

A comparative study on the role of EU perspective upon the Europeanisation of Croatia and Turkey

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Track: The Strength of NATO and EU conditionality and its impact in the process of Europeanisation of the region (impact on laws, institutions and policies)

ABSTRACT

European Union conditionality has important effects upon Croatia and Turkey which have been part of the ongoing enlargement process. The two countries have been concentrated on the adoption and implementation of the acquis. In this process, several conditions such as EU's new enlargement strategy or each country's specific conditions, have affected countries' status in the accession negotiations. This paper aims to highlight EU's perspective in the accession period and intends to underline different messages of the Union regarding to the candidate countries. In the paper, it is argued that these messages may severely affect countries' Europeanisation process as well as other factors.

KEY WORDS

Turkey, Croatia, Europeanisation, Enlargement

INTRODUCTION

Croatia and Turkey, as two candidate countries of the European Union (EU) ongoing enlargement, tend to place the main focus in the adoption and timely implementation of EU legal acquis. This process of alignment to the EU acquis generates important Europeanisation effect in the countries.

In this paper, I used the term “europeanisation” in the meaning of “transformative power” of the European Union, as defined by Tim Haughton.²⁵ As also said by Neil Winn and Erika Harris, it may involve the process of implementation of European rules in a particular country, or more broadly the impact of their implementation on domestic politics.²⁶

I limit my self with EU perspective in the paper and I intend to draw attention to the role of EU perspective in Croatia’s and Turkey’s accession process. In the first part, I state the difference of the ongoing enlargement process from previous ones for European Union. In the second part, I analyse Croatia and Turkey in accession process and in the final section, I argue the role of EU perspective in the accession negotiations.

1) EUROPEAN UNION’S ENLARGEMENTS

EU has experienced 5 enlargements until now. United Kingdom, Denmark and Ireland become members in 1973. The enlargement continued with Greece in 1981 after the country’s 6 years efforts, then Spain and Portugal in 1986 after 10 years efforts, and Austria, Finland and Sweden as relatively rapid affairs. These enlargements took place towards established political, economic and legal structure comparing to the last wave and it can be considered as relatively unproblematic.

The fifth enlargement wave, South and East European Countries had long way to travel. Although support of EU began in 1989, the actual entry

²⁵ Tim Haughton(2007).“When Does the EU Make a Difference?”. *Political Studies Review*, 5(2), 233-246

²⁶ Neil Winn and Erika Harris. (2003)“Introduction: Europeanisation: Conceptual and Empirical Considerations”. *Perspectives on European Politics and Society*, 4(1), 1-11.

negotiations began in the end of 1990s and in 2004, except Bulgaria and Romania, ten south and east European countries became members of the EU. The driving force behind this enlargement has been the desire to ensure peace, stability and economic prosperity in a reunified Europe.²⁷

This enlargement brings new dynamics in the European integration and presents a new opportunity to take forward relations with neighbouring countries, namely Western Balkan countries. In the 12-13 December 2002 Copenhagen Summit, EU has declared that it has avoided new dividing lines in Europe and determined to promote stability and prosperity within and beyond the new borders of the Union.²⁸ At the same summit, EU has decided to organise a summit between EU Member States and countries of Western Balkan region. Since 1999, these countries have already been part of Stabilisation and Association Process, which is the EU's policy framework for the Western Balkans including both economical and financial assistance and contractual relationships.

This summit has taken place at Thessaloniki between the EU and the countries of the Western Balkans in 2003 and here, the prospect of European integration was consolidated for these countries. EU has declared that Western Balkan countries will become an integral part of the EU, once they meet the established criteria. "The Thessaloniki Agenda for the Western Balkans: moving towards European integration" is prepared.²⁹ The Union enriched Stabilisation and Association Process which will remain the framework for the EU membership of the Western Balkan countries. In the region, accession negotiations have been opened with Croatia in October 2005 and Former Yugoslav Republic of Macedonia has been still candidate country since December 2005.

This enlargement wave is undeniably different for EU. In the "Enlargement Strategy 2006-2007: challenges and integration capacity", EU lists some criteria for future enlargements indicating first of all that the current enlargement strategy outlines a renewed consensus on enlargement

²⁷ The 2004 Enlargement: the challenge of a 25 member-EU. <http://europa.eu/scadplus/leg/en/vb/e50017.htm> (11.10.2008)

²⁸ Presidency Conclusion Paragraph 22.Copenhagen European Council. 12-13 December 2002. 15917/02. Brussels. 29.01.2003.

