

Europeanization: Culturally Filtered? ‘Unpacking the Compliance –Conditionality Linkage in Turkey and Serbia’¹

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Abstract

Europeanization has been recently emerging as a crucial instrument and mechanism for democratic transformation processes of the countries on the enlargement track. Conditionality is a concept that is placed very much at the centre of the Europeanization, based on rule transfer and generally works through reinforcement by reward where membership is the greatest reward to be offered. However current setbacks in Europeanization processes in several countries (here is Turkey and Serbia), put a query on the effectiveness of conditionality strategy. Unpacking the relationship between compliance and conditionality, this paper argues that credible accession conditionality is only a necessary but not a sufficient condition of Europeanization in promoting reform process and ensuring compliance with EU rules. In order to be effective it has to be accompanied by favorable domestic conditions. Addressing the apparent role of cultural filters of the countries, which mitigate the transformative impact of European norm diffusion and political learning in the country, this paper assesses case of Turkey and Serbia as litmus test for the success of transformative power of conditionality in achieving eventual compliance within framework of the Europeanization.

Key words: Europeanisation, compliance, and conditionality, Turkey, Serbia

Introduction

At the Helsinki European Council Summit in December 1999, Turkey was given formal status of candidate country. This put country's general project of Westernization into a different and more concrete context and resulted in an intensification of reform process in the country. Following the Thessaloníki European Council of June 2003, Serbia was granted potential candidate country status (proto-candidate) for EU accession, which triggered a comprehensive reform process in the country.

Guided by the prospect of EU membership, the Europeanisation process became the main pressure through accession conditionality and furthered fundamental democratic reforms in these countries. However, as it has become obvious with the current backsets in Europeanization process in Turkey and Serbia, where accession negotiations with the former were partially suspended in December 2006; and the association negotiations with the latter were frozen between May 2006 and June 2007, the EU leverage has been

ineffective alone to ensure sustainable compliance when European values, norms and rules meet with political contestation and resistance in the national arena. It could be argued that the impact of Europeanization is *culturally filtered* in these countries by their historical legacies, political cultures and national identities pointing out that Brussels must acknowledge that *domestic factors matter!* The conflicts at national arena therefore shows that a sustainable reform process requires certain domestic conditions to prevail which in turn illustrates the impact of interaction between external factors and domestic conditions on Europeanization patterns of countries.

The structure of the paper is as follows. After the introductory chapter, which broadly covers the main argument, next section presents conceptualisation and theoretical framework for Europeanization and mechanisms of domestic change. Section 3 describes the main hypotheses and the variables as a model to be tested for the selected cases in the following chapter. Section 4 and 5 introduce the empirical findings of the study where the conditions and compliance patterns are evaluated for each case, respectively for Turkey and Serbia. Section 6 conducts a comparative analysis, concludes the main findings and marks new avenues for further research.

1. Europeanisation: Conceptual Framework

Europeanization as a fresh and exciting way of analysing domestic change; has become a commonly used theoretical approach for studying the EU and its influence on the current and future EU member states. There is a burgeoning literature on conceptualizing the term and identifying how this process might shape a country's internal politics. Although there is a lively debate over the concrete definition of Europeanization (see Cowles *et al*, 2001, Radaelli and Featherstone 2003, Olsen, 2002, Risse and Börzel, 2003 Grabbe 2001), the term is generally used with regard to “the domestic impact of the EU” (Sedelmeier 2006: 4) and thus constitutes a crucial concept for analyzing the Union's transformative power through diffusion of ideas namely rules, values and norms (Börzel and Risse, 2008)

Most of the literature in Europeanisation studies has focused on ‘top-down’ approach analysing the impact of its transformative power on the countries that have already joined the EU.² Europeanisation can also be exported, especially towards the candidate countries where EU exerts comparable pressure. EU's transformative power catalyses fundamental democratic and economic reforms and domestic change in these countries where conditionality is placed very much at the centre³. Thus the concept of Europeanisation becomes an important instrument and mechanism for the democratisation processes of countries in the enlargement track.

Within the framework of this thesis, I will be attached to Radaelli's definition to Europeanization, which is broad enough to cover political structure, public policy, identities and the cognitive dimension of politics. Radaelli argues that this can be applied both to the EU member states and other countries. Thus, “the concept of Europeanization, as it stands now, is supposed to explain processes of cultural change, new identities' formation, policy change, administrative innovation and even modernization” (Radaelli 2000:4-5):

“Europeanization consists of processes of; a) construction, b) diffusion and c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures and public policies.” (Radaelli, 2000:4)

This definition provides an opportunity to analyze the complex picture of how and to what extent the EU matters for countries. Moreover the focus of this definition is on the adaptive response by actors to a changed and/or changing environment, it presents an opening to systematically evaluate the compliance patterns of political elites and other agents of change, once the Europeanisation has been gradually incorporated in the *rationale* of behaviour, policies, discourses and agendas of these actors.

I understand Europeanization, therefore, as a process much broader than political change through “EU rule transfer”. The European impact actually goes beyond policy dimension and spillover patterns of democratic legitimization. Europeanization encompasses the penetration of EU rules, norms and values into different domestic spheres where it has normative transformative impact on ideological structures and preferences of the target states. Investigating the deeper normative impact of the EU on states and societies through this expansive concept of Europeanization, I argue would provide for a more complex picture of how and to what extent the EU matters, and/or if it matters at all.

2. Europeanization and Mechanisms of Domestic Change

Taking the Radaelli’s definition of Europeanization as the main point of departure, now I aim to have a deeper understanding of this heuristic concept by raising the question of how Europeanisation matters! Europeanization literature has offered interesting insights into the mechanisms of EU influence on the domestic structures of target countries (Schimmelfennig & Sedelmeier, 2005; Grabbe 2004; Vachudova, 2005). The literature has identified several mechanisms through which Europe can make the target states to comply with its requirements.⁴ The different causal mechanisms of domestic change can be grouped around two theoretical approaches that draw on different strands of neo-institutionalists reasoning: Rationalist institutionalism and sociological institutionalism. The former refers to interest-based whereas the latter refers to norm-based motives driving governments’ compliance (Börzel and Risse 2003, Börzel 2003).

Rationalist institutionalists suggest that ‘logic of consequentiality’ (instrumental rationality or rational choice) is the main factor influencing the EU’s impact on domestic change. Socialization approaches with a constructivist ‘logic of appropriateness’ (or normative rationality). In this perspective, the domestic actors are socialized into European norms and rules of appropriateness through processes of persuasion and social learning and redefine their interests and identities accordingly. Within the framework of this thesis I follow Schimmelfennig *et al.* (2006) approach and employ two basic models for European governance and rule promotion—external incentives and social learning- to understand the motives behind the compliance decisions of target states.

The external incentives model which is a rationalist bargaining model focuses on the size and speed of rewards, credibility of conditionality as well as domestic veto players and domestic costs of adaptation. Accordingly the external incentives model mainly

follows governance by conditionality in which the EU sets its rules as conditions that the target states have to fulfill in order to receive EU rewards (Schimmelfennig and Sedelmeier, 2004: 661-679). The most general proposition of the external incentives model of conditionality and Europeanization is therefore that “*a state complies with the norms of the EU if the benefits of the rewards exceed the domestic adoption costs and level of credibility of incentive is high*” (Schimmelfennig, 2005:4). This cost-benefit balance depends on the size and credibility of international rewards, on the one hand, and the size of domestic adoption costs, on the other.

In contrast, the social learning model emphasizes the legitimacy and domestic resonance of the norms, and the identity and cognitive priors of the target actors. The main hypothesis based on the social learning model is that “*the likelihood of compliance increase with the legitimacy and resonance of the norms and the identification of the target state with the EU*” (Schimmelfennig, 2005:7). This is known as the “resonance” hypothesis of Schimmelfennig and Sedelmeier (ed. 2005: 20). This is also argued by Checkel (1999:83-114) who maintains that the success of norm diffusion in a certain domestic context depends on the “degree of cultural match” between international norms and domestic practices. Thus it should be also noted that actors are more open to social learning and persuasion when the norms and values of EU have some resonance with pre-existing norms, values and practices in the target country. So the domestic politics -in particular, institutional and historical contexts- delimit the causal role of persuasion/social learning and national compliance with European ideas, thus helping both rationalists and constructivist to redefine their borders within they can influence compliance process

3. Modeling Europeanization Patterns

For the empirical analysis, I would concretise Europeanization into a model of analysis, albeit in inherently different ways, based Schimmelfennig et al.’s hypotheses. The dependent variable of the study is (target state) compliance with the demands of EU. To discriminate between compliance and non-compliance, the main indicator is legal rule adoption. “A state is considered to be in compliance if it has signed a treaty and/or passed a law on the basis of the norm promoted by EU”(Schimmelfennig et al 2006: 58). In order to measure the level of adaptation to democratic conditions of EU as the dependent variable I primarily focus on analysis of official EU documents (Regular reports, Accession Partnership Documents and National Programmes for Adoption of Acquis for Turkey and SAP feasibility reports for Serbia, Reports from the Commission and DG Enlargement)

