing Turkey, while demanding concrete measures to be taken in a number of areas such as human rights by Turkey.

After the adoption of a far-reaching reform package including abolishing of death penalty in August 2002 (*Hürriyet*, 3 August 2002), the 2002 Copenhagen Summit (European Council, 2002) noted if Turkey fulfilled the Copenhagen Criteria until December 2004, the EU would then decide whether and when to start the accession negotiations with Turkey.

If the European Council in December 2004, on the basis of a report and a recommendation from the Commission, decides that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay.

However, there was a lively debate within the EU regarding Turkish membership. The Former French President, Valéry Giscard d'Estaing, never ceased to state his opposition to Turkish membership, and he said that "Turkish accession to the EU would be the end of Europe" (*Le Monde*, 8 November 2002). Moreover, the public in the European Union developed a firm opposition to Turkish membership to the EU. Of all the EU members, the opposition to Turkish accession was 48 percent and the support for Turkey was only 21 percent, the lowest in Austria (European Commission, 2001). highlighted over 50 percent of the participants agreed that there was "no place in the EU for a Muslim country like Turkey ... regardless of what it achieves with political and economic reforms" according to the poll conducted by TESEV in 2002 (Kubicek, 2004: 49).

The EU leaders in the Thessaloniki Summit of June 2003 offered to the Western Balkans a prospect of EU membership "once they meet the established criteria" (European Council, 2003a). And, the EU opened its doors to ten new members on 1 May 2004. The Eastern enlargement seemed to be an ethical- political responsibility of the EU, the decision to enlarge was based on the duty to enlarge eastwards. The EU needed to overcome the division of Europe of which east and west are accepted as two parts of the same entity. For the candidates, the Council gave a firm commitment that Bulgaria and Romania which were part of "the same inclusive and irreversible enlargement process" would become members in 2007, while leaving Turkey out and without setting out a clear date for accession talks although the Turkish leaders expected to hear about it (*Hürriyet*, 19 June 2003). With regard

to Turkey, the EU leaders did not mention any date for the accession talks and the wording of the document did not include any words telling that Turkey was also part of this irreversible enlargement process.

On the contrary, many Europeans thought that there was no place for Turkey in the EU. The old Dutch EU Commissioner, Fritz Bolkenstein, said that “Ukraine and Belarus were more European than Turkey” (*Turkish Daily News*, 8 September 2004) and that Europe would implode if Turkey’s membership became a reality and the deliverance of Vienna from the Turkish siege in 1683 would be worthless (*The Times*, 8 September 2004). Furthermore, the former Commissioner for Enlargement, Günter Verheugen (2004) stated:

If the European Council decides to open negotiations with Turkey accession is not a formality, and not for tomorrow. The negotiations will take time, reflecting the scale of the difficulties in many sectors faced by such a large and complex country. At the same time, a decision to open accession negotiations does not mean that the political criteria will no longer be on the agenda.

### **2.3 The Start of the Accession Negotiations**

The Commission (2004) adopted its recommendation in October 6<sup>th</sup>, and gave a positive opinion on start of accession talks with Turkey. Although the Commission reaffirmed that Turkey made substantial reforms in line with the priorities set out in the Accession Partnership, it assessed that accession of Turkey to the Union would be challenging both for the EU and Turkey. The Commission (2004: 4) noted:

As the assessment on the issues arising from Turkey’s membership perspective shows, the necessary preparations for accession will last well into the next decade. The EU will evolve over this period, and Turkey should change even more radically.

The *acquis* will develop further and respond to the needs of an EU at 27 or more. Its development may also anticipate the challenges and opportunities of Turkey's accession.

Thence, the Commission had the assessment that both the EU would need a considerable amount of time which would ensure a smooth integration of Turkey into the EU. It reminded that the pace of the accession negotiations would also depend on the Union's capacity to absorb new members. The Commission (2004: 8) noted;

Progress in the negotiations will depend not only on Turkey's convergence with the EU. The EU will need to prepare itself because, as stated by the European Council of June 1993, the Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries.

Based upon the Commission's recommendation, the Brussels European Council of December 2004 (European Council, 2004) "recalled its previous conclusions regarding Turkey, in which, at Helsinki, it agreed that Turkey was a candidate State destined to join the Union on the basis of the same criteria as applied to the other candidate States". And, the EU leaders in Paragraph 22 of the Presidency Conclusions invited the Commission to present a proposal for framework for negotiations with Turkey so that negotiations would be opened on 3 October 2005.

Now, a firm date was held out to Turkey. However, the EU's commitment was not unconditional. Turkey needed to ensure that the reform process would continue on the basis of the conditions identified by the Commission. Paragraph 18 (European Council, 2004) stated:

To ensure the irreversibility of the political reform process and its full, effective and comprehensive implementation, notably with regard to fundamental freedoms and to full respect of human rights, that process will continue to be closely monitored by the Commission ... including the implementation of the zero-tolerance policy relating to torture and ill-treatment.

The EU perspective given is now more rigid, because conditionality policy and the environment in the EU have significantly been changed since 1 May 2004. Paragraph 23 of the Negotiating Framework (European Commission, 2005a) states that the Council will apply new mechanisms both for opening and closure of the chapters, each covering a specific policy area where decisions require unanimity. Paragraph 21 of the Framework for Negotiation defines this new mechanism of benchmarks;

... the Council, acting by unanimity on a proposal by the Commission, will lay down benchmarks for the provisional closure and, where appropriate, for the opening of each chapter; depending on the chapter concerned, these benchmarks will refer to legislative alignment and a satisfactory track record of implementation of the acquis as well as obligations deriving from contractual relations with the European Union.

While paving the way for additional requirements with the benchmarks proposed both for opening and closure of the chapters, the EU member states might easily blockade the negotiation process because negotiations will be conducted in Intergovernmental Conference with the participation of all member states on the one hand and the candidate State on the other (European Commission, 2005a, Paragraph 18). Although the EU leaders have acknowledged the European perspective for Turkey, there would be no guarantee that the negotiation process would lead to full membership. Paragraph 23 of the Negotiation Framework states:

The shared objective of the negotiations is accession... While taking account of all Copenhagen criteria, if the Candidate State is not in a position to assume in full all the obligations of membership it must be ensured that the Candidate State concerned is fully anchored in the European structures through the strongest possible bond.

The conditions that the candidate Turkey is required to fulfil is not only the Copenhagen political criteria. Since Turkey is the only member of the Customs Union with no full membership, it is expected to meet the particular conditions with regard to the Customs Union, including Southern Cyprus. The adaptation of Additional Protocol to the Ankara Agreement to the ten new member states, including Southern Cyprus has turned into a problem in the relations with the EU. Thus, adaptation of the Ankara Agreement to Southern Cyprus has thus become a precondition for Turkey. The Progress Report also stated that the Southern Cyprus is included in the list of Customs Union members like other countries.

However, the extension of the Ankara Agreement to the ten new members has been troublesome. Turkey had already extended the Customs Union to the new members including the Southern Cyprus with a Cabinet decision in 2002 (Ünal, 2005: 20). However, Turkey declared that the extension of the Additional Protocol to the ten new member states including the Greek side of Cyprus did not mean the recognition of the state there. Because the Customs Union was extended to Austria, Sweden and Finland following their membership to the EU without signing of an adaptation Protocol (Ünal, 2005: 21), the issue seems, therefore, more than a mere technical problem. There has emerged such a strong sentiment that the signing of the Protocol would mean nothing but the recognition of Southern Cyprus (*Cumhuriyet*, 18 December 2004). Thenceforth, a new but cumbersome phase has started for Turkey in its relations with the EU. Contrary to what Olli Rehn(2005a) said, on the eve of his visit to Turkey in March 2005, that the Commission would technically prepare the start of the negotiations, tough conditions were to be met and the Cyprus question was still on the agenda.



Turkey adapted the Additional Protocol to the ten new members, including the Greek side of Cyprus at the end of July 2005 (*Hürriyet*, 29 July 2005). But, when signed the Additional Protocol, the Turkish government declared that the signing did not mean recognition of the State of Cyprus since the written word was “Cyprus”, not “the Republic of Cyprus”. The declaration by the Turkish government noted that “Turkey will thus continue to regard the Greek Cypriot authorities as exercising authority, control and jurisdiction only in the territory south of the buffer zone, as is currently the case, and as not representing the Turkish Cypriot people and will treat the acts performed by them accordingly (Türkeş, 2007: 170).

On 21 September 2005, the British Presidency finally agreed on a Counter-Declaration, which France, Greece, Southern Cyprus, and other countries pushed for a tough wording of the declaration (*International Herald Tribune*, 1 September 2005). The European leaders insisted on the removal of ban on the access of the Greek Cypriot ships and aircrafts, while warning Turkey that opening of the relevant chapters depends on the fulfilment of this obligation (Rehn, 2005b). The European Community and its Member States made clear that this declaration by Turkey is unilateral and it had no legal effect on Turkey’s obligations under the Protocol. UK Presidency (2005) noted that failure to implement its obligations in full would affect the overall progress in negotiations.

After weeks of talks, the EU concluded that Turkey did not have to recognize Southern Cyprus before the start of the accession negotiations. However, such a step will have to take place before Turkey actually joins the EU (*The Independent*, 20 September 2005). Still, Member States stated that “recognition of all member states is a necessary component of the accession process”, and that they attached importance to the “normalization of

relations between Turkey and all EU member states, as soon as possible” (*International Herald Tribune*, 21 September 2005).

Meanwhile, Austria declared its opposition to Turkey’s accession and tried to get support to its stance against Turkey by citing the souring sentiment in the European public. The privileged partnership was primarily put forth by the Christian Democrats in Germany, France, and Austria promised cooperation in certain areas, but not full membership (*The Independent*, 20 September 2005). Although it has repeatedly been stated in the progress reports that the aim is accession which is neither automatic nor guaranteed beforehand, Austria insisted that it could lift its veto only if a clear alternative to full membership, a “privileged partnership” was mentioned (*International Herald Tribune*, 30 September 2005). In result, negotiations with Croatia started simultaneously which has been an exceptional stipulation in the history of EU enlargement” (Karakaş, 2006: 320). Austria was successful; it got most of what it demanded. The negotiations with Croatia would start right away, and a decision was adopted that Croatia was co-operating sufficiently with the International Criminal Tribunal for the Former Yugoslavia (Straw and Rehn, 3 October 2005). Nevertheless, Zagreb’s start of accession negotiations meant that Austria lifted its opposition to the insertion in the negotiation framework alternatives to full accession for Turkey favoured by especially the Christian Democrats in Austria. Austrian Chancellor Wolfgang Schüssel said that “Europe should offer Turkey an alternate relationship with the EU in case Europe was not ready to absorb Turkey or if Turkey failed to meet the criteria for joining the union” (*International Herald Tribune*, 30 September 2005). The negotiation framework further stated that Turkey must be fully anchored to the EU through the strongest possible bond, if it fails to meet its obligations of membership. However, it is not

clear what “the strongest possible bond” means. Likewise, the absorption capacity of the Union is confusing because there is no explicit explanation what this absorption capacity of the Union means. The absorption capacity of the Union is not a requirement that the candidate state must satisfy but rather the responsibility of the Union. Therefore, this absorption capacity could be an escape clause allowing the Union to relinquish the accession process.