²⁹ The Thessaloniki Agenda for the Western Balkans: Moving Towards European Integration. http://ec.europa.eu/enlargement/enlargement_process/accession_process/how_does_a_country_join_the_eu/sap/thessaloniki_agenda_en.htm (11.10.2008)

with a view to ensuring that future enlargements do not hamper the functioning of the European Union. The other principles are identified as :

- compliance with commitments made and caution about making new ones
- rigorous and equitable accession conditions
- ensuring the support of citizens and democratic legitimacy of the process.³⁰

As also stated in the Strategy paper, benchmarks are introduced as a new tool. They are set for the opening and closure of each chapter and if they are not met, negotiations may be suspended or a provisionally closed chapter may be re-opened.

This strategy shows that EU has made all these arrangements on the basis of the lessons drawn from the fifth enlargement as also said by itself in the strategy paper. Progress of candidates and potential candidates is determined by their success in addressing key priorities. This shows the cautious attitude of the Union towards new enlargement and its intention for the standardisation of the accession process for candidate countries. Croatia and Turkey as members of ongoing enlargement process are the ones which are most affected from this attitude. In the next part, Croatia's and Turkey's accession negotiations will be discussed comparatively.

2) TURKEY AND CROATIA IN THE ACCESSION PROCESS

Turkey submitted its application for membership on 14 April 1987 and obtained status of candidate at the Helsinki European Council of December 1999. In its recommendation of 6 October 2004, the Commission said that it considered that Turkey "sufficiently" fulfilled the Copenhagen criteria.³¹ It recommended commencing accession negotiations with Turkey. The negotiations began on October 2005 (18 years after application) but they have been subject to certain conditions.

³⁰ Enlargement Strategy 2006-2007: challenges and integration capacity. <http://europa.eu/scadplus/leg/en/vb/e50025.htm> (11.10.2008)

³¹ Turkey: the Commission recommends opening accession negotiations. <http://europa.eu/scadplus/leg/en/vb/e50015.htm> (11.10.2008)

Although the Commission acknowledged that Turkey has made substantial progress with political reform through constitutional and legislative changes, it stressed that the Law on Association, the New Penal Code and the Law on Intermediate Courts of Appeal have not yet entered into force. Moreover, the Code on Criminal Procedure, the legislation establishing the judicial police and the law on execution of punishments have yet to be adopted. Commission also underlined that implementation measures need to be further consolidated and broadened.

In the light of these, Commission proposed a three-pillar accession strategy for Turkey. Accordingly, the first pillar, concerns cooperation to support the reform process in Turkey. The EU will therefore monitor the progress closely through revised Accession Partnership Documents. Most importantly, the Commission may also recommend suspending the negotiations if there is a serious and persistent breach of the principles of liberty, democracy, respect for human rights and fundamental freedoms or the rule of law on which the Union is founded. The second pillar concerns the “specific” way in which accession negotiations with Turkey are to be approached. They will be held in the framework of an “Intergovernmental Conference” consisting of all Member States of the EU. For each chapter, Council must lay down benchmarks for the provisional closure of negotiations. The Commission also considered “permanent” safeguards concerning the free movement of workers. The third pillar entails enhanced political and cultural dialogue between the people of the EU member states and Turkey.

Croatia applied for EU membership on 21 February 2003. The June 2004 European Council officially recognized the country as an accession candidate and in November 2004 the Commission recommended opening negotiations. The December 2004 European Council concluded that accession negotiations with Croatia should start on 17 March 2005. The prerequisite for this was full cooperation of Croatia with International Criminal Tribunal for the former Yugoslavia (ICTY). This means to provide the arrest of General Gotovina and his transfer to the Hague. However, accession negotiations postponed indefinitely, as announced by the Council of Ministers on March 2005,

because the country had not fully cooperated with the ICTY. Following a positive assessment on 3 October 2005 from ICTY Chief Prosecutor that cooperation was now full and the very same day Council decided to open accession negotiations (2 years after the application). However, the Council indicated that less than full cooperation with ICTY “at any stage” would affect the overall process of negotiations and could be ground for their suspension.³² Ante Gotovina was finally arrested on December 2005 in Spain.

Both countries have been started to the accession negotiations within the framework of Accession Partnership Documents which are the main instruments providing countries with guidance in its preparations for accession. In these documents EU sets short-term (1-2 years) and medium-term (3-4 years) priorities concerning the countries. Short-term priorities set for Turkey as democracy and rule of law, public administration reforms, human right, protection of minorities, civil and political rights, economic and social rights, regional issues and international obligations (namely Cyprus issue). Medium-term priorities set as mostly on economical issues like privatisation, agricultural sector and social security system. In the case of Croatia, short-term priorities set as to reform the judicial system, the fight against and prevention of corruption, the implementation of the Constitutional Law on National Minorities, particularly in terms of representation of them, refugee return, reconciling the regional peoples, cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), resolving bilateral issues, with neighbouring countries, and effective implementation of the Stabilisation and Association Agreement. Medium-term priorities set as economical issues again.