Focusing on external and domestic factors as the intervening/independent variables in explaining the (non-) compliance at EU level I will benefit from the hypotheses of external incentives and social learning models to examine the limit the effectiveness of political conditionality. For general analytical purposes I argue that states find it challenging to comply with EU requirements and resist change due to set of factors (independent variables)

The main hypothesis based on the external incentive model is that; ‘a state resist to comply with the norms of the EU if the domestic adoption costs exceed the benefits of the rewards and level of credibility of incentive is low’. The external incentive model proposes two factors, which have impact on resistance to comply with EU requirements

in target countries: credible incentives and costs. The main hypothesis based on the social learning model is that; ‘a state resist to comply with the norms of the EU if the level of perceived legitimacy and resonance of the norms and the identification of the target state with the EU is low’. The social learning model, then puts forward three factors which may explain different Europeanization outcomes in target countries: legitimacy, identity and resonance. The independent variables will be subdivided into external and domestic conditions. In this respect, Robert Putnam (1998)’s two-level game framework is illustrative where the interplay between external and domestic level complicate the compliance patterns and limit the effectiveness of political conditionality in target countries

The external conditions⁵ refer to the attributes of EU namely, size and credibility of rewards and perceived legitimacy of EU conditions, which matter for effectiveness of the conditionality legitimacy. The domestic conditions refer to attributes of target countries (costs, veto players, identification, resonance), where domestic adoption costs and existence of veto players greatly affect the compliance decisions of target governments.⁶

Figure 1 (see below) presents a simple model, which illustrates the impact of interaction between external factors and domestic conditions on Europeanization patterns of countries. Before explaining the model it should be noted that the model is based on the pre-assumption that compliance is a process driven by elites where the decisions of political leaders in power that matter most for the compliance patterns with EU requirements of the countries. However domestic actors outside government such as interest groups, big business communities, NGOs and other civil society organizations have also crucial role in shaping Europeanization process. They can act as change agents can put pressure on governments and force political elites for further or less European reforms. Secondly there is no such clear cut between these different processes but rather they are self-reinforcingly linked to each other and are part of an institutional and policy change process which can be analyzed as incremental, gradual and path dependent (Balkir and Soyaltin, 2009:6)

(1) Genuine/Positive Europeanization: If endogenous factors are favourable and external incentive is strong, this powerful push-pull impact will lead to positive Europeanization where the level of compliance to EU requirements is on its highest level. Referring to scope of domestic change in response to Europeanization, the outcome can be evaluated as transformation where the degree of domestic change is high, affecting informal and formal structures of countries

(2) Slowed but ongoing Europeanization: Europeanization loses its impetus but still continues on a lower rank through pushing power of favourable domestic factors and /or demand of change agents who put pressure on government for further reforms although external incentive is weak

(3) Shallow Europeanization: Europeanization process moves further by efforts of political actors who simulate compliance to avoid the even higher costs of confrontation, total refusal to comply and denial of a membership prospect if domestic factors are unfavourable. In this sense even credible external incentives prove ineffective. Noutcheva argues “fake/shallow compliance is cheaper than non-compliance because the costs of non-compliance are higher than the costs of simulating EU compliant change in the short run while seeking ways of reversing that change and maximizing profits in the long run”. In this case domestic actors pass legislations to meet with EU requirements but

implication does not follow up due to lack of political will to do the reforms demanded. Hence, the actors do not believe in the appropriateness of these domestic changes (Noutcheva, 2006:17-21). Thus the degree of change is low (level of absorption) where policy requirements are accommodated without changes in the 'logic' of political behavior

Figure 1 Modeling Europeanization Patterns

		External incentives	
		Strong	Weak
Domestic Conditions	Favourable	(1) Genuine/Positive Europeanization	(2) Slowed/ongoing Europeanization
	Unfavourable	(3) Shallow Europeanization	(4) Stalled Europeanization

(4) Stalled Europeanization: When unfavourable domestic conditions are combined with weak external incentives, the outcome can be characterized as stalled Europeanization where the reform process paralysed and faced with a rupture. This can take forms of lags, delays in the transposition of EU rules and in implementation, and abrupt resistance to compliance with EU requirements what is called inertia

The constellation of domestic factors can vary from one country to another. By focusing on the two level game where internal characteristics have brought about different dynamics in the Europeanization process in two countries- Turkey and Serbia- this paper seeks to unpack the relationship between conditionality and compliance and to understand the reasons behind different Europeanization patterns in these countries.

Turkey and Serbia with plethora of challenges to Europeanization process are selected as case studies to test the above-mentioned hypotheses. Both countries are 'hard cases' in which democratic conditionality and its effects are more easily observable than in 'easy cases'. "We will be able to learn more about the conditions of its effectiveness and ineffectiveness since the challenge to conditionality is higher in cases of significant conflict (Schimmelfennig et al.2003: 501). EU decided to freeze accession negotiations in 8 chapters of acquis with Turkey in December 2006; and the association negotiations with Serbia between May 2006 and June 2007 due the conflict between European political norms and national legacies and state behavior. The cases illustrate the cultural filters, which mitigate or constrain the transformative impact of European norm diffusion

and political learning in the country leading to unexpected consequences such as resistance and rejection of norms. Ian Manners (2002:245) bases cultural filter of a country on the interplay between the construction of knowledge and the creation of social and political identity by the subjects of norm diffusion. The interplay turned out to be contradictory in Turkey and Serbia once adaptation to the EU requirements has become a challenge to historical legacies, political culture and national identity and thus the political costs of compliance turned out to be too high.

The problem with Europeanization of Turkey and Serbia therefore do not rest only on formal compliance to EU requirements. The greatest challenges will be to abandon practices of past so become behaviorally Europeanized (Jano, 2008:67) Therefore recent developments in these countries put the limits of conditionality in achieving national compliance and the success of eventual Europeanization in a litmus test. The analysis begins with Turkey then turns to Serbia and finalizes with a comparative review.

4. Turkey

Addressing its Kemalist ideology and ‘reform-averse’ political culture, Turkey exemplifies a unique and challenging test with regard to the conflict between European political norms and national legacies and state behaviour (Uğur and Yankaya, 2008:581) The Europeanization process in all areas of policy in Turkey as Ulusoy (2005a: 22) puts it very well ‘is much more profound than the framework of democratic conditionality thereby it is actually not only about changing laws, regulations but rather goes to the core of the political structure’. This paved the way to mental transformation and transvaluation whereby the normative core of political activity, its defining values and all features of mainstream Turkish political culture face the need to radically change. As Schimmelfennig (2003:508) accurately identifies, there is an inherent conflict between the basic values of European liberal democracy and “Kemalism” leading to low level of domestic resonance in Turkey.

Conflict and Norm Violation: Kemalist Paradox

Kemalism is the state doctrine that defines the basic characteristics of the Republic of Turkey and, has two core principles: secularism (the strict separation of religion and state) and nationalism reflecting a single Turkish identity (ethno-cultural homogeneity and territorial unity) (Posch, 2007:10; Patton, 2007:341). It was formulated by the Turkish national movement and its leader Mustafa Kemal Atatürk with the eventual aim of reaching contemporary level of civilization since Turkish state elites consider themselves as Western. Therefore achieving EU membership is regarded as the zenith of the Kemalist model of modernization and realization of Atatürk's long lasting dream for the country (Öniş, 2006:4).

However as the EU has increasingly moved into normative nucleus of Turkish state through imposing Copenhagen criteria, the EU membership started to shake Turkey's self-definition as a European state and all features of Kemalist political culture what makes Turkish case a ‘trial for Europeanization (Kubicek, 1999:157; Grigoriadis, 2009, Glyptis, 2005). Kemalist elites in bureaucracy, military and judiciary therefore have become the main veto players against the EU reform process (Patton, 2007:349).

Anti-EU Kemalist elites are anxious about the process would undermine the Kemalist ideology and also their power and privileges. The Kemalist paradox and robust veto players put potentially high political costs of compliance on government and caused slowdown in the reform process in the country. Within the framework of this paper, Kurdish question, insufficient democratic-civilian control of military and Cyprus problem are taken as examples illustrating contradictory nature of Turkish policy practices and its Kemalist ideology for EU's notions of liberal democracy.

Kemalist Nomenclature and European Demands and Conditions: Kurdish Question, Role of Military and Cyprus Deadlock

As Feroz Ahmad noted 'Turkey did not rise phoenix-like out the ashes of Ottoman Empire. It was 'made' in the image of Kemalist elite which won the national struggle against foreign invaders and old regime' (1993:2). The top-down Kemalist model of modernization could not, however, transform itself into democratic consolidation and failed to stimulate cultural modernization which has manifested itself more explicitly with the European integration process in forma of identity-based demands for cultural recognition (cf. Kurdish question), increased democratic control of military and more liberal approach towards Cyprus conflict challenging the strictly secularist and state controlled nature of Kemalist ideology (Keyman and Öniş, 2007:11-17).