The Negotiation Framework for Turkey has introduced new mechanisms which make Turkey fall away from full membership. Paragraph 12 of the Negotiation Framework states:

Long transitional periods, derogations, specific arrangements or permanent safeguard clauses, i.e. clauses which are permanently available as a basis for safeguard measures, may be considered. The Commission will include these, as appropriate, in its proposals in areas such as freedom of movement of persons, structural policies or agriculture. Furthermore, the decision-taking process regarding the eventual establishment of freedom of movement of persons should allow for a maximum role of individual Member States. Transitional arrangements or safeguards should be reviewed regarding their impact on competition or the functioning of the internal market.

Although safeguard clauses are applied between member states and candidates in previous accessions, these safeguard clauses cannot exceed a term of seven years. However, these special rules for Turkey clearly discriminate against Turkey and stand in stark opposition to the Community Provisions on Freedom of Movement, Residence and Establishment (Karakas, 2006: 314). The negotiation process which breaks the *acquis* into a number of chapters each covering a specific policy area cannot be completed until an overall agreement has been reached for all chapters (European Commission, 2005a). Since the negotiations are conducted in an Intergovernmental Conference with the participation of all

member states, member states might use benchmarks to exert pressure on Turkey on certain issues. Paragraph 21 of the Negotiation Framework reminds that;

Where negotiations cover a considerable period of time, or where a chapter is revisited at a later date to incorporate new elements such as new *acquis*, the existing benchmarks may be updated.

Besides, the Council may decide to reopen of negotiations where the Commission states that Turkey has failed to implement its commitment, Paragraph 23 states in the following paragraph:

In the case of provisionally closed chapters, the Commission may recommend the re-opening of negotiations, in particular where Turkey has failed to meet important benchmarks or to implement its commitments.

The lessons learnt from the latest enlargement and challenges the EU faces and the political crisis following the failed referenda on the Constitutional Treaty and the rejection of the Lisbon Treaty in Ireland are reflected in the enlargement process. The more rigid and harsh conditionality appeared in the Negotiation Framework for Turkey clearly shows the change in the conditionality approach in the EU and the less friendly environment for further enlargement. Now, it is very difficult for the candidate states to access to the EU.

## **2.4 The Course of the Accession Negotiations**

With the start of accession negotiations with Turkey, a new phase has thus started in relations with the EU. In his speech at his visit to Erciyas University, Olli Rehn(2005b)

stated that the negotiation process “would naturally be a long one at which destinies of the EU and Turkey are converging”.

By establishing a rigorous negotiating framework, as adopted on 3 October, the European Union has set into a motion a process which is geared towards Turkey’s membership of the European Union... the word negotiation here is perhaps misleading; the discussions will in fact focus on “how” Turkey will adopt European standards and not on “whether” Turkey will adopt them.

It goes without saying that it is not known how long negotiations will last. The screening process, which is estimated to last for 10- 11 months, in preparation for actual accession negotiations started with science and research chapter (*Turkish Daily News*, 20 October 2005). In this screening process, the process of analytical examination of the *acquis* with a view to intensifying the harmonisation of Turkey’s legislation and practice, the Commission has set forth new requirements to be satisfied in Regular Reports of Turkey’s progress towards accession. On 9 November 2005, the Commission was pleased with the ongoing political transition in Turkey and said that “Turkey continues to sufficiently fulfil the Copenhagen political criteria” in the Progress Report on Turkey (European Commission, 2005b: 41).

Still, the Commission (2005b:41) warned that “the pace of change has slowed in 2005 and the implementation of reforms remains uneven”. At his visit to Erciyes University, Olli Rehn (2005b) stated:

But it is unfortunately as fair and frank to say that the pace of changes has slowed in 2005 and the implementation of the reforms remains uneven, to say the least.

The 2005 Progress Report included criticism on certain areas, especially in the field of human rights, and the Commission demanded Turkey gathering speed for further efforts regarding fundamental freedoms(2005b: 41):

Although human rights violations are diminishing, they continue to occur and there is an urgent need both to implement legislation already in force and, with respect to certain areas, to take further legislative initiatives. Significant further efforts are required as regards fundamental freedoms and human rights, particularly freedom of expression, women's rights, religious freedoms, trade union rights, cultural rights and the further strengthening of the fight against torture and ill-treatment.

With regard to the Copenhagen political criteria, the Commission (2005b: 41) noted with concern that further efforts were required with regard to the functioning of the judiciary, the role of the armed forces on political developments and government policies, the fight against torture and ill-treatment, the exercise of fundamental freedoms notably the expression of non-violent opinion, freedom of religion, exercise of cultural rights particularly the use of Kurdish in local broadcasts and learning of Kurdish language. With regard to the economic criteria, the Commission(2005b: 54) stated the need for further strengthening of the macroeconomic stabilization based on budgetary restraint, the use of resources and the implementation of improved regulatory and legal framework.

On regional issues, the Commission repeated its stance on the Cyprus question that “Turkey has continued to impose its veto on Cyprus’ membership of certain international organizations as well as its participation in the Wassenaar Agreement on the Code of Conduct on Arms Exports and on Dual Use Goods” (European Commission, 2005b: 60). It maintained, although “the relations between Greece and Turkey have developed positively; there is still no solution to the outstanding territorial waters. The Commission noted with concern (European Commission, 2005b: 40).

With regard to Turkey's ability to adopt and implement the *acquis*, the Commission was pleased that there was some, though uneven, progress since 2004. However, the Commission found the progress in the fields of agriculture, fisheries and environment, very limited. Furthermore, it criticized the areas covered by the judiciary and fundamental rights by stating, "Further action is necessary to improve the efficiency of the relevant bodies established to combat corruption" (European Commission, 2005b: 135).

The Council decided on the principles, priorities and conditions with Turkey on the Accession Partnership document on 23 January 2006. Since the aim of the Accession Partnership is to "assist to the Turkish authorities in their efforts to meet the accession criteria", conditions stated in the document need to be satisfied by the Turkish authorities within the period stated in the document.

With regard to the enhanced political dialogue and the political criteria, the Council wished the Turkish government to ensure that "civilian authorities fully exercise their supervisory functions, in particular as regards the formulation of the national security strategy and its implementation" (*Official Journal of the European Union*, 2006). Moreover, it stated the need to "establish full parliamentary oversight of military and defence policy and all related expenditure, including by external audit" (*Official Journal of the European Union*, 2006: 3).

Hence, the Council stated that the rights of religious minorities, and of women, and of children have to be improved in line with the EU and the international standards within two years as the short-term priorities. Turkey should continue to remedy the situation of those persons prosecuted or sentenced for non-violent expression of opinion" and it

should implement “all reforms concerning freedom of association and peaceful assembly in accordance with the European Convention on Human Rights and its related case law” by the end of 2008.

On General Affairs and External Relations Council of June 2006, the Council agreed on a common EU position with a view to the accession conference with Turkey on 12 June 2006, providing for both the opening and the provisional closure of the science and research chapter of the accession negotiations (Council of the European Union, 2006a, despite the last ditch opposition of Southern Cyprus. However, Southern Cyprus threatened to block the negotiations since opening and provisional closure of all the chapters require the approval decision of all the members, just it did in the Council meeting. The threat to veto the negotiation process remained until the Greek Cypriots got what they wanted. The text reminded Turkey that “failure to implement its obligations in full will affect the overall progress in the negotiations” if Turkey failed to satisfy its obligations on the relevant chapters, including the extension of the Additional Protocol. The EU leaders (Council of the European Union, 2006b) stated:

The opening of negotiations on the relevant chapters depends on Turkey's implementation of its contractual obligations to all Member States. Turkey's failure to implement its obligations in full will affect the overall progress in the negotiations. The Union will evaluate full implementation of requirements of this declaration in the course of this year.

Meanwhile, Austrian Foreign Minister, Ursula Plassnik, whose country was holding the EU Presidency, accepted the demands of the Greek Cypriots, and Austria agreed to the wording of the document in line with the demands of Southern Cyprus. Greek Cypriot Foreign Minister, George Iacovou, described the debate over the first chapter as a “good loud and



clear warning shot” (*Cumhuriyet*, 13 June 2006). Plassnik said, “If we do not see movement and concrete steps in this issue, if the customs union with Turkey excludes one Member State, sooner or later we will run into serious difficulties. There is a risk we will end up in a blind alley”, and concluded her words by saying, “today should serve both as an incentive and as a warning to Turkey. Many forces will have to be mobilized for the next steps” (Plassnik, 2006). Moreover, she added:

We should be clear in our minds that every step will have to be approved by every EU member. There are no shortcuts and nothing is automatic. If Turkey is not prepared to move, there are problems ahead.

The Brussels European Council (2006: 20) repeated that the extension of the Additional Protocol to Southern Cyprus is a condition to be satisfied by Turkey, which would have serious impact on the pace of the negotiations at all. If Turkey rejected to extend the Additional Protocol including transportation in the course of 2006, there would then appear the risk of suspension of the relevant chapters, which would affect the whole process at all.

Thenceforth, the relations with the EU became more problematic and tense. On 8 November 2006, the Commission has published a very critical report on Turkey’s progress towards accession, in particular with regard to the adaptation of the Additional Protocol to Southern Cyprus. The Commission (2006a) noted with great concern;

Turkey has not fully implemented the Additional Protocol extending the EC-Turkey Association Agreement to the ten Member States that acceded on 1 May 2004, which it had signed in July 2005 and which enabled the accession negotiations to start. Turkey has continued to deny access to its ports to vessels flying the Republic of Cyprus flag or where the last port of call is in Cyprus.

Following the breakdown of talks of the Finnish Presidency about persuading the Turkish government for opening of ports and airports to ships and planes from Southern Cyprus, the Commission, on 29 November 2006, a week before the scheduled December 6<sup>th</sup>, recommended to partially suspend accession negotiations with Turkey due to a lack of compromise on the Cyprus issue. Foreign Minister, Erkki Tuomioja(2006), stated:

This morning, I met first with the Cypriot Foreign Minister Liliakas and later had a meeting with the Turkish Foreign Minister Gül. Unfortunately, we have come to conclusion that at this stage circumstances do not permit that an agreement could be reached during the Finnish Presidency.

Although Olli Rehn underlined that this was no “train crash, no freeze, no hibernation but the slowing down of talks” (*Euractiv*, 29 November 2006), Turkey’s hope to join the Union suffered a serious blow after the Commission (2006b) proposed suspension of accession talks on eight chapters:

The Commission recommends that the Intergovernmental Conference on Accession with Turkey should not open negotiations on chapters covering policy areas relevant to Turkey's restrictions as regards the Republic of Cyprus until the Commission confirms that Turkey has fulfilled its commitments. These chapters are: Chapter 1 free movement of goods, Chapter 3 Right of establishment and freedom to provide services, Chapter 9 Financial services, Chapter 11 agriculture and rural development, Chapter 13 fisheries, Chapter 14 transport policy, Chapter 29 customs union, and Chapter 30 external relations.

In addition, no chapter is to be provisionally closed until Turkey fulfilled its commitments (*Today's Zaman*, 29 November 2006). Although the British Prime Minister, Tony Blair, warned that “it would be a mistake to send out a negative signal to Turkey”, the decision was pleased the German Chancellor, Angela Merkel, who welcomed the Commission’s decision as “a strong signal” that would raise the pressure on Ankara (*Hürriyet*, 29

November 2006). However, the Turkish public felt insulted against the European political leaders' attitude. Even member of the Parliament's EPP-ED Group and Chairman of the Foreign Affairs Committee, Elmar Brok(2006), said that suspension of the trade and customs related negotiation chapters was not enough against the Turkish intransigency. Moreover, Brok (2006) added:

Prime Minister Erdogan is a good tactician. He will interpret the yielding behaviour of the Commission and the Council at the current accession negotiations as weakness to be used in his country's sense. As long as both Council and Commission are unable to finally suspend accession negotiations, Ankara will not give way in the Cyprus question.