Regarding to the Accession Partnership Documents and priorities set in these documents, it can be said that objective elements are applied for both countries and EU’s demands are quite similar. Cyprus issue for Turkey and cooperation with ICTY for Croatia, as sensitive issues of the countries, were set among short-term priorities. There are benchmarks for opening and closing of the chapters but there is not “permanent” safeguard clauses for

³² EU-Croatia Relations: Main Steps Towards the EU. http://ec.europa.eu/enlargement/candidate-countries/croatia/eu_croatia_relations_en.htm (11.10.2008)

Croatia. It is obvious that from the beginning onwards, Turkey's situation is more complicated and problematic than Croatia. Turkey's membership is undeniably more difficult and costly for EU and it will severely hamper functioning of the EU. Turkey's area is 78362 km² and population is 74 million. Croatia's area is 56,594 km² and population is 4443 million. Both countries receives financial assistance under the Instruments for Pre-Accession Assistance (IPA). Turkey is benefiting from IPA 2256 million euro for the period 2008-2010 (including 2007) and Croatia is benefiting 589.9 million euro for the same period.³³ Despite of the fact that Croatia has not been a big problem for EU digesting capacity, country's today's performance is also related to its compliance with EU conditionality better than Turkey. It clearly shows its intention for cooperation with ICTY in the case of General Gotovina contrary to Turkey which still has not fully implemented Additional Protocol to the Agreement which provides the removal of all obstacles to the free movement of goods, as demanded by the declaration of European Community and its Member States of 21 September 2005.³⁴

The speed of the two countries regarding to the accession negotiations are quite remarkable if we look at the negotiations chapters. Turkey has 7 opened chapters, 1 chapter is provisionally closed and 8 chapters have been suspended. Croatia has 17 opened chapters, 3 chapters are provisionally closed, although these two countries began at the same time to the accession negotiations. As already said, there are certainly many aspects of this difference arising from the political, economic and social conditions of the countries however, here, I want underline the effect of EU discourse in this process. For this reason, I will focus the "messages" of EU regarding to these countries.

3) MESSAGES OF THE EUROPEAN UNION

³³ Instrument for Pre-Accession Assistance (IPA) Multinannual Indicative Financial Framework for 2008-2010. http://ec.europa.eu/enlargement/pdf/countries/ipa_miff_081106_en.pdf (12.10.2008)

³⁴ Declaration by the European Community and its Member States. C/05/243. Brussels 21 September 2005. 12541/05 (Presse 243). http://www.europarl.europa.eu/meetdocs/2004_2009/documents/fd/d-tr20051123_13/d-tr20051123_13en.pdf (11.10.2008)

Croatia was part of federal Yugoslavia before and after World War II. The country declared independence in June 1991 and EU established diplomatic relations with Zagreb in 1992. So from the beginning onwards EU has supported the country. On March 2005, in the eve of taking decision about opening of accession negotiations with Croatia, EU avoided to discourage country. During Luxembourg's Presidency of the Council of the European Union, Luxembourg's Foreign Minister stated that even if it is possible to postpone accession negotiations with Croatia, the door of EU would stay open for Croatia.³⁵

On the other hand, there is no single picture of Turkey within the EU and mostly past hostilities form part of a negative but nonetheless common experience, as said by Andreas Marchetti.³⁶ As indicated in an article by Ellen Svendsen, there has been a general negativity of media coverage if it comes to Turkey combined with an underlying fear of Islam.³⁷ Although the accession negotiation began in October 2005, there is no clear timetable and membership perspective for Turkey. Furthermore discourses offering alternatives to membership for Turkey such as privileged partnership have resulted a serious decline of popular support for EU membership in the country. However, as indicated in Communication Western Balkans: Enhancing the European Perspective, public opinion in the Western Balkans is largely favourable to EU integration.³⁸ All governments have committed themselves to this objective and are implementing reforms.

In the EU, there has been always opposition against Turkey. French President Nicholas Sarkozy has made it clear several times that Turkey is not a European country and it has no place in the EU.³⁹ In one of his campaign

³⁵ "Avrupa Kapısı Hırvatistan'a Açık Olacak". <http://www.abgs.gov.tr/index.php?p=37985&l=1> (11.10.2008)

³⁶ Andreas Marchetti (2008) "The Continuing Power Struggle in Turkey: Interpretation in European Union Media". *ZEI EU-Turkey Monitor*. 4(2), p.6.