The Kurdish Question

Turkey's Kemalist conceptualization of national identity emphasizes the homogeneity, unity and indivisibility of state, its people and its territory and leaves no room for recognition of ethnic minorities. The Lausanne Treaty of 1923, which was signed as the consequence of the Turkish War of Independence between the Allies of World War I and Turkey, acknowledges religious, non-Muslim groups as minorities (Greek and Armenian Orthodoxes and Jews) enjoying the same civil and political rights as Moslems (Lundgren and Oktav, 2009:4-5). Thus recognizing minorities other than these groups (cf. Kurdish) is not only about changing laws through legal engineering but changing definition and the very nature of Turkish state.

The Kurds represents Turkey's largest ethnic, cultural and linguistic minority of about 12-13 million people, around four to five million of whom live in provinces of south-east Anatolia (Ergil, 2000:125, Karimova and Deverell, 2001:13). However Kurdish question is not only about ethno-Kurdish nationalism in form of identity politics claiming for recognition of difference but also and more devastatingly about low intensity war between government and the terrorist-guerrilla organisation that PKK -Parti Karkerani Kurdistan (the Kurdish Worker Party)⁷ (Kirişçi and Winrow, 1997:227).

The demands for the recognition of Kurdish identity due to its links to PKK were perceived as threats to the territorial integrity of the state and met with harsh reactions by the traditional establishment. In sum Turkish policy towards Kurdish problem came into sharp conflict with European human rights and standards requiring respect for and, protection of minorities

With regard to human rights, EU has codified respect for and protection of minority rights as norm in community's treaties and put it as a condition to become a EU member

in Copenhagen European Council in 1993. In addition EU put respect for minority rights, cultural rights and protection of minorities as one of the priorities in its Accession Partnership Documents (APD) with Turkey in 2001 and repeated it in 2003, 2006, 2008. In this regard Ankara should “ensure cultural diversity, guarantee cultural rights for all citizens irrespective of their origin and promote respect for and protection of minorities in accordance with the European Convention on Human Rights (ECHR), improve effective access to radio and TV broadcasting in languages other than Turkish [...] to enhance economic, social and cultural opportunities for all Turkish citizens, including those of Kurdish origin”(European Council, 2008, p.6)

The Role of Military

Another principle of Turkish political culture is traditionally defined role of military, more precisely the Turkish Armed Forces-TAF (Türk Silahlı Kuvvetleri-TSK) in politics. The military actors with secularist elites were traditional architectures of westernization project in Turkey where they were entitled as guardian of secular republican regime by the 1961 Constitution. Besides direct influence, military has had indirect influence over politics through the National Security Council-NSC (Milli Güvenlik Kurulu-MGK), which widely perceived as the institutional form of the Turkish military’s influence over politics (Heper, 2005:35). The traditionally tailored role of military in politics is, therefore, contradictory to the structure of civil-military relations defined in European countries.

The military actors are uncomfortable with EU-induced reforms since the process became challenging for indivisible integrity and the secular character of the state, which are two fundamental values of military. In the eyes of military elites, EU membership process would weaken state through curbing military power and opening state to the threats of Islamist resurgence and Kurdish separatism (Aydın and Çarkoğlu, 2006:53; Patton, 2008:346). The traditionally tailored role of TAF in politics is, therefore, contradictory to the structure of civil-military relations defined in European countries. However should be noted that the military still remains by far the most trusted institution in society (Karaveli, 2008:5)

Civilian and democratic control of military is not included in official accession criteria of Copenhagen or in *acquis*. Nonetheless the rule legitimacy can still be considered as high since it is the norm unanimously shared in all member states (Schimmelfennig et al., 2006: 99) and could be argued to be a norm with unobjectionable status. ‘Such predominant norms are considered impossible to oppose openly’ (Elgström 2006:29). It is demanded that Turkish government “should align civilian control of the military with practice in EU Member States to assure that civilian authorities fully exercise their supervisory functions and establish full parliamentary oversight of military and defense policy and all related expenditure, including by external audit and to abrogate any remaining competence of military courts to try civilians.”(European Council, 2008, p.4) The major institution that attracts EU attention and criticism in this context was NSC which should not be more than an advisory body to the Government as it is stated in APD for Turkey in 2001 (Öniş, 2003:15).

The Cyprus Deadlock

The last example is Cyprus conflict whose roots date back to the early twentieth century. In the Kemalist establishment, the ‘Turkish Republic of Northern Cyprus’ (TRNC) has traditionally been regarded as an indispensable part of the Turkish motherland since 1974 when the Turkish military intervened and took control of the northern part of the island. On 15 November 1983, the Turkish Cypriots declared the establishment of the TRNC as a sovereign independent State. This unilateral declaration of independence has failed to achieve international recognition but with the sole exception of Turkey and as a result the TRNC has been economically dependent on Turkey (which has also kept a military force there). In the south, the Greek Cypriots retained the title of “Republic of Cyprus” (RoC) viewed by the international community, with the exception of Turkey, as the only legitimate authority on the island despite the absence of Turkish Cypriots in state institutions (Baracani, 2007:14-6).

The Cyprus dispute reached a deadlock when Turkey issued a Declaration on Cyprus stating that its signature in the EU Summit in December 2004—where the decision to open the accession negotiations with Turkey was also taken—to extend its Customs Union with the EU to all new member states (including Cyprus) does not constitute recognition of the divided island’ (Ulusoy, 2008: 318) which is unacceptable by EU. Besides its practical concerns Cyprus issue also carries “a symbolic value for Turkey. In the Kemalist establishment, the ‘Turkish Republic of Northern Cyprus’ has traditionally been regarded as a key security issue for the Turkish ‘motherland’. Thus, recognition of the Republic of Cyprus is related to issues of national identity (Schimmelfennig, 2008:919-20).

Resolution of Cyprus issue is one of the most pressing stumbling blocks that remain in the way of Turkey’s accession to the EU. As a rule it has stated neither in official accession criteria of Copenhagen or in *acquis*. Nonetheless, when the European Council decided in Brussels on 17 December 2004 to open accession negotiations with Turkey on 3 October 2005, it linked Turkey’s accession process with the Cyprus problem. Turkey reacted to decision arguing that EU applied double standards to Turkey to which EU counter attacked by a declaration stating that ‘recognition of all Member States and non-discriminatory implementation of the Additional Protocol, are necessary components of the accession process... Failure to implement its obligations in full will affect the overall progress in the negotiations’ meaning that Ankara should recognize the Republic of Cyprus before becoming a EU member. (Ulusoy, 2008:318). Peaceful settlement of Cyprus problem is also pronounced in Negotiation Framework of EU for Turkey as a condition for membership. It says “The advancement of the negotiations will be guided by [...] Turkey's supports for a comprehensive settlement of the Cyprus problem within the UN framework” This clause is also repeated in APD of 2006 and again in 2008 after failure of Annan plan and entrance of divided Cyprus to EU.

The Outcome: Conditions and Compliance

The case study covers Turkey’s Europeanization process divided in different time frames due to critical breakthroughs. Europeanization in Turkey has developed in a stop-and-go or up-and down pattern. These time frames portray these ups and downs. The process includes the period begins with when Turkey was given candidate status in 1999 and is subdivided in three phases. The combinations of external factors and domestic

conditions in different nature shape the outcome of the Europeanization process leading genuine, slowed, shallow and stalled Europeanization during these three phases, would be elaborated below.

Phase I covers the period from 1999 when Turkey was given candidate status in Helsinki to 2002 when Justice and Development Party-JDP (*Adalet ve Kalkınma Partisi*-AKP) gained landslide victory in general elections. **Phase II** corresponds to golden age of Europeanization in Turkey that begins with AKP government and lasts till **2005** when EU has decided to partially suspend negotiations in 8 chapters with Turkey due to Turkey's refusal to apply to Cyprus the Additional Protocol to the agreement on the Customs Union. **Phase III** covers 3 years after partial suspension of negotiations, which is marked by resurgence of PKK violence and rising nationalism, strong political tensions and conflicts at national arena, and weak external factors, which paralysed the reform process and resulted in stalled Europeanization. However there is a rising trend of reforms since 2008, which can be named as **slow but ongoing Europeanization**. In spite of the considerably lower level of EU credibility and of public support can partly be explained by pro-reformist government which is dissatisfied by the status quo and by the internal demand for change coming from change agents especially business communities, NGOs and intellectuals.

