MARMARA ÜNİVERSİTESİ YAYINEVİ

Europeanisation of South-Eastern Europe

Domestic Impacts of the Accession Process



Edited by
Halûk Kabaalioğlu
Muzaffer Dartan
M. Sait Akman
Çiğdem Nas

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FOREWORD

Halûk Kabaalioğlu*

Enlargenment is a challenging process both for the European Union and the candidate countries involved. The boundaries of the EU were extended into the Eastern part of the continent following the membership of ten new member states in 2004. Another enlargement wave that will help the integration of almost all South-East European countries into the EU is currently in the pipeline.

Each country in the region had her own way of approaching integration. Greece, was the only EU member of the region that did not go through the same accession process that the candidate countries are facing today, though her association process had been noteworthy. Turkey which has a similar association link via the Ankara Agreement and the customs union established almost a decade ago, has been a latecomer to accession negotiations which are expected to start in October 2005. Its candidacy status is astonishingly laggard when we consider the fact that it is the country having the longest relationship with the EU, not only among her neighbours but throughout Europe. Bulgaria and Romania constitute two examples of transition countries in the region after the demise of the Berlin Wall. Following the completion of the chapters of negotiations, the European Commission suggested the finalisation of\ and signing of accession treaties with these two countries in April 2005 before their eventual membership in 2007. Croatia's application for full membership was welcomed by the EU, altough the opening of negotiations which was envisaged for April 2005 has been delayed owing to her refusal to co-operate with the EU in surrendering suspected the war criminals.

A dual challenge awaits for the rest of the countries in the region, mainly the former Yugoslavian Republics; the urgent problem of political and economic recovery and the need to settle domestic conflicts, a legacy faced

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in the aftermath of disintegration, and the desire to integrate into the EU (at least not to dissipate their hope of having a European affiliation).

Europeanisation has no simple meaning. It is in no way confined to a mere adaptation of European institutions and *acquis* but also necessitates the adoption of values that are commonly shared by Europeans. Hence, the candidate countries need to determinedly alter their mentality to the way of doing things at the European-level.

This volume intends to make a contribution to our understanding of how the association and accession processes and their candidacy status affected the countries of Sourth-Eastern Europe especially under the political conditionality of the EU. Each of the articles deals with the implications on the actors such as political parties, bureaucracy, civil society and governance at large. This work is result of a project initiated to enhance cooperation among scholars from countries in South-Eastern Europe via national ECSAs and universities. The volume comprises articles from experts, who participated in the Yeditepe conference under the same title and within the framework of the project entitled *2007 – One enlargement is not enough*. The main objectives of the project were: to stimulate and direct scholarly research to a long term perspective beyond the enlargement of 2004 and, to intensify research in the countries of South-Eastern Europe by encouraging academic networking. Another aim of the project is to stimulate young researchers in their efforts. Therefore, the conference and the volume was open to research contributions by young doctoral students particularly interested in the problems of the region as it proceeds on its way to European Union membership.

The volume and the project were accomplished through a succesful process of cooperation between the Bulgarian, Turkish, Romanian ECSAs and with the participation of academic communities from Greece and Macedonia and the Jean Monnet Centre of Excellence at the University of Sussex. I would like to express my deep gratitude for the representatives of all and Mr. Krassimir Nikolov, Secretary General of BECSA, Prof. Jörg Monar from the University of Sussex in particular. I also wish to thank all participants for their contributions and chairpersons who devoted their time to the conference. Prof. Dr Nanette Neuwahl, the president of Canadian ECSA once again demonstrated her dedication in travelling from halfway across the world to join the conference.

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The book was finalised thanks to the prudent work of my colleagues Prof. Muzaffer Dartan, Dr. Sait Akman and Dr. Çiğdem Nas from Marmara University EC Institute, the TUNAECS secretariat and two of its assistants, Mr. Ömer Mızraklı and Mr. Serdar Alper. Yeditepe University was generous enough to welcome and open its facilities for the conference. Marmara University EC Institute which houses TUNAECS was helpful as always. Finally, I am pleased to thank Mr. Gary Chambers of Marmara University for editing the English of the manuscripts, and Dr. Canan A. Akman of METU for her academic assistance.

Finally I would like to emphasise the financial assistance of the European Commission in helping us to realise this activity and the book.

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EDITORIAL

Halûk Kabaalioğlu
Muzaffer Dartan
M.Sait Akman
Çiğdem Nas

'Europeanisation' is still a vague term with no clear-cut definition. It has become increasingly popular and has been widely used in the last decade. It implies several things each of which needs further discussion. Europeanisation has no single meaning and it can be conceived of as the adaptation of the governance systems of states to mainstream European (EU) dynamics and norms. This phenomenon includes not only political organisations but also the wider social, institutional and legal aspects. In that sense it involves the process of change with respect to the structure of governance, and of institutional, administrative and societal conducts at the domestic level within specified territorial boundaries in Europe. Therefore, the liberal use of the term 'Europeanisation' should not preclude our attempts to examine the process that is taking place in South-Eastern part of Europe.

Although it is beyond the purpose and content of this study to define 'Europeanisation', it could be argued that a general discussion of the ongoing transformation shall be useful to understanding the magnitude and nature of the process of change in these countries. The concept of Europeanisation implies a different approach when the issue of enlargement is concerned: the incorporation of Central and Eastern Europe into the EU integration process by means of principles of democratisation, the rule of law, market economy and the respect to human rights.

South-Eastern Europe is mainly comprised of the Balkan states with different but in some respects similar political, social, cultural and economic characteristics. Their current relationship with the EU can be defined as taking place at different stages: Greece is already a member of the EU while Bulgaria and Romania are at the advanced phases of their accession after

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having completed their negotiations. Turkey and Croatia are candidate countries yet to start their accession negotiations in 2005. Others are 'potential candidates' which will plausibly experience a similar process. The enlargement issue will continue to occupy an important part of the EU agenda in the coming years, as Bulgaria and Romania will accede to the in 2007. Turkey's relationship with the EU has been a highly controversial issue for several decades. However, in the post-Helsinki Summit period Turkey's efforts to meet the Copenhagen political criteria merited appreciation by the EU. Indeed, the European Commission's opinion dated October 6, 2004 confirmed that Turkey sufficiently fulfilled the criteria and recommended the opening of accession negotiations (with Turkey) without delay. Upon the Commission's assessment the European Council decided that the negotiations should start on 3 October 2005.

It must be admitted that there are no simple assumptions that can help to clarify the compound nature of the Europeanisation process, but the articles in this volume are intended to provide a comprehensive analysis concerning the dynamics of change in the countries of South-Eastern Europe. The study also evaluates the implications at the domestic level of the association and accession processes.

This study is a revised and expanded follow-up of the conference proceedings held in November at Yeditepe University under the same title and as a collaboration between TUNAECS and BECSA, RECSA and Jean Monnet Center of Excellence/European Institute at the University of Sussex. It was held within the framework of a joint Jean Monnet project 2007 – ***One EU enlargement is not enough***. The other three legs of the project were activities concerning external and internal security in South-Eastern Europe; the implications of enlargement for South-Eastern Europe and the consolidation of democracy and nation-building in South-Eastern Europe. The conferences were held respectively in Ankara; in Varna and in Bucharest in 2004.

This project and the international conference provided the establishment of a network of academics from universities in Turkey, Bulgaria, Romania and Greece as well as participation from University of Sussex to discuss issues pertinent to the accession process of South-Eastern European countries into the EU, and to improve the possibilities of further research and cooperation among themselves. The conference also contributed to a deeper analysis of common problems in the Europeanisation process.

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The organization of the volume aims to include analysis of political, economic, social, legal and institutional aspects of the Europeanisation process and its implications on four main countries in South-Eastern Europe.

The first part concerns the political aspects of Europeanisation. As discussed above, the term 'Europeanisation' covers an extensive field. Much of the current debate about the topic relates to the requirements associated with the Copenhagen criteria (i.e. adoption of laws guaranteeing democratisation; respect to human rights and market economy and their implementation). However, J. Monar masterfully explains that, the term extends to areas beyond formalised accession requirements touched upon in the progress reports. Candidate countries could strenghten Europeanisation if they appreciate the fact that governance is not only about legal rules, institutions and administration but also depends on a mental and attitudional change, and by adapting to the political nature of European construction; to the loss of sovereignty owing to membership; and to the multi-level system of the EU governance.

After Monar's initial section on general dimensions of Europeanisation, the following articles in this part deal with specific country cases. Kalaycıoğlu, describes on challenges of the enlargement for the EU and Turkey, focusing on Turkey, whose relationship with the Union has followed an unstable trajectory since the Association Agreement signed in 1963. Several domestic and international factors at both the macro and micro level have affected this relationship and the severity of challenges for Turkey. He comments that the relationship has been imbued with suspensions, delays and mutual distrust between the Turkish state and the EU under domestic and international dynamics. Kalaycıoğlu also notes the surge in the feelings of injustice to Turkey from the EU, which intensified inside Turkey after the latest Eastern enlargement and the latest recommendations of the Commission leaving the result of the negotiations 'open-ended' for prospective Turkish membership. His assessment is rather bleak concerning the challenges of the implementation of political reforms, but he successfully emphasises the three domains of problems highly relevant for the fate of both the democratisation and Europeanisation process in Turkey: electoral-political dynamics, the judicial system and the bureaucracy. In contrast to the Bulgarian case (below), the Turkish accession process has created a crucial divide in the political system following an enduing cultural divide.

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Kanev, deals with the meaning and the impact of Europeanisation in the Bulgarian political system and the political party system. He notes that the, initial steps of Europeanisation in Bulgaria was intertwined with normalisation in the context of a double transition to democratisation and the adoption of the market economy. As the accession process gained momentum, Europeanisation corresponded to 'political conditionality'. In this context, the political parties were both affected by Europeanisation and they also mediated the EU influence to domestic politics and Europeanised the system. Kanev problematises the question of to what extent the parties have themselves been Europeanised in terms of their identities. He also argues that, the Bulgarian party system has evolved into a pattern of interest representation with stable party structures similar to those in Western Europe, though he does not adequately explain why the Bulgarian party system and party institutions had been adopted into the Europeanisation process

Europeanisation in the case of Greece exhibits differences as she experienced the EU conditionality and candidacy process earlier than any other South East European country. Though the EU was interested in democratisation in Greece, it held its conditionality especially during the association process in order to weaken the military administration. Nevertheless, its impact on the institutionalisation of democratic norms during the accession process were limited. This is partly because of the immature nature of the enlargement policy of the EU in the 1970s. Therefore, as Verney defines clearly the EC had no direct input into shaping Greek democracy as it was not actively engaged in four mechanisms: namely norm promotion; the monitoring of compliance; incentives for compliance; and support for the adaptation process. This ultimately affected the quality of democracy in Greece. According to Verney, minimal criteria produced minor effects on the upgrading of democracy in Greece whereas greater conditionality during the candidacy of others in South-Eastern Europe is likely to strengheten democratic values though it makes accession much slower compared to the case of Greece.

Akman, on the other hand, claims that EU conditionality is necessary but insufficient unless the norms of Europeanisation are endogeneously confirmed in Turkey. He argues that, the EU has been a motivator for the process but its effects could be instrumental only if it is accompanied by the robust pressure of domestic actors. A societal interest-orientation for upgrading the level of democratisation 'from below' is essential to sustaining the process, whereas a state-oriented reform process under the

direction of the EU 'from above' had only rudimentary effects. The article has a different approach in applying the rational choice methodology into Turkey-EU relations by taking individual agents as fundamental building blocks of analysis and by claiming that an aggregate outcome of democratisation in Turkey should be regarded as the consequence of the assumed behaviour of these individual agents.

The second part of the volume relates to the economic and social aspects of Europeanisation. Berksoy, in his article, assesses the impact of the EU criteria on the Turkish economy and claims that there are two different influences. The first one is that the EU can exert influence as an anchor in order to overcome the distortions in macroeconomic balances. The second role of the EU could be that the accession process forces national policy makers to continue the stabilisation program and a sustainable development policy. For Berksoy, the EU's role is sigificant for a mental and institutional transformation, though he does not explain why is it the case. However, he concludes that shortcomings in relations and a lack of full political commitment reduce the extent and power of the EU impact on Turkish economy.

Pagoulatos defines the effects of membership on Greece's Europeanisation process and its socioeconomic change. He notes four principal functions through which it is easier to understand Europeanisation and the socioeconomic transformation in Greece. These are the external constraint; the financial assistance; the paradigmatic and the moral hazard functions. He claims that the EU as an external constraint constituted a factor in the 1980s and 1990s on the Greek economy and an exogenous discipline on governmental policies though the politicians blamed it for unpopular results. Accordingly, Pagoulatos relates most of the transformation process (civil society, privatisation, macroeconomic stability), and the decline in state corporatism in the country to the EU membership. He also emphasises like Verney that the case of Greece was different from the latecomers as she started her experience under the status of membership, but not under a candidacy status.

Compared to Greece, Turkey has had a long association process based on the customs union (CU). The almost 10 year-old CU added a dimension to Europeanisation in Turkey because it necessitates the adoption of a part of the EU acquis in several policy areas. Dartan and Hatipoğlu argue that any integration step short of full membership shall be open to criticism since it does not entail a foreseeable future for the economy. The article brings to

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the fore mostly the critical views about the CU and proposes that the EU as an external factor has a considerable impact on Turkish economic life. The arguments are open to discussion as they mostly rest on the outstanding prominence factors exogenous to Turkey. However, it attempts to reflect the distrust in Turkey towards the EU.

The cultural aspect of Europeanisation should not be considered a marginal issue. The perception of Turkish endeavour for Europeanisation is largely neglected in Europe. Kuran-Burçoğlu, in her article reflects the motives underlying misperceptions about the Turkish image in Europe. The article presents only a shorter analysis in deeper topics such as the social and cultural benefits of the EU membership and Euroscepticism in Turkey, but opens a good point of discussion concerning such sensitive issues.

Part III is complementary to the previous parts and deals with the legal and institutional dimensions of the process. H. Günuğur explains succinctly the legal reforms in Turkey to fulfil the requirements of Copenhagen political criteria. These constitutional and legal amendments have been noteworthy for Turkey's pre-accession process. However, Günuğur only touches upon the adoption of Turkey's legal and political system into EU norms without specifically dealing with the informal accession requirements not mentioned in the progress reports or Accession partnership by the EU and the need for the mental change as proposed by Monar, or the necessity for domestic dynamics as claimed by Akman.

The modernisation of public administration is a crucial step in the preparations for accession for all candidate countries. G. Peev, in his analysis of the Bulgarian administrative and institutional structure, makes a comparison of the similarities and differences with other Central and East European countires. In his effort to describe how the Bulgarian system changed in the transition period under Europeanisation, he notes that the EU has no formal rules concerning the organisational form of executive institutions, however, it expects all applicant countries to regulate their public administration systems accordingly so that they effectively perform their functions during and after accession.

N. Paun attempts to enlarge the boundaries of Europeanisation into the academic field in describing the role of European studies for Romanian integration. His essay should be appreciated since he clearly and lucidly describes the development of European issues, an area not adequately examined to date, but he does not explain why it is vitally necessary, as he

claims, to bring the issue to the fore. However, the article indicates that the EU integration process has affected Romanian academic life and increased the interest of the younger generation in modernisation and Europeanisation.

In line with the basic objectives of TUNAECS, participation by young scholars is essential in such projects in order to increase the number of people and analytical studies engaged in European integration. The last part of the volume contains contributions from doctoral students and research assistants specialised in matters pertinent to South East European and CEE countries. Oğurlu, in her study focuses on the challenges of enlargement both for the EU and CEECs. An appreciation of these challenges will be helpful in the case of South-East European counties for the next enlargement. Stoyanov concentrates on the effect of the Europeanisation process on Bulgarian political parties and claims that the influence will be more visible after accession. Batır's article deals with the specific case of a problematic issue concerning Yugoslavia which faced serious difficulty in achieving stabilisation especially after the disintegration. The situation prompted humanitarian intervention and the involvement of the EU. Sak studies the foreign and security dimension of the European Constitution and points to the reflections of new EU competence in a particularly significant SEE candidate country, namely Turkey.

We believe that the volume will serve as a contribution for future debate in academic and related circles both in the SEE countries and in wider Europe.

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EUROPEANISATION AND EU ENLARGEMENT AND SOUTH-EASTERN EUROPE'S ACADEMIC NETWORKS

Krassimir Y. Nikolov*

"Europeanisation" as a research topic is well established in academia focused on European Union (EU) integration issues in the fifteen EU member states. Gradually, with the advancement of the Eastern EU enlargement, it becomes a widely recognized theme, as of late, also among researchers and lecturers in Central and South-Eastern Europe – those in the ten new Union members and in the candidate countries. Holding a workshop in Istanbul on "the Europeanisation of South-Eastern Europe" is adequately placed in such a broad academic framework, indicative of the importance attached to the phenomenon and to its study also in this corner of a united Europe.

The workshop organized by the Turkish University Association for European Community Studies (TUNAECS) and held on 5-6 November 2005 at Yeditepe University should be regarded from the practical perspective of the region's academic debate, as well. It is the concluding event within a joint project (thematic network), which is entitled *"2007 – one EU enlargement is not enough: an inclusive enlargement process and the post-first-wave prospects for South-Eastern Europe"*. It has become possible thanks to the financial support of the Jean Monnet Program of the European Commission.

The project is implemented in 2003-2004 by a consortium involving the following partners:

- Bulgarian European Community Studies Association (BECSA) – coordinator
- Romanian European Community Studies Association (RECSA)

* Secretary General, BECSA (Bulgarian European Community Studies Association)

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- Turkish University Association for European Community Studies (TUNAECS)
- Jean Monnet Centre of Excellence / Sussex European Institute – University of Sussex, United Kingdom

Associated with project activities is the teaching staff from the:

- Hellenic Association for European Studies (EPEES),
- Jean Monnet Centre of Excellence – University of Crete, Greece,
- "St. Cyril & Methodius" University of Skopje, Macedonia,
- University of Belgrade, Serbia – Montenegro.

The main *objectives* of the project are:

- to intensify research on EU integration in the countries of South-Eastern Europe by encouraging academic exchange on a regional basis and by creating trans-national research groups on relevant topics;
- to stimulate young researchers' interest for the dynamics of EU integration from a South-Eastern European perspective;
- to establish a viable regional ECSA network between academics and young researchers from the area with a view to their more active participation in a wider "ECSA-Europe" and "ECSA-World" framework;
- to attempt at gradually expanding the network to include academics from non-candidate countries.

The principal *target groups* that the project aims to reach are:

- academics who are members of the national ECSAs (European Community Studies Associations) and of the Jean Monnet Centres of Excellence taking part in the project;
- young researchers / PhD students in the field of EU integration studies who are associated with partner institutions (Centres of Excellence) or with ECSA members;

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- professionals dealing with EU integration issues – from the state administration at central, regional and local level, political parties, social partners, business associations, etc;
- the media and the general public in the countries which are project partners;
- a specific target group: academics (professors and lecturers) from Serbia and Macedonia, who have not yet formed an ECSA-type of organisation at national level.

The main segment of activities under the project was the organization of four conferences on a complementary range of topics. These were:

- 24-26 May 2004 – conference in Ankara, Turkey, organized by TUNAECS jointly with the Centre for European Studies at the Middle-East Technical University (METU), with a topic: *"An inclusive EU enlargement process as a factor for external and internal security in South-Eastern Europe";*

- 10-12 June 2004 – conference in Varna, Bulgaria, organized by BECSA with a topic: *"The European Union after 1 May 2004 – is there an enlargement shock? Implications for South-Eastern Europe and for the enlarged Union";*

- 15 October 2004 – conference in Bucharest, Romania, organized by RECSA jointly with the European Institute of Romania with a topic: *"Constitution building in an enlarged European Union and democracy consolidation in South-Eastern Europe – how compatible?"*

- 5-6 November 2004 – conference in Istanbul, Turkey, organized by TUNAECS jointly with the Faculty of Law at the Yeditepe University and the European Community Institute at the Marmara University on the topic *"The Europeanisation of South-Eastern Europe: What Domestic Impacts of the Accession / Association Process to the European Union?"*

All volumes of conference papers are published and widely disseminated in the region.

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Participation of young researchers in conferences organised by the partners is a priority under the project. Doctoral students writing their dissertations in the field of EU-integration take part in the four conferences mentioned above, and the best among them are nominated to take part in a special event in Sofia, Bulgaria, on 13 December 2004 – *Doctoral Discussion Forum*, organised by BECSA with the participation of Jean Monnet professors and PhD candidates from Bulgaria, Greece, Turkey, Romania and the UK.

Other components of the project include the provision of institutional support for the youngest ECSAs in the region – for increasing the level of its popularity and distribution of information about its activities among academics and other public circles. In addition, dissemination of information about the Jean Monnet programme and about the ECSA network is focused towards academics in Belgrade and Skopje, in order to prepare the ground for the establishment of networks of lecturers and researchers in EU integration studies in the future, which could become part of the common partner associations' network on the regional and European level.

If seen through such a prism, the Istanbul event and the publication ensuing from it have a special significance and high relevance for the academic debate in South-Eastern Europe. After discussing pertinent issues in the fields of international, pan-European and regional security, the 2004 EU enlargement, public opinion on European integration, the EU constitution-building process and the nation- and state-building process in the region, we direct our attention to a set of problems that will have the most significant long-term implications. These are the domestic societal transformations – economic, political, legal, cultural, etc. – that result from "Europeanisation". As such, without doubt, they are worth reading.

Part I

Political Aspects of Europeanisation for the South European Countries

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ADAPTING NATIONAL GOVERNANCE TO EUROPEAN UNION GOVERNANCE: THE NEED TO THINK BEYOND THE FORMAL ACCESSION REQUIREMENTS

Jörg Monar*

The previous round of enlargement has shown that candidate countries tend to place the main focus in their preparations for accession on fulfilling the Copenhagen criteria and the adoption and timely implementation of the EU legal acquis. This is perfectly understandable – and, of course, even necessary, as adopting and being able to implement these formal criteria constitutes the crucial test which the candidates have to pass from the EU perspective in order to prove that they are able to assume the obligations of membership.

This process of alignment to the EU acquis generates important Europeanisation effects, not only on the legislation, but also on national policies and policy-implementation right down to structural changes to national administrations in order to ensure implementation capabilities. In the last round of enlargement the EU has placed a greater emphasis on implementation capability than ever before, so that the Europeanisation pressure on national administrative structures is likely to continue to be high also in the case of the current candidates, potentially even to increase further.

Europeanisation of national laws, policies and administrative organisation under the adaptative pressure of the accession process is surely a governance challenge in its own right for the candidate countries. Yet the Europeanisation process of national governance does obviously not stop with that but also extends – as Simon Bulmer and Claudio Radaelli have indicated – to policy paradigms, styles, ways of doing things and shared beliefs and norms.[1] All these are also important elements of national governance systems, and in a perspective of accession Europeanisation can be regarded as a process of integration of the candidate countries' system of governance. In order to avoid a "misfit" between EU and national

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governance systems after accession a host of other elements of national governance must not only prepare for and adapt to the requirements of the acquis but also to some fundamental characteristics of the EU system of governance which are not formalised accession requirements and are not checked upon by Commission "progress reports". Precisely because of that they sometimes tend to be neglected by governments of accession countries, and this neglect can cause serious Europeanisation deficits in the national governance systems for which the candidates (and often also the EU) may have to pay a hefty price later. In the following we will identify some of those characteristics and elaborate why they should be part of any Europeanisation strategy of candidate countries already during the accession preparations.

1.Adapting to the political nature of the European construction

The EU governance system is more than a system of codified rules and institutions which produces a number of sectoral policies which are then implemented in a more or less uniform way by its Member States. It has acquired and is driven by a political purpose, a purpose which is best underlined by the "ever closer union" formula of Article 1 TEU and is manifestly aimed at a deepening of political integration. What form this political integration may take at the end and how far it should go is rather controversial, but that there is such a purpose at work is impossible to deny after more than fifty years of integration and as a new treaty establishing a "constitution for Europe" has just been signed on 20 October 2004. It may sound obvious that candidate countries should fully realize this essentially political nature of the construction they are intending to join and actively prepare for it, but unfortunately this has often not been the case.

In order to reduce potential resistance against accession, avoid the polarisation of public debates and not give any potential ammunition to opposition parties many governments of candidate countries have actually presented this European construction to their citizens as something different. The most well-known case is the United Kingdom where both the Conservative Heath Government which led the UK into EC membership in 1973 and the Labour Government under Wilson which carried out the 1975 referendum on EC membership focused the debate on the issue of British membership largely on the economic and financial issues.[2] As a result the Community appeared as an economic rather than a political construction. The debate was all about joining the "common market", and still today British politicians and journalists refer occasionally to "our joining of the

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common market". Eurosceptics in the UK have to some extent a point when they argue today that both the British citizens and even Parliament were misled in the 1970s by a governmental discourse which was all focused on the economic pros and cons of joining the European Community. This original misrepresentation has left a lasting distrust of the European construction (with even a certain sense of betrayal), and none of the British governments have ever been able or willing to fully dispel this distrust. This has cost both British interests and the Union dearly over the last thirty years, because in many cases the UK has not been able to both shape and support the integration process in the way it could have as one of the major Member States if the political nature of the integration process would have been accepted right from the start. The price might still increase: Currently there is a real possibility that the referendum in the UK on the new constitutional treaty could be lost, and a substantial part of the "no" vote will certainly come from those who feel that this European construction has become something what from the British perspective it was never intended to become and should not have become. No British government has ever made a major effort to convince British citizens about the contrary or has even admitted that this European construction has always been and continues to be driven by a political integration dynamic.

Is this sort of at least partial denial of the political nature of the European construction unique to the UK? Not really: In many of the countries which have just joined the EU governments – concerned about politically difficult and risky debates about the loss of sovereignty, national autonomy and "Brussels" interference – have tried to focus the debate on the ideological and emotional issue of "rejoining Europe" or certain economic and financial benefits of EU membership, including the right to free movement. There was little or no general political debate about the political nature and dynamic of the EU. This can to a considerable extent explain why in the year before accession Eurobarometer opinion polls provided substantial evidence that in all of the new Member States a large majority of citizens regarded the Union as a primarily economic construction. Asked, for instance, what it would mean to them "being a citizen of Europe", 81% of the citizens interrogated in the ten countries which joined in 2004 mentioned the right to work in any country of the EU, but only 35% the right to vote in European Parliament elections, arguably one of the most important political rights of EU citizens[3]. The low level of awareness of the political dimension was equally discernible as far as the perceived negative effects of EU membership were concerned: Whereas 57% of the citizens interrogated in the ten new Member States said that they were afraid of the

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financial costs of accession to the EU, issues more related to the political nature of the EU such as "loss of power" of individual Member States or "national identity and culture" were only of concern to 32% or 21% of them respectively.[4]

With the political dimension of the system they were joining having been largely sidelined during the accession process it is hardly surprising that many citizens in the ten new EU Member States did not regard it as particularly important to turn out for voting in the elections to the European Parliament which followed in June 2004 just a few weeks after their accession. Electoral turn-out is a notorious problem in elections to the European problem, but with 26.9% the average turn-out in the new Member States was significantly lower than in the fifteen "old" Member States (49.1%), and in some cases new Member States established new EU records in terms of low turnouts, Slovakia with 16.96%, Poland with 20.87% and Estonia with 26.83% being the most notable cases.[5] While other factors – such as voter apathy on EU issues after the EU accession referenda may also have contributed to these low turnouts – recent research clearly indicates that in the by far biggest of the new Member States, Poland, many citizens simply did not understand the political purpose of these elections and were not interested in the on-going debate on the EU Constitution, arguably one of the most fundamental political issues in the EU at that time.[6]

These are clearly problematic indicators, not only because this points to a low interest in and support for the political development of the EU but also because it bears the risk of a potential backlash against the Union if some of the expected benefits – which are largely on the economic side - do not materialise and if the full costs in terms of loss of sovereignty/autonomy becomes apparent (see below). Such a backlash can easily lead to governments becoming hostage to Eurosceptic tendencies in their own parties and the opposition. In that case the inevitable result will be a loss of negotiation flexibility and an increased obstructionism in the Council, at a considerable cost to both the respective country and the Union.