The Turkish government, faced with the likely freeze on its accession talks within days, offered to open up a port and an airport to ships and planes from Southern Cyprus. Although the Turkish proposal seemed to be a positive move within European circles, there was, in fact, no change of attitude in the EU. Because, Southern Cyprus stressed that it was resolutely opposed to any opening to international traffic of an airport on the Turkish Republic of Northern Cyprus, and it had yet to receive a specific proposal, the Turkish proposal has changed nothing but a positive however confused perception in Brussels. But, the last ditch offer by Turkey did not work. On 11 December 2006, the Foreign Ministers of the EU decided to suspend talks with Turkey on eight chapters, as the Commission recommended (*Euractiv*, 12 December 2006). Still, the French President, Jacques Chirac and the German Chancellor, Angela Merkel softened their stance against Turkey to set a firm deadline, possibly 18 month-time limit for the Turkish government to open up its ports to Southern Cyprus.

EU Foreign Ministers had a very tough discussion about sanctioning Turkey for not extending the Additional Protocol including transportation, the Dutch Foreign Minister, Jean Asselborn, said, “We cannot continue as if nothing was happening with Turkey, nor can we burn all our bridges” (*Euractiv*, 13 December 2006). Although member states remain divided over suspension of talks with Turkey, the EU foreign ministers in the General Affairs Council decided to partially freeze the talks with Turkey. The EU foreign ministers (Council of the European Union, 2006c) declared:

The Council welcomes the Commission's recommendation of 29 November. In this context the Council agrees that the Member States within the Intergovernmental Conference will not decide on opening chapters covering policy areas relevant to Turkey's restrictions as regards the Republic of Cyprus until the Commission verifies that Turkey has fulfilled its commitments related to the Additional Protocol.

Although the AKP government acknowledged there could be a period of stagnation in relations with the EU, the government ruled out the possibility of derailment in the accession talks. Foreign Minister, Abdullah Gül, said that there was no deviation from the EU target, after the decision to partially suspend the accession talks. Gül (*Zaman*, 13 December 2006) added:

What is important is that Turkey prepares itself for the time when the European Union says it is ready ... because the EU will one day become aware of Turkey's importance.

## CHAPTER IV

### CROATIA'S JOURNEY TOWARDS THE EUROPEAN UNION

#### 3.1 On the Road to Independence

This small nation of almost 4.5 million inhabitants declared their independence after a bloody war during the break-up of Yugoslavia. Being second largest nation in Yugoslavia, the Croats unified with Serbs against Italian claims following the end of the First World War. Since the Austro-Hungarian Empire, which had lasted for centuries, collapsed, Italy was promised most of Croatian Adriatic Coast as an inducement under the Entente coalition deal in case Italy joined the war on the Entente's side (Civic, 1991: 71). Therefore, the Croats aimed to protect themselves against the Italian claims by being a constituent nation of Yugoslavia. In the post-1918 period, Croatia did stop to lose the territories promised to Italy under the Entente Agreement the Treaty of London, but it lost its autonomous status which it had up to 1918 in the Austro-Habsburg Empire (Civic, 1991: 71).

Although Croatia became an autonomous unit before the outbreak of the Second World War, the sense of insecurity never ended in the Yugoslav state. The possibility of Serbianization under the disguise of Yugoslavism never truly ended. Under Socialist Yugoslavia, Croatia felt alienated and threatened. Since Milosevic with an ambition to dominate the whole Yugoslavia became powerful in Yugoslavia, Serbian nationalism threatened the Croats.

The national revival of the Croats proved to be a strengthened pro-independence sentiment in Croatia. The first multi-party elections in Croatia in 1990 resulted with the overwhelming victory of the Croatian Democratic Union led by Franjo Tudjman. Croatia declared that it would prepare for secession if an agreement over a loose confederation of Yugoslavia cannot be reached. However, it appeared that the Croats' secession would not be so easy. The armed rebellion of the militant Serbs against the pro-independence Croat government and the referendum of the Croatian Serbs on the question of autonomy in the Kranjia region troubled the Croatian government. Since Croatia did not manage to keep any arms and equipment, they were vulnerable to Serbian attacks. When Croatia declared its independence in the early 1991, the Yugoslav Army, the JNA under the Serbian control attacked Croatia. Then, the "dirty war" resulted in heavy losses, including killings of civilians and destruction of facilities.

After the Croatian declaration of independence, the dirty war in Croatia led the international community to involve in the issue. The European Community which was invited by the Federal authorities to bring an end to the hostilities resulted in a cease-fire agreement under EC auspices. Following the initial cease-fire effort, the EC adopted a common position at a meeting of Foreign Ministers in Brussels on 16 December 1991,

whereby a *Declaration on the Guidelines on Recognition of new States in Eastern Europe and the Soviet Union* was issued. In accordance with the declaration of 16 December 1991 on the recognition of States, and, its application to Yugoslavia and in the light of the advice of the Arbitration Commission, on 15 January 1992 the Presidency announced the Community and its Member States, have now decided in accordance with these provisions and their respective procedures to proceed with the recognition of Slovenia and Croatia (*Bulletin EU, Europe No.5647 (N.S.), 16 January 1992*).

### **3.2 Relations with the European Union**

On 4 May 1992, Croatia was granted a “special guest” status with the Council Europe following its recognition by the Union. When EU recognized Croatia as an independent state in 1992, the Croats were optimistic that their independence would be a return to their place in Europe. However, when because the Croatian Army took a second military action “Storm” in the Krajina region in 1995, which left Eastern Slavonia as the only remaining territory controlled by the Serbs within Croatia’s territory, on 4 August 1995 the EU announced that it was suspending both negotiations on a trade and cooperation agreement with Croatia and the implementation of its PHARE programs for Croatia (*Human Rights Watch, 1996*).

Although Tudjman declared a statement that the Croatian government promised to put an “end to the suffering and uncertainty of the Croatian displaced persons from the occupied areas and guarantee to the Croatian Serbs human and ethnic rights within the

constitutional and legal order of democratic Croatia” (*Human Rights Watch*, 1996), the conflicts were not ended. Therefore, the Council of Europe suspended its relations until 1997 with Croatia due to Franjo Tudjman’s unfavourable position in the eyes of the West. The Tudjman’s regime in Croatia was being alleged to suppress the media and support the Croatian secessionist movement in Bosnia- Herzegovina. Moreover, Tudjman did not cooperate on the extradition of war criminals to the International Criminal Tribunal for the former Yugoslavia (ICTY). Consequently, the EU put these reasons for not laying down any scheme for developing bilateral ties with Croatia. The EP resolution (No. 1.4.72) declared that the EU would contribute to the development of democracy in Croatia (*Bulletin EU*, 1996a);

*Adopted on 6 June.* Parliament endorsed the Council of Europe's decision of 14 May 1996 to postpone Croatia's admission and to make it subject to compliance with democratic principles. It called upon the Commission and the Council to contribute actively to the development of a full democracy in Croatia.

Besides the lack of democracy in Croatia, it was perceptionized as a Balkan state, not as European. The deployed Balkan stereotypes proved very effective for the Community members, and Croatia was a Balkan state, too. This phenomenon “Balkanism” utilized to legitimize the negative perceptions of Balkan countries although the Balkans was only a geographic term (Todorova, 2003: 87). In *Imagining the Balkans*, Todorova provides a useful framework in which to examine the Europeanization process in Croatia through which Croatian leaders sought their return to Europe. Razsa and Lindstorm (2004: 629) claimed during a conference in Zagreb that “Post-Dayton Croatia was an example of how Balkanism became an effective means of disciplining states like Croatia that aspire to be recognized as European”.



Despite the attempts to displace or externalize charges of Balkanism, the Croatian case turned into a success-story for the Balkans. After years shaped by the politics of recognition through which the Croats sought to be recognized by the European Union as truly Europeans, Croatia was never really recognized as European. Rather, it used to be a Balkan state.

### **3.2 The Royaumont Process and the Regional Approach**

Following the signing of the Dayton Peace Accord, new conditions for constructive relations appeared in the Balkans. The Royaumont Process, the first comprehensive policy of the EU in Western Balkans, introduced new cooperation initiatives in the region for promoting regional cooperation in Southeast Europe. The process called for a joint effort to strengthen stability and good- neighbourliness in South-East Europe, and it aimed to restore confidence and dialogue, and overcome ethnic divisions and hatreds in the peninsula (Bulletin EU, 1996b).

Thenceforth, the Royaumont Process, of which initial aim was to promote the Dayton and Paris Peace Accords, was later transformed into a European Union initiative to promote regional cooperation among the countries of Southeast Europe by means of various projects aimed at enhancing good-neighbourly relations (Çeviköz, 1998).

A year later, the EU adopted a Regional Approach to the countries of Southeast Europe on 26 February 1996. The Regional Approach aimed the long-term stability of the region and development of trade within it by promoting democracy and the rule of law as

well as the launch of economic activity. The Commission reported to the Council that the EU aimed to encourage the Regional Approach by means of bilateral contractual relations to foster regional cooperation and various programmes of financial assistance (*Bulletin EU*, 1996c). The General Affairs Council adopted the Commission's proposal on the Regional Approach for the Western Balkans and stated that the conclusion of the agreements would depend on the "willingness of the countries concerned to work towards consolidating peace and to respect human rights, the rights of minorities and democratic principles" (Council of the European Union, 1996). This was followed up by a Commission report to the Council on common principles for future contractual relations with certain countries in South-East Europe. The Commission set the political and economic conditions for developing bilateral ties with countries in the region of Southeast Europe including Croatia as well. The Council defined the principle of conditionality on the basis of the EU's policy on the development of bilateral relations in particular with Former Yugoslavia in areas of trade, financial aid, economic cooperation and contractual relations (*Bulletin EU*, 1996d):

These conditions concern respect for democracy, the rule of law, human rights, minority rights and transition to the market economy. Some of the conditions are general and apply to all countries and others are more specific and apply only to certain countries, such as the conditions relating to the obligations arising under the peace agreements for former Yugoslavia.

The EU applied conditionality for the Western Balkan countries including Croatia to integrate Western Balkans to the Union. Therefore, conditionality was a strategy within the framework of the regional approach based on integrated policy from a regional perspective, aimed at promoting peace, stability and sustainable development.

### 3.3 The Principle of Conditionality and the European Strategy

On 29 April 1997, the Council adopted the principle of conditionality as the governing principle on the development of relations with the South-East European countries without an Association Agreement. On this basis, the EU agreed to establish political and economic conditions in the framework of the regional approach as the basis for a coherent and transparent policy towards the development of bilateral relations (*Bulletin EU*, 1997). Still, the EU noted that the strategy should serve as an incentive, and not an obstacle, to the countries concerned to fulfil these conditions.

The Commission attached special importance to the principle of conditionality and it did become the corner stone of the coherent EU strategy for Southeast European countries. The EU applied certain general conditions for the countries in the region. In addition, specific conditions were applied to certain countries, those relating to obligations arising under the peace agreements. The countries in the region felt obliged to fulfil these conditions because conditionality appeared as a strong incentive for autonomous trade preferences. However, the EU noted that trade preferences, the extension of financial assistance and economic cooperation as well as the establishment of contractual relations are subject to different degrees of conditionality fulfilment of the obligations were subject of different degrees of conditionality. And it ensured that none of the countries will be held responsible for a lack of reciprocal readiness of its potential regional partners.