Phase I (1999-2002): Shallow Europeanization

The Helsinki Decision of December 1999 granting Turkey EU candidacy status marked a turning point in terms of Turkey-EU relations. By clarifying a concrete and a credible membership perceptive, the Helsinki decision put Turkey within EU's irreversible pre-accession framework, which is determined by 'conditionality-compliance' principles (Ulusoy, 2005:1). Turkey's EU candidacy since 1999 has helped to instigate a series of radical reforms and deep-seated change on the democratization front, which in turn intensified the Europeanization process in the country (Öniş and Keyman, 2007: 39). Between 1999 and 2002, Turkey experienced a series of 'rather path breaking' legislative and constitutional changes in order to meet the political aspects of the Copenhagen criteria under coalition government of Democratic Left Party (Demokratik Sol Partisi-DSP), the Motherland Party (Anavatan Partisi-ANAP) and Nationalist Action Party, (Milliyetçi Hareket Partisi, MHP). The parties formed the coalition government had different/competing ideologies and views over EU membership thus domestic resonance was low.

Regarding Kurdish question, the capture of PKK commander Öcalan in 1999 by the Turkish military, which ended, armed struggle, comparatively reduced cost of compliance with minority rights (Schimmelfennig *et al*, 2006:105). What is more important is that emergence of EU conditionality triggered a change in the official Kurdish strategy leading to significant reforms which directly aimed to improve the rights of Kurds in the country. The constitutional amendments of October 2001 removed the restriction on the use of any language prohibited by law in the expression and dissemination of thought from the constitution. Similarly, restrictive language on broadcasting was also removed. In August 2002, the constitutional reform package abolished the death penalty in peacetime, revised the Anti-Terror Law, and allowed for broadcasting in languages other than Turkish. The law that deals with the teaching of

foreign languages was also amended with the third package in August 2002, opening the way for private courses in Kurdish. (Baç, 2005:22, Aydın and Keyman, 2004:36) However, European Commission (2002, p.41-2) concluded that contrary to certain hopes expressed notably by some Member States in the context of the Öcalan trial, progress on the Kurdish question has not been made.

Concerning role of military in politics, the low record of progress was similar, since MHP holds an extremely nationalist and conservative position and DSP has cordial relations with military (Heper and Güney 2000: 647). Both parties have also anxieties about process whereas the former is uncomfortable with EU's agenda on multiculturalism and minority rights (cf. Kurdish rights) which they find threatening for integrity and national unity of state and the latter is anxious about the process would undermine Kemalist ideology of the regime and weaken hand of military. With the 2001 constitutional amendments, a number of fundamental changes have been made to the duties, functioning and composition of the NSC whereby the 'advisory' nature of the NSC was enshrined in the constitution stressing that its role is limited to recommendations. However as it has pronounced in 2002 Regular report for Turkey NSC-related changes did not seem to have altered 'the way in which the National Security Council operates in practice'. Commission also underlines in its report that the NSC has continued to be an important factor in domestic politics where opinions of its military members continue to carry great weight although majority takes decisions. Its conclusions, statements or recommendations on sensitive political issues continue to strongly influence the political process.

Cyprus issue was not on the agenda during this phase. In 1999 Helsinki European Council, EU decided to grant Turkey the candidate status and made EU accession conditional to the settlement of the Cyprus problem. Thus the rule legitimacy was low during the period. The 2002 progress report on Turkey welcomed Turkish government's support for the current process of direct talks between the leaders of the two communities. However government did not take any substantial step towards comprehensive settlement of the Cyprus problem and delayed it to an undetermined future.

In sum, government's efforts to comply with EU demands through several reforms 'could not move beyond tactical concessions since credible external incentives were thwarted by unfavourable domestic conditions; i.e. high domestic adoption costs, competing elite strategies, strong veto players and low level of domestic resonance' (Schimmelfennig *et al*, 2006:106). When the timing of reform steps in 2001 and 2002 is taken into account, it is argued that the compliance was fake/shallow where reforms have been oriented towards the EU timetable for the updating of the Progress Report on Turkey and EU decision-making on the opening of accession negotiations (Schimmelfennig *et al*, 2003:509). The European Commission (2002, p. 139) concluded that 'Turkey has made noticeable progress ... [but] does not fully meet the political criteria'. Moreover, the Commission (2002, p. 47) demanded to see the implementation in practice to decide on the opening of membership negotiations. The outcome of first phase, accordingly, may be regarded as shallow Europeanization. However it should be underlined that the constitutional amendments have been accomplished during that period were most the troublesome changes and opened the way for further reforms in next phases

Phase II (2002-2005): Genuine/Positive Europeanization?

In November 2002, AKP won a landslide victory in general elections. This new government was more liberal and pro-European although main opposition party, CHP has developed anti-European and neo nationalist rhetoric paradoxically emerged as a veto player and became increasingly alienated from the EU during the process. However since AKP gained enough seats to change the constitution on its own, thus the domestic resonance increased (Schimmelfennig *et al*, 2006:107)

Regarding Kurdish question, the AKP government had a highly cosmopolitan strategy but nationalistic elements somewhat subdued which would albeit revive in the next phase. However government withdrew many discriminative measures that limited individual freedoms of Kurdish citizens⁸. These reforms which broke many taboos, led to a radical extension of cultural rights especially for Kurdish segments of population. The military elite and Kemalist bureaucracy were not comfortable with these reforms carrying risks for unity and security of Turkish state and Kemalist ideology. However, in an environment where the country was adjusting major political reforms process and there was strong support for EU membership coming from public and pressure from civil society actors, the power and resilience of the Euro-skeptic elements diminished, anti-reformist actors were politically marginalized (Öniş, 2005:6). It should also be underlined that military actors have been undergoing a self-learning process with the Europeanisation process, which leads to behavioural change. This learning process promises healthier relations with civil-military actors in the long term (Öniş and Keyman, 2007: 67)

Although the reforms were far from producing deep-rooted changes which would multiculturalism and lead to a gradual transformation of the notion of citizenship in the country (Keyman, 2009:20) they broke ossified understanding on Kurdish issue thus 2004 regular Report, in general, has a more positive tone than the previous ones with a special emphasis on the progress achieved in the field of Kurdish rights.

With regard to democratic control of military AKP government modified structure, competences and duties of NSC and its Secretariat General with 'seventh reform package' in 2003, which constitutes nothing less than a "quiet revolution".⁹ Through further reforms ¹⁰NSC was transformed into a purely consultative body with limited impact. The 2004 Regular Report also noted that although the 'military continues to enjoy a degree of autonomy [as it is] not accountable to the civilian structure, the civilian control of the military has been strengthened through a number of changes which have shifted the balance of civil-military relations towards the civilians' [...] (p.15) Consequently, in the second phase the compliance with regard to military reform was at a higher level.

In the second phase of the process UN led the negotiations on the Cyprus conflict under the so-called 'Annan Plan' proposing to reunify the island, before joining the EU. For a long time the Turkish public had become accustomed to the view that 'no solution is the solution in Cyprus and advocating ideas challenging the status quo in Cyprus amounted to virtual treason' (Baracani, 2007:18) However AKP government altered status quo oriented state policy on Cyprus with consensus seeking and problem solving approach which was a proceeding of a Europeanization framework. AKP government

supported Annan Plan for reunification of island distancing itself from Denktash policies. Government also tried to delink Europeanization process of country from Cyprus dispute. Even military chose to remain silent concerns the developments in Cyprus. The support that the Turkish government has given to Annan Plan has been approved in the referendum on the Turkish-Cypriot side.

AKP's claimed liberal and pluralist approach in identity politics (namely Kurdish, minorities) secularist discourse (helped to legitimize their political standing in front of veto players-Kemalist centers of judiciary, military and state bureaucracy) and problem-solving and consensus-seeking perspective towards problems (Cyprus conflict) within framework of "Europeanization" resulted in low domestic adoption costs and higher domestic resonance (Schimmelfennig et al. 2006:107). The impressive legal and constitutional change and AKP government's efforts to implement these changes, have upgraded Turkish democracy, which were also supported by civic actors.

One of the most crucial and exciting developments of the post-Helsinki era was emergence of domestic actors outside the government such as interest groups, big business community-especially TUSIAD- NGOs and other civil society organizations as supporters of EU reform process. With the increased credibility of EU membership perspective visibility and activities of these actors in political arena have increased through putting pressure on government for launching and/or continuing democratic reforms. In this sense it can be said that Europeanization process has provided a positive anchor and external pressure role for the emergence of these societal actors for further democratization (İçduyu, 2005:3) It was the pincer in which external and internal actors put pressure on government that trigger reform process in post-Helsinki era.