The only way to try to avoid this is for governments to actively prepare citizens and public opinion for the fact that joining the EU means joining essentially a political system which has acquired many characteristics of a state already, and that this political nature of the system is expanding. This is a "governance" challenges because governance is not only about legal rules, institutions and administration but also about shared beliefs, public

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awareness and public support. If national governance is going to be effectively integrated into EU governance then it must also be "Europeanised" in the sense that the full political dimension, rationale and dynamic of the EU governance must penetrate the public understanding and public debate. This can only be achieved if governments systematically confront the public with this part of the European reality, and certainly avoid "hiding" this dimension for the sake of avoiding some more unpleasant debates. Fostering a political understanding of the European construction is also needed in the case of the public administration. Even in the "old" Member States public officials still often fail to understand the wider European political context in which they have to find compromises on their sectoral/technical issues with counterparts from other Member States. This often enough leads to the type of "last ditch" defence of often purely technical national positions which often seriously delays or even blocks progress at EU level. The risk of officials not seeing (or, worse, denying) that they are part of a European construction of a fundamentally political nature were compromises have to be achieved for the common political "good" of the system and not only for satisfying national interests is far greater in the case of officials who have not yet "learned to live" in the system. This means that officials of candidate countries should be made fully aware of the political nature of the European construction they are going to join in well ahead of accession, and this requires not only training but also governments "impressing" the message on them.

2.Adapting to the loss of sovereignty/autonomy resulting from membership

It is an essential characteristic of the EU system that Member States have transferred part of their sovereign powers to common institutions which exercise real powers in a number of policy-making domains. In addition the vast quantity of legislation emanating from the EU has more and more restricted national autonomy as regards policy-formulation and regulatory measures. The current volume of EU legislation national parliaments have to digest seems to corroborate Jacques Delors' famous figure of 70% of the legislation "coming from Brussels" (if not more).[7] This may, again, sound obvious, but few candidate country governments have been prepared to fully face up to this reality when preparing for accession. In many cases the loss of sovereignty and autonomy has been either denied or minimised – again in order to avoid potentially difficult national debates. One may take a benign view and assume that governments may not be fully aware of the extent of this result of being integrated into the EU governance system, but

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this argument does not convince: During the negotiations every candidate country government is forced to go through the entire huge acquis and should become fully aware of the implications of joining a system which tends to produce more than a thousand pieces of legislation per year, leaving hardly any domain of national policy-making outside of the scope of EU decision-making.

In the latest round of enlargement this game of minimising the consequences EU membership has in terms of loss of sovereignty and national autonomy in the official discourse in order to get "accession" through a sometimes difficult public debate has been played again, with some governments clearly misleading citizens and even parliaments about the inevitable costs of accession in this respect. The result of this is what Jiri Prehe, the former director of the Political Department of Czech President Vaclav Havel and current director of the New York University in Prague has called "Post-EU Depression", with arguments about a perceived betrayal of national interests and threats to national sovereignty (also through the new EU Constitution) now having a much bigger impact in the domestic debate about the EU than before accession and even – in some cases – contributing to the destabilisation of certain governments.[8] Quite clearly a full debate about the full implications for national sovereignty and autonomy of joining the EU is in certain cases only fully erupting now, whereas it should have taken place well before. The pro-accession governments bear a substantial part of responsibility for this delayed debate, which can be all the more dangerous in terms of a potential backlash against the EU and even a lasting sense of betrayal in some parts of the population.

In this respect, again, an effective Europeanisation of the national governance context ahead of accession requires to generate a general understanding that loss of sovereignty/autonomy is an essential part of becoming integrated into the system, that it belongs, so to say, to the "rules of the game" which needs to be put into balance with the clear advantages which accession brings. There should be also no lack of arguments to demonstrate that the much vaunted "national sovereignty" is in these days anyway already limited and eroded in many ways. Accepting the sovereignty and autonomy implications of EU membership requires an adaptation of mentality, not only amongst citizens but also – perhaps even more so – amongst the political elites, the administration and the media. This process of "mental" preparation needs time and should be systematically worked on from early on. To wait until accession and to

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expose elites, administration, media and public opinion to a potential post-accession shock and depression means taking serious risks.

3.Adapting to the EU as a system of governance by negotiation

Every output of the EU system is ultimately an output arrived at as the culmination of a complex process of negotiation, complex because of the different decision-making procedures, the varying forms of the division of powers and because of negotiations often extending across multiple policy areas. The US administration is often said to abhor the European countries' preference for deciding on military operations "by committee" – well in EU governance nothing moves without committees. Whether strategic CFSP guidelines, the conclusion of international treaties or technical details regarding tuna preserves are concerned, everything needs to be negotiated and, if at all possible, settled by consensus. This means that the whole system can only effectively function on the basis of a well developed and generally shared compromise culture, where Member States are essentially be prepared to compromise on nearly anything in order to get in the end a deal which they nevertheless find overall satisfactory. National political systems may prepare some countries better than others for this "governance by negotiation" element of the EU system. The British political system, for instance, where a Prime Minister backed by the often comfortable parliamentary majorities generated by the "first-past-the-post" majority electoral system often enjoys a largely undisputed position as a national leader is clearly less used to "governance by negotiation" at the top-level of policy-making than the German political system where the Federal Government has all the time to take into account the positions of *Länder* governments and where the proportional electoral system often requires the formation of "negotiated" coalition governments.

The full extent to which the EU system is based on governance by negotiation is something which has to be learned and understood by candidate countries. The earlier this is done the better a new Member State will be integrated into the EU governance system. This involves the development of a number of different approaches to the formulation of national positions and the acquisition of special negotiation techniques. This can be partly achieved through careful observation of how the EU works - it is transparent enough for that - but also requires a systematic training policy for the national ministries. The "getting used" to EU governance by negotiation involves, for instance:

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Getting used to think in a trans-sectoral ("cross-departmental") way and to trade in concessions in one area to buy concessions in other. National officials are normally not used in their national context to the "package deals" which are an essential element of the EU compromise system.

Getting used to "link in" national and European policy-formulation and to maximise the taking into account of the positions/interests of all other Member States in order to correctly judge negotiation situations and to avoid potential cul-de-sacs at the European level. These are key function of the coordination structures in the capitals (ministers for Europe or other) and of the Permanent Representations, but also require a substantial reorganisation and rethinking of the operation of individual ministries.[9]

Getting used to invest a lot of time and energy in bilateral and multilateral coalition building which should not only take into account other Member States but also, obviously, the Commission, the European Parliament and even individual political groups in the Parliament. This coalition building should use both strategic and temporary alliances, and it requires the build-up of effective channels of communications well below the level of ministers and permanent representatives.

Getting used to avoid any rash "prejudicing" of national negotiation positions through public statements on unwillingness to compromise in any way. Negotiation outcomes can only be maximised if governments retain a high degree of margin to manoeuvre across policy sectors. A typical example on how not to proceed was provided by the inflexible Polish position on the qualified majority vote definition in the December 2003 IGC summit (sometimes referred to as the "Nice or death" position). Such absolute positions nearly always lead to long-term damage to the national position, and often enough governments – as happened to the next Polish Government – have to compromise at a later stage anyway.

These and many more elements of the EU's governance by negotiation system belong to the aspects of Europeanisation which are not forced upon candidates through any formal rules under the acquis. Yet they are essential for effective participation (even survival) in the EU system after accession. Those countries which fail to mentally, training-wise, procedurally and technically prepare in time may have a considerable price to pay well beyond the first months of membership.

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4.Adapting to the EU as a multi-level and multi-dimensional system of governance

During the last decade the term "multi-level governance" has become very much *à la mode* in the academic literature on the EU. What it is aimed at to describe is – one has to say - unfortunately not always taken seriously enough by governments of candidate countries. The EU governance system has in fact grown well beyond the original system where all policy outputs were essentially in the hands of national government representatives and the Commission. In several Member States regional actors have increasingly acquired a major influence on European policy-making at the national level, Germany, Belgium, Spain and Italy being the most prominent examples. In addition regional actors have in some cases established quite effective cross-border cooperation networks which have developed not only an influence on their respective governments but also on the Commission, especially in the regional and structural policy context. To a lesser extent this is also true for local authorities which have also made their voice heard in Brussels in terms of environmental and public procurement legislation, for instance.

Yet EU governance has not only become multi-level it has also become multi-dimensional as even at the EU level the range of actors having an influence on the decision-making process has widened well beyond the Member States and the EU institutions. Both European and national interest groups operate at the EU level, and by using a range of different venues of influence – ranging from national governments and parties over interest group coalitions to the EU institutions themselves - they have become a firmly established part of EU governance. While mono-sectoral groups such as the agricultural interest groups have become the most visible, there are also several major cross-sectoral groups (such as UNICE and ETUC) which have acquired considerable influence, and most recently a more pluralistic and competitive landscape of interest representation has emerged which has very much become an established part of the EU decision-making process.[10] The same applies to private and public companies, some of which (such as major car companies) have developed very effective lobbying techniques.

Many governments of candidate countries have a tendency to neglect this multi-level and multi-dimensional nature of the EU governance system. Normally not because they are not aware of this dimension of EU governance, but because they regard the other national actors involved in these dimensions as unwelcome competitors or even potential "trouble-makers" for the effective representation of national government interests. In

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the latest EU accession round candidate countries made initially little effort to politically empower their regional and local levels, did so only in the late 1990s at the instigation of the European Commission and then following an often ineffectual "top-down" approach.[11] Whereas Czech, Hungarian and Polish interest groups seem to have become quite active in the EU lobbying landscape well before the accession of their countries,[12] the same cannot be said about all candidate countries, and in most cases governments provided little support for increasing their presence at the EU level. This reluctance to support and even empower local, regional and lobbying actors is clearly mistaken as all these actors should be regarded as a necessary complement to interest representation through national government representatives. A candidate country not being able to use these channels of influence risks to lose out on an important part of the multi-level and multi-dimensional power game which the Union system of governance has become.

This means that as part of an effective Europeanisation process of the national governance context in view of accession national governments should actively encourage and support the European representation potential of regional, local and interest group actors. This should, again, be done well ahead of accession through information sessions, training, potentially even through making available facilities and financial help. In the case of regional and local authorities, quite obviously, governments of candidate countries should have every interest in developing the European governance capabilities of regional and local actors at least as far as their future effective participation in EU regional and structural policy instruments requires. As far as interest groups are concerned candidate country governments should actively encourage them to join European umbrella organisations and increase their network potential at the European level and provide advice to that effect.

5.Conclusions

The EU governance system is not only unique but also probably one of the most complex in the world. In order to avoid a lasting "mismatch" between the national and the European governance systems effective adoption and implementation of the formal EU acquis and satisfying the Copenhagen criteria – in spite of the huge task this represents – is clearly not enough. What is required is in addition is a certain mental and attitudinal change which includes an in advance acceptance of the full "costs" of accession to an essentially political construction curtailing national autonomy, a preparedness to do things "in a different way" and the

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capacity to understand and operate at the different levels and in the different dimensions of a complex multi-national system. This cannot be achieved over a night (of accession), and governments in the candidate countries have the crucial responsibility for ensuring that these less obvious and quantifiable challenges of Europeanisation in the governance domain are met through timely and steady preparation throughout the pre-accession phase. This may mean for those responsible to confront both the public and national administrations with some less pleasant aspects of participation in the European construction and to take some additional domestic political risks before accession, including that of having to delay joining the EU. Yet the post-accession costs for their countries (and indeed the EU) for not having done so can be far greater, and assuming shorter term responsibilities and risks for the longer term benefit of the country is what ultimately distinguishes statesman from mere politicians.

Endnotes

[1] See Simon J. Bulmer and Claudio M. Radaelli "The Europeanisation of National Policy?", *Queen's Papers on Europeanisation*, No. 1/2004, School of Politics and International Studies, Belfast: Queen's University, 2004, p. 4.

[2] See on this focus on economic and financial issues Stephen George, *An Awkward Partner. Britain in the European Community*, Oxford: Oxford University Press, 1998, pp. 46-52, 86-87 and 93-94, and John W. Young: *Britain and European Unity*, 1945-1999, Basingstoke: Macmillan, 2000, pp. 100-120.

[3] European Commission: Candidate Countries Eurobarometer 2003.2 (July 2003), p. 109. The opinion polls were carried out in May 2003 when the referenda campaigns were fully under way and the level of knowledge about the EU had already increased.

[4] Ibid., p. 112.

[5] Results available at: [http://www.elections2004.eu.int/ep-election/sites/en/index.html].

[6] Kenneth Chan, *Central and Eastern Europe in the 2004 European Parliament Elections: A Not So European Event*, SEI Working Paper No. 81, Sussex European Institute, University of Sussex 2004, pp. 15-16.

[7] See on this point the interesting exchange in the British House of Commons Select Committee on Modernisation of the House of Commons regarding the scrutiny of EU legislation on Delors' estimate and the implications of the growth of EU legislation ("Oral evidence Taken before the Select Committee on Modernisation of the House of Commons", 5 May 2004, Questions 28-39, available at

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[http://www.parliament.the-stationery-office.co.uk/pa/cm200304/cmselect/cmmodern/565/4050504.htm].

[8] Article of 11 November 2004 in the Times of Malta, available at [http://pda.timesofmalta.com/index.php?id=169647].

[9] This point and the previous are essential elements of the Europeanisation of national executive structures. Excellent research has been carried out on this issue by the EU supported "Organising for EU Enlargement" project of the Dublin European Institute and University College Dublin. See, in particular, Brigid Laffan, *Managing Europe from home: Impact of the EU on Executive Government: A Comparative Analysis*. OEUE Phase I, Occasional Paper 0.1 -09.03, Dublin, July 2004, available at [http://www.oeue.net/papers/managing_europe_from_home_impa.pdf].

[10] On this subject generally see the comprehensive study of Justin Greenwood, *Interest Representation in the EU*, Basingstoke: Palgrave, 2003.

[11] See James Hughes, Gwendolyn Sasse and Claire Gordon, "Enlargement and Regionalization: The Europeanisation of Local and Regional Governance in the CEE States", in Helen Wallace (ed.), *Interlocking Dimension of European Integration*, Basingstoke: Palgrave, 2001, pp. 145-178.

[12] See Christian Lahusen, "Interessensvertretungen bei der Europäischen Union", in, Werner Weidenfeld and Wolfgang Wessels (eds.), *Jahrbuch der Europäischen Integration*, Berlin: Europa Union Verlag, 2003, p. 311.

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TURKISH POLITICS AND THE EU: SURVIVING UNDER STRESS?

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Introduction

The European Union (EU) met at Copenhagen, Denmark in December 2002 to deliberate upon the issue of enlargement. The EU decision to admit ten new members by 1 May 2004, and Bulgaria and Romania in 2007, and give Turkey a conditional date for accession was less than what the Turkish government had anticipated and awaited. However, it is no secret that Turkey has been the black sheep of the EU candidate countries, and that EU-Turkish relations have trekked an erratic path, oscillating between amity and enmity. The Luxembourg Summit of 1997 almost resulted in the severance of all relations between Turkey and the EU. Eventually at the Helsinki summit of 1999, the two sides arrived at a compromise and Turkey was admitted to the list of candidate countries for membership. It looked as if the coast was clear for Turkey to move towards proximal relations with the EU. However, the debates and deliberation at the Copenhagen Summit, and the ominous declarations of the European conservative and right wing leaders against Turkey's European credentials immediately preceding the Copenhagen Summit of 2002 re-fuelled tensions in relations between Turkey and the EU. By finally being declared as a candidate for membership, Turkey has attained recognition from its European allies that it belongs to Europe – a status sought, acquired, lost, and regained many times by Ottoman and Turkish governments since the 1850s.

Even this brief introduction singles out the Turkish case. Unlike other candidate countries, accession talks for Turkey were not to begin immediately. Turkey was to complete a series of economic and political reforms, even before the conditional date of December 2004. If at that time

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Turkish progress on Copenhagen criteria was judged positively, the Commission would recommend the start of accession negotiations without any further delay, and it was up to the EU Council of Ministers to make the final decision on Turkish accession to full membership. This paper examines the nature of EU-Turkey relations in the context of the Union's eastern enlargement and assesses Turkey's political prospects for eventual membership in the Union.

Enlargement of the EU

The EU has followed a conciliatory attitude toward the post-communist Eastern European states, and the two Mediterranean island states since the early 1990s. The list of countries to be admitted to full membership in the early twenty-first century started with a few countries in the beginning, but eventually got larger and larger and finally extended to cover all thirteen applicants except Turkey in the Copenhagen Summit of 2002[1].

The *raison d'être* of enlargement for both the EU and its member countries and the Eastern European post-communist states lies in their mutual economic and political interests. The Eastern European countries aspire to become consolidated democracies, with stable capitalist markets. The EU and its member states are both interested in seeing the rest of Europe develop as stable democratic states with open modern, capitalist markets, which would be accessible to EU goods and technologies. Eventually, the economic and political integration of Europe would materialize through the adoption of democracy and free-market mechanisms by all of the states in Europe. Finally, there is also the externality of peace and diminished security problems for the EU member countries and the East European candidates.

Prospective improvements in welfare and the well-being of their societies, through EU membership seemed to have encouraged the East European countries to behave responsibly toward each other and to the minorities within their borders. The "velvet divorce" of Czechoslovakia would not have been a possibility otherwise. Indeed, the break-up of former Yugoslavia clearly demonstrated the potential for conflict and political decay in Eastern Europe. However, if the Yugoslav situation emerged as an exception, rather than the rule, much credit should be given to the

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attractiveness of EU membership as a credible goal for East European post-communist states. Consequently, by avoiding political conflict, and swiftly carrying our political and economic reforms to establish a democratic capitalist system instead of a discredited totalitarian regime of the previous years, the East European states have provided the EU with an opportunity to become the largest trading bloc or market in the world.

However, we should not conclude that we are faced with a "Pareto optimum" here. Enlargement of the EU is a costly enterprise. The major economic powerhouses of Europe, and mainly Germany, seem to foot the bill for the reforms. Billions of D-marks and euros have been spent just on the integration of East Germany into the West. Many more have and will be spent from the Baltic through Poland to Bulgaria for many years to come. Germany needed to part with its D-marks and euros, mostly in return for future benefits, and East European states received immediate funds and benefits, and yet still expected more benefits in the future. Germany seems to have benefited some and lost some, and the East Europeans mostly benefited from the ongoing process of enlargement.

In comparison, the small Mediterranean island states of Malta and Cyprus are much less costly to integrate into the economic system of the EU. Although Malta is problem free, Cyprus creates a host of political risks for the EU. When southern Greek Cypriot part of the island participated into the EU in May 2004 as the "Republic of Cyprus", relations with the Turkish part to the north are undermined for good. The divided island is a land of tension and conflict between Turkish and Greek Cypriots, or even Turkey and Greece. The main reason behind the integration of the Greek Cypriot state into the EU is the successful diplomacy or blackmail conducted by Greece. The EU chose to accept the entry of the divided island and its Greek part as the "Republic of Cyprus" to push forward with the accession of the Eastern European states to full membership. This decision amounts to adopting the conflict on the island of Cyprus with all its consequences. Hence, it goes without saying that the EU is fully cognizant of the fact that it is becoming a party to the Cyprus conflict. Up until now, the Cyprus conflict was a matter of contention between the United Nations, three states (Britain, Greece and Turkey), a super power (US), and the two communities (Greek and Turkish Cypriots). Now, it will involve the UN, a super power, EU member states, Turkey, a regional economic organization (EU), and two

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communities. It is almost impossible not to be pessimistic about the future of the island of Cyprus. How can a conflict that could not be solved by the UN, US, Britain, Greece, Turkey, and the two communities on the island, be now solved with the addition of the EU and twenty-five more states?

The EU does not have any successful record of dealing with ethnic conflicts in its member states. Ulster, Corsica and the Basque problems have not gotten any less important after Britain, Ireland, France and Spain became EU members. That should not be expected either, for the EU is not a state or a super state, but a market or regional organization at best. Hence, the EU is ill equipped to deal with such tension and conflict. Now, the EU accepts a new member state, which is not only divided, but some parties to the conflict are not even members of the EU. Many things can go wrong.

The most likely scenario is a falling out of the EU and Turkey over the status of Cyprus. A confrontation over the issue of Cyprus and a concomitant severance of ties between Turkey and the EU is likely to cause the re-implementation of the Turkish foreign policy of the early 1950s toward Cyprus: partition of the island between the Greek South and the Turkish North[2]. A tormenting process of negotiations and two referenda on the island of Cyprus in Spring 2004 failed to bring any solution to the problems of Cyprus. The southern Greek Cypriot government became a full member of the EU, purporting to represent the government of "Cyprus" though the EU also admit that they fail to represent the Turkish community in the north of the island. In the meantime, the Turkish Republic of Northern Cyprus has accepted the United Nation's (General Secretary Kofi Annan's) plan to resolve the conflict, yet failed to be recognized as a legitimate state or become part of the EU. Such a development has so far resulted in some kind of "de facto" partition of the island. The EU has a new member country stably divided and partly united with another member country through EU membership, namely Greece, and embroiled in conflict with Turkey. The Greek Cypriots became a member of the EU with a frenzy of ethnic nationalism, and continue to act with nationalism and blackmail towards Turkey with a veto, in full violation of the esprit de corps of the EU, and the tolerance of the rest of the EU member countries. The lesson of Cyprus is at the least damaging the hopes of compromise and a settlement of Greek – Turkish disputes. Even the most daring effort of compromise by Turkey receives a snub, and the side that shows intolerance is rewarded,

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while the Turkish side is left empty handed. Many in Turkey, wonder why we should seek a policy of compromise that leave us empty-handed. The first and foremost impact of such gross diplomatic incompetence and mismanagement feeds the image of the EU as an organisation of multiple standards, most of which are stacked up against Turks and Turkey. Hence, the flames of Turkish nationalism are fanned, which can have many dire consequences for not only the Turkish - EU relations, but also the volatile regions surrounding Turkey[3].

The Turkish case differs from the other candidate countries in many other ways. Turkey is neither powerful, nor rich enough to impress the EU members with its prospective accession to full membership. Turkey is both relatively large and populous, with a little more than 70 million inhabitants in 2003, and over 780 square kilometres of landmass. Turkey is situated at the hub of the most troubled regions of the world and is connected to all those regions by history, cultural imperatives, and economic ties. Turkey has ample young labour, yet they are mostly uneducated and unskilled. Turkish population has grown nationalistic or even chauvinistic over the years. Turkey being a nation-state built on the ruins of the Ottoman Empire, and hosting a Muslim population, does not have an EU member state, which speaks on behalf of Turkey and promotes its case for accession, in the way Greece acted on behalf of Greek Cyprus, or Germany acted on behalf of Czech Republic or Hungary. Finally, Turkey is mired in various conflicts over the island of Cyprus and the Aegean, which are treated by the EU as if Turkey had the sole responsibility in precipitating them.

Evaluating the candidates

Membership in the EU requires that the candidate countries meet what are defined as the Copenhagen Criteria. The Copenhagen criteria stipulate that the candidate country possesses a consolidated market economy that performs free movement of goods, capital, labour (people), and services; a consolidated democracy, rule of law, and consequently a well-established human rights regime, which also encompass protection of the rights of minorities; the candidate must be aiming at monetary, economic and political union with the EU member countries, and adoption of the *acquis communautaire*, and related laws, regulations and EU treaties[4]. It goes

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without mention that the candidate country should be located within the European continent, as part of the European family of states.

The reports of the EU Commission toward the assessment of prospective new members follow the objectives outlined above. The criteria are exceptionally clear. However, its application per case, and the details of each applicant country seem to create different suggestions per case. Most problem areas that are outlined in the Commission reports pertain to the characteristics of the legal system and the state of the "rule of law", such as the independence of the judiciary (e. g. Slovakia), of the applicant country, i.e. Slovenia, Poland, Czech Republic; the status of the minorities in the Balkans and Central European states, such as that of the Romanians in Hungary, Gypsies in Czechoslovakia, Turks in Cyprus or Bulgaria, etc.; and reforms to promote democratic practices and norms. The Reports in question are later evaluated by the Council of Ministers or even Heads of States of the EU member countries, and it is their discretion that makes up the difference between becoming and failing to become a member of the EU. Some tended to argue that it is the inherent tensions in the EU, the diverging preferences of the EU states and the EU's institutional set-up that determines the nature of a decision for accession[5].

The economic criteria and assessment based upon them are beyond the scope of this paper. However, I would like to mention that most candidate countries have carried out the economic reforms to establish capitalist (or free market) economies. The post-communist countries had already accepted the relative inefficiency of the state owned and managed planned economies. Therefore, there was relatively little resistance to the idea of market reform. Nevertheless, the novelty of new practices, styles of management, and ownership patterns required tough adjustment processes. The non-communist past of Cyprus and Malta had helped them establish on solid ground the economic reforms required in those countries. Both of those Mediterranean countries experienced a relatively lengthy practice with capitalism, and both have relatively developed yet small markets. In brief, the economic reforms have been relatively easy, though sometimes painful, in the candidate countries, and most economic issues have been relatively easy to deal with, in comparison to political criteria that the candidates were to fulfil.

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The Turkish candidacy: Black sheep?

The Turkish odyssey toward full participation in European regional integration, which eventually culminated in EU candidacy status started in the late 1950s. Turkey had shown eagerness to become a member of the European Common Market in 1959. Negotiations started that year, yet they were severed by a military coup that took place in 1960. However, the lull in Turkish – Common Market negotiations did not last long. They picked up in the early 1960s and culminated in the signing and ratification of the Ankara Treaty of 1963. Turkey has been an associate member of the Common Market, European Economic Community (EEC), European Community (EC), and eventually the European Union. However, the official application of Turkey for full membership in the EC occurred in 1987. Citing the economic woes of Turkey and the illiberal nature of the political regime of "1982 Constitution" of the country in the Commission Report of 1989, the Turkish application was turned down. Interestingly enough, the matter was not settled by that decision.

The collapse of the Berlin Wall in November 1989, the Gulf War of 1990-1991, the implosion of the Soviet Union on December 31, 1991, and the end of Cold War resulted in new challenges for Europe in the Balkans. Turkey emerged as a critical actor in the Balkans as the EU pushed Yugoslavia out of existence, and repealed the 1975 Helsinki Accord, and thus also rescinded the principle of inviolability of borders in Europe. Albania erupted soon after Yugoslavia, and Turkey, Greece, Italy and Austria found themselves confronted with another Balkan crisis. Muslim and Turkish populations of former Yugoslavia and Albania found their existence in peril. Turkey again emerged as a venue of refuge, protection and support. Turkish society was deeply moved by the unfolding massacres of Muslims and Turks narrated vividly on TV screens each day especially between 1993 and 1999. As Turkish public opinion started to shift increasingly toward ethnic nationalism, chauvinism and xenophobia, Turkish governments showed enormous restraint, and paid a heavy price at the polls in the elections of 1995 and beyond. However, the mishaps and treachery of the 1990s in the Balkans lucidly indicated that as a NATO member Turkey still has a big role to play in the stability and security of Europe. The EU decided to engage with Turkey in the 1990s. Negotiations and dialogue between the two continued and even moved forward.

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In late 1995 EU and Turkey agreed upon establishing a customs union between them, which had been foreseen through earlier treaties. The Customs Union of Turkey with the EU became operative as of January 1, 1996. Consequently Turkey became grafted to the European market, though not as a partner participating in all facets of economic decision-making, but as a party ready to adapt its markets to EU rules, regulations, and competition. Hence, Turkey became much more intertwined with EU markets than any other candidate country had ever been before. This is a move on the part of Turkey, which solidly declares Turkey's seriousness in seeking EU integration. Whereas, it is not certain as to whether the Customs Union means anything significant in particular for the EU and any of its member countries, or not. They probably view it as another special deal of the EU, more or less along the lines with similar arrangements, for example with Switzerland.