The Council thus adopted a gradual approach for developing relations with the countries in region, and the application conditionality to contractual relations required a certain level of compliance to start the negotiations with the EU. The Council stated ten

general conditions to be applied to all countries in the region: the implementation of real opportunities for displaced persons and refugees to return to their places of origin, readmission of national of the State who were present illegally in the territory of a Member State of the EU, cooperation with the International Tribunal in bringing war criminals to justice, commitment to engage in democratic reforms and to comply with the general standards of human and minority rights, free and fair elections on the basis of universal and equal suffrage by secret ballot, absence of discriminatory treatment and harassment of minorities by public authorities and of independent media, Implementation of first steps of economic reform, proven readiness to enter into good neighbourly and cooperative relations with its neighbours, compatibility of RS/FRY as well as the Federation/Croatia agreements with the Dayton peace agreements(*Bulletin of the EU*, 1997).

Besides these general certain conditions, three specific conditions were applied for Croatia: “compliance with the obligations under the Basic Agreement on eastern Slavonia and cooperation with UN and OSCE; opening of the customs border between Croatia and Republika Srpska; evidence of credible pressure on the Bosnian Croats to dissolve Herceg-Bosna structures and to cooperate in the establishment and functioning of the Federation, as well as evidence of the implementation of a truly unified City Council in Mostar and of effective functioning of the United Police Force of Mostar (UPFM), and evidence that the Government of Croatia is using its influence in bringing Bosnian Croat war criminals to justice before the International Tribunal”(*Bulletin of the EU*, 1997).

The EU monitored the compliance with the conditions by the five Southeast European countries via conditionality reports. In the first Conditionality Report, of 3 October 1997, the Commission stated that Croatia lacked progress especially on the issue of

return of refugees although it acknowledged that Croatia achieved some progress (*European Commission, 1997*). After the Second Conditionality Report of 30 March 1998 in which the Commission stated that Croatia still lacked progress on protection of minorities and its obligations under the Erdut and Dayton/Paris Agreements(*European Commission, 1998b*), on 27 April 1998 the Council concluded that Croatia “reiterated the Union’s expectation that Croatia take rapid action to improve its performance in the area of refugee returns, including by participating fully in the Regional Conference on refugee returns at Banja Luka on 28 April” (*Council of the European Union, 1998a*). In the third Conditionality Report of 19 October 1998, it was stated that Croatia still lacked progress on democratisation and human rights especially on the treatment of minorities and the independence of the judiciary despite the progress been realised in different areas. Still, the Council decided to maintain its assistance under the Phare programme, although it confirmed that the conditions had not yet been fulfilled (*Council of the European Union, 1998b*). The Commission in its fourth Conditionality Report of 17 May 1999 criticized Croatia for the HDZ’s continuing concentration of power and for not revising the electoral law despite strong international and internal resistance (*European Commission, 1999b*).

The General Affairs Council in June 1999 concluded that a comprehensive policy would be created for the Western Balkans based on the existing regional approach on the basis of the communication by the Commission on the Stabilisation and Association Process for the countries of Southeastern Europe (*Council of the European Union, 1999*). Hence, the EU established a new basis on conditionality in gradual integration of Western Balkans to the EU. And, this process would include Stabilisation and Associations Agreements, autonomous trade measures, economic and financial assistance, assistance for

democratisation and civil society, humanitarian aid for refugees and returnees, cooperation in justice and home affairs, and development of political dialogue (Council of the European Union, 1999).

### **3.4 Stabilisation and Association Process**

The Stabilisation and Association Process for five Southeast European countries, including Croatia introduced a new dimension to the relations with the EU in accordance with the conditions of contractual relations. The Council (Council of the European Union, 1999) declared:

These agreements will be available for all the countries and will provide a more advanced relationship. These agreements will take into account the specific and evolving situation of each country and will be gradually introduced in light of the ability of each country to meet reciprocal, contractual obligations, as well as of its effective contribution to regional cooperation.

On country specific conclusions, the Council stated for Croatia that the opening of negotiations for the Stabilisation and Association Agreement depends on how Croatia met compliance with the conditions on the basis of reports by the Commission (Council of the European Union, 1999). However, the need for reform of electoral system for free and fair elections in Croatia was strongly emphasized in the fifth Conditionality Report of 9 February 2000 following the death of Franjo Tudjman in December 1999. Although the Council stated that no major progress was recorded with regard to separation of powers, it welcomed the Parliamentary elections on 3 January 2000 as a sign of growing political

maturity and a strong request for full democratisation by the Croatian electorate (European Commission, 2000).

When the first Summit between the EU members and the five countries based upon the French proposal of a summit between the EU and the countries of the region was held in Zagreb in November 2000, the EU member states and countries covered by SAP adopted the Declaration of the Zagreb Summit. The conditionality with the prospect of accession appeared for the first time for the five countries of the region. The EU member states (*European Council, Zagreb Summit, 24 November 2000*) declared:

The prospect of accession is offered on the basis of the provision of the Treaty on European Union, respect for the criteria defined at the Copenhagen European Council in June 1993 and the progress made in implementing the stabilization and association agreements, in particular on regional cooperation.

In 2000, the EU welcomed “the scale of the efforts and the success of the reforms embarked upon the since the start of the year”, and decided to start SAA negotiations with Croatia. Thus, SAP became the new framework for Croatia on the development of an ever-closer relationship with the EU. Consequently, Croatia had to adapt its political, economic, institutional development to the values and models underpinning the EU: democracy, respect for human rights and a market economy. The Commission reported (European Commission, 2002):

The political environment in Croatia changed radically with the advent of the new leadership early in 2000. The new Government has shown determination in its efforts to establish a fully fledged democracy and to develop a culture of respect for the rule of law. This and the steps taken so far have ended Croatia’s political and economic isolation, leading to a rapid improvement of bilateral relations between Croatia and the European Union.

While integrating some reforms within the Conditionality of the Regional Approach, the SAP entailed a more ambitious vision for the Western Balkan's integration with the EU. Moreover, only twelve months after the introduction of the SAP, the Council declared the concerned countries were "potential candidates" for EU membership. The EU leaders decided only the real prospect of integration into European structures i.e. a clear prospect of accession could bring lasting peace and stability to the Balkans. Therefore, they stated that the SAP policy was designed to help the transformation in Balkan countries and establish a strategic framework for their relations with the EU (European Commission, 2002). Although the first draft of the Stability Pact involved no direct reference to the Copenhagen criteria, the 2002 Copenhagen European Council reaffirmed "the European perspective of the countries of the Western Balkan in SAP" and emphasized "its determination to support their efforts to move closer to the EU"(European Council, 2002). In line with what Pippin (2004: 228) argued that the accession of Western Balkan countries to the EU did become not a matter of whether but a matter of when and how.

### **3.5 Stabilisation and Association Agreements: From Conditionality to Partnership?**

The Stabilisation and Association Agreement was by far "the most important and most prestigious instrument of the SAP" and it reflected "a sui generis type of EU agreement" (Pippin, 2004: 233). Since SAA negotiations were based on the individual merits of the SAP partner, the conclusion of a SAA was considered as the result of the efforts of the country concerned to fulfil its obligations with the conditionality in these agreements.



Although the SAA did not contain any formal commitment on the side of the EU with respect to the future accession of the countries concerned in Western Balkans, the SAA agreement signed with Croatia confirmed in the preamble that it was a potential candidate for EU membership based on the TEU and fulfilment of the criteria defined as the Copenhagen criteria. For this reason, the Copenhagen criteria have been the decisive benchmark for the associated country, and successful implementation of the SAA therefore appeared as an additional prerequisite for EU membership.

A special review mechanism was approved by the Council in 2001 in order to monitor the political and economic situation in the Southeast European countries in a more systematic and coherent fashion” (Pippan, 2004: 239). The review based on the annual SAP reports prepared by the Commission included recommendations for the SAP countries, and it detailed the process with its achievements and weaknesses (European Commission, 2002).

The Commission, in its first SAP report, raised its concern for Croatia about the insufficient level of cooperation with the Hague Tribunal and criticized the weakness of the judiciary and the problems in law enforcement. And, it added that nationalistic pressures continue to play a significant role on the pace of reforms (European Commission, 2002). The EU’s warnings seemed to show some effect when the Croatian government in 2003 posted a financial reward for information leading to the arrest of General Ante Gotovina, who was indicted by the ICTY for failing to halt the killings of Serbian civilians in 1995 (Pippan, 2004: 241).

The 2003 Brussels European Council held in June acknowledged that the future of the Western Balkans was in the EU (European Council, 2003a). The European leaders emphasized the special importance given to the Western Balkans, and they recalled the

Western Balkans remained high on the EU agenda. Within the framework of the presidency conclusions, the EU noted that considerable efforts were needed to go beyond the Stabilisation and Association process with a view to the eventual goal of EU membership. The Communication from the Commission to the Council proposed to enrich the EU policy towards the region with the elements taken from the enlargement process, reinforcing the ultimate goal of extending EU membership to the Western Balkans. The Commission (2003) noted:

Considerable further efforts are needed, however, to address the priorities attached to the Stabilisation and Association process and to move towards satisfying the criteria for EU membership established by the Copenhagen European Council in 1993 and laid down in Articles 49 and 6 of the EU Treaty.

Subsequently, the EU offered European Integration Partnerships for the countries of Western Balkans which aimed to identify priorities for action in supporting efforts to move closer to the EU. And the priorities of the Partnerships were to be determined by the Commission which would assess the annual reports and consider the Copenhagen criteria, including 1997 conditionality (European Commission, 2003a).

Afterwards, the Council in June 2003 adopted the Thessaloniki Agenda for the Western Balkans, a document which examined the ways and means to further strengthen the Union's stabilisation and association policy towards the Western Balkans, which would prepare the Balkans for the eventual membership to the EU. The Council (Council of the European Union, 2003) noted with great importance:

The Western Balkans and support to their preparation for future integration into European structures and ultimate membership into the Union is a high priority for the EU. The Balkans will be an integral part of a unified Europe. The ongoing enlargement and the signature of the Treaty of Athens in April 2003 should inspire

and encourage the countries of the Western Balkans to follow the same successful road of reforms and to increase their efforts in that direction.

Hence, the Union's enriched policy of Stabilisation and Association constituted the overall framework for the European course of the Western Balkan countries, all the way to their future accession.

### **3.6 The Thessaloniki Agenda for the Western Balkans**

The European Council and the EU-Western Balkans Summit of Thessaloniki held on 19-20 June and 21 June 2003 marked a significant step in deepening of the relations between the EU and Western Balkans. Ahead of the Summit, the previous Commissioner for External Relations, Chris Patten (European Commission, 2003b) said:

Thessaloniki will send two important messages to the Western Balkans: The prospect of membership of the EU is real, and we will not regard the map of the Union as complete until you have joined us.

With the Thessaloniki Agenda for the Western Balkans, the EU reiterated its explicit support to the European perspective of the countries in the region, and it outlined the ways in which it was to support the countries of the Western Balkans. On the other hand, the countries of the region declared that they all shared the values of democracy, the rule of law, respect for human and minority rights, solidarity and a market economy.