The European Council welcomed all of these positive developments. Due to this decisive progress made by Turkey in its far-reaching reform process" Council decided that 'Turkey sufficiently fulfils the Copenhagen political criteria to open accession negotiations [...]'(European Council, 2004:6). Consequently, the accession negotiations were decided to open on 3rd October 2005. The second phase, therefore may be regarded as genuine Europeanization where strong external incentives are meet with far more favourable domestic conditions. However the broad Europeanisation frame had been far away being genuinely internalized but rather mainly constrained by AKP's calculations of the Europeanisation process as permitting to frame the requirements of its religious electorate in terms of broader EU discourse on democracy as well as perceiving it as an opportunity for the demilitarization of politics. Having a short-lived commitment to policy reform and EU membership, the AKP slowed the pace of reform process 'in practice and in rhetoric' and became a policy opportunist with a shorter-term vision mostly motivated by electoral calculations. (Uğur and Yankaya, 2008: 595-7). Therefore I name this phase not as genuine but quasi-genuine Europeanisation (Balkir and Soyaltin, 2009:14)

Phase III (Post 2005): Stalled Europeanization

The relations with EU reached its apex during AKP government with opening of membership negotiations on 3rd of October in 2005. The reform process however ironically paralysed and almost came to a halt after the start of accession negotiations due to plethora of domestic challenges and decreasing credibility and legitimacy of EU

incentives The post-2005 period in the country was marked by high political tensions and conflicts. Firstly Turkish government seemed to have lost much of its initial European zeal and increasingly displayed signs of 'reform fatigue', hesitating to push hard for implementation and enforcement of the EU reforms (Patton, 2007:340) and the public support for EU membership appears to have declined by a considerable margin (Öniş, 2009: 41). Further, AKP's recent Islamic statements and controversial activities led to harsh Islamist-Kemalist confrontation over secularism which became concrete in April 2008, by the demand of the Supreme Court of Appeal's chief prosecutor for the closure of AKP and the banning from politics of 71 politicians, including President Abdullah Gül and Prime Minister Recep Tayyip Erdoğan.

Secondly the nationalist segments were fuelled in the country and it became hard and costly for government to stick to its pluralist discourse of national identity due to the resurgence of Kurdish terrorism and PKK violence in southeastern Anatolia and in big cities during the course of 2006 (Onar, 2007:285). Regarding Kurdish issue, AKP's policy towards Kurdish problem lost its pre-election multicultural and pluralistic vision. AKP's discourse¹¹ towards identity issues has turned into more hard-core nationalist in 2008 (Öniş, 2009: 43). Due to these events which threatened to deteriorate relations between Turks and Kurds at societal level and questioned the continuation of reforms on Kurdish issue, Kurdish-related reforms has entered a period of inertia where several reforms (such as launching of a channel broadcasting in languages other than Turkish) has been delayed (European Commission, 2008:26)

Thirdly, the military replied to these Islamic attempts by an unusually harsh anti-government statement, which came to be known as the "e-memorandum," and issued on the general staff's website. After years of silence, military again used its influence over politics and showed it is still in the game. Moreover the situation was worsened by revival of terrorist activities, which resulted in adoption of amendments to the Anti-terror law in 2006. The amendments granted security forces more extensive authority to deal with terrorism, including the removal of safeguards against torture. As Öniş clearly stated "the new Anti-Terror Law clearly marked a major step backwards in Turkey's recent democratization" (2009: 44)

Lastly, Cyprus problem has become a deadlock¹² during the period. Europeanisation process in Turkey has come face to face with a serious critical juncture just 13 months after the negotiations started. The negotiations appeared to be on the brink of the 'train crash' when Turkey refused to open its ports and airports to trade with Cyprus. In response, the European Council meeting in Brussels on 14–15 December 2006 decided to suspend eight chapters from the accession negotiations. At the EU Summit, the 'train crash' was avoided. However, it was clear at this conjuncture that the 'Cyprus problem would hamper Turkey–EU relations as long as the paralysis over this issue continued' (Ulusoy, 2008: 320).

It could be said that the legitimacy of rule has decreased by accession of a divided Cyprus to EU with the *acquis communautaire* applying only for its southern part although it was the Greek side that said no in referendum to the Annan Plan, which was for settlement of the dispute via re-unification of the island.¹³ Thus the ongoing political tension in the country was reinforced by partially suspending of the negotiations and decreasing level of credibility and legitimacy of external incentives that engendered stalled Europeanization.

The concessions demanded by the EU in Cyprus and the question of Kurdish rights further fuel Turkish neo-nationalism and populism (Cornell and Karaveli, 2008: 45, Grigoriadis, 2006:9-12). Politically, veto players use the sensitive issues -Kurdish problem and Cyprus conflict- to present themselves to the voters as a truly 'patriotic' force, which preserves Turkish national legacy and does not 'put it up for sale'. This environment is extremely dangerous for Turkey's further democratization process since it provides great opportunities for veto players who tend to nationalize and polarize political issues and thus mobilizes EU-reluctant voters. (Aydın and Çarkoğlu, 2006:69; Cornell and Karaveli, 2008: 45) This in turn could have paved the way again for negative Europeanisation

A New Phase: Ongoing Europeanization?

Turkish reform process stalled by the decline in the credibility of EU conditionality and the veto players incurred high adoption costs. However, the Turkish government has still been launching several democratic reforms since 2008. In January 2008, Turkey's first official 24-hour Kurdish-language television channel (TRT-6) started broadcasting where the Prime Minister spoke a few words in Kurdish at the inauguration ceremony. This is followed by the opening of departments of Kurdish literature at Dicle and Istanbul University. In June 2009 Parliament passed legislation providing for civilian courts to try military personnel in peacetime for crimes subject to Heavy Penal Court jurisdiction which seeks to lift remaining powers of military courts to try civilians, thus aligning Turkey with EU practices (European Commission, 2009: 10). Further, the appointment of State Minister Egemen Bağış as the first full-time EU negotiator in January 2009 raised hopes for further reforms. These developments were interpreted as 'possible signs of a renewed impetus on the part of AKP government to revitalize its drive to Europeanisation' (Onis, 2009a: 32)

The most recent example is the government's Kurdish initiative (or democratic opening package), a solution-seeking project for the peaceful settlement to the Kurdish issue. While there is a widespread critical view of the AKP's Kurdish opening due to its unclarified content, AKP defends its strategy as a bottom up approach, not a top down, by trying to embrace people from different parts of the society. The government aims to persuade the outlawed Kurdistan Workers' Party (PKK) to lay down its arms and end an insurgency by addressing decades-old Kurdish complaints of discrimination. For the first time, Turkey has become engaged in an outspoken discussion and public deliberation of the issue. The EU also welcomes the AKP's recent Kurdish Opening with an aim of relieving the Turkish-Kurdish tension.

The EU also welcomes AKP's recent Kurdish Opening with an aim of relieving the Turkish-Kurdish tension. It was stated in the 2008 progress report that further efforts were needed in order to create the conditions for the predominantly Kurdish population to enjoy full rights and freedoms. (European Commission, 2008:2) Although there is a rising trend of reforms recently, the process is extremely vulnerable touching to very sensitive issues and very nucleus of Turkish state and constitutional structure. The sustainability of the ongoing reform process therefore very much depends on the interplay between external and domestic conditions and whether political elites remain deeply committed to EU membership in the long run.

5.Serbia

Serbia has been an illiberal regime, which had been dominated by a nationalist and/or authoritarian leadership under Milošević, until 2000. This strong influence of the authoritarian heritage impacts on the present day leading to a large extent of Euro-skepticism in country. However with the fall of Slobodan Milošević in 2000, Serbia's new leaders announced that Serbia would seek to join the EU (Subotic, forthcoming). Addressing its unreformed nationalist ideology, entrenched veto players, and mutually hostile elites, the lessons learned from Serbian case point to a more general conclusion about the relationship between EU conditionality and Europeanization.

Conflict and Norm Violation: The Milošević Heritage and Absence of European Idea

Serbia faced significant challenges in Europeanization process and identification with Europe could not be reached mostly due to its communist heritage and deeply embedded political culture of statism and authoritarianism, (Jano, 2008:59). Serbian political identity in the 1990s under the reign of Milošević was shaped by victim-centered nationalism and a profound sense of historical injustice, which has resulted in hostility to norms of international community (here is EU). Serbia's attitude toward Europe is a deeply conflicted one since "European idea" is not broadly shared as in some other East European countries and Serbian elites displayed strong ideological resistance to Europeanization. In the post-Milošević era the newly democratic Serbia is also shaped by values, beliefs and institutions (military, police and the secret service) from the old regime. This continuation of Milošević era policies also manifested itself in Serbia's very ambivalent attitudes towards Europe.

The Milošević Heritage and European Demands and Conditions: Cooperation with the ICTY and Recognition of Kosovo

As Subotic (2009:30) very well puts it; 'Europe was imagined as taking something away – territory (Kosovo), national pride (humiliation of losing the Balkan wars), and collective memory of the past (by writing a new historical transcript at the Hague).' When the EU put government's co-operation with the ICTY to capture and extradite suspected war criminals, as a condition for the opening and continuation of negotiations, it became a challenge to the national heritage and historical legacies. However what makes the situation more challenging is EU's pressure on government to recognize Kosovo, which is an unacceptable for most of Serbian elites (army, old communist political elites, the Serbian Orthodox Church, establishment intelligentsia and the largely unreformed and unprofessionalized media) and the Serbian people. Consequently, complying with EU demands potentially cause high domestic political costs for government. In sum these two political problems – The Hague and Kosovo – and the European requirements regarding them profoundly shaped the process and outcome of Europeanization process in Serbia.