The Turkish government and people were filled with erroneous optimism following the implementation of the Customs Union in the beginning of 1996. They moved to deepen relationships with the EU, while the latter had the impression that Turkey was placated with the Customs Union Treaty and would not be demanding any further moves from the EU for a long while to come, or for ever. The push by Turkey was destined for disappointment, and it came in the Luxembourg Summit of December 1997. The Summit decision not only declared that Turkey was not accepted as a candidate country, but new candidates seemed to spring from nowhere to overtake Turkey into the list of candidate countries. Among them, the most obvious case was that of Slovakia. Slovakia of 1997 was still under the heavy-handed authoritarian rule of Mr. Meciar. It did not even have a properly elected national legislature. In fact, journalists were quick to bring up this issue with the Prime Minister of Luxembourg, in the press conference. His remarks were insult over injury for Turkey. He argued that the decision to include Slovakia with an authoritarian regime into the list of candidates was not a gesture made to the government of Slovakia by the EU. It was gesture to the Slovakian people, for the EU felt the need that the Slovakian people deserved such a gesture. From the Turkish side this message was read as the following: "*The Turkish people who helped our efforts to defend Europe against Soviet encroachments during the Cold War deserve to be left out of the list of candidates, while the Slovakian people who had no objection to Soviet rule deserve to be included in the club of EU*

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states!" Such a perspective is hard to appreciate for Turks, and resonates as blatant racism. Furthermore, it sounded as if in the Slovakian case the assessment was based on ethnic and religious solidarity of peoples, and on the Turkish case it was additionally the nature of government that mattered. Earlier, the same Prime Minister had argued that Turkey practiced systematic torture as government policy, and that the government was in the hands of "torturers," and the Europeans obviously could not have anything to do with such characters[6].

In the aftermath of the Luxembourg Summit Turkish-EU relations cooled once more. The Turkish Prime Minister Mesut Yılmaz accused Herr Helmut Kohl, the Chancellor of Germany of the time, of racism, and of Germany seeking to establish a *Lebensraum* in Central and Eastern Europe. Similarly degrading and profane remarks were hurled back at Mr. Yılmaz and Turkey. Turkey for the first time ever vetoed the use of NATO facilities by the European Rapid Reaction Force and during the planning of the European Security and Defence Identity (ESDI). German and French corporations were eliminated from the defence procurement bids in Turkey. Turkey gave strong hints that she would veto the membership of Cyprus in the EU, and was gearing up to fight a legal battle over it in the International Court of Justice. The Turkish government also made it clear that EU involvement in the bi-communal negotiations will not be tolerated.

It seemed as if the EU and Turkey were once again diverging. Two major events seemed to have changed relations between EU and Turkey in 1999. They were the capture of Abdullah Öcalan, the leader of the terror network of the Kurdish Workers' Party (PKK) in Kenya. It turned out that Öcalan had lived in the premises of the Greek Foreign Ministry and the Greek Embassy in Kenya, while he searched for a safe haven elsewhere. He was captured while exiting from the Greek Embassy in Kenya on February 15, 1999 by the Turkish authorities. The foreign ministers of Greece and Turkey started a dialogue to avert a worsening of relations between the two countries and avoid a potential escalation of conflict between them. Interestingly enough, soon after came a divine intervention. On the 17 August 1999 the north Anatolian fault line moved to devastate many towns, villages and settlements in North Western Turkey. Many people died in Istanbul as well. Within one month a similar divine intervention shook Athens, again devastating apartment blocs and killing large numbers of

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people. Greek rescue teams rushed to the aid of Turks, and vice versa. The mood of the peoples shifted from anxiety, and hostility toward assistance, pity and sharing. In the rapprochement that followed between the governments and peoples, the Greek veto, which had been wielded liberally against Turkey in the EU seemed to have lost its appeal in the eyes of the Greek government.

The change of heart of the Greek government and the lobbying efforts of the Clinton administration seemed to have mattered in 1999. In the Helsinki Summit of the EU a new deal was brokered between the Turkish government and the EU. Turkish candidacy for full membership hence became official as of December 1999. However, as Turkey began to grapple with the worst financial crisis of its history, which to a great part was of its own doing, with some complicity of the IMF experts, and some complicity of some international banks, the EU agenda lost its importance in Turkish politics. However, at the Nice Summit of December 2000, the EU decided upon the timetable of accession for the candidate countries, and the distribution of seats of the candidate states in the EU institutions upon their accession. In those plans, a twelve-year perspective was adopted and the name of Turkey again failed to appear[7]. This was clear hint that although Turkey was accepted as a legitimate candidate, either the EU still expected little from Turkey in the way of speedy preparation, or considered Turkey unfit for the EU and too complicated to deal with as early as 2013. In the meantime Turkey was able to draw up a National Programme for accession, and signed a protocol with the EU in 2001, which included the steps Turkey needed to take to fulfil the Copenhagen Criteria.

The National Programme was an unexpected development for a coalition government of nationalist parties. Although it did not seem to be committing Turkey to any major reforms in the short-run, it seemed to commit Turkey to sound reform moves in the middle-run of a few years. Again, with amazing speed the coalition government started to legislate in accord with the National Programme in 2001 and 2002. Major amendments of the 1982 Constitution went through the Turkish Grand National Assembly (TGNA) without any glitches. Although some critics considered these amendments as being too slight or hazy to make any serious difference, the culmination of the reforms in sweeping changes of the Constitution after the TGNA decided to go for early election on August 3,

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2002, was remarkable. It once again signalled, to whoever was willing to observe, the resolve of the Turkish political elite for EU membership of the country.

It did not again take long for the EU to show another cold shoulder to Turkey. It was the Roman Catholics and Conservatives of Europe, under the leading role played by V. Giscard d'Estaing, who hoisted the flag of protest to Turkish candidacy in 2002, a full two years after its acceptance in Helsinki. The Muslim character of the Turkish society was pointed out as an obstacle to Turkish entry into the EU, as well as the amount of Turkish territory in Europe. Not only were these arguments belated, but also they were substantially irrelevant. It is beyond the confines of this paper to delve into the meaning and validity of these arguments. Ironically it was one of the two leading parties of the Islamic movement in Turkey that managed to win the most seats in the TGNA after the 3 November 2002 elections. Therefore, it was the Prime Minister and the leader of that party who had to deal with the questions of Turkish candidacy with the EU, at the Copenhagen Summit in December 2002. Both seemed to be pressing hard for the start of early accession negotiations with the EU. One major hope of the European Conservatives that the Islamist movement in Turkey would turn its back on EU membership turned out to be false. Indeed, the Islamists discovered in the 1990s their only hope of survival in Turkish politics is through consolidation of Turkish democracy, and the guaranties extended to them from the European Human Rights Court. They had gone through a metamorphosis in the late 1990s and converted themselves into champions of Turkish integration in Europe. Hence, the political actions of Tayyip Erdoğan and PM Abdullah Gül were quite consistent with their recent pronouncements in Copenhagen. However, the damage was done.

The Report of the Commission was less than favourable for Turkey. The Report belittled the unprecedented performance of a highly divided National Assembly and a coalition government that had fallen apart in amending the Constitution, which required a 2/3 majority. The Commission's report paid special attention to the reports of some NGOs in Turkey, and used their assessments most liberally in the realms of human rights violations, the performance of the judiciary, and the democratisation efforts of Turkey. The Commission seemed to suggest that the other candidates were ready for full membership between 2004 and 2007, and Turkey was not. It was against

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this background that the new government and the leader of the Justice and Development Party (AKP), Mr. Tayyip Erdogan laboured to acquire an early date for the start of accession talks between Turkey and the EU. Nevertheless, all they could manage to obtain from EU leaders was a promise for an assessment of the Turkish record in late 2004, and an immediate start of accession negotiations without delay, if Turkey met the Copenhagen Criteria by then.

Simultaneously, the Copenhagen Summit hosted the Greek and Turkish authorities from Cyprus to solve that conflict, and start preparations for the accession of a new, united Cypriot state into the EU. The AKP government and the leader of that party had to deal with that issue as well. The Report of the Commission on the issue was perceived as more favourable to the Greek point of view. Greek membership in the EU obviously seemed to have mattered. Although the Turkish authorities were willing to make the best of it, they felt that Turkish and Turkish Cypriot treaty rights were at stake. They pressured for amendments. No deal could be brokered between the parties at Copenhagen, over the Cyprus issue. Hence, the Cypriot mess has been carried into the EU as the island of Cyprus will become an EU member by 2004, while the Turkish community is not.

In the meantime the record of the AKP was extremely effective and efficient in piloting the necessary legislation through the National Assembly and completing the list of legal steps to be taken to adopt the *acquis* in Turkey and meet the Copenhagen Criteria by October 2004. The last EU Commission Report on enlargement declared that Turkey met the Copenhagen Criteria, though was somewhat lacking in economic criteria. However, the Report went on to argue that accession negotiations can start with Turkey soon, yet with specific characteristics that again define the "black sheep" status of Turkey. For example, no definite objective of successful completion of the negotiations should be assumed! Nor, should Turkey be given any hope that free movement of labour between a "member" Turkey and the rest of the EU will ever be possible! Hence, the question now becomes, how will this deal fare for Turkey by 17 December 2004? It is that question we will deliberate in the following section.

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Implementation of legislation: Democracy and the rule of law

The greater risk lies with the implementation of the legislation adopted by the previous National Assemblies in Turkey. There are three factors that need to be identified that influence the implementation of laws and regulations. They are, in terms of their importance, as follows: The voters, the judiciary, and the public bureaucracy.

Populist patronage and human rights

Turkish voters have systematically been concerned with the economic woes of the country, and nothing much beyond that. Pollster after pollster provided statistical facts indicating that the two most important concerns of the Turkish voters have been inflation of the general level of prices, and unemployment. Recently, economic growth and stability were also added on to the list. For a while, in the 1990s terror and political instability seemed to have made some impact on that list, but they quickly dropped out in the late 1990s. Political corruption, liberalisation of democracy, freedom of expression, human rights, and violations of human rights have never occupied any high ranks on those lists.

Turkish voters are most concerned about solving their immediate economic worries. They employ a technique they know best to achieve this. It is barter votes for favours[8]. Currently, a mass of between 9 to 18,000 voters visit the TGNA per day, mainly seeking jobs, or making job related demands, such as promotion, inter or intra-departmental transfers in national or local public sector companies, health care, etc.[9] As a consequence the popular image of Turkish democracy *"has been tilted toward an understanding that democracy allows people greater access to the resources of the "State" through the help of political parties.[10] The elections provide the nexus of exchange between the electorate and the political authorities. Such an opportunity to influence, or exchange of votes for services and benefits from the state budget, make the game of democratic politics attractive to the masses. They fare well under the rules of multi-party competition that give them wide opportunities to swap patrons for more effective procurement of services from all levels of government. As a result there is widespread support for competitive, multi-*

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party politics exists in Turkey, with democracy thriving through these patron-client relations."[11]

However, there is a caveat in democracy as a game of populist patronage: For such a game to work, favours are not to be distributed to the clientele through merit based practices of allocating bids, procurements, promotion, hiring and firing. Unless regulations are relaxed, patronage politics does not work. Consequently, patronage comes into conflict with law enforcement, and overall government regulation. Hence, democracy as popular patronage and rule of law are inversely related[12].

That is the first paradox the AKP government should undo. Is that likely? Unless a miracle occurs, that looks like a long shot. First and foremost we should consider that such a move requires honouring "merit" instead of "favour" to groups, communities, and organisations that had supported the party at the polls. There is no indication that the voters supported Mr. Erdoğan at the polls for him to act like a meritocrat. On the contrary, he was perceived as the most effective patron around. Secondly, such a move entails that the rule of law should be promoted, which in turn, requires the establishment of an independent judiciary, diminishing the scope of parliamentary immunity for the deputies of the TGNA, and respect for the decisions of the courts in running the affairs of government. The recently published National Report on Sustainable Development and Governance in Turkey[13] identifies all of those three caveats as the most critical "rule of law" issues confronting Turkey. From the interview of the Speaker of the TGNA published in Milliyet daily on 9 March 2003, one can easily get the impression that the clientelist linkages of the current TGNA is no different from any of the previous ones. However, this is an issue that needs to be more systematically analysed. The TGNA is still too young to pass a reliable judgement on its activities.

However, when we examine extra-parliamentary developments more of those ominous signs exist. One such sign consists of the intent of the government to subdue the independent regulatory boards, which were established during the previous government's reign to deal with the financial crisis in Turkey. The main reason those regulatory bodies were established was to hinder politicians from influencing the state owned banks and the banking system, which was identified as a major source of political

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corruption in Turkey. The initial move by the AKP government met with criticisms of the IMF, press, media, and some interest groups. The government backed down. However, the AKP government has already revealed its intention to meddle into the affairs of the independent regulatory boards, which indicates that, so far as patron-client relations are concerned, the AKP means business as usual.

Similarly, other aspects of democracy, pertaining to freedom of association, and speech, protection of human rights, or dealing with torture, police brutality, inhumane treatment etc. have not been among the most pressing demands of the voters in Turkey. However, the termination of the terror attacks by the PKK after 1999 has led to eventual normalization of administrative measures in the South Eastern parts of the country. The main cause of human rights violations and hypersensitivity to opposition to the Republican regime and thus classifying expression of ideas as an act of terror seemed to have lost its influence. Recent changes in the regulations and holding the security forces who are found guilty of torture to account and the need for Turkey to pay compensation to victims is probably the most effective step taken in the direction of controlling police brutality[14]. Other administrative and legal steps still need to be taken. However, the AKP seems only to be pressured by its supporters at the polls to promote "religious rights" or freedom of conscience. In practice, that boils down to erecting the practice of donning a headscarf by women employees of the state in a certain fashion (*türban*) as an "inalienable right." The recent move by the Minister of National Education to reform the universities created a stir in the Higher Educational Council and the universities as an early sign of legislating on "*türban*". In fact, all similar efforts by previous governments in the 1980s and the 1990s failed. The Nationalist Action Party (MHP), which had promoted itself as the only force in Turkey that could deal with the "*türban*" issue, could not make any moves while in government between 1999and 2002. If those are any signs of things to come, the job of AKP will be quite difficult. Legislating on the "turban" issue is directly related to getting votes, yet it is uncertain whether changing other legislation to improve the human rights record of Turkey is a vote getter or not. Nevertheless, as less and less cases of human rights violations are reported in the press. If that trend continues in spite of the complexities of the Iraqi crisis and prospective war, then the AKP may not even need to do much anyhow.

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Rule of law

With regard to the rule of law, the initial days of the AKP dominated TGNA and the AKP government looked no less bleak than the previous governments. The leader of the AKP was charged with severe violations of the law in his former capacity as the mayor of Istanbul. He started to be exonerated from all of his wrongdoings by the courts in the aftermath of the 3 November 2002 elections. The few court cases still unfolding will be suspended as of March 11, 2003, for he is protected by parliamentary immunity. Coincidentally, although AKP promised to diminish the scope of the parliamentary immunity of the deputies, one of the first acts of the new TGNA was to postpone the "immunity" issue for a year! The independence of the judiciary is undermined by the simple fact that the High Board of Judges and Prosecutors is presided by the Minister and Undersecretary of Justice, and the long shadow of the Ministry is cast over the entire court system[15]. There has not been any single move in the direction of removing the weight of the executive branch of government, (i.e., the Ministry of Justice) from the judiciary yet. In short, with their record the AKP elite cannot afford to promote independence of the judiciary in Turkey. In fact, the AKP government does not seem to have the necessary background and credentials to continue with the reforms to promote "rule of law" in Turkey.

The state bureaucracy in Turkey has been a major fount or resource of patronage since the 1950s. Democratisation was primarily welcomed by the rural masses of Turkey for one simple reason. It enabled them to wield some leverage over the public bureaucracy, the rule implementation practices of which they failed to grasp and approve on most occasions. The Democrat Party (DP) of the 1950s propagated that it would banish the faceless rule of bureaucrats, and enable the people to govern themselves. Their famous campaign slogan was as follows: "Enough! Now it is the Nation's term to Speak" (*Yeter! Söz Milletin*) Indeed the nation spoke to demand "emoluments from the state budget" be distributed among them, unhindered by rules and regulations! Consequently, the political representatives of the nation subdued the public bureaucracy. The "nation" got what it wanted, and Turkey, through an act of democracy ended up with an ineffective, politicised, and de-institutionalised bureaucracy, which started to experience erosion of its professional norms and values. This enabled the political elite

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to distribute jobs at the disposal of the public sector to cronies and clientele, on the basis of political loyalty and support. Few ministries prevented themselves from the excesses of the practices of populist patronage; i.e. the foreign ministry, the treasury, and the ministry of defence would constitute some such examples. They are much more professional, institutionalised, effective, and insulated against political influence, and they are the most abhorred by the "intellectual democrats" in Turkey and their cronies abroad. Hence, another set of dilemmas encounters the AKP government: How can the public bureaucracy in Turkey be made effective, yet preserved as a fount of patronage? How can the professional bureaucracies of the Turkish state be made subservient to their political masters, without undermining their effectiveness and professionalism? How can they be made to respect political representatives, and be converted into docile and subdued bureaucracies, without causing a head on clash over the issue of their autonomy from the government?

There are no easy answers to these questions, and the AKP fails to enjoy much latitude in finding satisfactory answers. A bureaucratic reform that changes the status of the defence establishment is a tricky enterprise for any political party to launch. However, another political party, such as the CHP would have enjoyed much more latitude, due to its credentials, which the AKP totally lacks. It has to prove the doubters among the defence and security establishment that it is a "genuine" party of the Republican regime, it does not have any radical Islamic agenda up its sleeve, and it does not follow a clandestine policy of settling accounts of the War of Liberation and beyond. If the security establishment gets the impression that the AKP is following a reform policy with the intent of rendering them ineffective in the future so that the Islamic movement increases its grip on power, the security establishment should not be expected to stay silent. The only remote chance of the AKP to make any major changes in the laws and regulations, which re-defines the role of the military, without causing any embarrassing confrontation with the security establishment, is if it can make a deal with the CHP. If the CHP wholeheartedly takes part in a re-definition of the roles of the NSC and its omnipotent secretariat can there be a major change in the civil-military relations. Similarly changing the regulations and related laws and subjecting the decisions of the High Military Council (*Yüksek Askeri Şura*) to judicial oversight or review will be as necessary to promote rule of law in Turkey, but is as difficult. The security establishment

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will resist the idea on the grounds of protecting the institutional norms and professional ethic of the military profession in Turkey. The security establishment has relatively deep distrust in the administrative courts and their judges, not all of whom are graduates of law schools in Turkey. When the lack of full independence of the judiciary from the executive is taken into perspective, the security establishment will be most concerned about the impact of the Islamist government on the administrative courts in cases pertaining to the decisions of the High Military Council.

The powers of the President of the country are also quite extensive for a parliamentary regime, and somewhat devoid of clarity, and yet the President is not only legally and politically irresponsible, but most of his decisions cannot be referred to the judiciary for review[16]. Özbudun suggest that the Constitution be amended to differentiate between those presidential decisions that are made as the head executive from those he makes as the neutral head of State[17]. Özbudun goes on to propose that the former decisions could be up for judicial review, and the latter may not. However, can the AKP make those amendments to the Constitution? It is very unlikely that taking such an initiative will go without serious criticism if the AKP tries to undermine the office of the President, who through the use of his veto power from time to time is able to frustrate the AKP government.

It looks as if it is not opportune for the AKP government to venture into such difficult terrain alone and act in a partisan manner. Then the question becomes, how conciliatory can the AKP be toward the CHP and even to other political parties outside of the legislature? How able is the AKP going to be in building national coalitions in delicate matters of Constitutional amendments, in and out of the legislature, to move ahead? We do not yet know the answer to these questions, and there has not been a single such initiative yet. The AKP leadership lack lengthy coalition experience, and when they had taken part in coalitions in their former political parties, they failed to make any such moves. Their record, therefore, is hardly encouraging.

There, the greatest enemy of the AKP government is going to be the AKP parliamentary group in the TGNA. They have the seats and the parliamentary votes to do anything desired. In due time, they will forget that they had only 1 out of 4 Turkish voters voting for them on 3 November

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2002. Their electoral mandate is far too thin for them to trek on dangerous terrain. If the AKP does not lose hindsight of that fact and act accordingly with prudence and seek "good governance" in style and substance, it is likely that they can manage to rise above the challenges that await it. Otherwise, their chances are going to be minimal.

Religiosity and ethnicity

Two perennial issues of Turkey that created severe problems in the recent past, seemed to have influenced the outcome of the 3 November 2002 elections, and they are religiosity and ethnicity[18]. The party that won the most votes, the AKP was led by a leader and elites who shared immaculate Sunni Islamist credentials, and who were able to attract most Kurdish support throughout the country. The leader of the AKP is elected from the South Eastern province of Siirt. The party that received the second highest vote, the CHP was led by a leader and elites with immaculate secular credentials, which failed to receive the support of many Kurdish voters across the country. However, secular sensitivities did not hinder the AKP from winning the election or forming the government after 3 November 2002. The secular versus Sunni Islamist divide that has occurred in the TGNA has not caused any serious threat of a breakdown of the democratic regime in Turkey, and there is no hint that it will in the near future. The AKP government of PM Gül made no rash moves, and no radical suggestions. The new PM Erdoğan may turn out to be more daring. However, there is no sign of anxiety over his leadership among the secular groups and the Turkish nationalists in the country yet.

There is no indication that the Kurdish Sunnis are threatened by the AKP government. On the contrary, they had been supporting the Welfare, Virtue and now Justice and Development parties at the polls. Consequently, two of the more thorny issues of the past may not necessarily be more difficult to deal with than any time before. It seems as if the record of the Erdoğan's government will set the tone of Turkish democracy. If Erdoğan's governments and the AKP majority in the TGNA trek a prudent and sensitive road, and stay away from exploiting religious and ethnic issues, Turkey will take a big step in the direction of consolidating its democracy. Otherwise, the country will slide into a tense and conflict-ridden milieu, which will carry a potential toward further degenerating into a civil war like

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relationship or a democratic breakdown. The civil-military relations and the democratic regime will be damaged once again.

Another important outcome of the 3 November 2002 elections was the number and variety of political parties, which participated in the elections. All ideological, ethnic, religious groups, communities, and tendencies were represented from the Kurdish nationalists, to Marxist – Leninists, Social Democrats, Democratic Leftists, Nationalist Leftists, Liberals, Conservatives, Islamists, Ethnic Nationalists etc. in the polls. The fairness of the electoral process was intact. The results of the 3 November 2002 elections have not occupied the national agenda and were not questioned by any political party that participated in the election. Finally, an unprecedented and somewhat unanticipated development occurred and the heavily defeated leaders of the ANAP, DYP, MHP, and DSP admitted their failures and publicly announced their plans for resignation. Two of them, Mesut Yılmaz of ANAP and Tansu Çiller of DYP have already carried out their promises. Consequently, those parties took new steps toward electing new leaders, and try to adapt to changing political conditions. However, it is again too early to conclude whether they will survive such a leadership change and institutionalise.

The overall impact of EU – Turkish interface was not only confined to institutional and legal adjustments, but also the development of a divide in Turkish politics over the issue of EU membership. A nationalist reaction fostered mainly by the influence of ethnicity and religiosity against EU membership has become visible in Turkish politics. Although in terms of numbers they represent no more than one fourth or one third of the public seems to stick to that line, they are vocal and vigorous in resisting Turkish – EU rapprochement. The rest seem to expect some sort of benefit from the EU membership of Turkey, and perceive it as a "civilisation" project. Consequently, the cultural cleavages that divide Turkish society up have been further complicated through the addition of the issue of EU membership on the political agenda of Turkey. Among the majority of those who seem to support the idea of EU membership are the modern and secular oriented who consider themselves "Europeanised", the Kurds, who believe that they could get more guarantees to enjoy life, and even radical Islamist, who hope that the EU will usher more room for survival and thrival through "religious freedoms", which they consider to be rather restricted. The

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rejection front seems to consist almost entirely of Turkish nationalists and those pious Muslims, who consider the EU some form of "Christian club".

The nationalist reactions to the EU consist of highly complex motives that range from fear of potential economic losses to be suffered from EU membership to an image of the EU as a concoction of the countries that failed to impose the conditions of the Treaty of Sevres on the Ottoman Empire at the end of World War I. What seems clear is that the cleavage between the pro and anti-EU blocks have gained some stability over time, and they are likely to stay politically relevant in the near future.

Conclusions

Turkey will stride toward consolidating its democratic regime in its usual cantankerous manner, or with "Janissary steps". The relations with the EU provide additional incentive for Turkey to move along the way of democratic consolidation. Hence, the EU accession is a question of efficiency in democratisation for Turkey, not survival. Turkey has been striving to consolidate a democratic regime since 1925, with some successes and some failures on the way. The EU accession talks will only bolster the efforts and the resolve of the Turkish elites and the masses alike on the way to consolidation of democracy.

Turkey has also been trying to change from an agrarian society and agricultural economy to an urban society with an industrialised economy. Turkey has shown considerable progress along those lines. However, the EU accession process can render greater pace and stamina to accomplish and complete that socio-economic transformation. Again, it is not a matter of "either Turkey becomes an EU member and modernises her economy, or else Turkey stays as an agrarian economy." I am sure economists will tell us that we are rapidly moving towards a global economy. Turkey either meets the challenge of opening up its markets to competitors and competes globally, or fails and slides into some for autarky. The EU membership is not an existential necessity for Turkey. However, EU membership will help the Turkish economy in three ways. First of all, most of Turkey's trading partners are in the EU; hence EU membership will improve Turkey's trade relations with the EU market. Turkey already is in a customs union with the EU. Full membership will render Turkey a partner and decision-maker in

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the EU and in her own economic affairs. Secondly, the EU orientation will bring more discipline to the Turkish economy and help deal more effectively and efficiently with its problem of "stable high inflation". Finally, it will help the Turkish economy to show signs of stability.

Turkey's international relations will also matter. The looming Iraqi crisis and prospective war, the Cyprus negotiations, the dialogue with Greece over the complicated issues of the Aegean Sea are some of the problems that need to be mentioned. It is still hard to guess what sort of a new world order is to emerge from the Iraqi crisis. The EU may not also come out of it unscathed. There may even be many EU's in the future. Turkey may find itself embroiled in many conflicts simultaneously. Such international uncertainties are unlikely to help Turkey sort out its relations with the EU, or vice versa.

Turkey may indeed be faced with other difficulties until 2004, and in the accession process, if and when it starts. I did not pick up these issues for discussion here for they are not a part of the political criteria or Copenhagen criteria for membership. The size of Turkey and its relative poverty stand in Turkey's way. Currently, Turkey seems to be too complicated, too poor, and too populous to be afforded entry by the EU. However, making such an argument sounds hypocritical. Arguing through other means, such as "Muslim character of Turkey unfit for Europe" sounds more sophisticated and damning but also as rampant chauvinism. We will probably hear that line of argument for a while to come. Poverty can be reduced, and the young population of Turkey can be trained and educated. If such policies are designed and successfully carried out, a lot of EU needs can be attended to, as well. The EU has been and will continue to have declining populations, and will need more trained young labour just to keep its welfare systems from sagging. Co-opting Turkey seems to be less problematic than shunning Turkey.

Confrontation with Turkey seems to be a possibility. There may be tensions, sanctions, hostilities, and prospective court decisions against Turkey, just like the Loizidou case. The EU should not expect Turkey to back down. When pressured Turkey resists, and digs its heels in. Turkey will definitely reciprocate to hostility with enmity. There will be increased tension with Greece, Cyprus and the rest of the EU. It could have been

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relatively costless to keep Turkey out of Europe in 1945 or 1950, but right now with so many and complicated relations, it will definitely carry a cost for both Turkey and the EU. Turkey will perceive and accept a rebuff by the EU as another example of a mixture of blatant racism, and hypocrisy aimed at Turkey, and react accordingly. It will be much more costly for Turkey than the EU, but both will have to consider soaring crime rates, drug problems, immigration issues, increasing defence expenditures for some EU member countries, and tensions in the Balkans and Eastern Mediterranean ready to escalate to friction and beyond. The chances are that peace in Europe, especially in the Balkans and Eastern Mediterranean will become a remote goal under the circumstances[19].