### **3.7 The Start of Accession Negotiations**

The European Council of 16 and 17 December 2004 decided to start accession negotiations with Croatia on 17 March 2005, only if it provided it fully cooperated with the ICTY. Since full cooperation with ICTY was an essential requirement on the part of all the countries of Western Balkans for closer relations with the EU, the Council decided the opening of accession negotiations to be postponed with Croatia because there was no common agreement that Croatia was fully cooperating with ICTY (Council of the European Union, 2005). Nonetheless, the EU adopted a negotiation framework for Croatia so that the EU would be ready to start negotiations with Croatia, once it fulfilled its obligations. And, the EU noted that it expected Croatia to cooperate fully with the ICTY and make further progress in relation to minority rights and return for refugees.

Carla Del Ponte (2005) declared that Croatia was cooperating fully, for a weeks now, with the ICTY and was doing everything it can to locate and arrest Ante Gotovina. After the assessment by the chief prosecutor of the ICTY, Carla Del Ponte, the EU then formally started accession negotiations with Croatia on 3 October 2005.

Consequently, The Hague's decision on Croatia's cooperation on the outstanding case of Croatia is an Ante Gotovina, who led the operation in the Krajina region to regain the Croatian territory from Serbian invaders, made Croatia to start the accession negotiations with the EU. Austria, which was most involved in seeking to start negotiations with Croatia, threatened to veto the opening of accession negotiations with Turkey unless Croatia was granted the same status. Although The Hague's indictment still places a question mark over

Croatia's accession, it started accession talks without any questions about its eventual membership to the EU. On the contrary, the previous head of unit for Croatia in DG Enlargement of the European Commission, David Daly, claimed that the opening of negotiations with Croatia did represent a success not only for the country itself, but for the Western Balkans as a whole (Brown and Daly, 2005: 1). In fact, the start of the accession negotiations with Croatia provided a positive signal to the other states of Western Balkan that the SAA process can indeed lead to membership of the Union.

### **3.8 The Course of the Negotiations**

On 20 October 2005, the Commission and the representatives of Turkey and Croatia started the process of screening the acquis, the first technical stage in preparing for full negotiations and review and analysis of the whole body of EU law. The screening started with the chapter on Science and Research, be followed by that on Education and Culture on 26 October 2005.

On 9 November 2005, the Commission, in its Croatia's progress report towards accession reminded that sustained full cooperation with the ICTY remained a requirement for progress throughout the accession process (European Commission, 2005c). It maintained that "less than full cooperation with ICTY at any stage could lead to the suspension of negotiations" (European Commission, 2005c: 47). Furthermore, it criticized that an ethnic bias against Serb defendants persisted and major challenges lied ahead concerning the area of human rights (European Commission, 2005c: 33).

Besides the progress reports towards accession for the candidate countries, the Commission published an enlargement strategy, defining enlargement with a significant power of transformation. The enlargement strategy proved a more rigorous but severe conditionality for the candidate states and the Commission emphasized the importance of full compliance with the criteria for eventual membership into the EU. The Commission (2005d: 3) noted:

The Western Balkans is a particular challenge for the EU. Enlargement policy needs to demonstrate its power of transformation in a region where states are weak and societies divided. A convincing political perspective for eventual integration into the EU is crucial to keep their reforms on track. But it is equally clear that these countries can join only once they have met the criteria in full.

While attaching more importance to rigorous conditionality, the Commission noted with great importance that the new enlargement strategy would also be based on communication and public support to the enlargement process. This new enlargement strategy was a sign of less friendly environment for further enlargement with the EU and the lack of public support to the enlargement policy of the Union.

A month after Croatia started accession talks with the EU, the war crime suspect Ante Gotovina was arrested on 8 December 2005. The EU welcomed the arrest of Ante Gotovina and ensured with no doubt that the objective of accession negotiations with Croatia was full EU membership. The President of the EU Commission, Jose Manuel Barroso (2006), at his visit to the Croatian Parliament, said:

With negotiations underway, there can be no doubt about our joint objective: full EU membership for Croatia. Negotiations were able to begin because Croatia was able to assure full cooperation with the Hague Tribunal. I am pleased that the EU too was able to fulfil its promise to Croatia to start negotiations once the conditions for opening were fulfilled. And when this process ends, and Croatia takes its rightful

place at the heart of the European family, then not just Croatians, but *all* Europe's citizens will have reason to celebrate.

Asked by reporters about the EU's 2007-2014 budget which did not include any items referring to Croatia, Barroso said that the agreement on decentralisation of pre-accession funds Croatia and the EC today signed should be seen as a clear sign of confidence which the EU placed in Croatia (Barroso, 2006). Two months later, former President of the European Parliament, Joseph Borrell, said in his address to the Croatian Parliament that Croatia was undoubtedly on the path which led to full membership of the EU (*Hina News Agency*, 13 April 2006).

Meanwhile, the screening process which started in October 2005 was going on, the formal talks on the chapter of Science and Research was opened and provisionally closed within a day, on 12 June 2006. At the first anniversary of the opening of accession negotiations, the European Integration Minister, Kolinda Grabar-Kitarovic (2006a) said that Croatia had the support of more than 50 percent of the EU population and of the EU member states for an “undisturbed, unquestionable and accelerated accession process”, while being asked for “no concessions, just the evaluation of its own achievements and conducting the negotiations at its own pace, irrespectively of other candidates' negotiations”.

When the Commission called for a pause in the enlargement process because it would be unwise to bring in other member states before they had sorted out the institutional question about the Constitutional Treaty in 2006, Croatia felt upset with the decision. Still, Grabar-Kitarovic repeated their stance that Croatia hoped to become EU member by 2009 and said, “We do have the right to express our expectation of course, and

we have to have a target date in mind to be able to plan our obligations to fulfil all the conditions.” Grabar- Kitarovic added that “enlargement fatigue” spreading in Europe would not delay Croatia’s accession. Besides, Grabar-Kitarovic (2006b), at her visit to European Parliament’s Foreign Affairs Committee pointed out:

Croatia is determined to fulfil the assumed obligations and criteria in order to become the 28th EU member by the end of the decade, adding that this is a compatible and concurrent process of reorganise the EU institutional framework, which should, in accordance with the European Council’s conclusions from June, should be finished by end-2008.

Furthermore, EU-Croatia Joint Parliamentary Committee, on 21 March 2007, showed its support to Croatia’s efforts to join the EU by 2009 so that the Croats would be able to participate in the European Parliament elections at that year. Besides, Joint Parliamentary Committee adopted a declaration and recommendations document, highlighting exceptionally good preparation of Croatian negotiators and officials involved in the accession negotiations(EU- Croatia Joint Parliamentary Committee, 21March 2007). Moreover, Grabar- Kitarovic(*Croatian Foreign Ministry*, 26 June 2007) reaffirmed the country’s expectation to become a member of the EU by closing of the entire chapter in 2008:

We intend to continue at the same pace and I hope we shall continue like this under Portugal’s Presidency. In 2007 we want to open as many chapters as possible so that we can begin meeting the benchmarks for closing them, and 2008 will be the year of the closing of the chapters. We believe we shall be ready for membership in 2009 and then it is up to the EU to formally ratify the accession agreement.

However, most of Croatians are pessimistic about the future of their country. The survey entitled “Quality of life in Croatia: Key findings from national research” finds out that most of Croatian are dissatisfied with the low income levels and regional differences as their



GDP is currently less than half of the EU level.<sup>2</sup> Moreover, although Croatia expects to become a full member to the EU by 2009, the rejection of the Lisbon Treaty in Ireland prevented the institutional deadlock to be solved before 2009.

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<sup>2</sup> See European Foundation for the Improvement and Working Conditions, “Quality of Life in Croatia: Key Findings from National Research”, Luxembourg: Office for Official Publications of the European Communities, 2007, <http://www.eurofound.europa.eu/pubdocs/2007/29/en/1/ef0729en.pdf>

## **CHAPTER V**

### **RETHINKING THE ENLARGEMENT POLICY OF THE EU: A QUEST FOR CREDIBLE CRITERIA**

The enlargement of the European Union is one of the most important and most challenging policies Europe faces in the post-cold war period. The main question in the 1990s was about what priority of the EU should be: widening or deepening (Kubicek, 2005: 72). Having faced with the most extensive process of enlargement in its history, the EU opened accession negotiations with all of the Central and East European countries, Southern Cyprus and Malta, which joined the EU in May 2004. On the other hand, the EU drafted a Constitution for Europe, which promised to establish an ever closer political union among its members as well as a strong European identity strengthened with successful enlargement process.

However, the EU has failed to look its laurels. The new Europe, with its 27 members and more than 450 million inhabitants, has faced with complaints about too much enlargement, which in turn dragged the EU into an enlargement fatigue. The EU

Constitution was shelved after the rejection in referenda in the Netherlands and France in 2005. Given the challenges about the Constitutional Treaty, the EU decided to suspend the enlargement process, until it resolved its institutional problems. Afterwards, the Lisbon Treaty, which is to take place the failed Constitutional Treaty, has been rejected by a 53.4 percent in the referendum in Ireland on 16 June 2008(*The Guardian*, 20 June 2008). Subsequently, the EU has come to a standstill and faced a serious crisis on its future. Since the rejection of the Lisbon Treaty, which aims to create a full-time president of the European Council and a more powerful foreign policy chief, needs approval of all EU members, the no vote in Ireland threatens to stop introducing reforms brought about by the Treaty. Because Europe cannot afford another period of reflection, the Irish government was given time till October to find a way out the crisis (*International Herald Tribune*, 19 June 2008). Olli Rehn stated that the Irish “no” would not affect enlargement because it was never an issue in the campaign, he added that “accession negotiations have never in the past been disrupted by stops and starts in the institutional reform process” and that “the same goes for the European perspective of the Western Balkans” (*AB Haber*, 24 June 2008). Although prime minister of Slovenia, Janez Jansa, whose country was holding the rotating EU presidency at that time, said that the stalemate should not slow the process of enlargement, French President Nicolas Sarkozy, whose country took over the EU presidency on July 1, said “the European Union should forget about adding new member states until it has resolved Ireland’s rejection of a treaty designed to overhaul the bloc’s institutions” (*France 24*, 20 June 2008).

Furthermore, the discussion about where the borders of Europe end brings the question of the limits of European integration and the criteria to be deployed for the

determination, the theme tune of the enlargement process of the EU. The reason behind the discussion lies in the argument is that further enlargement could jeopardize the effective functioning of the Union. After Ireland's rejection of the Treaty, French President Sarkozy said that it would be very strange for a Europe of 27, which had trouble agreeing on the Lisbon Treaty, to agree on adding new members which would definitely make things worse (*France 24*, 20 June 2008). Moreover, there is an argument that the Union would have to decide on the limits of European integration if it wants to play a global role in foreign policy.

Turkey, which applied for full EU membership in 1987, has a long-standing association with the Union started in 1963 with the signing of the Association Agreement. This special relationship represents an interesting case throughout the EU's enlargement policy because Turkey is the only "still-not-a-member state" with the longest history of relations with the Union (Erdoğan, 2006: 2). In order to accede to the EU, Turkey needs to complete accession talks over the thirty five chapters and remain fully committed to political reforms and democratic principles. However Turkey might still not be a member to the EU, when considered the ongoing divide over Turkey's membership. Because its accession to the Union presents a significant challenge for the Union itself, and its "Europeanness" is still discussed within the member states. Therefore, the case of Turkish accession is quite different from previous enlargements. Unfortunately, Turkish membership to the EU seems at least a decade away and its accession is still far from being assured.