Cooperation with the ICTY (Hague)

Serbia was obligated to cooperate with the ICTY by arresting and transferring war crimes suspect; in particular Ratko Mladić and Radovan Karadžić in order to keep its relations close with EU and to receive financial aid. Besides its practical implications the issue has high symbolic value for national identity where these generals are regarded as national heroes. For European actors, cooperation with ICTY has been regarded as a means of signaling a clean break with past. However cooperation with ICTY is contradictory for collective understanding of public reflecting that Serbian nation fought a just war and was victim rather than perpetrator (Belgrade Center for Human Rights, 2005:372).

However there are different views and approaches towards ICTY cooperation and EU conditionality within Serbian elites: conservatives and reformists. The conservatives - Euro resisters- gathered around (former) President Koštunica included traditional nationalists, but also significant numbers of former Milošević loyalists - mostly from Milošević's SPS (Socialist Party of Serbia) and the extremist SRS (Serbian Radical Party) - who flocked to Kostunica's DSS- Democratic Party of Serbia). The conservatives displayed general hostility towards normative Europeanization; and strongly opposed cooperation with ICTY due to ideological but also political and populist reasons to mobilize frustrated voters (Gallina, 2007:75-91). The reformists-instrumental promoters of Europeanization gathered around the Democratic Party (DS) led first by Prime Minister Djindjic, and after his 2003 assassination around his heirs Zivkovic and Tadic. Democratic Party linked cooperation with the ICTY to European integration and positioned themselves as supporter of European integration, reform, and internationalism. Although the two camps frequently differed on matters of policy, their biggest point of disagreement was on issues of cooperation with ICTY and the path towards European integration. As Subotic (forthcoming) argues the domestic political conflict over competing elite strategies therefore directly shaped Europeanization outcomes

The implementation of the SAA was made conditional on proof of cooperation with international justice. Most specifically, “[...] full cooperation with the ICTY is an international obligation and one of the key priorities of the European Partnership” as it is stated clearly in Commission's progress report on Serbia (2008:21). However, the strength of the EU's commitment to that linkage has been diluted over time. The EU has officially resumed Stabilization Association Agreements negotiations with Serbia in June 2007. In April 2008 EU signed SAA along with the Interim Agreement with Serbia, despite of Serbia's continuing failure to deliver the two major suspects- Mladić and Karadžić.

Recognition of Independent Kosovo

The status of Kosovo, formally a province of Serbia but under international administration since 1999 allows nationalist mobilization and distracts from democratic reforms. Kosovo represents a constitutive part of the Serbian national mythology. The question of Kosovo goes to heart of the question of Serbian statehood, which Serbs frame it in nationalist terms (Batt, 2005:33) Thus, the prospect of losing Kosovo was widely perceived as a profound blow to Serbian identity and the Serbian state by not only

conservative nationalists but also moderates and reformers (Subotic, 2009:38). The Kosovo's declaration of independence on February 17, 2008 even worsened the situation where even the government dissolved on grounds of lack of consensus to deal with Kosovo.¹⁴

Serbian refusal to accept Kosovo's declaration of interdependence has further complicated its relationship with the EU, while European support of Kosovo's independence angered Serbia and dramatically soured its desire to Europeanize. The issue of cooperation with ICTY has degraded to a lower level and become more obsolete as the new crisis namely instability following Kosovo's declaration of independence was looming large. The earlier trade off – *Europe for The Hague* – was now replaced by a new one – *Europe for Kosovo* (Subotic, 2009: 38). There is general tendency in public that the EU constantly imposes new conditions (regional cooperation -Kosovo-related issue and respect for international obligations-cooperation with the UN ICTY) for accession of Serbia to the EU thereby placing Serbia in unfavourable situation in relation to any other country. This implies low level of legitimacy of EU conditions.

Outcome: Conditions and Compliance

The case study covers Serbia's Europeanization process since Serbia went through a mostly peaceful democratic transition, overthrowing the autocratic regime of Milošević at the ballot box in October 2000 and is subdivided in three phases. **Phase I** is from 2000 to 2003 when the prime minister Zoran Djindjic, a center-left moderate, assassinated in March 2003 by a paramilitary group due to his actions for arresting Milošević and transferring him to The Hague and, when Serbia was given potential candidate country status for EU accession following the Thessaloniki European Council of June. **Phase II** covers the period begins with 2003 when Serbia gained a EU membership perspective in Thessaloniki to 2005 where negotiations for a Stabilization and Association Agreement (SAA) with Serbia launched. **Phase III** refers to post-2005 era begins with signature of the SAA and includes the period of frozen of association negotiations between May 2006 and June 2007 due to non-compliance of Serbia with EU conditions co-operation with ICTY

Phase I (2000-2003): Stalled Europeanization

After ousting of Milošević in October 2000, which was regarded as triumph of pro-European politicians, the Democratic Opposition of Serbia-DOS¹⁵ government sought rapprochement with international community and started to reintegrate into Europe's regional organization. Only days after the new government took over, the EU has radically revised its policy toward Serbia first lifted its long-lasting economic sanctions against Serbia, pledged billions in reconstruction aid and officially endorsed the Stabilization and Association Process (SAP) for Serbia. However the increased credibility of external incentives was thwarted by low level of legitimacy of European conditions (especially cooperation with ICTY) and unfavourable domestic factors.

To deal with the issue of the past, specifically the Milošević wars and war crimes became a challenge for the new transitional government. Illiberal nationalists have

continued to play a prominent and toxic role in Serbian politics (Orentlicher, 2008:19), which became obvious with Prime Minister Djindjic's assassination. Then on June 28, 2001 Milošević was arrested for corruption and abuse of power and transferred to The Hague, in an operation coordinated by Djindjic. Djindjic's assassination was a crucial moment in Serbia's democratic transition. His death significantly weakened the reformist government and therefore provided a huge power vacuum, which was immediately filled by anti-EU forces -Kostunica's DSS and by the extreme nationalist Serbian Radical Party (SRS) in the 2003 elections. After re-election Kostunica went back to his entrenched position of non-compliance and anti-EU, hard line nationalist policies (Subotic, forthcoming)

The assassination proved that current limited progress of reform and integration with EU was vulnerable, impeded by extreme nationalism and war legacy and had been enough to stop Serbian reforms which were ongoing due to pragmatic cost-benefit calculations rather than deep commitment with European values and norms. Therefore the first phase of Europeanization was marked by absence of European idea, high political cost of adoption, competing elite strategies over Europe, low level of resonance and still robust existence of old regime spoilers, which resulted in stalled Europeanization.

However there is one point that should not be missed in Djindjic's assassination. It was the first step toward acknowledging Serbian responsibility for atrocious crimes and unequivocally condemning them and started a learning process where ICTY began to educate the Serbian public about atrocities— especially about crimes committed by their political leaders (Orentlicher, 2008:22) The long term effects of this learning process would help to change nature of Europeanization from stalled or fake to positive during coming years.

Phase II (2003-2005): Shallow Europeanization

The second phase begins with EU's attempts to make its policy towards WB more credible through Thessaloniki European Council in June where SAP, leading to conclusion of SAA and thereafter the perspective of eventual EU membership is confirmed for all Western Balkan countries including Serbia. In response to this strong external incentive and intense international pressure for failing to work closely with the Court, the Kostunica government instituted a new strategy of "voluntary surrenders" where state would guarantee the suspects if they surrender voluntarily. As a result of this new initiative, a total of 13 Serbian or Bosnian Serb ICTY suspects were arrested and transferred to The Hague in just a few months which were presented to public as the key for opening up doors for Serbia to join the EU (Subotic, forthcoming).

This new strategy however was not motivated by moral values (to achieve justice) but rather by political pragmatic/tactical calculations such as propitiating European actors, avoiding from sanctions, gaining a stronger bargaining position for Kosovo and getting a better record from EU's Feasibility Study. The Serbian government's new strategy worked and EU approved a positive Feasibility Study in April assessing that although this has been slow and sometimes partial especially owing to the legacy of the past regime Serbia has made sufficient progress in meeting the prerequisites and

developing the capacity to negotiate which in turn resulted opening up SAA negotiations in October 2005. (European Commission, 2005:4)

Although political elites seemed to support Serbian cooperation with the ICTY, they have framed cooperation in terms that resonate with Serbian nationalists in order to sell Europeanization and its cost to public at home (Orentlicher, 2008:21) They used the jargon of cooperation with ICTY and international justice in true nationalist style sending signals to the domestic audience that nothing significant would change, that the grand-narrative of Serbia's victim-centered nationalist tradition would continue. Consequently this strategy allowed Serbia to go through the motions of formally complying with European institutional demands, while in fact repudiating behavioural change and profound social transformation Europeanization requires.