Neither Turkey, nor the EU can easily afford such a costly confrontation. A strategy of cooperation with Turkey will be easier and more beneficial to follow. With the AKP soundly at the helm of the government, it makes little sense not to assume that both the Sunni Islamist movements and the Kurdish ethnic nationalists share some of that power and get some gratification out of their participation in the democratic process. Consolidation of Turkish democracy should gain momentum under the circumstances. All the EU needs to do is to refrain from perturbing the balances between the ethnic and religious communities and groups in Turkey. Helping the AKP government reassure the anxious secularist and Turkish nationalist groups need not be so difficult for the EU policy makers. An opportunity missed at this juncture is likely to carry huge risks for not only Turkey, but for EU member countries and the EU as well.

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THE BULGARIAN POLITICAL SYSTEM IN THE PROCESS OF EUROPEANISATION: THE CASE OF PARTIES AND PARTY SYSTEM

Dobrin Kanev*

Since the beginning of the 1990s the concept of Europeanization has been commonly used to signify the impact of European Union policies, structures and process on the national arena[1]. It is applied to help explain changes in various domestic policies, political and administrative structures and institutions, or even entire member states.

Europeanization can be seen as the adaptation of national structures and processes to prevailing in the EU standards or as an introduction of compatibility of national and EU institutions and processes. Its most obvious form is the transfer of EU laws and rule ("aquis communautaire") into national laws and administrative practice.

Somewhat less directly, Europeanization may affect domestic arrangements by altering the domestic rules of the game and the actors themselves.

Europeanization may result in the convergence of national polices, processes or practices, but such convergence is neither certain nor foreordained.

The concept of Europeanization is often questioned because of its imprecise meaning, looseness and vagaries. In fact it has been used both in a variety of ways and to describe different things.

However the utility of the Europeanization method has been so far demonstrated by a number of recent studies: on institutional adaptation in member states; developments in particular policy areas; changes to national political parties.

The concept of Europeanization has primarily been applied to the EU member states and there has been little focus on the study of the candidate

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states to see how far and how deep they have been affected by European integration. As far as Europeanization may take place before ("anticipatory adaption") as well as after membership of the EU, the concept provides us with an opportunity to test out the models of politics that have been developed in relation to EU on a whole new set of cases, including Bulgaria.

However for states like Bulgaria EU accession is only one part of a larger process of 'returning to Europe' and is bundled up with other processes of democratization and marketization.

During the first stages of transition to democracy the notion of Europeanization was connected more or less with a return to the "normal order" after decades under communism, with high expectations of modernization and catching up with "Europe".

It was only after beginning of the association and accession processes that Europeanization became directly connected with political conditionality, which is often seen as a central issue of Europeanization process in EU candidate countries.

Therefore it may be difficult to make clear, to what extent institutional and organizational changes take place due to Europeanization or whether explanations shall be found somewhere else, just as it can be difficult precisely to measure out the exact impact from Europeanization.

The question is whether the term of Europeanization in a broader sense can be used to include the complex and long-term adaptation to the democratic ('European') political structures and practices as well to EU norms and rules during the whole period of transition and accession.

Democratic institutionalization, i.e. the establishment of the new political system in Bulgaria took place in the early 1990s, before the beginning of formal relations with regard to EU accession.

This process can be seen as a part of the process of Europeanization only in the broader sense-as far as the political model adopted in Bulgaria was European down to its very last detail (state constitution, judicial system, administrative and territorial division, education, communications, healthcare, etc.)[2]

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Table 1. Bulgaria: Democratic institutionalization and the road to EU membership

1990	First constitutional amendments through 'round table talks'
1990	Law on Political parties
1990/1991	Electoral legislation
1991	New Constitution
1993/1995	Association Agreement
1995	Membership application
1997	Start of accession procedure
1999	Start of negotiations
2004	End of negotiations
2005	Expected signing of Accession treaty
2007	Possible EU membership

There was a relatively clear vision of the political system, which one wished to set up and it was one consistent with the European form of democracy.

One of the crucial choices for the "kind of democracy" is the choice of the relationship between the executive and the legislature, i.e. the choice between a presidential or parliamentary form of government, between majoritarian and a consensual kind of democracy.

The new constitution of 1991 made a choice in favour of a European type of parliamentary system with pluralist party system, yet with a directly elected president, aided by a vice-president.

The use of proportional representation as the country's electoral system and liberal party legislation added to the European content of the new Bulgarian political system.

Certainly, the establishment of Bulgaria's democratic political system is a multifaceted political, institutional, and psychological process. It can hardly be reduced only to Europeanization especially if we define it rigidly as a transfer of the EU aquis. But if this stage (or pre-form) of 'Europeanization' had not occurred it would not be possible to further adjust the Bulgarian national environment to EU norms. At the end of the day, this complex transformation aimed at establishing particular structures, standards, attitudes, and strategies, compatible with EU positions and acceptable to its member countries.

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If we want to use the concept of Europeanization more precisely we should better try to highlight some of the major actors in the political system.

This process involves diverse actors among which the central role is played by the state authorities. With regard to Europeanization however it is not sufficient to reduce them solely to the level of state institutions. One of the most powerful, though frequently overlooked, channels bringing countries like Bulgaria closer to the EU are political parties. Parties lead and engage in an array of activities such as elections, social mobilisation, public debate, parliamentary deliberation, participation in government, negotiation with lobbies, and policy processes.

The Bulgarian political tradition, part of which is the unicameral parliament, gives a particular emphasis to political parties. It is the parties who are major players in the political system.

Political parties have several essential functions related to Bulgaria's Europeanization:

they are channels for the introduction of European political standards in Bulgarian politics;

they are in a position to structure political life in Bulgaria in line with EU norms.

they create a lobby network among EU political actors in favor of Bulgaria's accession;

they are important with regard to the legitimisation process of Europeanization

they play a significant role in the creation of a common European public space and adoption of common European values

In fact, Bulgaria did develop an array of reasonably developed political parties whose membership covers about 7 to 10% of voting-age Bulgarians

The party system itself has proved to be relatively stable. Only three parties (or election coalitions) have ever won elections during the post-communist period. Only three parties have been represented in all the five parliamentary periods after 1990, and no more than three to four parties or coalitions have entered parliament at any one time.

Table 2. Division of Seats in the National Assembly at the Beginning of the Legislature

	7th GNA		*36th NA*		*37th NA*		*38th NA*		*39th NA*	
Parties	*Seats*	*%*	*Seats*	*%*	*Seats*	*%*	*Seats*	*%*	*Seats*	*%*
BSP	211	52.75	106	44.2	125	52.08	58	24.17	48	20.00
UDF	144	36.00	110	45.8	69	28.25	137*	57.08	51*	21.25
MRF	23	5.75	24	10.0	15	6.25	19**	7.92	21	8.75
BANU	16	4 00	-	-	-	-	-	-	-	-
NU	-	-	-	-	18	7.50	-	-	-	-
BBB	-	-	-	-	13	5.42	12	5.00	-	-
BEL	-						14	5.83	-	-
NMSS	-	-	-	-	-	-	-	-	120	50.0
Others	6	1.50	-	-	-	-	-	-	-	-

* UtdDF
**ANS

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The relative stability of parties and party system in Bulgaria is supposed to be a noteworthy democratic asset: 'It is difficult to locate anything other than political parties to account for the Bulgarian advantage in democratization."[3]

Although it was severely challenged by the election outcomes in 2001, the configuration of the party system remained very similar – only four parties in parliament and a dominant party with an almost absolute majority (50 % of the seats went to the National movement Simeon II). The same situation with changing majority parties (BSP and UDF) existed almost in each parliamentary period after 1990.

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Table 3. Characteristics of the party system in Bulgaria

	1990	1991	1994	1997	2001
Number of all competing parties at elections	40	38	48	39	50
Number of parliamentary parties	4	3	5	5	4
Number of old parties entering parliament		3	3	4	3
Number of new parties entering parliament		-	2	1	1
Percent of valid votes for old parties which entered parliament		75.05	73.17	86.83	42.76
Percent of valid votes for new parties which entered the parliament	-	0	11.22	5.50	42.73
Percent of valid votes for UDF and BSP	83.35	67.5	67.73	74.33	35.31

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In the case of political parties Europeanization is a two-way process: European integration shapes domestic parties' ideology, strategies and organization, parties may "import" policy models, ideas and practices from elsewhere in the EU,

Parties however also actively engage with and exploit European structures for their own party political gain, simultaneously Europeanizing the domestic political system and public space.

Therefore it is crucial to assess to what degree the Bulgarian parties are really "europeanized", with special respect to their identities (including the issue of compatibility with European party federations), their ability to co-operate, their capacity to provide a link between the public and European institutions etc.

Political changes in Bulgaria have resulted in a party system with similar structures to those in the EU Member States.

Since 1989 Bulgaria has developed a "European" type of party system, in which political organizations are institutional structures striving to represent politically significant social interests. Under this model, parties are involved in the domestic political process as representatives of a certain part of public opinion.

All the European party families - conservative, socialist, liberal, green - seem to be represented in the Bulgarian party landscape too. They do demonstrate a certain degree of persistence and consistency in the Bulgarian national framework

Already upon their emergence, political parties in Bulgaria assumed the respective roles and functions characterizing their West-European analogues.

In the very process of preparation of the party programs the founders of the Bulgarian parties typically borrowed from the respective programs of political parties in European countries.

Thus Bulgarian party structure essentially corresponds to European tradition. There is a relatively clear division between 'left' and 'right' and between more nationalist and more open tendencies.

Figure 1 : Spectrum of Political Parties in Bulgaria

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This party differentiation makes possible bi- and multi-lateral co-operation between the political parties in Bulgaria and the EU countries.

Although the main Bulgarian political parties only have a relatively short-term international record, they have managed to be recognized by the main European party federations:

The UDF is a member of the European Peoples Party and Nadejda Mikhailova, the leader of the UDF became a vice-president of the EPP in 2001.

Two smaller parties - the Bulgarian Agrarian Peoples Union and the Democratic Party are also members of the EPP.

In 2004 the BSP became associate member of the Party of the European Socialists as well as the parties from the New Left.

The MRF is a member of the European Liberal-Democratic Party. In 2003 the NMSII also became a member of the ELDP.

Most relevant political parties are working closely together with their European counterparts and within the party federations be it in the traditional way, be it in new forms of networks between them.

Networking is an important tool for transnational party activity. This is demonstrated with respect to the relations between the parties of the European Party Federations and the national parties in Bulgaria.

Network is defined as consultation or exchange of information, co-ordination of otherwise independent actions and co-operation in policy formation, implementation and legitimisation.

A suitable case to examine this process is to look at the transformation and 'Europeanization' of the heir of the former communist party – the Bulgarian Socialist Party (BSP).

The difficult and ambiguous relationship between succession that can involve the party's historical legacy, and renewal whose imperative is to establish the clear distance from the communist past has marked the development of all of the former communist parties, including the Bulgarian Socialist Party.

The recent history of BCP/BSP is an obvious case that demonstrates the complexity of continuity and structural change. Identity change, the formation of new character, substance, and orientation as well as the acquirement of democratic credibility have proved to be an arduous task for a party like the BSP.

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In order to explain the real transformation and 'Europeanization' of the BSP some more precise elaboration and the use of a broader set of possible criteria for evaluation of the transformation of the successor parties is needed. The will include the programmatic and ideological change, the internal organizational reform, and the international affiliations.

It is often thought that programmatic and ideological change is something easily done and most of the successor parties are using it as a tactical weapon in order to prove their accomplished transformation. In reality, it is a hard and prolonged process.

In the BSP this process lasted more than a decade. In the early months of transition the BSP led by the reform-communists adopted a new programmatic paper, the Manifesto for Democratic Socialism (1990). It was strongly influenced by the programs of the Socialist International and other European social democratic parties and was putting an end to all of the communist dogmas. This direction was followed soon by another document, the Platform for further renewal and transformation of the BSP in a modern party of democratic socialism (1991) At that time it was to be expected that after changing the name and adopting a new, social democratic programmatic orientation the Socialist party would identify itself definitely and rapidly as a social democratic party leaving behind its communist past.

In fact this was just the beginning of a process that is still ongoing. Throughout the transformation process the BSP was tempted under the influence of its first leaders Lilov and Videnov to search for a 'third way' between communism and social democracy and to transform itself not to a social-democratic party but into something different called a 'modern left party'.

There was and there remains a resistance to 'social-democratization' due to the co-existance of different views and ideological positions within the party. This resistance however is becoming weaker. The new party program "New world, new Bulgaria, new BSP" (1994) is following a social democratic path declaring the conviction to further renewal of the party. The latest programmatic declaration from 2000 states that the BSP is a European socialist party that shares the values and commitments of the Socialist International and the Party of European Socialists.

Bearing in mind this long process of programmatic change and its principal direction, as well as all the hurdles on the way of ideological renewal it could be concluded that the present BSP is much more European social democratic than at the beginning of the process. A decisive point on this way could be seen in the clear commitment to Bulgaria's NATO

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membership (2000), a problem that concentrated all the resistance in the party against its Europeanization and social-democratization.

The change in the principles of party organization and functioning is even more evident than the new programmatic orientation.

Starting from the first congress of the BCP after the beginning of the democratic transition (January – February 1990) until the latest party forum the BSP has carried out a deep and enduring organizational reform. The party abandoned the principle of democratic centralism. A new statute of the party was adopted that favours the principle of pluralism within the party including democratic elections of all the governing bodies, decentralization of party activities, emphasis on the horizontal ties, empowerment of the local party organizations, freedom of dissident views and activities.

The supreme governing body, the party congress, is convened every two years. It elects by secret vote the Supreme Council, as well as its president who is the party leader.

The local organizations have large competencies in nominating candidates for all party and public posts and offices with the exception of candidates for president and vice-president. They can also freely form different coalitions for local elections.

The party members are free to constitute movements, platforms and organizations within the party provided they do not violate the statute and the program of the party. Unlike other political parties in Bulgaria no party members have been dismissed from the BSP in the last years.

The orientation towards European and international recognition, i.e. at the end of the day with their membership in the Socialist International and the Party of European Socialists played a major role in the whole transformative process. These memberships are the final seal of approval, in terms of international recognition.

In 1992 BSP filed an official application for SI membership and the process gained speed over the next two years. In December 1994 BSP received a 'standing invitation' to the SI. After the crisis of 1996-97 relations were frozen as a result of the disappointment of international social democracy at the failure of the BSP's government.

Towards the end of the 1990s substantial changes have occurred in the prospects of BSP integration as a part of European and international social democracy.

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Under the leadership of G. Parvanov, relations with the social democratic partners have been activitated. They have included frequent meetings with leading representatives of influential national social democratic parties such as the German, Austrian, French social democrats; enhanced collaboration with social democratic party foundations; permanent cooperation with the Forum for Democracy and Solidarity; ostensible support at the recent meetings of PES including the support of the PES congress in Berlin for the BSP-led coalition at the parliamentary elections 2001.

A new development has also set in with regard to the relationship of between international social democracy and the BSP since autumn 2001. For the first time a BSP leader has received an official invitation to participate in a meeting of the Council of the Socialist International (Santo Domingo, 26-27 November 2001). Following a decision of the PES Presidium a party mission to Bulgaria visited the country in the spring of 2002, which evaluated positively the situation of the Left in Bulgaria and the prospects of its relations with international social democracy.

All this networking contributed substantially to the full membership of BSP in the Socialist International (2004) and associate membership in the PES (2004).

Political parties in Bulgaria as domestic political actors have also begun to incorporate Europe as an issue into their political agendas and into party competition expressing optimism, scepticism or opposition to aspects of European integration. This is a major role of parties in developing and backing Europeanization.

There is not a single more or less influential political power in Bulgaria (with the rare exceptions of a few, highly marginal parties without any influence whatsoever in the political debate), which does not stress that Bulgaria's accession to the EU is a matter of unquestionable first-order priority.

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Figure 2: Approach of Political Parties towards Europe in Bulgaria

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It is a unique case among the candidate states in Europe as shown by Taggart and Szczerbiak[4].

Table 4. Cumulative Share of the Vote for Party Based Euroscepticism in Parliamentary Elections for lower Chamber by Country and Type of Euroscepticism

Country	Hard	Soft	Total
Bulgaria	0	0	0
Slovenia	0.59	4.38	4.97
Lithuania	0	6.94	6.94
Romania	0	19.48	19.48
Latvia	0	27.1	27.1
Estonia	2.43	30.68	33.11
Slovakia	0	36.1	36.1
Poland	18.07	18.48	36.55
Czech Republic	11.0	31.6	42.6
Hungary	9.6	42.0	51.6
Average	*4.17*	*21.68*	*25.85*

One of the possible explanations is that no relevant political party in Bulgaria (especially the BSP) has followed the path of nationalism or national populism as some other parties in the region did or are still doing.

Another one is the intensive Europeanization of party ideology, organization, transnational affiliation and activities.

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Abbreviations:

BSP	- Bulgarian Socialist Party
UDF	- Union of Democratic Forces
BANU	- Bulgarian Agrarian National Union
MRF	- Movement for Rights and Freedoms
NU	- National Union (BANU and Democratic Party)
BBB	- Bulgarian Business Block
UtdDF	- United Democratic Forces (UDF, NU and others)
DL	- Democratic Left (BSP and others)
ANS	- Association for National Salvation (MRF&others)
BEL	- Bulgarian EuroLeft
NMSS	- National Movement Simeon II
VMRO	- Internal Macedonian Revolutionary Organization

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POLITICAL CONDITIONALITY AND THE QUALITY OF DEMOCRACY: THE CASE OF GREEK ASSOCIATION AND ACCESSION TO THE EUROPEAN COMMUNITY*

Susannah Verney**

Introduction

The policy of democratic conditionality for states that wish to become full participants in the European integration process first emerged in the 1960s in response to the South European catalyst. It evolved and became institutionalised in the 1990s in the face of the Central and East European (CEE) challenge and following the "Big Bang" Enlargement of 2004; it is currently applied exclusively to the group of candidates and "potential candidates" in South-Eastern Europe (SEE).[1] In all these cases, democratisation has been regarded as one of the major aspects of Europeanisation, with European integration considered as having a transformative effect.

This paper will examine the case of Greece, a South-East European state which experienced European democratic conditionality in a different historical era than its regional neighbours. As the European Community's first associate and subsequently the subject of its Second Enlargement, Greece in fact played a pivotal role in the early development of political criteria for EC membership. The nature and content of democratic conditionality as applied to Greece was significantly different from that presently applied to the other SEE states, whether these are formally recognised as accession candidates or involved in the Stabilization and Association Process (SAP).[2] As a result, the sentiment has sometimes been expressed that, in relation to its SEE neighbours, Greece had an "easy

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accession". This paper will examine to what extent this was actually the case. It will contrast the situation in the 1960s and 1970s, when Greece was first an associate and then an accession candidate, to the mechanisms now in place for the implementation of political conditionality, with the aim of highlighting the impact of EC conditionality on the quality of Greek democracy.

This dimension has not been addressed in the existing literature on the Greek case, which has focused more broadly on the role of European integration in the 1974 democratic transition and subsequent consolidation (e.g. Tsingos 1996, Whitehead 1991).[3] This reflects a more general emphasis in academic analysis of Greek democratisation, in which the focus has been on the big picture: on the macro-fact of the stabilization of a democratic regime. The latter was no mean achievement, given Greece's twentieth century history of coups, countercoups, rigged referenda and periods of parliamentary rule alternating with dictatorship. However, the emphasis on successful regime consolidation and the apparently widespread belief within Greece that EC membership has been "good for democracy" has so far precluded any investigation of the deeper impact of the processes of Association and accession on Greek democratic quality.

This lacuna becomes particularly apparent when Greece is viewed in the comparative context of the current South-East European experience. This is the approach that will be adopted in this paper, which will begin by briefly examining the mechanisms through which the European Union currently tries to influence democracy in South-Eastern Europe. It will then proceed to a comparison with the experiences of the Greek Association and accession processes. The paper will not address the possible role of member-states, whether through the direct actions of national actors, such as the German political party foundations, or indirectly, for example, through the "attraction" or "contagion" effect of an existing democratic model. Rather, it will focus exclusively on the role of the European Union and its earlier forerunner, the European Community, as international actors directly engaged in democracy promotion. In the limited space available, this paper will not attempt to engage in any meaningful way with the extensive literature on Europeanisation. However, it hopes to contribute to the latter by highlighting just how different the democratic impact of European integration was in the initial stages of the process.

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Mechanisms of EU conditionality in the 21st century

The major turning-point in the emergence of European integration as a significant player in democracy promotion is generally seen as coinciding with the metamorphosis of the European Community into the European Union in the early 1990s – a decade after Greek accession. The Treaty of European Union, approved at the Maastricht summit in December 1991, proclaimed that the systems of government of the EU member-states were "founded on the principles of democracy". It also declared that "the Union shall respect fundamental rights" as guaranteed by the European Convention on Human Rights and "as they result from the constitutional traditions common to the Member States" (Article F, paragraphs 1 and 2). In June 1993, five months before the Treaty came into force, these provisions were institutionalised with the establishment of formal political conditions for EU membership. The first Copenhagen criterion goes into more detail than the Treaty, as candidates are required to show not only "stability of institutions guaranteeing democracy ... [and] human rights", but also the rule of law "and respect for and protection of minorities". These conditions have to be met before accession negotiations can begin, in contrast to the other Copenhagen criteria - a "functioning market economy" and harmonisation with the *acquis communautaire* – which should be fulfilled before EU entry.

The period before a state becomes a full EU member can be seen as the optimum phase for maximising the Union's influence. At this point, the relationship is asymmetrical: the non-member does not have the possibility of amending the *acquis communautaire*. Its desire to become a member-state means the candidate has little option but compliance with the rules of the game as fixed by the EU. The latter has not simply set a standard that its applicant members are required to meet. It also backs this up by actively promoting the democratic upgrading of the candidate states. The ways in which the EU influences domestic democracy in the current candidates and "potential candidates" could be summed up, albeit rather schematically, as the following:

- *Norm promotion*
- *Monitoring of compliance*
- *Provision of incentives for compliance*
- *Practical support for the adaptation process*

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Among other outcomes, the functioning of these mechanisms *influences the balance among domestic actors.*

In the case of *norm promotion*, the broad political conditions set out as part of the Copenhagen criteria have subsequently been developed into more specific requirements. This has mainly occurred through the European Commission's "Opinions" on accession applications and annual "Regular Reports" on the progress of candidates, but also through European Parliament debates, which have helped to establish the parameters of what is considered unacceptable in this sphere. It has been remarked that the Commission did not begin monitoring the Central and East European candidates with any clear conceptualisation of what it expected a consolidated democracy to look like. As a result, it adopted a "pragmatic" approach, developing the definition of political conditions in a way that has "at best, been incremental, at times ad hoc and is essentially bureaucratic", based on a "checklist approach" (Pridham 2002: 958-9). It is true that the EU's approach has essentially been reactive, as it has tended to refine its democratic criteria in response to perceived problems in the political systems of particular candidate countries.[4] But the tendency has been for the "checklist" to become increasingly detailed, encompassing fields such as judicial reform, prison conditions and the abolition of the death penalty. The outcome, as Heather Grabbe has pointed out, is far from the provision of "comprehensive institutional templates" (Grabbe 2001: 1014, 1022-3). But however imperfect and incomplete, a set of standards has developed against which democratic quality in a particular state can be measured.

This is reinforced by the *monitoring process*, which provides regular feedback on the candidate states' democratic evolution. Negative developments may result in "public shaming", as occurred for example with the démarches against Slovakia in the 1990s. In contrast, positive developments are explicitly linked to a successful outcome for the membership application. Tied in with this combination of the "carrot and the stick", the monitoring process provides a channel through which pressure is exerted on domestic actors to comply with the EU's requirements.

EU membership itself has been described as *the highest material incentive* (Schimmelfenig, Engert and Knobel 2003: 501) backing up EU political conditionality. Accession to the EU is widely regarded as a route to peace and prosperity: a way for a state to enhance its external security and upgrade its international status, while modernising its economy and raising

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its standard-of-living closer to West European levels. Meanwhile, each time the EU enlarges to embrace ever more members, the alternative scenario of being left outside becomes an increasingly unattractive prospect. The adroit use of the "membership carrot", dangled before the candidate states in the form of a credible accession prospect, can act as a magnet to draw a possibly reluctant government along the road to reform. It can also persuade public opinion and political parties to support the European Union's democratic requirements. Dividing the accession process into seven phases, Heather Grabbe suggests that the EU's position as gatekeeper, allowing or denying access to the different stages, is its 'most powerful conditionality tool' (Grabbe 2001: 1020, 2003: 316). However, the EU also offers other incentives, most notably participation in funding programmes. The latter is likely to be particularly attractive - and therefore effective as an incentive - for countries with low GDP per capita, like the SEE states. In the case of the SEE states, many of the EU-funded programmes are focused on specific areas where the EU wants to promote change, such as retraining judicial personnel in order to promote a better understanding of the rule of law.

But financial inflows are only one aspect of the practical support provided by the EU to facilitate the *process of adaptation*, learning and policy change. Other dimensions may include ideational input – the provision of new ideas – and transfer of know-how. In this respect, EU-funded programmes, which usually require the participation of partners from several states and often aim to link applicants in joint projects with current members, can provide opportunities for networking and twinning (i.e. the secondment of civil servants from EU member-states to work in the applicant states). Also significant are transnational party links through the European Parliament's party groups, which have actively sought to link up with fraternal political forces in applicant or potential applicant states (e.g. Pridham 2000). For parties from candidate countries, incorporation into the Groups' activities may serve as an important channel for ideological and policy socialisation. As a result, the pre-accession process alters the allocation of resources, by providing new channels of access not only to finance but also to knowledge and contacts.

Through these mechanisms, the EU has influenced the balance among domestic actors. Perhaps most obviously, in domestic struggles between democratisers and Europeanisers on the one hand and nationalist

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traditionalists on the other, European integration has functioned in favour of the former. Examples of this have occurred in both CEE and SEE states. For example, the perception that the undemocratic practices of incumbent governments had hindered their countries' rapprochement with the EU appears to have contributed to the victory of opposition forces in Slovakia in 1998 and Croatia in 2000. Meanwhile, by changing domestic opportunity structures, the EU has been seen as helping to empower both civil society and regional actors.

The EU approach to civil society has sometimes been questioned. As Geoffrey Pridham has pointed out, within the European Commission "no clear meaning" has been attached to this term (Pridham 2002: 959). The EU strategy of support (particularly financial) for NGOs which then emerge as the self-appointed representatives of civil society - and supporters of European integration - was recently the subject of a scathing attack in *The Economist* ('Charlemagne' 2004). Despite this, the EU has clearly contributed to pluralism by strengthening alternative political voices in political systems - like many of the SEE states - where civil society has traditionally been weak.[5]

Meanwhile, the multi-level governance system of the EU increases the opportunities available to sub-national actors. For elected authorities at the local or regional levels in candidate countries (as indeed within member-states), participation in EU programmes can enhance their financial autonomy from central government and provide the chance to broaden their horizons through transnational networking. Strengthening sub-national actors is usually seen as enhancing democracy, on the grounds that it reinforces a decision-making level closer to the citizen that is likely to provide easier access to political participation.

While the above description is based on the EU's relations with accession candidates, it applies on general lines to the SAP states too. The granting of Stabilisation and Association Agreements is also subject to political conditionality: not only including respect for democratic principles and human and minority rights, but also regional co-operation and, where relevant, compliance with peace agreements (Smith 2001: 39). The extent of the EU impact on democratic development in recent, current and "potential" candidates has varied on a case-by-case basis.[6] Ultimately, the success of democratic conditionality depends on the response it elicits from the government and society of the particular candidate state. The EU has not always been consistent in its approach.[7] But despite the criticism that could

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be expressed, it is apparent that the EU in the early 21st century is directly concerned with the democratic quality of applicant states and provides considerable input into its upgrading. How does this compare with the earlier Greek experience?