From a foreign policy perspective, opening of accession negotiations with Turkey in 2005 aimed to produce transformation in Turkey with the introduced interest to guarantee

stability in the region where Turkey is located (Müftüler-Baç, 2008: 64). And, Turkey's accession to the EU is important for the EU in the sense that the EU will increase its hold in the troubled regions to which Turkey belongs (Müftüler-Baç, 2008: 66). The EU member states, despite the opening of accession talks unanimously, have different preferences over Turkey's accession and the interior factors in the EU also play an important role in the pace and nature of the negotiations. Besides internal dynamics and problems within Turkey, the EU's mixed signals also diminish the incentives for reform in Turkey. Due to the suspension of talks on eight chapters with Turkey and political problems related to the election of president and the case of closure of the governing AKP party in 2007 caused the pace of reforms to slow down. Since then, the relations with the EU have remained on edge. Still, if Turkey's accession to the EU turns into an EU-related problematic issue, this would certainly harm the effectiveness of the EU's enlargement policy and its prestige in the international stage.

On the other hand Croatia, which applied for full EU membership in 1997, is expected to become an EU member by 2009, immediately after the EU has solved its institutional deadlock on the approval of the Lisbon Treaty, which would replace the current institutional framework, the Nice Treaty. Negotiations with the EU are under way, and Croatia has thus far opened twenty chapters by June 2008.

Since enlargement is the most powerful instrument of EU's foreign policy, the EU with lessons taken from the fifth enlargement has felt obliged to build a new basis on the policy of enlargement based on three C's, namely consolidation, conditionality and communication. Olli Rehn (2006a) stated:

Enlargement is the essence of the EU's soft power to gradually extend peace, democracy and prosperity in Europe. This project needs broad support by the peoples of Europe. This is why we need to build a renewed consensus on enlargement, which recognises the strategic value of enlargement while ensuring the Union's capacity to function.

If such is the case, the way the EU is to handle the enlargement policy might have intense results both for the current and potential candidate countries in future. Accession of new members could provoke problems in the EU countries and create new divisions in Europe, while institutional and economic harmonization could provoke resentment in candidate countries. Then, what drives the EU to enlarge rather to remain as it is? Why the EU does give priority to some states, although the Copenhagen criteria is applied to candidate countries on the same footing.

Besides, the debate on the borders of Europe, which will decide the kind of political entity, the EU is or wants to be, would definitely incur the problem of European identity. Since the EU promotes democracy in candidate countries through the use conditionality, "the offer of membership is a foreign policy too nearing its sell-by date" (Smith, 2004: 1).

As a foreign policy instrument, enlargement policy is much more about the identity of Union that it adheres to itself. The debate over enlargement touches the identity issue (Sjursen, 2002: 503). Therefore, Turkish accession presents one of the most difficult and contentious issues within the EU itself. Kubicek (2005: 69) reminds when the public in France and the Netherlands voted "no" in the referenda on the Constitutional Treaty, they also listed their opposition to Turkish membership. The unwillingness towards Turkey's EU membership is and being reflected in French President, Nicolas Sarkozy's (2007) declaration, at his first visit to Brussels, and he said, "I am against Turkey's integration into Europe. Turkey is a small Asia. And there is no reason for it to be a part of Europe".

#### **4.1 Is Conditionality an instrument of formation of a European identity through the Enlargement Policy Practice?**

It could be argued that the EU's enlargement policy formulates a role for the EU to promote and defend the principles of democracy. Along with, promotion of democracy contributes to create a European identity and thus furthers the European integration process (Rye Olsen, 2000: 144). Conversely, there is a discussion about the motivation of the EU's enlargement policy, whether it is essentially underpinned by its security considerations or the promotion of democracy is articulated as a distinct rationale of the enlargement policy (Sedelmeier, 2003: 11).

The importance attached to democracy with the principle of conditionality under enlargement policy explains the identity which the Union attributes to itself. And, this European collective identity is based on the norms and values the EU adheres to itself i.e. individual freedoms, civil liberties, and political rights and the practices which constitute the community. The member states define legitimate statehood and they justify their actions in the domestic and international realm according to the norms and values of the EU (Sedelmeier, 2003:7). The identity formation in the applicant states is applied through the principle of conditionality with the criteria defined to become an EU member (Sedelmeier, 2003:7). Because, it is believed that all democratic states are committed to these common values and norms, when they deal with each other. It is this knowledge which enables them to develop mutual trust, dependable expectations of peaceful behaviour. This why the rhetorical commitment "only a union of the democratic European states could create the

lasting peace among the European states” has been the driving force in European integration (Sedelmeier, 2003: 7).

The European collective identity based on the liberal ideology calls other peoples of Europe who share their ideal to join in their efforts, and this call is affirmed in the statement, “any European state has right to apply for membership to the community”. Hence, applicant and member states establish their relationships on the basis of the ideas which define the EU, and regard enlargement as a desirable goal (Schmimmelfennig and Sedelmeier, 2002: 513).

While conditionality has greatly contributed in shaping European integration, the imminence of the Eastern enlargement, however, played an important role in galvanising the debate over the future of the Union (Pinelli, 2004: 359). Piriban (2004: 148) argues that the Eastern enlargement fundamentally affected the constitution making in the EU. The emphasis on democracy did not remain limited to the enlargement policy of the EU, it reverberated directly inside the EU as well (Sedelmeier, 2003: 9). Constitutional developments of the EU are expected to change the course of conditionality in the sense that the approval of the Reform Treaty is to reduce the long standing ambiguity on the identification of the conditionality (Pinelli, 2004: 360).

Accession of new members has been a cornerstone, future enlargement rounds are and being affected by the change in the course of the principle of conditionality. The change in the relationship between conditionality and enlargement policy of the Union impose new challenges for the candidate countries of Turkey and Croatia. This challenge was demonstrated when delegates of some member states proposed “the insertion of a reference to the Christian heritage of European peoples within Constitutional Treaty draft,



exposing a European identity on religiously- civilisational grounds, which in turn would have put an obstinate burden on Turkey's accession to the EU.

However, the lack of institutional design for an efficient and more democratic Union for future enlargements does not mean to ignore the power of the EU in providing scope and direction to applicant countries through the application of conditionality. The EU has helped to construct common values through its norms and institutions. The EU has helped to shape a distinctive European identity, which is common to all Europeans. Since the definition of "Europeanness" is always based on history, geography and culture, European identity has become identifiable and meaningful through institutional building mechanisms articulated by common values (Schimmelfennig, 2002: 593).

Nevertheless, the discussion about the borders of Europe would have significant effects on Croatia and Turkey alike. Besides, the outcome of the discussion about who belongs to Europe and who represents and shares the European identity, would have a reflection on the Turkish accession to the EU, while such a thing does not exist for Croatia.

#### **4.2 Turkish Accession to the EU: Just another Enlargement?**

It is important to ask whether Turkish accession to the EU is just another enlargement or it is just an unwarranted case. Accession of countries to the Union should be evaluated within the context of the enlargement policy, whether the candidate country meets its obligations or not. This does not mean to claim that the enlargement process is not guided by the Copenhagen criteria which are applied on the same footing for all candidates. The

objectivity of the criteria is stated at the negotiation frameworks of Turkey and Croatia, and former Enlargement Commissioner, Günter Verheugen, acknowledged that “negotiations should proceed on the basis of merit, not on the basis of compassion” (Müftüler-Baç, 2002: 80).

Still, Turkish accession is an uneven process, despite the prospect of membership given at the Brussels European Council in December 2004. Finnish Foreign Minister, Erkki Tuomioja, whose country was holding the EU Presidency at that time, said on 11 that “the outcome(suspension of talks with Turkey on eight chapters) was an encouragement to Turkey because nobody questioned the possibility of Turkey joining the EU once it meets all the criteria” (*Finland’s EU Presidency, 11 December 2006*). But, Turkey’s ability to meet its obligations on the eight chapters concerned very much depended on the member states’ preferences, as clearly seen at the General Affairs Council on 11 December 2006.

#### **4.2.1 Enlargement Preferences of the Member States and Impacts on Turkey**

Having reaffirmed its eligibility to become a member of the EU, the EU agreed that it would consider Turkey’s membership once it met the Copenhagen criteria. The euphoria since Turkey was granted candidate status stimulated a wave of reforms in Turkey with the election of the Justice and Development Party (AKP) on 3 November 2002. However, after the decision to partially suspend the accession negotiations with Turkey in 2006, past opponents of Turkish membership, who seemed to be in favour of Turkish accession after the 2004 Brussels European Council, have increasingly revived again. Given this

background, Olli Rehn, described the political environment within the Union as negative.

He (*Hürriyet*, 6 June 2007) stated:

It is half time now. The fact that Turkey has launched important reforms and EU followed a consistent line in its policies were positive developments, however both sides scored own goals from time to time. Now we need to make use of the half time and get rid of the current negative atmosphere and get ready to play better. This half time is an opportunity for both sides.

The above mentioned statement clearly shows the relations between the EU and Turkey have had a long history shaped both by the EU and Turkey. Though, the nature of relations between the EU and Turkey is unusual. Turkey has always been an exceptional case to the EU. There is very much discussion about its religious affiliation or cultural characteristics or the concerns about the size of Turkey's population and its geographical size.

Albeit, former Commissioner for Enlargement, Günter Verheugen(2003) considered, at his speech at the Hilton Park Hotel in Cyprus, that enlargement was an irreversible and inclusive process which promoted political and economic stability, member states had different levels of support to some candidate countries over others. Such different levels of support and the power of member states to bargain might entirely affect the enlargement process, although the outcome cannot be foreseen beforehand. However, it might be true to claim that big powers have a greater say in the bargaining process among other EU members, when remembered that Germany had quite strong support to the Polish membership to the EU, partly because it appears to see Poland as its client either for strategic reasons or its historical responsibility for the past atrocities. The former Chancellor, Gerhard Schröder (2000) told: "Take it as a political commitment on the part of Germany: in view of the German Chancellor, Poland will be among the first of these

countries to join the EU, and Polish membership is a requirement of historical justice” (Müftüler-Baç and Mclaren, 2003: 22).

However, Turkey does not have a member country to push for its membership to the Union. Turkish membership to the Union is a “hot-potato” in the EU with many politicians and national governments which do not want see Turkey as a full member to the EU.

#### **4.2.2 Institutional Challenges of the Turkish Accession**

Turkish membership to the EU presents challenges to the EU, not only because Turkey is predominantly Muslim, but its membership would mean the largest institutional challenge for the EU it has ever faced. Although previous enlargements required institutional restructuring, Turkey’s huge size makes the issue more important than it has ever been. Former French President and the Chairman of the Constitutional Treaty Giscard d’Estaing accepted that “Turkey’s entry would bring no less than the end of Europe” (Hefeker, 2004: 292).

Firstly, Turkey’s huge size raises deep concerns about Turkey’s weight in the EU’s decision-making system. One commonly raised concern is that Turkey will be the EU’s most populated country, once it joins the EU. With a 71 million population, Turkey’s demographic situation presents a challenge for member states, because its population is likely to increase 85 million in the next 20 years. Thus, Turkey is to be more populated than Germany, which is currently the most populated country by 83 million today and expected

to decrease to 80 million by 2020. Turkey's entry to the EU might, therefore, have some repercussions for the future of the EU and on the way the integration would go further. Even a country could not dominate the whole Europe, Turkey would acquire an overwhelmingly weight both at the European Parliament and the Council. For the European Parliament where representation of MEPs is based on the population of the member state, Turkey's huge size poses a great challenge. First it would be very hard to integrate such a populous country because it would be very difficult to keep the Parliament at a functioning capacity. The Parliament is already crowded, and it has almost reached at its limits with the expansion from 732 to 785 members after the inclusion of Romania and Bulgaria in January 2007.