Since the cost of full compliance was still high, government of Kostunica simulated compliance to avoid the even higher costs of total refusal to and to update the Feasibility Study of EU and EU decision-making on the opening of association negotiations. Several war criminals were arrested but the actors still did not believe in the appropriateness of these domestic changes. Thus the second phase of Europeanization process in the country may be considered, as shallow Europeanization where compliance was fake and partial and did not moved beyond political cost-benefit calculations

Phase III (2005-2009): Positive Europeanization.... But!

Serbia's strategic 'quasi-compliance' with EU's principal requirement collapsed in 2006 when Serbia failed to transfer two remaining most wanted indictees – Radovan Karadžić and especially Ratko Mladić to the Hague. The EU squeezed on Serbia to arrest and to transfer those two men who was widely believed to be hiding in Serbia, protected by the Serbian military. On May 3, 2006, EU negotiations on Serbia's accession were officially suspended. This unfavorable turn of events put great strain on Serbian government and resulted in **stalled Europeanization**. The public opinion surveys shows that Serbian public tended to accuse EU of slowing down the reform process and blackmailing towards their country.

European policies towards Serbia however began to change. In November 2007, the EU initialized the SAA and finally signed the agreement with Serbia on April 29, 2008 putting Serbia on a fast track toward membership, although Serbia did not show any progress in cooperation with ICTY. Moreover, in January 2008, visa facilitation and a readmission agreement between Serbia and the EU came into force, which is important to "revive Euro enthusiasm in Serbia". The calculations behind EU's unexpected turn reflects the intricacy of the EU's strategies but a key factor was strengthening pro-European forces within Serbia namely reformist Democratic Party against hard line Democratic Party of Serbia and Serbian Radical Party for the coming parliamentary elections in May 2008 (Orentlicher, 2008:49) The EU's strategy may have contributed to election results that favored the pro-reformist and Euro-enthusiastic Democratic Party led by President Tadić.

The change of government lowered the costs of adoption, increased the level of domestic resonance and more importantly triggered the improvement in cooperation with the ICTY where the new reformist political leaders surprised international observers and the Hague tribunal itself by arresting Radovan Karadžić in Belgrade, in July 2008. This

development is of major symbolic and political significance as an essential step in Europe's direction (Rupnik, 2008). However the process is far from being peaceful which has become obvious when Karadzic boycotted opening of his war crimes trial in October 2009.

As it is stated in the 2009 Progress Report, "Serbian authorities have responded adequately and in a timely manner to specific requests for assistance and that cooperation with ICTY must continue and lead to further specific and positive results" (European Commission, 2009:19) The increased level of cooperation with ICTY had an educative function teaching the Serbian public about war crimes committed by their political leaders. This is a first step toward acknowledging Serbian responsibility for atrocious crimes and unequivocally condemning them (Orentlicher, 2008: 20), which increased the level of legitimacy of EU requirements. The strong external incentives were supported by favourable domestic conditions when the new governing coalition has placed pro-European actors in the driver's seat of European politics (Spendzharova, 2003) For the first time since the assassination of reformist PM Djindic in 2003, Serbia appears to make progress towards full democratic consolidation (Edmunds, 2009:128), and genuine Europeanization due to low level of adoption costs, high domestic resonance and more credible EU perspective. Serbia has also taken first steps to cooperate with the EU rule of law mission in Kosovo (EULEX) Serbia plans to formally apply for EU membership by the end of this year.

However the process itself carries its negative seeds inside since illiberal resilience is rooted in Serbian political culture. Reformist elements and newly emerging civil society activism, which is very weak, therefore have had to work within—and often struggle against—a political space shaped by the illiberal practices of the past (Edmunds, 2009:139). The positive nature of Europeanization may turn easily into a negative one and the direction of the country can change since Kosovo still stands as a problem. As Batt (2009:3) highlighted leaving Kosovo unresolved would sooner or later put obstacles in the way of Serbia in implementation of SAA and *acquis*. Speaking in the European Parliament on November the 6th, Belgrade's foreign minister Jeremic underlined again that his country "will never, under any circumstances, implicitly or explicitly recognise the unilateral declaration of independence - by the ethnic-Albanian authorities of our southern province of Kosovo". Cooperation with Hague and Kosovo issue is keeping Serbia in the 'trap of its unfinished past' (Orlovic, 2008:216). This reveals that uprooting the embedded illiberal legacies of the Milošević regime and consolidating democracy where political culture is committed to liberal-democratic principles and rooted in active civil society, are likely to be a slow and far from straightforward task in Serbia

6. Europeanization: Culturally Filtered?

Europeanization matters! The question is however not about whether it matters or not but to what extent it matters. The Europeanization process in candidate countries very much depends on the conditionality as a tool, which is based on reinforcement by reward strategy. The size and credibility of EU reward indeed have such a powerful impact on countries in the enlargement track. A state complies with the norms of the EU if the level credibility and size of external incentive is high. The Helsinki Summit in 1999 where Turkey gained a formal status of candidate country provided a strong incentive to launch

taboo-breaking democratic reforms for the membership. Similarly when Thessaloniki European Council in June 2003 confirmed association process, leading to the perspective of eventual EU membership for Serbia, the Kostunica government has taken crucial steps towards cooperation with the ICTY.

However when the compliance to EU requirements costs too much, that is when fulfilling EU conditions contradict the established notions of the regime and historical legacies, threaten the security and integrity of the state, and/or the political interests of government, it becomes a challenge for political elites to continue EU-demanded reform process and to resist against veto players who tend to mobilize anti-EU tendencies. Thus even credible membership/ candidacy incentives prove ineffective to produce compliancy without being accompanied by favourable domestic conditions which illustrates the interplay between two levels. The problem has crucial connotation of the EU's failure to recognize the specific political circumstances of the countries, which may mitigate the transformative power of EU (Edmunds, 2009:140) and filter the transformative impact of Europeanization. In Turkey the European integration process is paralysed when EU requirements began to shake main corner stones of Kemalist ideology and the very nucleus of the state whereas in Serbia the reform process just stalled since European demands disturbed ghosts of Milošević era policies. In both countries there are strong veto players within the state structure who have privileged positions and interest in the keeping their seats.

In Turkey and Serbia the Europeanization has not been a smooth and linear process but rather moves in up and down/stop-and-go pattern since it meets with resistance in national arena. Thus the limited progress of reform and integration with EU has been vulnerable. The cases therefore illustrates cultural filters at national level that mitigate or constrain the transformative impact of European norm diffusion and political learning in the countries leading to unexpected consequences such as resistance or rejection of norms. In Turkey the European integration process is paralysed when EU requirements began to shake main corner stones of Kemalist ideology and the very nucleus of the state whereas in Serbia the reform process just stalled since European demands disturbed ghosts of Milošević era policies. In both countries there are strong veto players within the state structure who have privileged positions and interest in the keeping their seats.

The long term effectiveness of the EU's influence and its ability to promote democracy also depend on regime type and party policy constellations in candidates (Schimmelfennig, 2007:132; Sedelmeier, 2006:15). As it has exhibited in the cases the parties in government affect the Europeanization pattern of countries. In the mixed party policy constellation such as in Turkey and Serbia, liberal and antiliberal parties or coalitions compete for political power. In these cases, democratic transformation has developed in a up-and-down pattern (ibid: 134). For example in Turkish case, the first phase of the process was marked by fake compliance where MHP-DSP-ANAP coalition had illiberal tendencies towards reforms concerning Kurdish rights and role of military. However in the second phase AKP government adopt its policy/programme content and agenda that are consistent with EU requirements, which in turn led to positive Europeanization. The Serbian case also proves the argument where the pro-reformist and Euro-enthusiastic Democratic Party after 2008 elections triggered the reform process through improving the cooperation with the ICTY.

It is clear that the EU's transformative mechanisms in Turkey and Serbia will not be effective in promoting sustainable compliance without efforts of domestic actors to work in synergy with EU and, the consensus among the political, economic and social elites and the citizens as to the necessity of EU-guided democratisation (Schimmelfennig, 2008: 918; Vachudova, 2006: 34 Anastakis and Bechev, 2003: 11). In this sense the, the role of change agents outside government converged on a pro-EU agenda resisting against the power of veto players should also be taken into account since they apparently push governments towards a reformist trajectory. The active participation of these civic actors is important as it paves the way for a process of socialization, a societal and a 'genuine Europeanization.' The collaboration between political elites, civic actors and public both at national and European level is the key for the success of eventual Europeanization. In Turkey post-Helsinki era witnessed the rise of the intense internal pressure from business interest NGOs, liberal civil society organizations, universities, the media on the government for launching and furthering reforms. In this sense lack of civil society activism due to its communist culture, is perhaps the biggest problem in Serbia. There are no powerful civic actors to put pressure on government for triggering democratic reforms. Moreover government, media, and society remain hostile to civil society.