Association without democratisation

Viewed from the perspective of the early 21st century, perhaps the most striking aspect of the European Community's first Association Agreement, signed in 1961, is the complete absence of political conditionality. Of course, this reflected the fact that the Treaty of Rome, signed just four years earlier, specified no membership criteria beyond the geographical. Article 237-limited EC entry to "European" states but provided no further guidelines about the characteristics of acceptable applicants. Meanwhile, the singularly vague Article 238 on "association" did not even include this limitation, leaving the way open for the Community to conclude an Association with any third state, union of states or international organisation. Nevertheless, it still seems rather astonishing that the Association Agreement not only established an institutionalised relationship with Greece but also promised eventual full Greek membership without setting any political conditions.

Greece in the early 1960s was far from a picture of democratic health.[8] Regular elections were held under a multi-party system. But parliamentary institutions, elected in a climate of systematic violence and fraud, were largely subordinate to the alternate power centres of the monarchy, the military and the "foreign factor". Emergency legislation passed during the 1940s civil war, severely limiting the rights of those deemed to be insurgents, continued in force alongside the liberal 1952 Constitution long after the war was over. Discrimination among citizens on the basis of their political beliefs was institutionalised, with a certificate of acceptable political opinions as the essential prerequisite for public sector employment and other concessions at the discretion of the state bureaucracy. Basic human rights were not respected: for example, the rights to liberty and a fair trial (Articles 5 and 6 of the European Convention of Human Rights and Fundamental Freedoms) were violated by the practice of administrative exile. As for minority rights, the Greek state had solved the problem by denying the existence of ethnic minorities, while the religious rights of non-

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Orthodox communities were highly conditional. Meanwhile, Greek civil society was traditionally weak, as the prevalence of clientelism had inhibited the emergence of autonomous interest representation. This had been aggravated in the post-civil war climate, where the government takeover of the trade union movement was characteristic of the state attempt to stifle autonomous societal organisation. The fact this country was given an accession prospect with no political strings attached clearly suggests a lack of European Community engagement with democratic substance at this point.

But while the future accession of this quasi-democracy apparently did not present a problem to the EC, the possible admission of a dictatorship, lacking even the form of democratic parliamentary institutions, certainly did. Six months after the signature of the Greek Association, the European Parliament, responding to rumours of an impending application from Franco's Spain, issued the Birkelbach Report, formally recommending that EC membership should be limited to applicants who met the democratic requirements for membership of the Council of Europe. In the words of its Statute, the Council of Europe had been founded in the name of individual freedom, political liberty and the rule of law. Members were explicitly required to accept the rule of law and respect human rights and fundamental freedoms (Article 3) and could be expelled in the case of 'serious' violation (Article 8). As already indicated, it was by no means evident that Greece matched up to this standard. But the Birkelbach recommendation - while influencing policy towards Spain[9] - was not adopted as official European Community policy. As a result, the first tentative attempt to introduce an EC democratic standard did not trigger a retroactive re-examination of the Greek case. Even if the Council of Ministers had taken a formal decision to adopt the Birkelbach criteria, it is quite likely that Greece would have been judged as already meeting them. Despite its questionable democratic quality, it had been a Council of Europe member since 1949 and in 1963 became a signatory to the ECHR.

Interestingly enough, the Birkelbach Report does not seem to have been seen by anyone, in the EC or in Greece, as a potential challenge to Greece's full membership prospects. Nor did the Association have any discernible democratic impact in Greece, although it coincided with a period of intense political ferment. By the early 1960s, the adulterated parliamentarism of the civil war and post-civil war era had become an anachronism. Following the particularly violent and fraudulent elections of November 1961, a mass movement for democratisation developed. By mid-decade, Greece was

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obviously in democratic crisis, on the brink of either a democratic opening or a repressive crackdown. But at this critical juncture, in the run-up to the military coup of 21 April 1967, Greece's EC links appeared essentially irrelevant to the drama being played out. This point can be illustrated by reference to the mechanisms for democracy promotion outlined in the preceding section.

Firstly, in 1960s Greece, the EC was completely absent as a democratic norm-setter. The Community did not question the nature of Greek democracy or offer any guidelines as to how it could be improved. Hence, the Association obviously could not act as a source of ideational inspiration or moral pressure for democratic change. Secondly, there was no monitoring of domestic political developments, even when the Community's associate started heading for democratic breakdown – a point nicely underlined by the Association Council's report for 1965.

In July of that year, the elected government fell – or was manoeuvred from power - following a confrontation with the monarchy over civilian control of the military. Rather than calling elections, the King formed a new cabinet, provoking widespread popular protest. It then took three attempts before a government emerged which was able to obtain a parliamentary vote of confidence, making a mockery of the parliamentary process. If similar events had occurred in an associated country after the institutionalisation of the Copenhagen criteria, they would have sparked an instant EU démarche. However, in 1965, reporting on this tumultuous year in Greek politics, the Association Council filled three pages with its concerns about tariff reductions on raisins, wine and tobacco – but included not a word about the political situation.

Thirdly, Greece's future EC entry had been made subject only to economic conditions. According to Article 72 of the Association Agreement, accession could be considered once Greece had reached the point where it was possible to envisage the country undertaking all the obligations of member-states under the Treaty of Rome. In other words, conditionality was limited to Greece adopting the *acquis communautaire,* which at that point, before the Single Market and the Single European Act, still had a limited remit. This ruled out using the "membership carrot" or any other inducement as an incentive for democratic development.

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Fourthly, practical support for a process of political – as opposed to economic – adaptation was non-existent. While in the associated CEE and SEE states, EC funding has been provided, for example, for the training of civil servants or judges, there were no EC training programmes of any kind in the Greek case. Nor did EC funding aim to involve new political actors from Greek society. Of course, even for member-states, the scope of EC funding in the 1960s was very limited. The European Regional Development Fund had not yet been created and it was to be another two decades before the EC acquired a cohesion policy entailing partnership with the regions, which subsequently inspired new theories of multi-level governance (Marks 1992, Marks, Hooghe and Blank 1996). As an Associate rather than a member-state, Greece had no access to either the Agricultural Guidance and Guarantee Fund (a particular bone of contention) or the European Social Fund. Instead, a Financial Protocol attached to the Association provided for $125 million in loans from the European Investment Bank. The impact of this financial inflow was limited by the low absorption rate and the fact it was exclusively provided for the improvement of infrastructure. Thus, EC funding did not entail shifts in the allocation of resources. Instead, the EIB provided cheap loans to subsidise central government public works projects – if anything reinforcing the political status quo.

Meanwhile, transnational programmes and cross-border networking were far in the future and the EP's Party Groups, although established from the earliest days of the European Coal and Steel Community, had not yet begun to embrace political forces in associated states. As a result, the Association did not act as a conduit for new ideas to enter Greece. This was particularly significant in an era when few Greeks travelled abroad, television (exclusively state-controlled) had only just begun to function and there were of course none of the other modern electronic media which nowadays make contact with new ideas across national borders easy and almost instantaneous.

In short, Greek participation in European integration in the 1960s did not challenge existing domestic arrangements – a comment, which to a considerable extent holds true not just for the political sphere but also for the economy too. The Greek Association essentially consisted of the establishment of a customs union, a vague commitment to the harmonisation of agricultural policy and a promise (not fulfilled) to negotiate the free movement of Greek workers after 1974, as well as the

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Financial Protocol. With its main provision the commitment to gradual tariff disarmament over an extended 22-year period, the Association did not entail any major changes to the dominant economic role of the Greek state.

The limited range of the Athens Agreement obviously reflected the fact that the European Community was still at a very early stage. Because it was still concerned almost exclusively with negative integration, the EC did not create functional requirements, which could also impact on democratic quality. An example of the latter would be the need to upgrade administrative capacity in order to implement common policies or run multi-annual, multidimensional funding programmes.[10] Administrative reform can have a considerable impact on state-citizen relations. The same applies for the establishment of the rule of law – a particular concern of the current EU in order to ensure the implementation of the *acquis communautaire*. In contrast, the Greek Association with its limited economic remit seems to have had no effect on the repressive, partial and clientelistic Greek state. Thus, it was not only the lack of political conditionality but also the immaturity of the integration process itself that explains the Greek Association's lack of added democratic value.

In sum, it was not simply that in terms of enhancing democratic quality, the impact of the Association appears to have been nil. But also in a period of democratic crisis, the EC was simply not present as a source of moral or material support for the democratic forces. Perhaps most telling, as the post-war system became increasingly delegitimated and Greece slid towards dictatorship, there seems to have been no expectation on the part of any of the actors involved that regime breakdown would have repercussions for the Association.

Enter conditionality

However, following the earlier Spanish case, the open challenge of a South European dictatorship - this time in an associated country - caused the European Community to take a further step on the road to establishing democratic conditionality. At its first plenary session after the Greek coup, the European Parliament passed a resolution calling for the suspension of the Association. At the next plenary, at the end of June, the European Commission stated clearly, in response to a parliamentary question, that it

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could not remain indifferent to the constitutional regime of a country which was a future EC member.[11] Within six months, a policy of sanctions was in place, formulated by the European Commission and approved by the Council of Ministers, which was to remain in force until the Junta's fall in 1974.

In striking contrast to the situation during the Association's early years, throughout the seven-year dictatorship EC institutions repeatedly issued official statements on Greece, declaring the end of martial law and the establishment of democratically elected institutions and political liberties to be the *sine qua non* for the restoration of relations.[12] While there was no formal process of monitoring the internal Greek situation in the way that occurs with current membership candidates, developments in the country were frequently the object of European Parliament questions and debates as well as public comment by the European Commission. For example, the arrest of well-known politicians, particularly if they were former members of the Joint Greece-EC Parliamentary Committee, was apt to provoke a Commission press release expressing indignation (e.g. 16 April 1970, 12 May 1972, 28 March 1974). The Commission also commented on the state of Greek democracy in some of its Annual Reports. For example, the 1971 report stated that, given the continuation of martial law and the non-existent progress of democratisation, the Community was 'obliged' to continue limiting its relations with Greece.

Besides this repeated public "shaming", the EC also applied economic sanctions against the Greek military regime. The formula adopted was the so-called limitation of the Association to its "current administration" (*"gestion courante"*). This was apparently devised by the Commission's legal service to bypass the absence of political conditionality in the original Athens Agreement. The latter meant the EC lacked a legal basis for the suspension of the Association following the military coup. The strategy adopted was to continue applying the provisions of the agreement which were of an automatic nature and therefore, legally binding. However, all discussion would cease wherever application of the agreement articles was subject to further negotiation. In practice, this meant that tariff disarmament went ahead according to the schedule laid out in the Association Agreement.[13] But all EC funding was frozen, there were no further talks on agricultural policy harmonisation, nor did the EC proceed with the promised discussions on the free movement of labour. These were agreement articles whose non-implementation entailed not only loss of political face but also economic pain for the Junta.

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In addition to the "stick", the Community also systematically applied the "membership carrot". Having made it clear that Greek accession, as envisaged under Article 72 of the Association Agreement, could not occur with the dictatorship was in power, EC institutions also stressed repeatedly that once this obstacle had been removed, the way would be open for Greek entry.

Thus, the EC openly intervened in Greek domestic politics during the dictatorship period, attempting to influence the balance among Greek domestic actors in favour of democratising forces. How much impact this policy had on the domestic situation is hard to quantify. The fall of the dictatorship was precipitated by an external trigger (the Junta's disastrous attempt to sponsor a coup in Cyprus and its tragic aftermath). But Cyprus was only the catalyst. By the time it collapsed, the Colonels' government was suffering from a complete lack of legitimacy, aggravated by the effects of the first oil price crisis and underlined by the use of tanks against unarmed students at the Polytechnic in November 1973. While the EC role does not seem to have been decisive, the Community's stance of holding the Junta at a distance undoubtedly contributed to the latter's legitimacy problems. This was certainly recognised by part of the opposition which, during the dictatorship's later years, began to cite the damage to Greece's EC links as a reason why the Junta should go. The most famous example of this was the letter issued by former Prime Minister Karamanlis from his Parisian exile in April 1973. Thus, during the dictatorship, democratic conditionality became a – if not the – key element in EC policy towards Greece. To what extent did this continue after 1974?

The ticket to Europe

With the Junta's fall, the European Community for the very first time had to address the question of the conditions it should set as a prerequisite for relations with a former dictatorship. As Karen Henderson has remarked: "The European Community had been founded on an instinctive, west European understanding of what was, and was not, a democracy. Threats to democracy were perceived primarily in terms of the military takeover of government power such as that experienced in Greece in 1967... There was no clear blueprint of what constituted an acceptable level of democratic

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consolidation" (Henderson 1999: 222). Henderson's comments were actually written with regard to EU policy towards the Central and Eastern European (CEE) states in the 1990s. Two decades earlier, there was even less clear conception of the criteria by which a democracy could be judged. This is not surprising: 1974 was the very beginning of Samuel Huntington's "Third Wave of Democratisation", with the South European transitions which began that year subsequently triggering a new academic interest in democratisation and an attempt to define more clearly what it entailed.

Perhaps it is not surprising, therefore, that the criteria adopted were minimalistic and focused on elections. The key moment in defining conditionality in the Greek case appears to have occurred in September 1974. At the end of August, the European Commission recommended to the Council that full reactivation of the Association should only occur "when a fully democratic regime is established in Greece. That is to say, after free elections have been held and democratic institutions have been re-established".[14] A report drawn up for the European Parliament's Political Affairs Committee and dated 13 September attempted to go further. It included a draft motion for a resolution by the Parliament's plenary. In addition to the holding of free parliamentary elections, this called for the full restoration of the rule of law and human rights as the criteria for the resumption of the Association. However, when the plenary debate took place, the rapporteur himself suggested that the Parliament should drop the demands concerning the rule of law and human rights, on the grounds that the new Greek government had already reintroduced the 1952 Constitution and re-adopted the European Convention of Human Rights.[15] This view was reflected in the Resolution actually adopted by the Parliament, according to which the Parliament "considers that the Association can be fully resumed after free parliamentary elections have been held".

As a result, it was elections – and elections alone – that became, in the words of the leader of the European Parliament's Socialist Group, "Greece's ticket to Europe" (quoted in the Greek newspaper *Vradyni*, 4 October 1974). Apparently, this EC demand influenced the timing of the transition. According to Takis Lambrias, the transitional government's spokesman and later an MEP, at a cabinet meeting in October 1974 Prime Minister Karamanlis cited relations with the EC as one of his reasons for calling early elections (Lambrias 1989: 29-30). These were held just four months after the Junta's fall, on 17 November, the anniversary of the suppression of the student uprising at the Polytechnic. The Association was officially reactivated a few weeks later.

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Significantly, the adoption of elections as the sole democratic standard did not only apply to the Association, but also to the application for full membership, submitted on 12 June 1975. Again, it seems striking that the European Community, for the first time receiving an accession application from a country that had just emerged from military rule, did not set any political conditions for Greek entry. Nor did the European Community provide itself with any safeguards in the case of a Greek democratic regression after EC entry. This act of faith seems particularly surprising in the light of the EC's prior experience with the Association Agreement and the resulting compromise of "current administration" during the dictatorship, rather than the complete "freezing" which would have been the preferred option of many Euro MPs. As it happened, the new democratic system rapidly became accepted as "the only game in town", with the consolidation of the regime underlined in 1981 by a smooth alternation in power allowing a socialist party to form a government for the first time in Greek history. However, European integration seems to have contributed only indirectly to this democratic success.

Accession without democratic deepening

The prospect of accession to the EC seems to have contributed to democratic stabilization in Greece in various ways. For example, entry to the most powerful club in Western Europe created a stronger sense of external security, ending the need – as Karamanlis had predicted in his 1973 letter against the Junta – for external 'protecting powers' who then intervened in domestic politics. Meanwhile, the widespread belief that accession was a system-defining choice that would lock Greece into the particular political and economic pattern represented by Western Europe, also helped to promote a consensus among political elites that they had to work within the limits of the new system (Verney 1990). However, in contrast to current EU practice in South-East Europe, the EC itself, as an actor rather than as an idea, seems to have had no direct input into shaping the new Greek democracy. Again, this can be illustrated with reference to our four mechanisms.

Firstly, the European Community in 1970s Greece was not actively engaged in democratic norm promotion. This not only reflected an earlier,

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less self-confident phase in the EC's role as a promoter of democracy. It was also due to the fact that West European democratic norms in general were less developed than they are now. For example, one of the major fields in which Greece was to run into trouble in the 1990s – its treatment of ethnic minorities – was essentially a post-Cold War norm, institutionalized by the CSCE and the Council of Europe in 1990-1. In terms of contemporary democratic standards, post-dictatorship Greece did not always compare disfavourably with EC member-states. For instance, all political parties were allowed to function freely and there was no threshold for parliamentary representation. In addition, although it faced a domestic terrorism problem, the Greek state did not respond by limiting civil liberties along the lines of the UK's 1972 Prevention of Terrorism Act or the Federal Republic of Germany's response to the Baader-Meinhof threat.

However, in areas where Greece's record was problematic, such as its interpretation of the religious freedom of non-Orthodox Christians, this did not provoke EC action. Indeed, the Community did not even concern itself with aspects of Greece's domestic arrangements that were likely to have a direct impact on its ability to function in the Common Market. For example, the question whether Greece would have the administrative or the judicial capacity to implement the *acquis communautaire* did not come under scrutiny. If it had done, Greek accession might have been a more difficult process.

Secondly, there was no official monitoring of the Greek domestic situation and hence, no formal evaluation of how the new Greek democracy was developing or how stable it was. Very occasionally, differences in democratic practices between Greece and existing EC member states might be noted in questions in the European Parliament. Typically, in the case of a question about the punitive treatment of conscientious objectors, the Commission responded that this was an internal matter on which it would not comment.[16]

Thirdly, even if the EC had been interested in encouraging reform, it had ruled out the possibility of using the "membership carrot" by its quick and unconditional decision to open entry negotiations. The European Commission in its January 1976 "Opinion" had recommended an extended pre-accession period – not for reasons of political caution but to facilitate economic adjustment. But in a matter of days, this recommendation had been overturned by the Council of Ministers. As a result, entry negotiations officially opened in July 1976, exactly two years after the Junta's fall. Once

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there had been this "agreement to agree", as Iakovos Tsalicoglou notes in his authoritative study of the accession negotiations, the accession process developed as "a ritual dance" with EC entry as the eventual outcome (Tsalicoglou 1995).

After the European Council declaration in April 1978 that "respect for and maintenance of representative democracy and human rights in each Member State are essential elements of the membership of the European Communities", one can assume that negotiations would have been broken off in the case of serious democratic regression. But this would clearly have been a 'nuclear option', used only in the case of an open reversion to dictatorship. In the case of a candidate country which had already been recognized as a democracy – and Greece by that point had held two post-dictatorship parliamentary elections – this proclamation was unlikely to provide any incentive for the deepening of democracy. Characteristically, it was not followed up by any clarification of the content of "representative democracy and human rights" at that point. Nor was there any provision for procedures to be followed if an applicant – or indeed a member-state – was deemed to be violating democratic norms. Indeed, such procedures for persistent offenders were not formulated until much later – in the Treaty of Amsterdam in the case of member-states and in December 2004 for states negotiating accession.

Fourthly, in terms of practical support for political adaptation, the picture had not changed substantially from the 1960s. Unlike the states involved in the fifth and future Enlargements, Greece was not a recipient of special pre-accession aid. The only EC funding Greece received was via the Association Agreement, in the form firstly of the $55 million frozen following the 1967 coup and subsequently of a Second Financial Protocol totalling 280 million units of account.[17] Again, this funding was mostly designated for infrastructure projects including special loans for agricultural modernization.[18] As in the previous decade, EC funding in the 1970s did not have a significant political impact. Once again, there was no civil society component. In post-dictatorship Greece, the trend was for societal organizations, which before the dictatorship had generally been controlled by the state, to be colonised by the political parties, again limiting opportunities for autonomous expression. There was no EC effect, even through contentious NGO funding, to counterbalance this. Meanwhile, it

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was only with the regionally based Integrated Mediterranean Programmes, which began to be implemented after 1985, that the requirements of obtaining money from the EC began to challenge the heavily centralised Greek state structures.

In terms of transnational party links, the immediate pre-accession period did see Athens visits by delegations from the European Parliament's political groups looking for new recruits. However, the governing New Democracy party, wooed by the Christian Democrats, the British Conservatives and the Liberals, did not decide which group to join until ten months after Greece's EC entry. Although the official opposition announced as early as December 1979 that it would sit with the Socialist Group, PASOK at this period continued to maintain a clear ideological distance from the fraternal parties which it had until recently accused of being US stooges. This stance found its institutional expression in the decision not to join the Confederation of Socialist Parties of the EC, the group's umbrella organisation. As a result, it was not until after Greece's EC entry that the two main Greek parties became integrated into the groups and this potential channel of influence, contacts and ideas began to operate.

Thus, the preparations for EC entry did not challenge existing political practices, increase the possibilities for political participation or broaden the scope of Greek democracy. Indeed, it was a major complaint of the two pro-EC opposition parties, the centre and the eurocommunists, that the accession negotiations had been a lost opportunity for societal mobilisation and deepening democracy. Instead, they were conducted as a relatively closed process, which did not involve substantive consultation or discussion with organised interests or other social groups. In fact, the Greek case confirms the observation made by Heather Grabbe that the accession process may be seen as "exporting the [EU's] democratic deficit", because it not only privileges the executive in relation to the legislature but also strengthens a 'core executive' [Grabbe 2001].

The need for central coordination of the highly complex process of harmonisation with the *acquis communautaire*, involving the cooperation of a wide range of government ministries and other bodies, tends to result in a concentration of power in the hands of a very few. The effects of this have been noted in much of the Greek literature on the country's EC entry, which has stressed the centrality of Prime Minister Karamanlis (e.g. Kontogeorgis 1985) without understanding that this is inherent to the process. Moreover, the EC's moral and political support for Karamanlis, who was seen in

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Western Europe as the main agent of democratisation, also reinforced the nature of a political system centred on the Prime Minister. Thus, it can be argued that Karamanlis' authority, initially derived from his role as national leader during the crisis triggered by the Cyprus events, was subsequently reinforced by his pivotal role in the accession process.

The legacy of the extraordinary period of regime change was thus consolidated, at least partly due to the domestic political dynamics of negotiating EC entry. This perpetuated a situation – to be reproduced after the socialist election victory in 1981 – where the Prime Minister in practice could function as a 'parliamentary autocrat'.[19] Moreover, in the case of 1970s Greece, in contrast to the subsequent experience of other SEE states, accession negotiations were not accompanied by pressure for change in the judicial system. The absence of judicial reform, with the potential to enhance the independence of the judiciary in relation to the executive, was a further factor encouraging 'core executive' predominance.

Conclusion

The Greek case has a special significance, as Greece was the "guinea pig" for the development of EC democratic conditionality. This paper has examined the different phases of European Community policy towards Greece in the pre-accession period and the consequences for the quality of Greek democracy. In the initial period of Association (1961-67), there was no political conditionality and no democratic impact. Conditionality entered the scene during the military dictatorship (1967-74), when it became the central axis of EC policy towards Greece. This probably contributed to the lack of domestic legitimacy, which ultimately brought about the collapse of the military regime. After 1974, the application of political conditionality was based on such minimal criteria that it failed to have positive effects on the quality of the new democracy. In effect, once elections had been held, the EC remained outside Greek domestic affairs throughout the accession process, just as it had done during the early Association period. Meanwhile, the process of negotiating for accession itself had a negative democratic effect, by increasing the concentration of power in the hands of the Prime Minister, at the expense both of the other branches of power and of broader societal involvement.

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The paper compared the Greek experience with the European Community in the 1960s and 1970s to the mechanisms for democratic conditionality applied by the European Union in the early 21st century to the current accession and SAP candidates in South-Eastern Europe. The pre-accession period, whether this entails the phase of Association or of negotiations for full membership, is currently a time when the EU attempts to maximise its democratic impact. This did not occur in Greece. This was not just because the EC in the 1970s did not have the same systems for leverage in place as it has now. The main reason for the EC's limited democratic impact in the Greek case was the lack of concrete democratic demands.

The Greek study highlights the fact that the European Community in the 1970s, while professing its devotion to 'democracy and human rights', had not specified what these principles meant in practice. This did not prevent the Community formulating a clear policy in the extreme case of military dictatorship. With its insistence on early elections, the EC was even able to influence the timing of regime transition. But it was not able to operationalise a working definition of democracy that would have allowed it to make a positive contribution to democratic quality during the phase of democratic consolidation. In this respect - and notwithstanding the possible criticisms of current EU practice indicated in the second section of the paper - the Greek case highlights just how far the EU has come in comparison to its predecessor, the European Community.

Meanwhile, the absence of effective democratic conditionality in the 1970s meant that Greece did indeed have an "easy accession" compared to the other SEE states. Unlike them, it did not have to meet difficult political pre-conditions. But the other side of the coin is that Greece did not benefit from the potential transformative effects of the accession process. In particular, the highly problematic minorities policy, which damaged the country's international reputation in the 1990s, the dysfunctional judicial system and the fact the rule of law is not deeply embedded in Greece, are among the burdensome legacies of the lack of effective pre-accession conditionality. Almost a quarter century after its EC entry and three decades after its regime change, Greece is still struggling with issues which hopefully may be better resolved by its SEE neighbours in the course of their rapprochement with the EU.

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Endnotes

[1] At the time of writing, candidate states were Bulgaria, Romania, Turkey and Croatia. Although FYROM had submitted a membership application, it had not yet been accorded candidate status. The term "potential candidates", to use the designation adopted by the EU at the Freire summit in 2000, refers to the remaining Yugoslav successor states – i.e. Serbia-Montenegro and Bosnia-Herzegovina – as well as Albania.

[2] The SAP was created in 1999 for Albania and the Yugoslav successor states (except Slovenia, which not only had a "Europe Agreement" but at that point was already negotiating accession). The declared aim was to promote both the political and economic stabilization of the region and closer links with the EU. Both the states which have achieved Stabilisation and Association Agreements, Croatia and FYROM, have subsequently submitted applications for accession.

[3] This comment also applies to my own work, e.g. Verney 1990, Verney and Couloumbis 1991.

[4] As Karen Smith points out, it was the Commission's "Opinions" on the membership applications of the eight CEE and two SEE states, issued in July 1997, that constituted "the first detailed explanation of what the conditions actually meant" (Smith 2004: 115).

[5] For example, on the EU and civil society in Turkey, see Göksel and Günes (2005 forthcoming).

[6] A point nicely illustrated by the collection of case studies in Kubiček 2003.

[7] For example, a recent article by a British academic in the *Financial Times* suggested the EU had 'lost its way' by deciding to admit Romania, after not taking a sufficiently critical approach to the latter's democratic problems (Gallagher 2004).

[8] For a more extensive discussion of the nature of Greece's democratic problems at the time of the Association, see Verney 2002, on which this paragraph draws.

[9] Instead of an Association, Spanish-EC links were limited to a trade agreement, delayed until 1970.

[10] The European Council, meeting at Madrid in December 1995, declared administrative adjustment to be an essential prerequisite for the integration of a new member.

[11] Debates of the European Parliament, Commission reply to question 53 by Mr Faller, 28 June 1967.

[12] There are a number of accounts of EC policy towards the Greek dictatorial regime. See, for example, Yannopoulos 1975, Coufoudakis 1977, Siotis 1981, Haritos 1981: 126-164 and. most recently, Pesmazoglou 1999.

[13] In addition, much to the disapproval of many Europarliamentarians, following its first Enlargement, the EC also held direct talks with the Greek government in order to extend the customs union to the new member-states.

[14] "Communication of the Commission to the Council concerning the development of relations between the Community and Greece" (SEC [74] 3279 final, 30 August 1974).

[15] Debates of the European Parliament, 26 September 1974: 159. The ECHR had been repudiated by the Junta in 1967.