The second concern is voting in the European Council. In accordance with the Lisbon Treaty, voting in the European Council would base on the double majority on most issues instead of qualified majority voting fixed by the Nice Treaty. Under double majority voting, at least 55% of the member states, representing 65% of the EU population are needed for adoption of a proposal. And, double majority voting system would thus make Turkey an important member for a proposal to be adopted or be rejected. Although such situation makes small states benefit from, it would challenge the powerful positions of France, Germany and the UK in the European Council. Valery Giscard d'Estaing's acknowledged that with accession, Turkey would become the most populous country in the EU with the greatest voting power in the Council (*International Herald Tribune*, 13 September 2004).

Not only the weight of Turkey in European institutions does matter, but Turkish membership to the Union does have some other implications as well. Turkey's inclusion to the EU would influence the way the EU integrates.

Another common concern raised is that Turkey is much poorer than the rest of the Union. Firstly, this argument is not well-grounded, because Bulgaria and Romania which are similar to Turkey in terms of the economic situation are full members of the Union. Secondly, with its accession Turkey will be a highly-cost enlargement for the Union. Therefore, Turkey will presumably become the largest beneficiary, both in absolute terms and in relation to its GDP and it could expect transfers for regional policy issues which could reach 4% of its GDP (Lammers, 2006: 284). Moreover, with the current rules in place, Turkey will be net recipient of the EU funds. However, Turkey's economic situation does not constitute a distinctive obstacle to its accession, when compared with the former and recent rounds of enlargements. Besides, Turkey does not have to restructure its economic system, unlike other new EU members. Turkish economy is already a free-market economy and the basic structures of a market economy have already been well established.

#### **4.2.3 Geopolitical Considerations to the Turkish Membership**

It seems the endorsement or refusal of Turkish membership to the EU is a strategic decision rather than a historical responsibility. From its early start, the prospect of membership given to Turkey has been a strategic decision. The 1963 Association Agreement aimed to anchor Turkey with Europe in economic and political terms. During the Cold War, Turkey constituted the southern flank of NATO, and it remained an important country for the West. Since 1990, new global structures and regional balances have forced the EU to reformulate its security considerations. After 9/11 events in 2001,

Turkey's accession to the EU became more important due to the threats posed by radical Islam and terrorism, instability in the Middle East. Therefore, Turkey is considered necessary in the "war against terrorism" and it has the capacity to act as a bridge between the west and the east in such highly turbulent environment. The Commission stated that Turkish accession would further enhance already existing cooperation in fighting terrorism, which constituted another security challenge in the 21<sup>st</sup> century (European Commission, 2004). The Commission also acknowledged that Turkey contributes to the security of Europe and its neighbourhood as a country situated at a regional crossroads of strategic importance for Europe.

From the point of the EU's role in foreign affairs, Turkey has great capability in contributing to the EU's security and defence role, especially after the divergence between the US and the EU on international security. The Commission (2004) approved that Turkish membership would present opportunities in the field of foreign affairs. Still, Turkey is the only NATO country with no EU membership. Therefore, operations within the framework of the EU's defence policy could create problems for Turkey and the EU.

Enlargement presents a great opportunity for the EU to have a global role in the new environment. Turkey's situation, which is located very close to major areas of instability, is a strategic country to strengthen the Southern periphery of the European security. It is no coincidence that former German Foreign Minister, Joschka Fischer told, "In order for the EU to be powerful and for our children and grandchildren to live in peace, Turkey needs to be a member in the EU" (*Hürriyet*, 2 September 2004).

Since Turkey is a democracy with a pre-dominantly Muslim population, it represents a model for Islamic countries, where democracy and Islam can live well together. There is a

strong argument that Turkey is fundamentally different from other Muslim countries because it has a “European vocation”. Kubicek suggest that this is why even Vatican, which had previously expressed its opposition to Turkish membership, recently admits that Islam belongs to European tradition and history (*Zaman*, 15 May 2003). Olli Rehn (*Le Monde*, 1 September 2005) maintained that the new century can be built on dialogue and integration.

#### **4.2.4 The Debate over Turkey’s Identity and the Borders of Europe**

The enlargement policy of the EU is already complex, and member state preferences and bargaining process at the EU level makes enlargement policy highly complicated. However, no other candidate has ever made such a divisive impact in the EU. Although Joost Lagendijk, a member of the European Parliament and co-chairman of the Turkey-EU Joint Parliamentary Commission, said, at his visit to Yeditepe University, that “borders of Europe will be defined not on geographical terms”, French President Nicolas Sarkozy insists that there is a need to an integrated Europe, which means a Europe that has borders.

Ultimately, what is interesting in Turkish accession process is that the debate over Turkey’s identity is, in fact, about what Europe says about itself. The question about whether Turkey belongs to Europe is, indeed, a question about Europe’s own identity. The matter is about much more than geography, although it is one of the aspects of the question. Nicolas Sarkozy declared, at his first visit to Brussels, “The European Union is not only an idea but also a geographical entity” (*International Herald Tribune*, 14 September 2006). Former President of the European Parliament, Pat Cox acknowledged that the



discussion about Turkey is about how they define Europe (Kubicek, 2004: 55). Therefore it might be true to claim that the eventual accession of Turkey to the EU does not only depend on how the accession negotiations advance, and whether Turkey meets satisfactorily its obligations arising from the principle of conditionality. In fact, the reason behind this argument lies in the characteristics of the European identity which makes one a “natural insider” or an “important outsider” of the EU. Kühnhardt (2004: 45) put it in clear terms:

Nevertheless, the issue of “the other” remains unresolved for many Europeans. In the early 21st century, the European Union officially gave an indisputable answer: It wanted to be partners with a world of equals, promoting dialogue, understanding and cooperation.

In truth, the discussion about the way the EU sees itself brings about three competing models: a problem-solving entity, a values-based community and a rights-based union. A problem-solving entity is based on economic citizenship and material economic interests, which is questionably the way the EU integrated in its formative years when Turkey signed the Association Agreement. The second model explains the EU as a community based on shared memories and common suffering. Kühnhardt (2004: 57) argues that a common purpose combined with a commonly shared memory and a growing evolution of a community of communication in the first fifty years of European integration. On the other hand, Kubicek brings another explanation that the key in this model is the presence of a “we-feeling” or even “kinship” with respect to enlargement. Accordingly, the EU grants membership to those that are culturally similar, those that are seen “other” therefore have little chance to join the EU as full member because they would always remain as “outsider”.

The third model, a rights-based union is based on universal principles rather than kinship. In this model, the Union rests on public support, rights and democratic procedures

embedded in the institutions of the union. Therefore, citizenship is beyond nation and it stands on civic citizenship around of a set of ideals and principles.

These models have well- sound implications for the enlargement policy. With the successful enlargement rounds, the EU has become just more than a problem-solving entity based on economic and material interests. Therefore enlargement policy cannot solely be explained on economic terms. Copenhagen criteria and the institutional building through the principle of conditionality applied to candidate countries are rather based on a more rights-based approach. But, the Eastern enlargement revealed other aspects of the European identity. Although there were concerns about the cost of the Eastern enlargement in material and economic terms even in the short term, EU members decided to enlarge. The motivation behind the Eastern enlargement was rather a kinship-duty of the member states in uniting with Central and Eastern Europe.

On the contrary, Turkish accession, which lacks such shared history and a culture of “Europeanness” presents a tough issue for the EU’s conceptual borders i.e. frontiers and the European identity. Besides, there is no such moral obligation for the EU to accept Turkey to the EU. Kubicek (2004: 57) claims that Turkey’s inclusion to the EU does not fit into the “return to Europe”, rather it is a strategic need for the EU to be a global power.

In stark contradiction what Kubicek claims, Olsen (2002: 925) argues to the extent that the EU defines enlargement as Europeanization, which is interpreted as rule application aimed to develop institutions of governance at the European level (Olsen), the EU will be a rights-based union, and that it would be difficult to deny a candidate that meets the Copenhagen criteria.

However, a rights-based union focused on the political criteria of membership rather than cultural prerequisites is not sufficient to make Turkey a full member to the EU. Turkey's staunch relations with the EU will hardly prove the EU as a rights-based union. Olli Rehn (*Le Monde*, 1 September 2005) told:

Europe needs a stable, democratic, prosperous Turkey, living in peace with its neighbours, having adopted our values, respecting the rule of law, and meeting our standards in the fields of human rights, of the economy, social policy or environment. This is in our own strategic interest, especially at this juncture when the relationship with Islam, both within and beyond our continent, represents without doubt one of the major challenges of this century.

Although the EU tries to establish a rights-based union which promotes institution building in "other" states, the shared history and common values seems generally to be embraced in the EU. Although it is conceded in Article 49 of the Treaty on the European Union, which states that any European country could become a member of the EU, it is still ambiguous what defines a country as European. In fact, the way to define what constitutes European is to define what is non-European. Therefore, the perception of "other" determines what constitutes "European". Consequently, Turkey's accession to the EU would certainly alter the perception of the EU's self-identity. Such values-based argument suggests that Turkey, a pre-dominantly Muslim country whose land is overwhelmingly Asian, does not belong to Europe, because there is no shared history or religion or common traditions. The cultural argument used against Turkey in Valéry Giscard d'Estaing's (2002) words, "Turkey cannot be admitted as a member of the EU, simply because it is Asian" is divisive for the EU's self-definition of its own identity.

Turkey's "Europeanness" poses a fundamental question for the EU itself. It has been argued by many EU officials and European politicians that Turkey has many cultural

differences which stem from its religion and geographical location (Rumford, 2000: 335). Although Turkey has been admitted as European with the granted candidate status, the case against Turkish membership stems from the cultural logic of European identity. Ziya Öniş (1999: 129) claims:

The different treatment of Turkey's membership in the EU can be meaningfully explained only by the cultural logic of European identity, whereby some countries, in spite of their economic and human rights performances, are regarded as part of the natural European family and others are not.

Nevertheless, the ultimate decision on Turkey's European vocation depends on the way the EU defines itself in future, which is and will be a social construction of which outcome depends on the interchangeable perceptions of both sides (Güney, 2004: 148) Since the EU is not a monolithic union, the debate over Turkey's identity is about whether the EU defines a "fortress Europe" or a "limited geography based on common values and norms".

### **4.3 Croatia's Path to Europe**

The Western Balkans, which is historically burdened with tension and war, is slowly pushing its way to the EU. Among Balkan countries, Croatia is the first which has started accession negotiations with the EU. The remaining countries of the region are also given the perspective of membership. The European Council (2003b) affirmed that the "Western Balkans countries will become an integral part of the EU once they meet the established

criteria”.<sup>3</sup> Former President of the European Commission, Romano Prodi (2003) underlined that “Europe’s unification will not be complete until the Balkan countries are members of the Union”.

Hence, conditionality is merely to prepare Western Balkans to meet the obligations, though there is not necessarily rapid integration. However, it imposed burdens on the countries of the region, where transition to democracy and market economy has been tough. Thessaloniki Agenda for the Western Balkans made it clear that the countries of the region could become candidates only when they meet the conditions.

The smooth accession of Croatia to the EU is of great importance for Western Balkans. Croatia is considered as a model for the countries of the region. Former EU Commissioner for Enlargement, Günter Verheugen (2003), during his visit to Croatia, said, “Croatia should join the EU when it meets the accession criteria, and it should not have to wait until the last country in the Western Balkans is also ready” (Samardžija, 2003: 6).