Studying compliance as such requires a thorough analysis of changing public stance, rival political party orientations towards EU membership and civil society activism in target countries as the main causal mechanism between conditionality and Europeanization which could not be fully elaborated upon here due to space limitations. Such a comprehensive analysis would clearly allow us to unpack the puzzle of cross-national variation in Europeanization patterns. This paper therefore points out new research areas for further analysis

NOTES

¹This paper is a brief and updated version of M.Sc Thesis of Digdem Soyaltin defended at the Dept of Political Science at Lund University in June 2009.

² The early studies in the literature focus on responses to top-down adjustment pressures emanating from the EU has been mostly a top-down approach. See; Cowles *et al.* 2001; Claudio Radaelli "Whither Europeanisation? Concept stretching and substantive Change", 2000, *European Integration online Papers*, Vol.4, No.8; Klaus. H. Goetz and Simon Hix (eds.) (2001). *Europeanised Politics? European Integration and National Political Systems*, London: Cass

³ For the Europeanisation and its impact on candidate countries see Heather Grabbe, *The EU's Transformative Power, Europeanisation through Conditionality in Central and Eastern Europe*, 2004, Palgrave Studies in European Union Politics, Palgrave Macmillan; Frank Schimmelfennig, and Ulrich Sedelmeier (eds) *The Europeanisation of Central and Eastern Europe, 2005*, (Ithaca and London: Cornell University Press); Dimitris G. Papadimitriou, "Exporting Europeanisation: EU enlargement, the twinning exercise and administrative reform in Eastern Europe European" *ECPR Joint Sessions Turin 22-27 April 2002*.

⁴ The literature has identified several mechanisms through which EU can make the target states to comply with its requirements. Knill and Lehmkuhl distinguish between *institutional compliance*, where the EU prescribes a particular model, which is 'imposed' on the receiving states, *changing domestic opportunity structures*, which leads to a redistribution of resources between domestic actors, and *policy framing*, which alters the beliefs of domestic actors (Christoph Knill and Dirk Lehmkuhl, "How Europe Matters. Different Mechanisms of Europeanisation", *European Integration online Papers* (EIoP), 1999, Vol. 3, No. 7) Börzel and Risse (2003) and the contributors to Cowles *et al.* (2000) have drawn attention to the so-called 'goodness of fit' (in plain English, the degree of institutional compatibility) between domestic institutions

and European policy. By focusing on the ‘goodness of fit’, these authors draw our attention to explanatory-mediating- factors (facilitating formal institutions, veto players, change agents and political culture) related to any mechanism of change. They argue that the domestic structural change under the process of Europeanisation can be perceived as a “three-step” approach. The three steps; Europeanisation, goodness of fit and mediating factors altogether affect the outcome of domestic structural change.

⁵ Effective external governance as argued by Schimmelfennig (2008:921) has to be credible in two ways. Firstly, it requires certainty where target states are rewarded with significant steps toward accession in response to progress in complying with the EU’s political conditions and adapting EU laws. Secondly, they should be aware of that they would be excluded from EU membership if they do not fulfill the required reforms. Grabbe (2001:1020) calls this part of process ‘gate keeping’ as EU determines when each candidate can progress to the next stage towards accession. Within this context the distance of the membership perspective or in other words likelihood that rewards will be delivered in the foreseeable future also affect the effectiveness of conditionality and have impact on compliance (Schimmelfennig *et al*, 2002:11) The second variable is perceived legitimacy of EU conditions, which matter for the effectiveness of the conditionality. When conditions are based on rules, which are consensually shared among the Member States, clearly defined, and coherently applied in the EU, their level of legitimacy and thus the pull effect for compliance is high and they are difficult to manipulate by the target governments. By contrast, ‘double standards’ would result in low level of trust in EU and fail to exert the same compliance pull as (Schimmelfennig, 2006: 50)

⁶ The domestic factors affect compliance to EU requirements. Firstly, the likelihood of adoption decreases with the net domestic adoption costs (*political or power costs of governments*) from compliance to EU requirements. Besides domestic costs, existence of veto players also decreases impact of conditionality towards compliance. According to veto players’ theory, ‘the difficulty for a significant change of the *status quo* . . . increases in general with the number of veto players and with their distances’ (see George Tsebelis, *Veto players: How Political Institutions Work*, NY: Princeton University Press, 2002: 37). Europeanisation becomes a challenge if there is a high number of veto players (political elites, military and judiciary actors, bureaucrats etc.) who are institutionalised in domestic structures with a vested interest in protecting the old normative order and control the apparatus of force (the military, police, or intelligence agencies) that sustain it. When Europeanisation threatens the interest of these forces, limits their autonomy, or alters their place, the costs of compliance will be too high and Europeanisation would stall. (Schimmelfennig, Engert S. and Knobel “Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey”, *Journal of Common Market Studies*, 2003, Vol.41, No.3, p. 496). Identification with EU and domestic resonance are the last two variables. The former refers to that the target government regards as its relevant “in-group” that it aspires to belong to. Non-member states are more likely to be persuaded by EU if they have already identified, or identify themselves with the state and society of EU community (Checkel 2001: 563) The main hypothesis is that *the stronger the identification of a government with “Europe”, the more likely conditionality will be effective. The latter argues that states are more likely to be persuaded by the EU if European norms and values have resonance with pre-existing domestic norms, values and practices in the target country and if ‘the European idea’ is a constitutive part of a candidate state’s political identity (whether state describes itself and its state as “Western” and/or “European”)*. This is known as the domestic resonance hypothesis (Schimmelfennig and Sedelmeier, 2005: 20). Thus it should be noted that actors are more open to social learning and persuasion when the norms and values of EU have some resonance with pre-existing norms, values and practices in the target country – what Checkel (1999:83-114) terms as a “cultural match” (see; Jeffrey Checkel, (1999). “Norms, Institutions, and National Identity in Contemporary Europe”, *International Studies Quarterly*)

⁷ The PKK is a militant organization, which was established in 1970s. The original aim of the organization, though changed during time, is to establish a Kurdish state in the borders of Turkey, Iran Syria, and Iraq. The organization used terrorism against both civilians and military targets since that time. Therefore, it is listed as a terrorist organization by a number of states. Recently, the PKK has softened its original aim which is to acquire cultural and political rights for the Kurds in Turkey (Tocci, 2008:877)

⁸ AKP government conducted fundamental reforms concerning Kurdish rights such as introducing measures for TV broadcasting in mother tongues other than Turkish in both public and private channels, opening of Kurdish courses in three cities in the south-eastern Anatolia, lifting of Article 8 of the Anti-Terror Law which expanded freedom of speech, granting the right to name children in Kurdish, retrial of the

Democracy Party (DEP) parliamentarians who had been in jail since 1994 for supporting terrorism and Kurdish separatism in Turkey and abolishing the death penalty in all circumstances, including wartime.

⁹ A quiet revolution: Less power for Turkey's army is a triumph for the EU", *Financial Times* (editorial), July 31, 2003.

¹⁰ The position of the Secretary General of the NSC, traditionally reserved for a military official, was revised and it was decided to have a civilian as its secretary general. The AKP government adopted another reform package after it won in local elections in 2004 to meet the Copenhagen criteria. This package made crucial amendments to the Constitution, abolishing state security courts, eliminating the NSC's Secretary General representative from High Audio Visual Board (RTÜK)—the Kemalist dominated national broadcasting agency, thereby decreasing its control over Turkish broadcasting. and removing the Chief of Staff's representative from the Higher Education Board (YÖK) as another domain of Kemalists

¹¹ Erdoğan sharp statement to the Kurds "Either Love Turkey or Leave Turkey" during a visit to the predominantly Kurdish city of Diyarbakir in southeast Anatolia was greeted with shock, not least because "his words appeared to echo the Love it or leave it" slogan of the ultranationalist MHP (see Gareth Jenkins, "The Politics of Personality: Erdogan's Irascible Authoritarianism" *Turkey Analyst*, Central Asia-Caucasus Institute & Silk Road Studies Joint Center, 13 February 2009, Stockholm)

¹² EU's decision to partly suspend negotiations with Turkey was prompted by Turkey's continuing refusal to also apply to Cyprus the additional protocol to the agreement on the EU-Turkey Customs Union. This protocol was adopted in summer 2005 and intends to expand the agreement to cover all new Member States that acceded to the Union on 1 May 2004. In practice, the issue concerns opening up Turkish ports and airports to ships and aircraft of the Republic of Cyprus. However, Turkey's government is only prepared to do this if direct trade between the EU and the breakaway TRNC is also permitted. However, such a step is being blocked within the Union by the new EU Member State Cyprus

¹³ Eurobarometer, shows that the image of the EU as a whole has dropped significantly in the eyes of Turkish citizens in 2006 (43% of Turks view the EU positively and 41% of the population trust in EU)

¹⁴ "Divisions over Kosovo cripple Serb government", *The Daily Telegraph*, 8 March 2008

¹⁵ The DOS itself was a coalition of two main parties and personalities: the Democratic Party of Serbia (DSS) led by new president Vojislav Kostunica and the Democratic Party (DS) led by prime minister Zoran Djindjic

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