[16] Debates of the European Parliament, 29 August 1978, European Commission reply to written question 311/78 by Mr Broeksz.

[17] This amounted to 70 percent of the initial Greek proposal, submitted in April 1975. After a long drawn out process, which attracted considerable criticism from the European Parliament and the Greece-EC Joint Parliamentary Committee, the Protocol was signed in February 1977 and received final approval in July.

[18] Press release by the EEC-Greece Association Council, 28 February 1977 (CEE-GR 5/77).

[19] In principle, the role of the Prime Minister was limited by the considerable powers granted to the President of the Republic under the 1975 Constitution. However, in practice, even before these powers were abolished by the 1986 constitutional revision, no incumbent President had used them.

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INTERESTS AND DEMOCRATIC PARTICIPATION IN TURKEY'S EUROPEANISATION PROCESS: LIBERAL INSTITUTIONALIST-RATIONAL CHOICE DICHOTOMY

M. Sait Akman*

Introduction

The conclusion of European Council summit in December 2004 to start accession negotiations with Turkey as of October 2005 is historic both for Turkey and the EU. This decision can be regarded as the EU's acknowledgment that Turkey has sufficiently fulfilled its obligation to meet the political accession criteria and demonstrated concrete progress in democratisation. However, the issue of the democratisation process has provoked an intense debate that dominated political life for at least two decades in Turkey. Several constitutional changes and relevant *laws of harmonisation* in legislative, executive and judicial fields have been passed successfully. In practice, developments in the post-Helsinki period in which candidacy status became operational revealed an accelerated reform process of democratisation in Turkey[1].

Two related but not necessarily mutually exclusive approaches could assist the explanation of the democratisation process in Turkey. These two approaches possess characteristics of liberalism in international relations. Firstly, *neo-liberal institutionalism* considers the process in Turkey as the result of a norm-based negotiated cooperation designed by an external factor (the 'European Union' in this case) by which domestic problems obviating the pace and will of democratisation are overcome (democracy 'from above'). The second avenue explored to explain the democratisation process in Turkey is the *rational choice* (RC) approach, which replaces the role and effect of international/external factors with a domestic interplay of factors. Accordingly, what determines the motivation behind the speed of

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democratisation is the interaction of domestic agents who are self-interested utility maximisers (democracy 'from below') rather than external forces, which have only auxiliary functions.

In reality it is very common to argue that the reform process in Turkey is made possible because of top-down pressure from the EU and that it would have failed had *EU conditionality* not existed. Hence, it is a common belief that EU conditionality had been a strong incentive without which domestic forces could have taken only minor steps due to the lack of internal dynamism in the domestic realm. This thesis is a function of an analysis based on the realist paradigm that does not consider sufficiently the true role of intra-national elements.

While neo-liberal institutionalism follows an intergovernmental approach by focusing on the systemic level of relations between Turkey and the EU, rational choice proposes that the EU's impact as an external actor on Turkey's democratisation is influential only to the extent it is *endogenoised* in the *rational utility functions* of domestic agents. A democratisation process is eventually a matter of collective action, which is determined in accordance with the behaviour of individual actors. Hence, the question that should be asked is: *Are external forces, such as the European Union, effective in shaping domestic actors' interests in a democratisation process by using conditionality?*

The *first* part of this paper is devoted to theoretical infrastructure. It summarises the two competing arguments of the "liberal" approach by delineating the borders and axiomatic nature of *neo-liberal institutionalist* and *rational choice* explanations of democratisation. The article then explains the democratisation process in Turkey from a rational choice perspective. It briefly describes the role of various domestic societal actors considered to be rational utility maximising agents and whose expectations and behaviour are determinants of democratisation in Turkey. The *second* part evaluates the validity of 'rational' behaviour and its critics. The *last* part of the paper puts forward an approach that intends to revise and enrich rational choice by incorporating ideas and causal beliefs with self-interest maximisation. It refers to the EU as an external actor that provides norms of behaviour.

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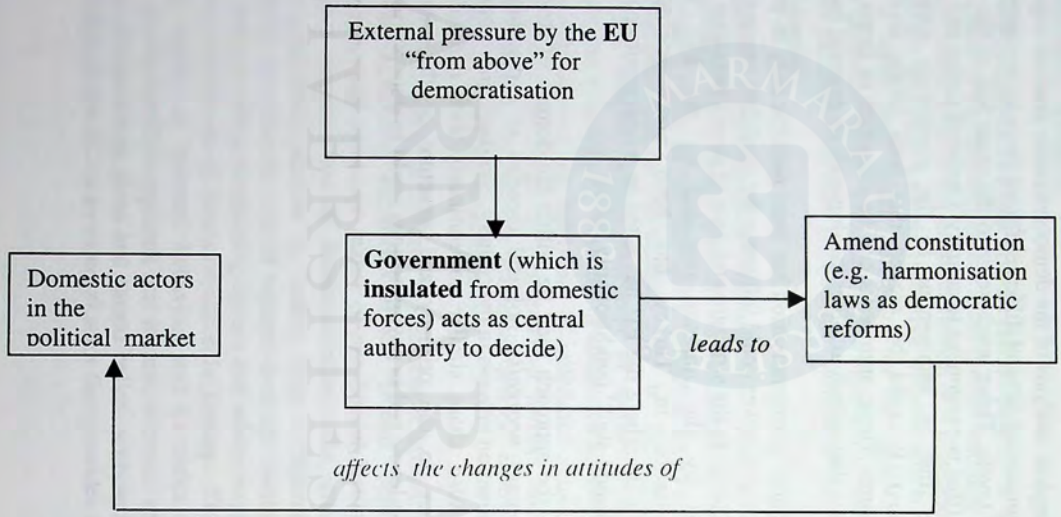
1. Explanation of democratisation: What is the correct level of analysis?

A complete analysis of the democratisation process requires grasping the interaction among several different forces that can be categorised under two different levels. These levels refer to the exact loci of the causes of action: *external* (that is exogenous to country's national actors and institutions); and *domestic* (that is endogenous to the country-its national actors and institutions). It could be argued that both levels serve as significant determinants. These arguments can be classified in terms of the degree of importance they attach to either the domestic or external factors.

For many[2] democratisation has been possible only to the extent that EU incentives and power could influence the candidate country. Accordingly, a radical change in the structure and pace of democratisation in Turkey can be explained by the impetus provided by the EU. In other words democratisation in Turkey has been made possible through EU conditionality where the EU has acted as a hegemonic power by means of its 'carrot-and-stick' conditionality policy.

Thus, the approach shall lie within the domain of structural *realist* and contemporary *neorealist* political theories in explaining the patterns of democratisation process in the country. Similarly, *neo-liberal institutionalist* theories also share similar commitments with *neorealism* in attaching importance to the primacy and structure of the international system (systemic-level) and in paying serious credit to state power[3].

Figure 1. Systemic-level explanation of democratisation 'from above'



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Neo-liberal institutionalism, while not wholly denigrating the value of a causal relationship at the domestic level, follows a 'systemic level' analysis by emphasising the pervasive significance of international regimes and institutions[4]. The EU can possess such significance by imposing its norms on candidate countries under a negotiated cooperation. Whatever the case, democracy is only possible by means of an external catalyst of interstate relations that boosts the reform process "from above". As indicated in Figure 1 state institutions seek to satisfy the demands of an external force (i.e. the EU) and they may *not* necessarily reflect the views and expectations of domestic-level actors.

On the other hand, an alternative explanation in order to understand the democratisation process focuses on a totally different level of analysis, namely *domestic* actors and stakeholders. Accordingly, a country's democratisation is eventually an outcome of domestic-level interactions among political and economic factors.

This dimension of analysis has two different but closely-related interpretations. The first interpretation approaches the problem by putting the *domestic state and its political institutions* at the center of analysis. According to this view, the state is insulated from the pressures of domestic as well as external forces. A democratisation process begins to occur only after being reviewed and processed coherently through the priorities of policy makers and politicians who try to maximise national interests. Several parameters including ideological perceptions, political leadership or individual values of national policymakers as predominant actors can be primary reasons for the change and pace of democratisation. In other words, Turkey's democratisation process is a result of the changed attitudes of policymakers. This dimension is not convincing unless the questions of how and why attitudes change over time are explained.

The second interpretation focuses its attention on the vitality and prominence of *social actors on the domestic level* rather than the state and domestic institutions per se. The latter can also be influential but not as a supreme body that decides on the process alone[5] (see, Figure 2). Rartional Choice theory treats individuals and their coalitions as interest groups who are utility-maximizing agents[6]. For their part, politicians, seeking to maximize support, respond entrepreneurially to interest-group pressures by providing the desired public policies and actions.

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Figure 2. Rational Choice explanation of democratisation 'from below'

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The axiomatic contributions of rational choice theory in comprehending democratisation processes within the context of EU enlargement are as follows. *First*, rational choice bases its methodology on the assumption that any individual acts as a *rational utility-maximising agent* that seeks to raise his/her self-interest[7]. Rational choice involves utility-maximisation where the rationally behaving actor prefers an option that yields the greatest welfare. Therefore the relevant unit for study is the individual (methodological individualism). Pioneering studies[8] in this field suggest that voters and their elected representatives express their self-interest in the political market in the same way that they act in economic life. In Downsian terms, each individual shall vote for the political party that will bring to herself/himself the greatest level of democratisation. Politicians (as elected representatives) who also want to maximise their interests, will respond to voters or public demands by granting democratic reforms. Bureaucrats would normally have several private interest maximising motives as opposed to the traditional view that bureaucrats follow the orders of their political superiors or behave in accordance with what is right for them.

Second, individual preferences aside, like-minded people associate to form "interest groups" which express their demand for democratisation. In this way they minimise the 'cost of collective action'. However, the 'free riding' problem remains- it is not possible to exclude people from the benefits of democratisation even though they might not invest in it[9]. Therefore, the structure and motivations of interest groups in this process is significant.

Third, politicians and bureaucrats act as suppliers of democratic reforms where their actions are restrained by the political market. The expression of individual preferences is also limited by the *imperfections of the political market* since actors are not always fully informed or the information on which they base their decisions is typically costly to acquire, they are often 'rationally ignorant'. The role of an exogenous factor (i.e. the EU) could well be to minimise if not to completely eliminate these imperfections. Therefore, the EU may become the factor, which influences the assumed behaviour of domestic actors and their interplay within the domestic policy setting.

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2. Political market for democratisation: Domestic actors and limitations in Turkey-EU relations

Initially, a rational choice approach may seem to offer only a minimal contribution to the understanding of the democratisation process in Turkey. However, the existence of *EU conditionality* (democracy injected 'from above' by means of an externally imposed political conditionality) does not constitute a deeper explanation alone. There are two compelling reasons for this. First, systemic-level explanations usually neglect the problem of ownership that may render EU conditionality ineffective. As Checkel argues;

> "conditionality...creates an ownership problem domestically. Reforms are seen to be the result of external imposition; the incentive to comply is lower given foreign domination of the reform process. Support for a policy change thus lacks a strong political base and compliance becomes problematic''[10].

Secondly, the outsider effect, no matter how influential, cannot suddenly interrupt or limit domestic social values, deeper beliefs and traditions, which cause a delay in the democratic reform process. These beliefs and traditions are intrinsically embedded in the minds of the people. Even a strong reward such as the possibility of eventual membership may not guarantee compliance[11]. Similarly, historical effects can limit the efficacy of EU political conditionality. K. Smith claims that;

> "External influence can never be overwhelming - third countries may be willing but unable to meet the externally-set conditions for a wide variety of reasons, including the negative influences of their past history (underdevelopment, entrenched conservative forces, and so on)"[12].

A return to rationality-based analysis *incorporating* the 'external influence' in the interest-based utility-maximisation function of domestic actors offers a more convincing explanation. According to rational choice assumptions, domestic agents will demand and supply democratisation, because they expect additional interest-maximisation from doing so. Hence, EU political conditionality can help several societal forces to defend their case for democratisation and the improvement of human rights, as long as

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the former is internalised (becomes endogenous). Arguments that praise EU conditionality (democracy from above) fail to understand that mere compliance with the EU guidelines does not guarantee the institutionalisation of democracy in Turkey *unless these guidelines are perceived by domestic actors and stakeholders as intrinsic values*[13].

In analysing the main actors in Turkey's recent democratisation process, we should note that there are two sides to the 'market of democratisation'; namely supply and demand.

2.1 Supply side analysis of democratisation in Turkey

The supply side of the market for democratisation comprises state and political institutions at executive, legislative and partly judicial levels. Their willingness to invest in democratisation is a function of the political benefit that accrues to them as suppliers. Political parties are at the centre of political institutions. They serve as as the link between civil society and state institutions. Three main factors shape their willingness: the opportunity cost of such actions; the electoral consequences of the actions and their ideological preferences. The political support of parties for democratisation, liberalisation and individual freedoms goes back to the pre-Helsinki period. [14]. Turkish political parties had different positions across the spectrum vis-a-vis democratisation and individual freedoms. Despite a general adherence by the left or right of centre mainstream parties to individual liberties, they were not passionate supporters due mainly to their embedded ideas, beliefs and perceptions about democratic developments with regard to issues traditionally conceived as core and sensitive to national unity, the secular nature of the state, nationally strategic-geopolitical postulations in Turkey and civilian-military relations.

The centre right, True Path Party (*Doğru Yol Partisi*-DYP) under the chairmanship of Tansu Çiller who served, as Prime Minister for some time in the mid-1990s had been insistent on prioritising security issues over democratic rights and freedoms. Despite its political claim to be the follower of the traditions of Democratic Pary with a civil-society oriented approach, the DYP has been an ardent supporter of national unity under a 'statist-populist' argumentation that follows a Kemalist conception of nationalism and state-inerventionist economic policies where the state is

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patriarchally considered as an essential element of social unity[15]. This led the DYP to follow a hypocritical policy paying lip service to democratic values and individual freedom but stressing the primacy of the indivisibility of the country against threats emanating from democratisation and the extension of liberties.

The Motherland Party (Anavatan Partisi-ANAP) established by Özal had originally appeared as a new approach to Turkish political life favouring a liberal economic policy and individual liberties. Its civil character helped it to embrace different parts of society. Mesut Yılmaz, the leader of the party from 1993 to 2002, could not propose a clear vision as it continued to lose votes in elections. However, as representative of middle class urban interests, ANAP has had a more liberal attitude in defending the EU political criteria and a manifest pro-European position over core political topics[16]. Despite ANAP's eroding credibility, its anchoring to EU norms and values helped the government to make constitutional changes in 2001 and to pass harmonisation laws in 2002[17].

The Nationalist Movement Party (*Milliyetçi Hareket Partisi*-MHP) has been the most significant among political parties to take part in an 'anti-EU alliance' and acted as the opposition within the coalition government. The MHP's open criticism of the reforms was largely based on two factors. The first was related to the ideological perspective of the party, especially its sensitivity towards security issues and national unity concerns. This helped them to maximise the interests of their supporters who seek to maintain political stability and the status quo as a safety valve against unexpected repercussions from democratic reforms. The second arose from fresh memories of the struggle against terrorism in the South-Eastern part of Turkey. The MHP's policy has been associated with the expectations of 'families of martyrs' (*şehit aileleri)* i.e. the soldiers who died or were injured in clashes with PKK.

The Justice and Development Party (*Adalet ve Kalkınma Partisi*-AKP) came to power in November 2002 little more than a year after its establishment. Many of its members originated from the Islamist Welfare Party, including its Chairman Recep Tayyip Erdoğan[18]. Its unexpectedly very pro-European attitude in favour of fulfilling the political criteria as suggested in Turkey's National Program and the adoption of Harmonisation

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Laws attracted a great deal of appreciation by Europhile groups in Turkey including the business community, human rights organisations and other NGO's and intellectuals and by the EU. As Öniş and Keyman (2004) put it rightly;

> ''Rather paradoxically, the AKP, in spite of its Islamic roots, emerged as the political party that appeared to display the type of commitment towards EU membership that was not visible in the case of any other political party on the right or left of the political spectrum...The new AKP government proved to be particularly vigorous in its push for EU membership in the two months leading up to the Copenhagen Summit of December 2002''[19].

In fact, it is not surprising that the AKP is in favour of EU membership. Its ideological followers have suffered from limited freedom of expression and democratic deficiencies in the past[20]. It is ironic that its leader, Erdoğan, was not an MP as he could not become candidate in the elections having previously been politically banned. As Gül, The Foreign Minister once emphasised '*We now want to become a full member.We realize that without integration into Europe, democratic standards of human rights cannot be achieved in this country*'[21]. Therefore, the change in attitude is understandable. Indeed, several core issues were resolved and subjects that had been taboo were handled including the status of the National Security Council and civilian-military relations, Cyprus question, broadcasting in the Kurdish language and a re-trial possibility for Leyla Zana and other Kurdish–origin politicians jailed for separatist reasons.

On the left side of the spectrum, the Democratic Party of the Left (*Democratic Sol Parti*-DSP) headed by Bülent Ecevit, had been the leading party of the coalition government. The party can be characterised by its bizarre compromise of nationalist instincts and reformist policies. Several of its MP's including İsmail Cem, the then foreign minister, and Kemal Derviş, then economy minister had a 'pro-EU outlook' and were prominent supporters of the democratisation process. At the same time, many of its members had strong statist and nationalist views[22]. Furthermore the DSP had to maintain the delicate balance between its coalition partners namely, the ANAP (supportive of the EU-related reform agenda) and the MHP with (a Eurosceptic outlook). This fragile balance did not prevent DSP taking

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necessary actions for the adoption of the first two harmonisation laws including amendments of several articles of the Turkish Penal Code and Anti-terrorism Act that were severely restricting freedoms and the annulment of the provision banning the publication in 'forbidden languages' in the Press Law.

The Republican People's Party (*Cumhuriyet Halk Partisi*-CHP), which considers itself to be 'social-democrat', acted as the party defending the Kemalist ideology. Its capacity to represent societal demands is reduced due to its insistence on the bureaucratic, secular and elitist nature of the state, which effectively impedes civil and political liberties[23]. The notion of modernisation under the rubric of its 'civilised' and 'progressive' character had differences from the universal understanding of democracy and liberties. Therefore, the CHP's call for democratisation put it into a position of 'contingent democrat' that allows democracy only to the extent it does not distort the elitist ideological view. However, the CHP was supportive of the AKP for the Harmonisation Laws when it was the main opposition party in the Parliament.

The military as a state institution has been extensively involved in the EU debate especially within the context of the political criteria in Turkey. Its self-defined role to preserve the unity of the country vis-à-vis separatist and fundamentalist religious movements has been a commonly accepted reality with little or no opposition from mainstream political parties and civil society for a long time. On the other hand, the military had a traditionally high commitment to 'westernisation' or 'modernisation' as proposed by the principles of Atatürk. This places the military in a dilemma caught between protecting the national interests on the one hand and defending civil and political liberties on the other. Despite its interventionist position, the military has kept a low profile in core political and sensitive matters such as Öcalan's sentence, broadcasting in the Kurdish language, the minority foundations and the Cyprus issue. Needless to say, the sensitivity of the military concerning developments about religious freedoms such as the presence of women wearing headscarves in public buildings remained unchanged. In sum, it is evident that the military prefers not to intervene in the political arena except in cases where there is a deep contrast between them and the civilians[24].

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2.2 Demands for democratisation in Turkey

A major part of Turkish society is currently able to express itself through civil initiatives. Nevertheless, a collective consciousness in favour of the reforms was limited -though not absent. The conditions and institutional structures created by the 1982 Constitution -which increased the marginal cost of lobbying for democratisation- have largely prevented civil society from taking part in an active struggle for democracy. Several NGOs, whilst effective, have little incentive to add this issue to their agenda. Selective issues concerning the prevention of human right violations were generally raised by tiny human rights organisations. Civil society organisations remained silent though not totally ignorant. The reasons for this are mainly the *interests, ideas and values* that are intrinsic in civil society organisations' utility functions as well as *the difficulties* inherent in changing the status quo unless 'political market imperfections' are eliminated. The following challenges could explain these arguments.

First, because there are significant costs involved in lobbying and because the objective of 'democratisation' has the characteristics of a *public good*, individuals and NGOs received relatively limited rewards for any direct lobbying efforts[25]. For individual citizens in particular, the marginal costs of lobbying were likely to outweigh the perceived marginal benefits over much of the relevant range of lobbying activity. For interest groupings, on the other hand, the dilemma of collective action has been a big challenge because of the free-rider problem - individuals and members of groups ultimately benefit from the rewards of lobbying without really contributing to it, hoping instead to *free ride* on the efforts of others who seek the improvement of civil liberties. In civil society, a limited number of small business groups and policy think-tanks with narrow incentives to free ride have managed to minimise organisational costs for collective action[26].

The second motive is relevant with the *'keeping the status quo'* approach by several interest groups whose utility functions are largely determined by their relationship with the state. The incentive to change the status quo was lower due to their symbiotic relationship with the redistributive state and its values. It is clear that Turkey's economic system allows a high degree of *dependency on the state* by domestic business groups because of generous borrowing possibilities from state banks, subsidies for industrial

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undertakings, state aids to prevent liquidation for companies, loans to government with high rates of return, governmental bids and export refunds and subsidies[27]. The military has also been immune from the democratic critiques of business groups mainly because it was a giant buyer through its lucrative tendering bids. As Öniş and Türem observe;

> "It is a well known fact that the military is an important economic actor in the Turkish context and that significant interlinkages exist between the activities of the military and those of a number of large private firms. Consequently...(there is a difficulty of) challenging the state and the military even for big business which enjoys a position as a key source of capital accumulation in Turkish society"[28] *(paranthesis added).*

A previous study[29] which analysed the attitudes of Turkish interest groups with regard to the European Union observed that 'security' was the major preoccupation for several leading business groups and trade unions, ranking far ahead of the guarantee of freedom of thought and expression or other civil liberties. Therefore, the interests of business groups did not encourage them to take an active role in reforms in the democratic realm.

The third motive concerns ideas. One embedded idea is that the dream of EU membership should not endanger 'national unity and the indivisibility' of the country. This corporatist philosophy has been influential even among NGOs, which were supposed to be the most ardent supporters of improving democratic standards[30].

In fact, interests and ideas have been influential in the perception of democratisation. A narrower definition of democracy and a weaker degree of commitment constituted major problems on the demand side. In the domestic sphere, civil organisations including leftist professional bodies, bar associations, trade unions and others with Kemalist views who consider themselves as modernist and progressive have been indifferent to religious or ethnic claims on the basis of their commitment to Kemalist secularism and nationalism[31]. On the other hand, many conservative groups perceived the democratisation process as a movement that relates solely to religious rights and freedoms[32]. Therefore, most interest groups approached to the issue of freedoms on a selective basis rather than having a 'democracy for everybody' approach.

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3. Rationalistic vs. non-rationalistic elements in preference

The rational choice perspective of democratisation can be criticised for placing too much emphasis on the Downsian interest maximising model of the government and the dominant role of domestic actors who are "rational" utility maximising agents, without really understanding the significant inference by exogenous factors under an international negotiated cooperation as argued in neo-liberal institutionalist perspective. This criticism is misplaced in two respects.

First, the rational choice perspective does not necessarily reject the notion that individuals possess internalised values or ideologies. As argued by many pioneers of the public choice approach like Frey the *intrinsic motivation* is one factor in explaining human behaviour that traditional rational actor models have difficulty in explaining[33]. The dynamics of modern life and developments in global economic and political norms may alter the perception of agents. The global rise of values such as accountability, transparency and "good" governance, the optimal state in the economy and total quality management have been influential factors and ideas on domestic agents that are adversely affected by political instability, successive economic crises and corruption, a deficient judicial system etc. and who are looking for a new definition of the state-individual relationship[34]. The 'EU process'[35] is a part of the global phenomenon that affects the intrinsic motivation of actors and their values and ideas.

Secondly, the rational actor is not immune from "rational ignorance". Indeed, limited information of domestic actors about priorities of politicians may lead to a situation in which their interests diverge. This illustrates why political parties did not take necessary initiatives for a long time even though democratisation was in favour of the interests of their constituents. The EU process was important in reducing the information costs for many domestic actors because it helped to reduce the marginal cost of lobbying for democratisation.

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4. Internalisation of democratic values in Turkey and the EU: A change 'from below'

EU pressure 'from above' by means of traditional methods of democracy promotion such as intergovernmental bargaining, diplomacy, coercion, technical aids or trade (or the mere existence of the membership as carrot at the end of the process) cannot provide a sustainable democracy. According to rational choice approach, EU conditionality shall only be effective and supportive if domestic actors *internalise* democratic norms and add them to their utility functions. EU involvement helped the democratisation 'from below' in two different ways.

4.1 Spontaneous internalisation

In several cases the EU constitutes a role model for different domestic actors to defend their rights and democratic progress. The EU does it spontaneously without any improvisations. The mere existence of the EU process can be sufficient to activate domestic actors. *The EU process helps to set the agenda and provides for interest linkage among the domestic actors in the market for democratisation.* It can be argued that the European Union with its exogenous character acts as an agenda setter, serving to "tie the hands" of domestic policy makers and undercut challenges from those that resist reforms. In several cases, a reference to the EU is a starting point for policy makers and various interest groups to change the status quo. The EU *acquis*, for example, helped the passing of several domestic laws in fields ranging from banking regulations to food safety. It became a habit for many public and private institutions to refer to EU rules in their own area when they wanted to challenge issues they deemed incompatible with their interests. A reference to EU practice -in a society where the majority of people are in favour of EU accession- is an efficient and forceful weapon in bringing issues into discussion.

The EU facilitated the linking of interests within or across issue areas and groups and helped to raise the possibility of the enactment of laws and regulations, which would otherwise be impossible. Democratisation packages have been conceivable with the support of different political groups that converged around a shared ideal of the promotion of democratic rights Hence, the common umbrella of the EU process constituted a locus of

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interest linkage[36]. In this context, the EU process made different interests more legitimate in the eyes of the suppliers who perceive EU membership as a good political victory.

4.2 Contrived internalisation

The EU process is in many cases not sufficient. The involvement of the *EU itself* may be necessary in stimulating the domestic dynamism for democratisation. The role of the EU shall be decisive in motivating a society to participate in the democratisation process 'from below'. The EU may help to reduce the political market failures such as rational ignorance and free riding by means of disseminating ideas; to stimulate the learning process; to help civil society to develop itself and to create social assertiveness. The EU herewith helps in *reducing the marginal cost of lobbying* for domestic actors. Hence, the EU creates a social awareness for demand side to change the perceptions and utility functions of domestic actors. The encouragement of several NGOs, civil groups and associations through EU assistance and aids were clear signals for the increase in lobbying activities and pressures for democratisation. This not only provided an increase *in the level of awareness*, but also *lowered the costs of association and coordination*. The EU can also *help civil society to monitor* the compatibility of governmental actions and policies with the Accession Partnership document and the commitments in the National Program[37].

The assistance of the EU in educating people about their individual rights and freedoms via sponsored courses, seminars, projects and public activities such as the training of school teachers and police officers on human rights contribute to increasing information and minimising rational ignorance. The involvement of the EU as an external actor in the reform process is also plausible in order to motivate various public policy institutes and think-tanks for *political issue entrepreneurship*. These institutions are forceful in improving public policy and in informing the public about democratisation. They also help in generating political advocacy, educating people, advising policy makers about the needs of their constituents[38] and thereby incorporating the ideas and values as intrinsic motivation into the utility maximising functions of individuals. Think-tanks enjoying EU support have played essential roles in the EU-related reform agenda concerning democratisation[39]. They were also effective in *political*

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institution building. The aim here is to secure democratic stability by making the state politically more effective and by orienting political behaviour into a stable and more predictable pattern[40].