Nevertheless, the Western Balkans has faced a tough period. Problems have arisen from confusion and uncertainty over Europe’s future and institutional deadlock in the EU. Although the EU promised membership to Western Balkans only about four years ago, political support for further enlargement now appears to be less forthcoming. The rejection of the Constitutional Treaty prompted bad news for Western Balkans. Kristof Bender, a Balkans expert at the European Stability Initiative, said, “What is happening in the EU is very harmful for the Western Balkans” (*International Herald Tribune*, 16 May 2006).

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3 See European Council, “EU-Western Balkans Summit- Declaration”, 10229/03 (Presse 163), Thessaloniki, 21 June 2003, [http://ec.europa.eu/enlargement/enlargement\\_process/accession\\_process/how\\_does\\_a\\_country\\_join\\_the\\_eu/sap/thessaloniki\\_summit\\_en.htm](http://ec.europa.eu/enlargement/enlargement_process/accession_process/how_does_a_country_join_the_eu/sap/thessaloniki_summit_en.htm)

Although EU still keeps its promise, the prospect of accession for the countries of the region has slowed down. Besides, the Commission and the Parliament are less enthusiastic about the eventual accession of the countries in the region. There was a change in tone of support to Western Balkans, at the Foreign Ministers meeting at Salzburg in March 2006. This informal meeting, not an EU-Balkan Summit, reached informal conclusions. European Stability Initiative (2006) found the meeting disappointing. It stated:

In place of a strong reaffirmation of the Thessaloniki promise of a “European destination” for the region, this pledge is now watered down by reference to an “internal European debate on the future of enlargement”. For the first time, there is a reference to the EU’s “absorption capacity” as a potential barrier to accession.

When the Commission established a renewed consensus on enlargement policy based on consolidation, conditionality, communication and capacity to integrate new members, a more rigid and rigorous conditionality is to be applied to the current and potential candidates of the Union. Still, the Council reaffirmed the prospect of membership for the Balkans to assure that it is anchored to the EU. The Council (2006):

The European Council reaffirms that the future of the Western Balkans lies in the European Union. It reiterates that each country's progress towards the European Union depends on its individual efforts to comply with the Copenhagen criteria and the conditionality of the Stabilisation and Association Process. A country's satisfactory track-record in implementing its obligations under a Stabilisation and Association Agreement (SAA), including trade related provisions, is an essential element for the EU to consider any membership application.

A sense of enlargement fatigue appeared to spread Europe and it also influenced national policies of EU members. This enlargement fatigue also links with the question of whether the EU has the capacity to deal with the particular problems in Western Balkans and to enable them to integrate with the EU. Croatia’s accession to the EU, therefore, presents

significant importance, because its smooth integration will encourage the Western Balkans to remain anchored to the EU with the strongest bonds possible. Olli Rehn(2007), at the Western Balkans Panel at the International Conference Hall organized by Italian Ministry of Foreign Affairs, assured that “the door was kept open for Turkey, Croatia and the other countries of the Western Balkans”.

If such is the case, then what motivates the EU to enlarge to Croatia? Is it the economic interests and geo-political factors or common values and norms? Moravcsik and Vachudova (2003: 43) assert that EU leaders are promoting accession because they consider enlargement to be in their long-term economic and geo-political interest. Miošić-Lisjak (2006: 109) maintains that it is the EU’s geopolitical interest to include Croatia, because its accession could prevent the unwanted influx of immigrants and cooperate in the fight against illegal trafficking and other problems related to organized crime. When remembered the past, the Balkans was the region where European wars started over a century. The Western Balkans posed a serious threat for EU members not only because the region’s security and stability is vital for the current and future EU members but also for the EU’s role as a global actor in world affairs.

The EU believes that a lasting peace and stability can only be achieved, only when the Western Balkan countries become EU members, at least when they are anchored with the strongest possible bonds. Therefore, the EU has granted poor and weak states of the region with prospect of EU membership. Simic *et al* (2001) argues that the Balkan countries consider membership to the Union is the only way to get anchored in Western values and to stabilize their societies and their international environment in the transition process.

Then, is it the kinship-duty behind the EU's compassion towards Croatia? Schimmelfennig (2002: 95) claims that all states that share the collective identity of an international community and that adhere to its constitutive values and norms are entitled to join. Given this background, the accession of Croatia to the EU is of vital importance to the EU. The EU explicitly states that Croatia will be a member of the EU, whenever it meets the Copenhagen Criteria and other conditions set by the EU. Olli Rehn (2006b: 5) stated:

Croatia should become the 28th Member State of the EU. The preparations ahead will be tough, but the efforts to be made are not only for the sake of joining the Union, but for the good of the country as a whole. And in this perspective an enhanced fight against corruption accompanied by sound judicial and public administration reform will be an important tool to achieve this aim. It is in the interest of the European Union and Croatia itself to be fully and completely prepared for accession.

The EU has no doubt that Croatia belongs to Europe in geographical and cultural terms, despite the feeling of condemnation on the part of Croatia before it was granted with the candidate status (Miošić-Lisjak, 2006: 110). President of the European Commission Jose Manuel Barroso (2006:4) summarized the importance the EU attaches to the accession of Croatia and concludes the final words on Croatia:

And when this process ends, and Croatia takes its rightful place at the heart of European family, then not just Croatians, but all Europe's citizens will have reason to celebrate.



## **CHAPTER VI**

### **CONCLUSION**

This thesis aimed to explore the enlargement policy of the EU with a comparative study on Turkey and Croatia. More specifically, it targeted the question of whether the decision to enlarge is based on the principle of conditionality. In formal, the enlargement policy of the Union is based on the principle of conditionality, which is applied to all candidate countries at the same footing. In light of the evolution of the principle of conditionality, this thesis reached to the conclusion that the enlargement decision of the Union cannot solely be explained with the satisfaction of the conditions by the candidate states.

To make a comparative study on the accession process of Turkey and Croatia required an approach which goes beyond the relative analysis of the principle of conditionality, which is to alter a state's behaviour to comply with the rules and norms of the European Union. Although the effectiveness of EU conditionality on governance depends on the speed of adjustment, the opening up of the elite to the influence in the EU and the extent of the EU agenda in institutions and political system, these are relevant to

the domestic adaptation to the EU (Heather Grabbe, 2001: 1014). With regard to the EU's decision to enlarge, the conditionality, which is primarily set out in the Copenhagen political criteria and monitored through the European Commission's annual reports, is not the sole determining factor in the EU's decision to include a country to the European Union. This indicates that the principle of conditionality should not be understood as the unique determinant when examining the Turkish and Croatian accession to the EU.

The lessons drawn from the EU's fifth enlargement, implications and consequences of post-compliance of the new members have caused a significant change in the course of the conditionality. As a result, EU conditionality has become much tighter and more complicated in its scope and procedures. New mechanisms have been introduced and a much stricter conditionality is being applied to candidate countries. The new conditionality since 2004 is more difficult to operate, despite its ambitious aims. It is more affected from the bargaining process between member states over enlargement. Therefore it runs a greater risk of failure than ever before.

Although the priority accorded to EU conditionality has increased, the policy environment for EU political conditionality has become less enthusiastic for further enlargement and more complicated over accession and its decision making process. The enlargement fatigue and the rejection of the Lisbon Treaty, which is to succeed the failed Constitutional Treaty, in Ireland referendum in June 2008 has made the policy environment in the EU much less-friendly.

Though the EU has repeatedly stated that it keeps its commitment to candidate states, enlargement has become a grimy word and unwarranted in the public opinion. Tougher conditionality has reflected the reluctance of the EU over further enlargement and

it has been visualized for some member states as an instrument for slowdown even blocking the process of enlargement, especially for Turkey.

It seems, therefore, inevitable that further enlargement will adversely affect the candidate or potential candidate countries which want to join the Union. The enlargement agenda of the EU faces challenges which are inherent to the EU itself, and the EU will encounter problems in candidate or potential candidate countries which have weak administrative and legal systems. Since there is discussion about the borders of Europe within the EU, the problem of “Europeanness” will affect the policy environment of EU enlargement.

The Turkish accession to the EU might and may be the most challenging case for further enlargement of the EU. It is distinctive in its nature and is beyond the technical adaptation of the *acquis*. The distinctive reasons include the Cyprus question that “always threatens to ‘flare up’ and religious and cultural concerns in the member states to the Turkish accession to the EU” (Nugent, 2007: 499). The prospect of EU membership of Turkey has triggered a lively debate on Turkey’s “Europeanness” and the borders of the EU. Some member states in the EU have recommended privileged partnership with Turkey, instead of full membership. French President Nicolas Sarkozy has continuously repeated his stance that Turkey should not be a full member to the EU because it is not in Europe. Sarkozy, whose country has assumed the six-month EU presidency on July 1<sup>st</sup>, argues that the Irish no to the Lisbon Treaty is “a rejection of a certain Europe that is too technocratic, too abstract, and too distant” (*Economist*, 26 June 2008) and there might and cannot be any further enlargement unless the institutional problem has been settled.

Since the success of the EU's enlargement policy depends on a full and right application of EU political conditionality in all candidate states, there is a risk of failure in the Turkish case. Because conditionality policy has significantly changed since 2004, a greater overlap between EU's political conditionality and the member states' preferences on enlargement policy threaten the success of the conditionality instrument, which is eventually expected to prepare the candidate countries to the membership. There is wide public opposition to Turkey's accession. Since the accession process with Turkey is predicted to last between ten to fifteen years, if not more, the outcome of the negotiation process cannot only depend on the completion of the accession talks. Due to the evolving nature EU conditionality and its tighter application in its procedures and wider in its scope, accession to the EU has become more difficult. Although the EU officially has kept its word to admit Turkey, there has appeared a vicious circle over the accession of Turkey to the EU. It partially suspended negotiations with Turkey when faced with a crisis over the implementation of Additional Protocol to all new EU members including Southern Cyprus despite demands for a total breakdown of the negotiations, the intergovernmental character of EU enlargement policy and the policy environment within the EU and member states should be considered (İçener, 2007: 433). The public opposition in member states and concerns of the national governments contradict the norms and values which the EU adheres to its own identity.

For Croatia, such a concern does not exist. Although EU conditionality is much stricter for Croatia, when compared to Central and Eastern European countries, the accession of Croatia to the EU is expected to happen before the European Parliament elections in 2009. The policy environment in the EU over the accession of Croatia is much

friendlier than the case of Turkey. Although enlargement fatigue in the EU will have an impact on the Croatian accession too, there is a strong political will to admit Croatia as the 28<sup>th</sup> member of the EU. Besides geopolitical and security interests to have Croatia within the EU, Croatia is seen an insider of Europe whereas Turkey is accepted an outsider. Therefore, justification for enlargement is different for Croatia and Turkey despite the fact that EU conditionality is the same for all. When considered that EU enlargement policy is intergovernmental in character, such a comparative assessment of the accessions of Croatia and Turkey to the EU is beyond EU's political conditionality.

To sum up, all candidate countries should be judged according the principle of conditionality, which is to be applied on equal footings for all applicant countries. Any change in the dynamics of enlargement process and the course of the political conditionality should not be used as a pretext to exclude Turkey from the prospect of full membership to the Union. The institutional, political and cultural problems and differences in the case of Turkish accession to the EU should prevent the EU to offer a privileged partnership to Turkey. The evidence shows that there is a strong public opposition to Turkish membership. However, Turkey's membership to the Union should not be portrayed as the end of the Union. This contradicts the norms and values of the Union. This also give harm the identity of the EU as a rights-based union.

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