³⁷ Ellen Svendsen (2008). "The Turks Arrive! European Media and Public Perceptions of Turkey". *ZEI EU-Turkey Monitor*. 2(3), p.3

³⁸ Western Balkans: Enhancing the European Perspective. COM (2008) 127, Brussels 05.03.2008. http://ec.europa.eu/enlargement/pdf/balkans_communication/western_balkans_communication_050308_en.pdf (11.10.2008)

³⁹ "Sarkozy Officially Nominated, Speaks Against Turkey's EU bid". *Turkish Daily News*. 15.01.2007. <http://www.turkishdailynews.com.tr/article.php?enewsid=63974> (11.10.2008)

speeches, he had pointed to Turkey as the natural pillar of his Mediterranean project.⁴⁰ Haluk Özdemir stressed that as a result of this attitude, in the summit conclusion of December 10, 2007, the words “accession conference” were dropped as a result of French insistence, instead only the formal label “intergovernmental conference” was used to define the process between Turkey and the EU.⁴¹ This unstable nature of EU-Turkey relations has remarkable effect on the slowdown of the Turkish reform process which have taken place from 2001 onwards and on the sharp decline of popular support for EU membership within the country.

Contrary to Turkey, Croatia has been always motivated by the EU. Any kind of alternative institutional structure has been considered for Croatia. Instead, in the Enlargement Strategy and the Main Challenge 2007-2008 document, EU clearly indicates that if benchmarks are met for opening the remaining chapters, progress in accession negotiations with Croatia is possible in the coming year (2009)⁴² It is stated by Croatia rapporteur Hannes Swoboda that if Croatia were to complete all the necessary reforms it could end negotiations by 2009 and become an EU member by 2011.⁴³

As seen, Croatia is one of the fastest countries among 27 Member States in relation to the accession and Turkey is the slowest. Besides of the objective elements such as differences regarding to the countries’ specific characteristics, the effect of EU’s attitude in this process have not to be undermined. According to a Eurobarometer Survey in 2006, Croatia’s accession is widely accepted in the EU. As indicated in the survey, 56% of the EU25 and 53% of EU15 are in favour of Croatia’s accession.⁴⁴ In the case of Turkey, in Autumn 2005 Eurobarometer Survey, 59% of EU Member States are against it becoming part of the Union.⁴⁵ Consequently, being aware of the

⁴⁰ Schmid, Dorothee. (2008)“Turkey and the Mediterranean: An Ambiguous Relationship”. *ZEI EU-Turkey Monitor*. 4(2), pp.4-5.

⁴¹ Haluk Özdemir(2008). “The Union for the Mediterranean: A three-way evaluation”. *ZEI EU-Turkey Monitor*. 4(2), p.3

⁴² Enlargement Strategy and Main Challenges 2007-2008. COM(2007) 663. Brussels 06.11.2007. http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/strategy_paper_en.pdf (11.10.2008)

⁴³ Hannes Swoboda Says Croatia Will Enter EU by 2011. *Croatia News-CroatiaPress.com*. 09.04.2008. <http://www.croatiapress.com/20080409-436.php> (12.10.2008)

⁴⁴ Eurobarometer 2006: Poll on endorsement/rejection in EU countries of future accession of Albania, Bosnia, Serbia and Croatia. <http://www.esiweb.org/index.php?lang=tr&id=306> (12.10.2008)

⁴⁵ Eurobarometer 66 Report. http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_en.pdf , p.223 (12.10.2008)

fact that perceptions are quite important element of the europeanisation process together with objective elements, the role of the messages has not to be undermined by the EU if it wants to become a reliable global actor.

CONCLUSION

In relation to the transformative power of the EU, in other words, europeanisation of the negotiating countries, the paper argues that messages coming from the EU and EU's treatment of the countries have significant importance.

It is quite rational for EU to support Croatia which membership will send a strong signal to other Western Balkan countries on their own membership. The new enlargement strategy of EU, "based on merit", will encourage them and they will hope for membership once they fulfill the necessary conditions. Croatia's accession serves EU's strategic interests in security in the Western Balkan region which is bordered by Member States. For this reason, it is not surprising that Croatia has a roadmap for accession and clear indication of its future place in the EU. However, EU ambiguity vis-à-vis Turkey's membership persists. EU actors have increasingly voiced their concerns about Turkey's accession underlining its size, population, its level of economic development, its "different" culture and religion. Open-ended and long term nature of the accession process for Turkey is overemphasized by the Commission.

This paper claims that this attitude of the EU, influences severely the Europeanization of the candidate countries, namely Turkey and Croatia. A key factor in the success of EU conditionality concerns the perceived costs of demanded conditions. So, if a country considers the cost of compliance higher than the rewards, then the transformative power of the EU decreases, as well as its reliability and credibility and vice versa. Croatia and Turkey, as two countries which began accession negotiations on the same time, have been experiencing remarkable different treatment from the EU. In this circumstances, it is worth to emphasize the need for standardisation of EU treatment for each candidate country. It must be aware of multidimensional

nature of the Europeanisation process. This means that as well as other factors, psychological elements are indispensable in this process. EU has to be cautious about its messages in order to not hamper europeanisation of the future members.

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