5. Conclusions

The aggregate outcome of democracy is related to the process where elected governments and policy makers act consistently in line with the desires of individual citizens and interest groups. EU conditionality 'from above' cannot provide a sustainable democracy unless it is incorporated into the utility maximisation function of individuals who act from a departure point of self-seeking reasons. EU involvement, on the other hand, can be operative if it provides a belief formation and changes the motivation underlying individuals' actions guided by self-interests. The EU can also help to redress political market imperfections such as free riding, rational ignorance, the cost of coordination and collective action problem in different ways in order to activate domestic actors for democratisation 'from below'. Therefore, a neo-liberal institutionalist approach focusing mainly on the systemic level of international relations falls short of explaining the dynamics of domestic actors' involvement. However, the rational choice perspective provides an ample analysis of the democratisation process in Turkey in the context of its integration to the EU.

Endnotes

[1] In political arena, Turkey took decisive steps in order to meet the Copenhagen political criteria including the adoption of Harmonisation Laws intended to transform the amendments in the Constitution into democratically concrete actions in line with European norms (a total of 8 harmonisation legislative-packages were accepted in the Turkish Parliament between August 2002 and August 2004). It seems interesting that the process of democratisation has occured during two successive governments- the former being a weak and fragile three-party coalition government (1999-2002) where partners had diverse interests and ideological perspectives, the latter being a single-party government (2002-to date) originating from Islamic views traditionally renowned for their anti-European stance. As a good companion for the Harmonisation Laws see, *Avrupa Birliği Uyum Yasa Paketleri* (Harmonisation Laws Packages for the EU), Avrupa Birliği Genel Sekreterliği Siyasi İşler Dairesi Başkanlığı, 2004.

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[2] Thus, it may be argued that the EU conditionality depends on the external capability and influence of the EU. Hence, the authority of the EU makes itself felt on non-member/candidate countries either in cases where conditionality operates as a factor to shape institutions in candidate countries see, for example, H. Grabbe, 'European Union Conditionality and the Acquis Communautaire', in *International Political Science Review,* 23(3), 2002; or in cases where conditionality performs the vital task of enforcement (see, for example, K. Smith, *The Making of EU Foreign Policy, The Case of Eastern Europe,* New York: St. Martin's Press, 1998.). For a more detailed analysis of the issue, see, L. Whitehead, *The International Dimensions of Democratisation: Europe and the Americas,* Oxford: Oxford University Press, 1999, and J. Hughes, G. Sasse, C. Gordon, 'Conditionality and Compliance in the EU's Eastward Enlargement..', *Journal of Common Market Studies*, 42(3), 2004.

[3] See, Robert O Keohane, After *Hegemony: Cooperation and Discord in the World Political Economy*, Princeton NJ: Princeton University Press, 1984; and Robert O. Keohane, and Joseph S. Nye, *Power and Interdependence: World Politics in Transition*, Boston: Little, Brown Press, 1977. This is not to say that neo-liberals share the structural elements of realists. Actually they refer to non-power incentives affecting state choices under "systemic processes" such as changes in the world economic activities, technological innovations, alterations in international norms and institutions. In contrast to realism, neo-liberal institutionalist theory does not claim that "interests" are the products of international system but state interests derive from domestic agents. This signifies the "liberal" aspect of the theory. For a concise explanation of it see, Moravcsik, A., "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach", *Journal of Common Market Studies* 31(4), 1993.

[4]Robert O Keohane, International Institutions and State Power: Essays in International Relations, Westview Press, 1989.

[5] This approach may have a variety of other names, *inter alia* public choice theory; social choice or positive political economy.

[6] However, these actors are not abstract entities such as the state, society, and social classes. Instead, they constitute groups who share common goals and seek to promote them on different levels of state.

[7] "Rational" describes means, not ends. It does not denote selfishness. Indeed, there is no guarantee that a selfish individual is more rational than an altruistic one. The term 'rationality' refers to an individual who can arrange the options s/he faces into a coherent order of preference (i.e. on the indifference curve) and makes consistent choices among them.

[8] See especially, Kenneth J. Arrow,., *Social Choice and Individual Values,* New York: Wiley, 1951; Anthony Downs, *An Economic Theory of Democracy*, New York: Harper & Row, 1957; Mancur, Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups,* Cambridge, Mass.: Harvard University Press, 1965; and James M. Buchanan, and Gordon Tullock, *The Calculus of Consent: Logical Foundations of Constitutional Democracy*, Ann Arbor: University of Michigan State Press, 1967.

[9] See, Olson (1965).

[10]Jeffrey T. Checkel, *Compliance and Conditionality*, ARENA Working Papers WP 00/18, Oslo, 2000, p.3.

[11] Relevant to the compliance problem, note that Turkey was criticised for not properly implementing the democratic reforms that it legislated successfully. See for ex. Regular Report for Turkey in 2003, available at [http://www.europa.eu.int/comm/enlargement/report_2003/pdf/rr_tk_final.pdf]

[12]Karen E Smith, 'The Conditional Offer of Membership as an Instrument of EU Foreign Policy: Reshaping Europe in the EU's Image", *Marmara Journal of European Studies,* 8(1-2), 2000, pp. 38-39.

[13] Similar conclusions are available for CEECs. See, for example, A. Spendzharova, 'Bringing Europe In? Impact of EU Conditionality on Bulgarian and Romanian Politics', *Southern European Politics,* 4 (2-3), 2003, and K. Topidi, 'The Limits of EU Conditionality: Minority Rights in Slovakia', available at

[http://www.ecmi.de/jemie/download/Focus1-2003_Topidi.pdf] in 2003.

[14] Radical issues concerning civil and cultural rights and sensitive Kurdish issue has been a part of the agenda by left of the centre, Social Democratic Populist Party (SHP) of Erdal İnönü in early 1990's. The New Democracy Movement (Yeni Demokrasi Hareketi-YDH) was popular with its liberal manifesto urging a radical change in the regime.

[15]Mustafa Erdoğan, *Liberal Toplum Liberal Siyaset* (Liberal Society Liberal Politics), Ankara: Siyasal Kitabevi, 1998, p. 311.

[16] Ziya Öniş, "Domestic Politics, International Norms and Challenges to the State: Turkey-EU Relations in the Post-Helsinki Era", *Turkish Studies*, 4 (1), 2003.

[17] Yılmaz's statement that "the path to the EU passes from Diyarbakır" (AB Yolu Diyarbakır'dan Geçer) was meaningful as it implies that EU membership is only possible by improving human and cultural rights especially associated with the South-Eastern part of Turkey –populated mainly by citizens of Kurdish-origin -

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which had long suffered from violations of democratic norms. Diyarbakır is the largest city in the region.

[18] The AKP government attracted great suspicion among secular circles including the military and the media. The statements by leading figures of the party in favour of liberal values and a peaceful approach to the very principles of the Republic, especially their modest tone over the secular nature of the state were approached with reservation. Therefore, it was largely alleged that AKP was hypocritical (*takkiyeci*).

[19]Ziya Öniş and Fuat Keyman, "Helsinki, Copenhagen and Beyond: Challenges to the New Europe and the Turkish Case", in Mehmet Uğur and Nergis Canefe, eds., *Turkey and European Integration: Prospects and Issues in the Post-Helsinki Era*, London: Routledge, 2004.

[20] As Graham E. Fuller, 'Turkey's Strategic Model: Myths and Realities', *Washington Quarterly,* 27 (3), 2004 observes politicians with Islamic orientation have for long criticised the pressure of the military on the political life by preventing their representative power, and therefore considered the EU-related reform agenda conforming their interests.

[21] Bertil Duner,and Edward Deverell, 'Country Cousin: Turkey, The European Union and Human Rights', *Turkish Studies,* 2 (1), 2001.

[22] See, Öniş (2003).

[23] It is interesting that a large number of citizens who are urbanised, better educated and at a relatively higher welfare level and who regard themselves as the modern face of Turkey, consider the CHP to be the party representing them and as the guarantor for the 'acquis' of modern Turkish Republic. On the other hand, they support the EU membership and EU-related reform agenda in practice.

[24] See, Duner and Deverell 2001.

[25] Patrick Dunleavy, *Democracy, Bureaucracy and Public Choice,* New York: Prentice Hall, 1992.

[26] TUSIAD (Turkish Industrialists' and Businessmen's Association) has been the most eager NGO emphasising the idea of democracy and liberalisation of the economy. It published two similar reports about democratisation; *Perspectives on Democratisation in Turkey* in 1997 and *Raising Democratic Standards in Turkey: Debates and Latest developments* in 1999.

[27] For an analysis of state-business relations see, Ayşe Buğra, *State and Business in Modern Turkey: A Comparative Study,*(Albany: University of New York Press, 1994.

[28]Ziya Öniş, and Umut Türem, "Business, Globalisation and Democracy: A Comparative Analysis of Four Turkish Business Associations", *paper presented at the Conference on Political Parties, Civil Society and Democracy*, Bilkent University, Ankara 27-28 April 2001, pp.20-21.

[29]U. Ayberk. and E. Boduroğlu, 'Turkish Interest Groups Facing the European Community', *Yapı Kredi Economic Review*, 3 (2), 1989, p. 137.

[30] One example has been the case of Türk-İş as the widest trade union which claimed in a Declaration as late as 2001 that;

> 'As proved by the national Independence War, democratisation shall be possible only via independence and national sovereignty. When the requirements of the EU (for example on liberties for minorities or for the Kurdish issue) harm our independence and national sovereignty, it is not possible to mention a genuine democratisation process. We face an agenda aiming to resurrect the Sevres Agreement under the name of democratisation and human rights'.

[31] The Turkish Bar Association prevented their women members as lawyers practicing their profession if they wear headscarves during their presence in the courts. Çağdaş Yaşamı Destekleme Derneği (Association for the Support of Modern Life) has similar views in its internet site, available at [http://www.cydd.org.tr/?sayfa=haberac&id=149] and claims that secularism is under attack.

[32] MUSIAD (Independent Association of Industrialists and Businessmen) representing mostly small and medium sized entrepreneurs with conservative and Islamic views, Mazlum-Der, an Islamic-oriented human rights organisation as well as the conservative media in their statements and reports usually challenge the secular understanding of the state and protest the violations of rights associated with religious beliefs such as the situation of headscarved girls that are refused admission to universities, the role of the military etc. The Mazlum-Der website usually refer to issues having such orientations

see, [http://www.mazlumder.org/english/mainpage.htm]

[33] On this point see, B. Frey, *Not Just for Money*, Cheltenham: Edgar Elgar, 1997.

[34] Note for example that the attitude of TUSIAD towards democratisation has changed considerably as its members became more oriented towards global competition, which requires the acceptance of global democratic norms. This explains how changing habits and values become intrinsic for the interests. See, Öniş and Türem 2001.

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[35] By the term 'EU process' we mean the statehood in which the EU candidacy and membership expectations have implications on attitudes of actors in Turkey.

[36] A common declaration by 175 civil society organisations under the name of the "Turkish Civil Society Platform" in mid-2002 for the adoption of democratisation packages urged the government to adopt harmonisation laws promptly. The Platform consisted of a wide-ranging organisations from the business sector to trade unions, professional associations including craftsmen and farmers, universities, consumer and environmental groups, women associations, think tanks and other NGO's as well as journalists. In the Declaration titled *Turkey's Place is in Europe. We Have no Time to Lose,* the Platform emphasised their support for democratisation.

[37] This can be referred to as moral policemanship.

[38] Thomas F. Cornell, 'Ideas Into Action: Think Tanks and Democracy', *Economic Reform Today,* 5th anniversary issue, CIPE, 1996.

[39] Most notable of these were TESEV (Turkish Economic and Social Studies Foundation), LDT (Liberal Thinking Association), the Arı Movement, and the Turkish Democracy Foundation to name but a few. However, we cannot claim that their activities were limited to their relationship with the EU. Most of them had been established before Turkey's candidacy status in the Helsinki Summit and even the Copenhagen criteria were established. Moreover, the EU itself is not the only external actor involved in the process. Several international actors like German political foundations and international NGOs have played substantial roles. For the role of think-tanks in general see, Johnson, E. C., 'How Think Tanks Improve Public Policy', *Economic Reform Today,* 5th anniversary issue, CIPE, 1996.

[40] For a good analysis of political institution building by the EU in Turkey see, A. Lundgren., "The European Union as a Democracy-promoter" and E. Özdalga, 'Civil Society and Its Enemies', in E. Özdalga and S. Persson, eds., *Civil Society, Democracy, and the Muslim World,* Istanbul: Swedish Research Institute, 1997 which also emphasises the shortcomings of the EU's policy compared to its role in Poland.

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Part II

Economic and Social Repercussions in the Context of Europeanisation

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THE IMPACT OF THE EU CRITERIA ON THE TURKISH ECONOMY

Taner Berksoy*

Turkey's relations with the European Union (EU) stretch back more than a quarter of a century. Anyone who attempts to study relations between Turkey and Europe will quickly perceive the unstable nature of this affiliation. The most striking feature of this prolonged association may well be that it is full of ups and downs. Over the period both sides formed opinions and attitudes towards each other and defined their respective positions and policies accordingly. But, owing mostly to fundamental changes in their economic and political imperatives, both sides have also changed all these opinions and attitudes rather frequently.

In her relations with the EU, the basic aim of Turkey has been to converge with European standards of living and eventually become a full member of the Union by complying with European rules and procedures. However, the unstable nature of relations between Turkey and the EU affected this predefined process in many ways. Two of these ways would appear to be important. One is that frequent changes in the course of events and ensuing instability in relations stained the whole process with a deep mutual mistrust, which was reflected heavily in the recent accession negotiations and led to a tightening of the conditionality that has been offered to Turkey. Second that unstability and mistrust delayed the membership process and led Turkey in due course to diverge from Europe in terms of economics and politics which in turn further delayed convergence and made it even more costly.

The completion of the Customs Union with the EU in 1995 was an important event that opened a way for a fresh start in Turkey-EU relations. On the one hand, it reassured EU circles as well as domestic public about the determination of Turkey to achieve convergence and full membership.

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On the other hand, it proved to both sides that, despite long and quite turbulent relations, a considerable distance had already been covered.

Turkish economy in perspective

A full-fledged analysis of the Turkish economy is obviously beyond the scope of this paper. Thus, we will keep our analysis within the limits of our purpose and touch upon certain features of the Turkish economy, which are considered problematic in the process of full integration with the EU. In fact, three such problematic areas can be detected from recent discussions. One concerns the size of the economy, which is assumed, mostly by Europeans, likely to create problems in the EU. The second problematic area covers a rather broader ground and concerns the structural features of the Turkish economy. The third area of concern relates to the short run macroeconomic stability of the Turkish economy.

Turkey is a lower middle-income economy of considerable size in terms of both output and population. In 2004 the size of her GNP ranked 16th in the world economy and with its population of about 70 million Turkey would account for 15 % of the total EU population. This sheer size obviously offers a certain promise for the EU economy but also presents certain problems for the EU in terms of economic as well as political absorbtion. In our view the benefits of promise in this respect exceed potential costs and therefore the physical size of the Turkish economy will cease to be perceived as an important obstacle in the Turkish-EU relations. Besides, since the physical dimensions of the Turkish economy can hardly be altered by EU criteria, we can safely argue that this particular aspect of the relations lies beyond our subject.

However, we cannot be so comfortable with respect to the second and third problematic areas. The structural features and stability problems of the Turkish economy have to be brought to the forefront of our analysis. This is for two reasons. One is that, apart from differences between the levels of development, structural defects and prolonged instability in the Turkish economy are considered to be the main items in explaining the disparities between Turkish and the EU economies. In fact the whole framework of the accession strategies and the envisaged transformation of the Turkish economy are firmly based on the promise of maintaining stability as well as mending and overcoming structural disparities. The second reason that we have to tackle these problems is that these are the main areas where the essential impact of the EU criteria is expected to be felt.

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In most of the formal analyses the structural features of an economy are defined and examined from the viewpoint of physical magnitudes like production, employment, trade etc. and relative disparities in and between these are analysed. This is of course an essential part of a structural analysis. However, in our view, this will not be sufficient for our purpose. Instead we have to enlarge the scope of our understanding of economic structure so as to cover mental and institutional structures as well. Such a broadened approach will enable us to understand the nature of the economic climate in which the physical structures of the Turkish economy were formed and maintained. It will also improve our perception of the possible impact of the EU criteria on the Turkish economy and clear the ground for our basic argument.

We argue that although the EU criteria will transform the physical structures in the Turkish economy as expected, the main impact of the EU process would be to change the mental environment as well as institutional setting and ease thereby the way towards a properly functioning market economy.

The physical structure of the Turkish economy was partially inherited from the Ottoman Empire but basically formed and shaped in the Republican period. Owing mostly to very difficult initial conditions but also with the contribution of the down turn in the world economy in the late 1920's, the republican state assumed a leading and regulating role in the formation and development of the economy. On the basis of a statist development strategy, the state heavily and regularly intervened in the domestic economy activity and international trade. The state driven strategy transformed later into an import substitution strategy and state initiative was somehow lessened. An import substitution strategy with heavy and expansive state intervention continued up until the 1980's. It is in such an interventionist economic environment that the mental, institutional and physical structures of the Turkish economy were shaped and developed.

A detailed analysis of this formation exceeds the limits of this study. But certain consequences of the import substitution strategy, which relate to our subject may be underlined.

- with import substitution a relatively closed economy had developed,
- an inward looking development process with heavy trade protection ensued,

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- protection cut procuction units away from competition,
- prices were distorted
- state and private monopolies were erected,
- lack of competition led to the survival of firms with almost no concern for technological improvements, optimality conditions and productivity gains,
- markets either did not exist (particularly in the financial sector) or did not function properly,
- resources were basically allocated to inward looking activities with no competitive power in markets and econonomy was forced to operate under a severe foreign exchange constraint,
- government policies were gradually geared towards populism,
- a rent-seeking behavior dominated the economic activities,
- necessary structural shifts away from agrarrian activities could not be realised,
- ensuing resource and welfare losses created various vicious circles which crippled the development process.

As a result of this long lasting inward looking strategy and excessive protection, the physical structure of the economy was distorted towards an uncompetitive industrial base together with a large, overcrowded and unproductive agricultural sector; the mental structure was completely dominated by state dependent, non-competitive, rent-seeking understanding; the institutional structure was backward and insufficient for a properly functioning market economy.

It was only after 1980 that some liberalisation measures were introduced. Financial repression was removed first in 1980 and thus interest rates were allowed to be set in accordance with market forces. But since the necessary markets, institutions and mentality were missing a financial crisis followed. Then, with the initiative of the Central Bank, money and capital markets were established. From the mid-1980's onwards, first the current and then the capital account of the balance of payments were liberalised in several steps. Thus, towards the end of the decade the Turkish economy was liberalised to a certain extent.

Although substantial measures of liberalisation were implemented after 1980, remnants of old structures remained until after 2000. Besides it appears that liberalisation measures were introduced and implemented rather hastily and without proper preparation. The cohabitation of premature liberalisation and old mental formations in politics and business proved to

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be a costly mistake. Stability is a prerequisite for economic liberalisation and it is particularly so for the liberalisation of the capital account. However, despite fully liberalized capital account and convertible currency, the old policy stand continued and populist macroeconomic policies were pursued throughout almost all of the 1990's. Public deficits widened, a chronic inflation with a considerable inertia set in and public debt piled up. Thus, together with a free flow of capital, populist policies and rent seeking business behavior continued to destabilize the economy.

A series of coalition governments governed in the 1990's and none of them attempted to initiate the necessary policy shift and realized the required institutional arrangements, especially in the financial sector where old structures were dominant. In due course, on top of structural bottlenecks, which were inherited from the inward looking regime, several fragilities developed. An important side effect was that both political and monetary authorities lost their credibilities in the process of continued instability. Obviously all these made the Turkish economy quite vulnerable to speculative attacks. The Turkish economy endured three speculative attacks in the 1990's each of which cost huge losses in terms of output and employment and required massive rescue operations with a rather close involvement by the IMF.

The stand-by agreements applied since 2000 imposed the well-known IMF conditionality on the Turkish economy, which contain rather stiff measures for stability and institutional change. The involvement of the IMF in the stabilisation process was also expected to act as an institutional anchor and to improve the missing credibility. With the willingness and contribution of the former governments, appropriate measures have been implemented, stability has been restored to a large extent, political interference has been reduced, the institutional and regulatory framework have been brought closer to international standards, a new institutional framework for monetary and fiscal policies has been introduced, key economic vulnerabilities and fragilities particularly in the financial sector have been reduced and a number of structural transformations have been initiated. Credibility has been regained especially on the part of the monetary authority, which assumed independence and marked a decisive structural change.

All these recent developments suggested a decisive break from the old regime and a shift to a new trajectory for the Turkish economy towards a

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properly functioning competitive market economy, which is a basic requirement of the Copenhagen Economic Criteria.

The impact and contribution of the EU criteria

Having reviewed the basic characteristics and the structural defects of the Turkish economy, one would assume that the basic impact of the EU criteria would be to improve upon and contribute to this new trajectory.

Possibilities about the nature and the extent of the impact of the EU criteria on the Turkish economy can be viewed from different perspectives. One approach may be to discuss the envisaged EU impact from a cyclical-structural perspective. In this repect, one may expect the EU criteria to help to maintain the stability of the Turkish economy, which is quite young and fragile. In the mean time, the criteria is expected enforce the necessary transformations in productive as well as mental and institutional structures for eventual convergence towards the EU standards. Another approach may be to differentiate between the short and the long term and discuss possible effects of the EU criteria in two different time dimensions. In this case, one would expect that the EU criteria will help in the short run to maintain macroeconomic policies which are conducive to stability and sustainable growth and to enforce in the long run a policy stand which is necesarry for structural transformations for the convergence.

It seems clear that, whatever the perspective of analysis might be, the discussion of the possible impact of the EU criteria should concentrate on stability and the structural problems of the Turkish economy. In fact, documents from the Turkish side like the national reports and the "Pre-accession Economic Program" (November 2004) have all been framed around these two themes. These approaches and attitudes have been the same on the EU side in all relevant documents like the regular reports on "Turkey's progress towards accession" as well as the "Recommendation of the European Commission on Turkey's progress towards accession" (October 2004) and finally the decision of the European Council at the summit held in Brussels (17 December 2004) to allow the initiation of negotiations for full membership had been designed with the view of overcoming the stability and structural problems of the Turkish economy.

The EU criteria in this respect are twofold. The first and most immediate one is the "Copenhagen Economic Criteria" which define and set the rules and conditions for the progress of the candidate country to full membership.

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The second one is the "Maastricht Criteria" which set the conditions for the candidate to enter the Economic and Monetary Union (EMU), which is a requirement of full membership. The Turkish economy will be subject to the Copenhagen criteria first and, having fulfiled the whole set of conditions after a period of negotiations, then the Maastricht criteria will come into effect to facilitate the entrance of the Turkish economy into the EMU. However it would be misleading to entirely separate these two sets of conditions simply because complying with the first will ease the alignment with the second criteria.

In general terms the Copenhagen economic criteria contain two basic elements with respect to the envisaged economic adjustments and harmonization. One is the establishment of a full-fledged market economy with all ingredients concerning rules, standards and institutions. The second is the establishment procedures to develop a degree of competitiveness, which is necessary in order to survive and perform in the European single market. Details of these two criteria imply that a functioning market economy requires;

- prices as well as trade to be fully liberalised,
- an enforcable legal system, including property rights, is in place
- consensus about economic policies and macroeconomic stability are to be maintained,
- a well developed financial system is to be formed,
- barriers to market entry and exit are to be removed.

On the other hand, creating a capacity to withstand competitive pressures within the Union depends on;

- the existence of a market economy,
- a stable macroeconomic framework
- allowing economic agents to make decisions in a climate of predictiability,
- a sufficient amount of human and physical capital,
- sufficient infrastructure,
- restructured state enterprises.

Furthermore, it is also to be emphasized that the more access possibility enterprises have to outside finance and the more succesful they are at restructuring and innovating the greater will be their capacity to adapt.

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Finally, the European Council stressed the importance not only of incorporating the acquis into national legislation but also its effective application through appropriate administrative and judicial structures.

The accession strategy is based on these principles and the convergence candidates are required to adopt, implement and enforce the rules, regulations and and standards of the EU in order eventually to comply with the acquis communautaire and become a full member. Within this framework the Copenhagen economic criteria envisages a full convergence in production and transformation in mental and institutional structures in the long run.

Bearing in mind the above mentioned structural defects of the Turkish economy, one can safely argue that its contribution to the long term structural transformation of the Turkish economy will be the basic and the most important impact of the EU criteria.

However, as can be seen from the details of the Copenhagen criteria, the formation of a consensus about economic policies, a stable macroeconomic framework and stability in the economy are all taken almost as the prerequisite of the subsequent alignment process. Thus, apart from long-term structural effects, the prospect of full membership with the promise of complying with the acquis is also expected to exert stabilising effects in the short run.

This will stem from two different roles that the EU may assume. One is the role and influence as a basic anchor, which is a vitally important element in the stability process. After a prolonged period of acute instability through which all macroeconomic balances were distorted, a credibility loss reached excessive dimensions and all other sorts of anchors were effectively broken down. On the other hand institutional anchors, like the EU and the IMF, help to reduce the risk perception, enable national authorities to stabilise the volatility of basic prices like interest and exchange rates as well as rolling over the existing debt stock with relatively favourable conditions. The second role of the EU in the short run may be that the accession process will enforce an impression of full commitment by national policy makers to the continuation of the stabilisation and sustainable growth policies.

Presenting itself as an institutional anchor as well as acting almost as a means of coercion will be an important contribution of the EU to the ongoing combat for stability of the Turkish economy in the short run which

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in turn will facilitate the envisaged structural transformations in the long run.

Some observations and conclusion

Two basic features of the relations between Turkey and the European Union should be taken into account in any analysis of the possible impact of the EU membership on the Turkish economy. One is that these relations are of extremely long duration and have never been unproblematic and in total harmony. This discordance infused relations with mutual distrust. The second point is that the historical development strategy in Turkey was firmly based on protectionism and import substitution, which deeply affected productive, mental and institutional structures. Such a structural formation led to divergence particularly from EU structures and procedures.

Whatever the envisaged impact of the EU criteria it is first of all imperative that these shortcomings in relations should be corrected and put onto a proper base. Such a correction requires special political care and determination on both sides. It is only with such political support, that the prospect of full membership will exert favourable influences on the economy both in short and long runs and on cyclical and structural problems and will facilitate and accelarate the convergence of the Turkish economy.

For the time being it seems that such a mutual political support has not been formed yet. This basically stems from domestic political problems particularly in Europe. Yet, this missing ingredient obviously reduces the extent and power of the possible impact of the EU criteria on the Turkish economy.

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EUROPEANISATION AS SOCIOECONOMIC CHANGE: LESSONS FROM GREECE'S EU MEMBERSHIP

George Pagoulatos*

Almost two and a half decades since its 1981 entry into the European Community, this is, in so many ways, a very different Greece. A most impressive transformation involving Greece's position in the EU has taken place. Greece is no more the "reluctant partner", the "problem case", the "black sheep" of the Community (to recall just some of the rather uncharitable terms once employed). It has matured to become not just a "normal" country, a "mainstream" EU member, but an ardent and committed European as well, especially since its 2001 entry into the EMU. This graduation from troubled adolescence and marginality to European "normality" and membership in the Eurozone core of Europe not only embodies the momentous socioeconomic and political transformation of Greece, but it also testifies to the success of the European Union in helping bring about this transformation.[i]

Greece (along with Spain and Portugal) was one of the three post-1974 "new democracies" of Southern Europe, and home to a market economy that has been substantially liberalized since its accession. In that sense, Greece's experience is of particular value also for the young democracies and new market economies of Central, Eastern and Southeastern Europe, several of which are or will be making their first strides as full EU members.

Introduction: A fourfold analytical framework

Clearly, there are many ways of conceptualizing the process of Europeanisation. From the broad subject literature, it is possible to suffice ourselves with the definition that Europeanisation implies increasing transnationalism and subjection to conditions of greater interdependence

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that enhance the internalisation of EU policy norms (Featherstone, 2003: 7) accelerating policy convergence (Radaelli, 2003: 33).

For reasons of parsimony-seeking analytical abstraction, I will single out four distinct principal functions through which Greece's membership of the EC/EU has brought about socioeconomic change tantamount to Europeanisation.

1. The external constraint function
2. The financial assistance function
3. The paradigmatic function
4. The moral hazard function

Let us explain what each function is about.

1. The external constraint function

I refer here to a framework of constraints inducing adjustment and virtuous behavior by obligation. The external constraint in its canonical version takes the form of an external legal-institutional framework imposing compliance upon member- (or aspiring member-) states. Some obvious examples are:

- Accession/membership obligations; incorporation of the acquis communautaire (late 1970s - first half of 1980s)

- Single market program (1986-early 1990s)

- The Maastricht criteria and the EMU program (1990s). Very much like other EU countries had done by binding themselves to the Maastricht criteria, the Greek government gradually entered an externally imposed discipline mechanism that forced adjustment by rendering the cost of noncompliance insufferable.

The EC/EU has exercised a pronounced impact on the Greek economy. Greek industry through the postwar decades had extensively relied on developmental policies of import-substitution industrialization provided

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through instruments such as trade protection, tax concessions, and a variety of financial and fiscal subsidies (Pagoulatos 2003). The framework remained heavily protectionist even after a gradual shift to more systematic export-promoting policies, necessitated by the 1961 Association Agreement with the EC (effective from 1962), which also meant that the objective of protecting domestic industries from the entry of foreign competitors should eventually, given time, cease to be of paramount priority. Trade liberalization under the Association Agreement did not take effect before the 1970s. Despite the "freezing" of the Association Agreement as a result of the 1967-74 dictatorship, Greek industrial exports enjoyed free Community access from 1968, and by 1975 two thirds of EC exports entered Greece duty-free. In appreciation of the need to protect Greece's infant industries, import restrictions for a list of products manufactured in Greece (some 40 percent of Greek imports) would not vanish until 1984 (Tsoukalis 1981: 30ff). Thus EC accession found a Greek industrial base that was heavily protected, with a pervasively dualistic structure. The base consisted of an archipelago of small-scale family-based, mostly inefficient artisan units, and at the top existed a small number of larger-size firms (that were actually medium-size by EC standards), also highly protected, using largely antiquated equipment, and heavily hit by the 1979 economic crisis. Naturally, there was widespread concern over how this domestic market would survive European competition. The question was not really resolved until the common market was supplemented by the far-reaching compensatory and redistributive mechanisms that were the structural and cohesion funds.

The structural weaknesses of the Greek economy combined with unsuccessful state policies initially generated adjustment failure. Between 1980 and 1990, the share of exports of goods and services in Greece's GDP fell from 23.6 to 18.1 percent and external indebtedness increased. However, the single market necessitated greater competition and efficiency, only with a considerable time lag. Whereas Greece's annual productivity growth had been slightly negative during 1980-94, productivity rose by an annual average of 2.6 percent in 1995-2000, higher than the EU average. Fixed investment in 1995-2000 grew at almost double the rate of the EU, and the average annual increase of unit labor costs decelerated to 4.6 percent, compared to a 17 percent average during 1980-94 (Bryant et al. 2001, p.21). Indicative of deeper transformations was the cumulative

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reallocation across sectors. The agricultural sector from 15 percent of GDP in 1981 was down to 7 percent in 2001. The services sector, from 57 percent of GDP in 1981 was up at about 70 percent in 2001. The strength of Greece's comparative advantage has traditionally been in services, especially tourism and shipping. Admittedly, in the Greek case, deindustrialization is not simply a case of maturing from late-industrializer to post-industrial, "tertiarized" economy: many long years of industrial decline during the 1980s and 1990s are contained in that development, a process not dissimilar compared to that in other EU economies.

The external constraint factor became crucial in the second half of the 1980s and especially in the 1990s.

- The EC-sponsored stabilization programs of 1985 and 1991 were bolstered by an increasingly more austere surveillance mechanism. The balance of payments support loans that Greece received came under serious conditionality. The constraining role of the EC behind these stabilization programs has been a very important driving force for domestic monetary and fiscal policy adjustment.

- Since joining the Euro zone, Greece has been subject to the constraining framework of economic policy coordination under the EMU, through mechanisms such as the Broad Economic Policy Guidelines, the Stability and Growth Pact (SGP), etc (European Commission 2002). The SGP has probably been excessively constraining for countries undergoing a cyclical downturn but whose overall fiscal outlook and public debt ratio remains healthy. It is perhaps a salutary constraint, however, for countries like Greece or Italy, whose long-term sustainability of public finances combined with pension system obligations are inauspicious.

- There is a less salient operation of the external constraint function that involves *indirectly* imposed adjustment via an external discipline market mechanism. This effect was caused by the combination of financial and capital liberalization (in 1994) with the EMS/ERM entry in 1998. Financial and capital liberalization multiplied the costs of any substantial derogation from the pursued healthy economic "fundamentals" and of any serious stain on the government's policy "credibility". The March 1998 successful drachma devaluation and entry into the Exchange Rate Mechanism (ERM) of the European

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Monetary System (EMS) in an environment of free capital movements (fully liberalized after spring 1994) and high interest rate differentials, led to massive inflows of mainly short-term capital. These posed the constant threat of a tantamount outflow (with perilous effects on the external account and the economy at large) at the first signals of a government retreat from its announced policy targets. The imminence and salience of this external constraint exercised a most potent suasion for economic adjustment. Some have branded this external discipline mechanism the "golden straightjacket".

• *Policy linkages* represent another version of indirectly imposed adjustment via an external disciplining mechanism. In this process, mutually interdependent policy reforms acquire a self-enforcing quality. Policy action adopted in one field necessitates parallel or subsequent reforms in interdependent fields, one set of policies leading to another. For example, the Maastricht program imposed public deficit reduction and public debt sustainability. Before that, the liberalization of interest rates in the second half of the 1980s (implementing the single market program) had hardened the government's soft budget constraint, raising dramatically the cost of government finance. Financial liberalization denied government the ability to influence real interest rates, raising the cost of servicing the large public debt. This maximized the government need to generate consecutive primary budget surpluses (i.e. net of interest payments) through raising public revenues. As a result, Greek governments in the 1990s resorted to extensive privatizations, which however required a developed capital market in order to succeed. This reinforced the process of financial liberalization, which enhanced the disciplining impact of globalised financial markets on the government's macroeconomic policy.

• Finally, there is a significant *political economy implication* of the external constraint function. In its operation as an external constraint the EU becomes a political facilitator of painful domestic economic adjustment (cf. Dyson and Featherstone 1996; Kohler-Koch 1996). The government acquires the ability to use the European Union as a scapegoat, blaming it for unpopular policies even if it concerns policies not directly imposed by the EU.

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2. The financial assistance function

This rather obvious function through which EU membership affected Greece concerns direct EU financial inflows.

The CAP is the most notable case. The agricultural sector was, as expected, a principal beneficiary of European Union membership. Between 1980 and 1989, total spending (i.e. national state budget and EC expenditure) in support of Greek agricultural income rose as a percentage of agricultural product from 16 to 39 percent (Maravegias 1992, p. 37ff). The annual growth of EC expenditure at nearly triple the rate of agricultural product growth combined with the annual slowdown, in real terms, of official state spending on agriculture meant that EC support accounted for a steady rise of Greek farmers' income despite the national budget's shrinking capacities. The trend, which peaked in 1989, continued through the early 1990s, and only declined later in the decade.

Total net transfers from the EU in the early 1990s were at levels well above 4 percent of GDP, and at the end of the 1990s they exceeded 3 percent of GDP (Bryant et al. 2001, p. 25). Net receipts from the EU in 2001 corresponded to 3.5 percent of Greece's GDP. Overall, Greece receives 8.3 percent of total EU expenditure (mainly CAP and Community Support Framework funds), and contributes 1.7 percent of the EU budget (2001 data). The Third Community Support Framework Fund ends in 2006. That said, one of the greatest challenges ahead for the Greek economy is to sustain the economic growth rates achieved during the second half of the 1990s and early 2000s after the EU financial inflows have been terminated. That will not be easy given the tight constraints that the large public debt (in the 110 percent area in GDP terms) poses on the implementation of fiscal policy combined with the relatively lower productivity and competitiveness of the Greek economy. Under such circumstances fiscal and structural policies will be hard pressed to stabilize the economy in the event of an (endogenously or exogenously-driven) asymmetric shock.

• There is a clear *political economy* dimension in the financial assistance function. Since the 1980s, the EC underwrote democracy in Greece by extending material resources (agricultural support and structural funds) that enhanced development and modernization, raised the levels of general societal welfare, and provided the vital perceived link between democracy and prosperity which is essential for sustaining political and democratic

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stability. Though a significant portion of EC funds assigned in the 1980s for structural modernization ended up being used as targeted income rather than investment subsidies, and consolidating traditional party clienteles (see below under *4*), they did play a crucial part in rendering anti-democratic nostalgia (especially in the rural periphery) a thing of the past. The 1974 transition to democracy coincided with a prolonged period of internationally induced economic crisis and stagflation, and succeeded an equally prolonged period of paradigmatic inflation-free growth under the growth-enhancing Bretton Woods regime. Much of that impressive economic development from the 1960s until 1973, which had transpired in a booming international economy, coincided, however, with domestic dictatorial rule. Taking this into account, the link between EC-underwritten prosperity and the deepening of democracy cannot be easily overstated.

3. The paradigmatic function

We refer here to a normative framework of values, best practices and standards of behavior that induce adjustment by *inspiring* rather than imposing direct sanctions and obligations. This version corresponds to the hard core of what the constructivist stream of the literature identifies as Europeanisation. This is about emulating West European practices, "catching up with Europe", not only in material but also in behavioral and cultural terms.

There are various demonstrations of the paradigmatic function:

- *elite learning through Europeanisation of policy milieus*
- *the maturement of PASOK into a mainstream socialdemocratic party*

There are several indications of the ideological Europeanisation of policy and political elites. For instance, the convergence process of Greece to qualify for EMU membership was marked by an unusually high degree of sociopolitical consensus, which peaked in the second half of the 1990s, as EMU was elevated from daydream to an increasingly achievable prospect. With the exception of the Communist party (KKE), there was no substantial political force to seriously question the objective of EMU entry. Though the particular austerity policies followed were subject to intense political dispute, from the ranks of both major parties and especially from the Left,

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the objective as such (when compared to the dire alternative of remaining isolated outside EMU) was not seriously questioned. Clearly, the acceptance of the EMU objective was pragmatically grounded. For a high-inflation peripheral country with the EU-lowest per capita income, whose currency had consistently declined since 1975, EMU represented the promise-land of monetary stability and sound economic policies, not to mention the purely political benefits of becoming a member of the advanced Eurozone. The widespread gains of EMU entry were so salient and overwhelming that any Eurosceptic argument was *ipso facto* marginalized.

As Greece, beginning in the 1990s, boldly shifted direction in its economic policies, aligning itself fully behind the European policy orthodoxy, a parallel realignment took place in the realm of ideas. Modernization and catching-up with Europe became central ideological tenets of both ND and PASOK. In the case of PASOK, of crucial importance was the 1996 rise to power of Costas Simitis as Prime Minister and leader of PASOK, succeeding the deceased Andreas Papandreou. Simitis, the architect –as the then Economy Minister—of the 1985-87 stabilization, had been always identified with PASOK's pro-European and reformist wing. His 1996 election (and subsequent re-election in 2000) was instrumental in completing the transformation of PASOK into a mainstream European social democratic party, and a champion of furthering European integration as part of a broader political agenda of Greece's "modernization" (see Featherstone 2005). In fact public opinion research shows that the voters of PASOK appear relatively more pro-EU than even those of the New Democracy party, which since 1974 has been the first proponent of Greece's integration in the EC/EU.

•*Institutional and administrative modernization*

It has been mentioned that the EU's financial assistance function had a positive impact in strengthening the Greek Republic. Democratic deepening, however, has been less a function of European financial inflows than one of qualitative transformations in the Greek politico-administrative system, institutional structures, and society, accelerated by Greece's EU membership. Though with a significant time lag, EC structural and cohesion funds finally began generating institutional adjustments, social learning and administrative adaptation, among others by energizing social capital in the Greek periphery (Paraskevopoulos 2001). The decentralization of power from a traditionally hydrocephalic national capital of Athens to the periphery over the 1980s and 1990s (municipalities, prefectures, and

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regions) has been both motivated and funded by the European Union. European legislation, structural programs and their implementation have expedited the modernization of a politico-administrative system that was traditionally characterized by a low degree of legitimacy and institutionalization, excessive formalism combined with the persistence of informal practices, and subjection to political patronage (Sotiropoulos 1993). EU-imposed mechanisms of monitoring and control helped the civil service strengthen its position vis-à-vis politicians, the transfer of EU standards enhanced meritocracy in civil service recruitment and training, while the management of EU structural programs has raised the level of professionalism and efficiency of Greek administrative authorities (Spanou 1998).

- *The emergence of independent regulatory authorities*
- *Diffusion of social rights (consumers, women, handicapped, minorities, etc)*

Moreover, a new set of important institutions and independent administrative/ regulatory authorities were established in the 1990s, such as the Ombudsman, the Commission for the Protection of Personal Data, the National Council for Radio and Television, and others. All were examples of institutional modernization inspired by similar developments in the EU, aimed to provide better civil rights protection and establish higher standards in public life. Pivotal in the process of Greece's modernization was the progress made in the institutional separation of church and state in a country where some 98 percent of the population is officially defined as Christian Orthodox. Especially during the second half of the 1990s important strides were taken toward strengthening the state's secular mission. A secular education was promoted at school level, non-armed military service was established for conscientious objectors, the reference to mention of religion on identity cards was abolished, the equal protection of other religions and denominations was strengthened, and so on. Given their prohibitive political cost, such measures were greatly facilitated by EU pressure –occasionally invoked by Greek authorities in a scapegoating fashion. The diffusion of social rights as a result of EU social regulation (protection against gender discrimination, equal opportunities for the handicapped, working environment regulation, and so on) has been a very notable additional factor of qualitative deepening of democracy.

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- *The awakening of civil society*
- *The erosion of partitocracy and state corporatism*
- *The growing maturity of trade unions and interest organizations facilitating industrial peace and relative wage moderation*
- *Cultural internationalization/ Europeanisation*

Parallel to and interrelated with the aforementioned developments has been a process of democratic deepening in the form of a gradual awakening of a conscious and increasingly autonomous civil society. For one thing, European integration led to a dramatic redrawing of the public/private or state/market boundary at the latter's benefit. The erosion of the state sector especially during the 1990s (in the form of increased market openness, liberalization and privatization) deprived PASOK and ND of traditional public sector bastions of party clientelism. Post-1974 hyperpoliticisation, polarization and a party restructuring into mass organizations, facilitated by the abuse of clientelistic instruments, had led partitocracy to its peak in the 1980s. Indeed, during the 1980s there was a widespread sense of "colonization" by the governing party not only of public bureaucracy and the state sector but of associational life as well. In the 1990s, however, partitocracy retreated under the winds of political de-ideologicalisation, public cynicism, and widening occupational opportunities in the private sector (Mouzelis and Pagoulatos 2004). The erosion of the intensity of the traditional, vertical, left-right sociopolitical division, the maturing of PASOK into a modern, European social democratic party, and the social learning resulting from growing interaction with EU counterparts, have all contributed to a greater degree of maturity of Greek interest organizations and labor unions (Lavdas 1997). Once characterized as elements of a state-corporatist mode of state-society relations, labor unions in the 1990s gradually abandoned the party subservience and zero-sum maximalism of the early post-authoritarian period, raising their degree of autonomy vis-à-vis the state and the party system. By transforming themselves into increasingly reliable social partners, unions contributed significantly to the conditions of industrial peace and wage moderation established especially since 1993-94, which greatly facilitated the implementation of macroeconomic stabilization.

However, on the negative side, the rolling back of state interventionism (its important beneficial effects notwithstanding) has also signified a shift toward a different form of potential colonization of civil society –this time

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by an oligopolistic and politically collusive private capital. State withdrawal (fully or partial), over the 1990s, from a range of economic activities (financial services, radio and television, public works, public utilities and major industrial sectors) has, in some cases, led to phenomena of excessive strengthening of private interests and public-private collusion. The unfinished agenda of democratic deepening (very much like the rest of the EU) thus involves the continuous empowerment of institutional mechanisms of independent public control against the excessive concentration of economic and political power in private hands (Mouzelis and Pagoulatos, 2004).

Associated with the awakening of civil society in a more prosperous, post-cold war environment has been the diffusion in Greek society of "post-materialist" issues and values. Thus, issues of environmentalism, civil rights, consumer rights, the combating of global inequality and Third World poverty, multiculturalism (aided by the presence of around one million immigrants in a country which was used to being an exporter of migration) have raised their salience in the Greek current societal agenda. Hundreds of nonprofit, nongovernmental organizations and civic initiatives have emerged and flourished over the 1990s, enhancing civic consciousness and civil society autonomy vis-à-vis both the state and the formal party system. Overall, it can be assessed that at the level of civil society the EU impact has been indirect rather than direct, taking the form of cultural osmosis, resulting from the greater density of Europeanisation/ Westernization and cross-border interaction of societal elites, students, and professionals. EU membership has multiplied the Greek public's knowledge and information about European socio-economic, political and cultural affairs, enhancing demand for a kind of socio-cultural modernization which has long been synonymous to "catching up with Europe".

•*The gradual abandonment of zero-sum conflict and maximalism. The EU operating as a training ground for win-win strategies and stances*

Over the last few years, in a momentous policy shift led by Premier Costas Simitis and Foreign Minister George Papandreou, Greece has become a protagonist in supporting Turkey's course toward the European Union. After a long period of ambiguity (following an outright negative stance toward Turkey's efforts to come closer to the EU in the late 1980s

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and early 1990s) Greece in the late 1990s opened a new chapter in her relations with Turkey. The new policy is based on an understanding that Turkey's successful Europeanisation, democratization and modernization is the key to sustained peace and stability in the Eastern Mediterranean region. This momentous foreign policy shift led to Greece's assent, at the December 1999 European Council of Helsinki, to the recognition of Turkey as a candidate country, provided that the Copenhagen criteria required for all EU candidate states are met. On the way to the December 2002 Copenhagen summit Greece was among the first EU member states to openly support Turkey's request to be granted a proximate opening date for its accession negotiations. The same positive stance vis-à-vis Turkey's accession continues uninterrupted under the 2004 ND government of Costas Karamanlis.

In a range of foreign policy issues such as the above, the Greek government has indeed led domestic public opinion in reversing not only its policy stance but deep-rooted certainties and preoccupations as well. A testing case was the NATO military intervention in Kosovo, to which Greek public opinion was overwhelmingly opposed. The Simitis government, backed by the ND opposition party led by Costas Karamanlis, solidly kept Greece within the EU-NATO alliance, and made a compelling case to the Greek public that full political solidarity with the EU was in Greece's best national interest. In every major foreign policy crisis since the second half of the 1990s (from the former Yugoslavia to world terrorism to a military campaign against Iraq), Greece has acted in solidarity and coordination with its EU partners toward forging a common EU foreign and security policy.

Such developments reflect an ideological divorce from PASOK's erstwhile nationalistic responses, and the definition of Greek national interest as identified with a strong, peaceful and prosperous European Union. The Greek political strategy of supporting Turkey's European course also aims to remove Greek-Turkish bilateral relations from the sphere of zero-sum conflict where they have stagnated for decades and centuries, and bring them to the area of positive-sum regional cooperation led by economic and business partnerships.

4. Moral hazard function

There is however a potentially perverse function of the EU, and that is what may be called: *the moral hazard function.* This refers to a framework of guaranteed returns that end up inducing non-virtuous behavior.

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We can discern the possibility of two different expressions of this moral hazard function. To begin with, Greece's 'given' membership of the EC in 1981, at a time when Spain and Portugal were still struggling to achieve accession, allowed the first Papandreou governments to follow a series of divergent and often openly defiant policies vis-à-vis the EC. We could attribute this policy divergence from the EC standard under the first Papandreou governments to the fact that Greece's participation in the EU by 1981 was assured, and did not have to be negotiated. Contrary to PASOK, the Spanish socialist government of the PSOE in the 1980s had stronger reasons to align behind the European economic policy orthodoxy as it was still pursuing Spain's accession to the EC. One could talk of a moral hazard situation resulting from Greece's already obtained EC membership (Pagoulatos 2004). Indeed PASOK in 1981 had been elected on an anti-EC agenda, demanding a "special relationship" with the EC (à la Norway or Yugoslavia), a position that became milder after the party assumed the government of Greece. Toward the mid-1980s, the attitude of what the *Financial Times* had described as "one foot in, one foot out" was gradually abandoned. However, through most of the 1980s and (to a lesser extent) in the early 1990s Greece formed a focus of policy divergence within the Community, and an obstacle to European political cooperation and the deepening of European integration. Such ideational isolation from Europe was repeatedly exemplified not only by Greece's disagreements with its EC partners over important matters of European foreign policy, but also by serious delays in implementing EC legislation on a wide range of issues (Verney 1994; Ioakimidis 1994). Some branded Greece as "the country of footnotes", for its tendency to dissociate itself from common Council communiqués. Overall, Greece became the odd one out within the EC, to a degree comparable only to that of Thatcherite Britain. Thus during most of the 1980s and in the early 1990s (this time over the 'Macedonian' imbroglio), Greece was broadly regarded as the EU's weakest link. Its marginalization inside the EU was taken for granted, its failure to meet the EMU objectives was predicted as certain, and several pundits were even playing with the idea of Greece becoming the first member ever to be ejected from the EU. It was only in the second half of the 1990s that Greece decisively began to raise its credibility towards the EU, finally securing its place in the EU integrationist core.

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Some would discern a second possible expression of the moral hazard function in the CAP and Structural Funds. Such financial assistance was occasionally (especially in the early stages) not directed to structural modernization but to income support; in the 1980s EC funds also generated the possibility of a clientelistic exploitation. This points to a general argument put forth by revisionists, arguing that the illusion of perpetual prosperity generated by regional assistance programs ends up preventing painful but necessary adjustments (such as by way of labor or pension system reform). Though apparently attractive, this argument is misleading and false. One should not underestimate the fact that structural and cohesion funds, to a certain extent the CAP too, served a developmental as well as substantially redistributive function as well. There were put in place to offset the socioeconomic and regional dislocations created by trade liberalization and the implementation of the single market program. In that they were indispensable both for the European integration project itself and for the legitimacy it enjoyed in the European periphery. Apart from contributing vitally to the real convergence of the periphery with the EU average income, they also helped cushion the adverse effects of economic integration thus facilitating necessary policy adjustments. This was the case for Greece even if her overall record of achievement was far less illustrious than that of other net recipients such as Ireland.

The fact that the moral hazard function did not end up carrying the day was exhibited in the rather auspicious outcome of Greece's tumultuous relationship with the EU. The 1990s finally resolved the drama of what Kazakos (1991) had defined as Greece's "oscillation between integration and marginalization" in the EC. The decade of the 1990s was the logical continuation of the prematurely interrupted 1985-87 stabilization program, which had launched Greece's convergence with the EC policy paradigm. The macroeconomic adjustment policy inaugurated in 1990 by the ND government of Constantine Mitsotakis continued with new vigor under the PASOK governments of Andreas Papandreou in 1993 and especially Costas Simitis in 1996. If the 1980s was overall the decade of policy experimentation, inefficient economic management, and discontinued measures, the 1990s was a decade of stability, consistency and continuity in policy direction, as well as of a gradual build up of economic policy success. This helped Greece to restore its lost credibility vis-à-vis the EU. In turn, the definitive influence that helped bring about and consolidate the "orthodox" policy shift had a lot to do with the EU, which (being on the creditor side) undertook a more active role in helping formulate and monitor the implementation of the terms of economic adjustment. The EMU

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nominal convergence program in particular supplied the Greek authorities with a set of clear, tangible and compelling policy objectives (Featherstone 1998; Pagoulatos 2000). Throughout the 1980s, PASOK and ND had been divided and highly polarized over economic and structural policies. By the time the socialists regained power, however, the same economic strategy for satisfying EMU entry requirements was formally shared by both parties. By 1998, when Greece entered the ERM, there was a growing sense of attainability of the EMU nominal convergence targets. Greece was officially admitted into the EMU on 1 January 2001.

Conclusion

One can perhaps discern the impact of all the above factors combined in the development of Greece's relative standing in terms of EU per capita income. Since the 1990s, the Greek economy, which had lost ground vis-à-vis the EU in the 1980s, began to converge again. In 1978, Greek GDP per capita (PPS) was 72 percent of the EU average, well over that of Portugal (54.5 percent) and Ireland (66.4 percent), and a little lower than that of Spain. During the 1980s, however, Greece's per capita GDP declined to 64 percent of the EU average in 1985, to reach 58.5 percent in 1990. By the end of the 1980s, not only Ireland but Portugal too had overtaken Greece, which officially became the poorest EU member-state. In the 1990s an uphill convergence effort began, led by macroeconomic stabilization supported by generous EU structural funds. As a result of a rediscovered economic discipline, nominal adjustment progressed in parallel with real convergence toward EU and EMU standards. In the mid-1990s, Greek GDP per capita was 66 percent of the EU average, and by the beginning of the 2000s it was in the 70 percent area. It is hoped that, with the end of the implementation of the Third Community Support Framework in 2006, Greek per capita GDP may have reached 80 percent of the EU-15 average.

Apart from a constant source of policy and regulatory reform, the European Union has been the catalyst for a wide range of deep-going transformations of the Greek polity, society and economy. There is widespread agreement among Greek policy elites and the public that, since the country's accession, the EU has been the single most important driving factor of Greece's sociopolitical, economic and institutional modernization.

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As the Greek case displays, Europeanisation at country-level moves in fits and starts, it may stop, freeze, accelerate, even retreat, but overall, in historical accumulation, it is a process that brings the participating country closer to the EU. Lessons can be drawn from Greece's case study, but no individual country experience is directly generalizeable. In this process, the domestic politics surrounding institutional or policy Europeanisation cannot be treated singularly in policy or legal-institutional terms. There is a constant interaction between economic and legal-institutional reform on the one hand, and domestic politics on the other. Finally, even in the drawbacks of the Europeanisation process one should not underestimate the power of social and elite policy learning: Greece provides major evidence of that.

Endnotes

[1] A significant part of this paper draws on Pagoulatos (2002).

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OPPORTUNITY AND CONSTRAINT: THE EFFECTS OF THE CUSTOMS UNION ON EU-TURKEY RELATIONS AND EUROPEANISATION OF TURKEY*

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Introduction

Turkey's decision to link its future to that of Europe is not a new phenomenon but a natural outcome of an intensive, albeit contradictory, relationship spanning nearly 700 years. During the Cold War period, Turkey was one of several countries that were seeking active participation in all stages of European integration. As early as August 1959, only two years after the signing of the Treaties of Rome, Turkey presented its application to the then European Economic Community (EEC) for a special association status with the eventual goal of full membership. The negotiations between Turkey and the European Community (EC) began on 28 September 1959, and resulted in the signing of the Ankara Association Agreement on 12 September 1963.[1]

The Agreement took effect in December 1964 with two principle objectives: the progressive establishment of a customs union and convergence of the signatories' economic policies with, as the final goal, the integration of Turkey into the Community. Article 28 of the Agreement provides that *"as soon as the operation of the Agreement has advanced far enough to justify envisaging full acceptance by Turkey of the obligations arising out of the Treaty establishing the Community, the contracting*

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parties shall examine the possibility of the accession of Turkey to the Community."[2]

The Association Agreement laid down three stages for achieving its objectives: an initial preparatory phase of five years (1964-1969); a transitional period of 12 years to create a customs union and an alignment of Turkey's economic policies with those of the EC and, finally, a third stage for coordinating the two sides' economic, fiscal and competition policies.

Relations between Turkey and the EC were relatively smooth in the late 60s and early 70s. The Additional Protocol[3], signed in 1970 and entered into force in 1973, improved the economic terms of Turkey's association status with the EC and defined a new schedule for the Community's dismantling of tariffs and quantitative restrictions on non-agricultural goods from Turkey other than textiles and petroleum products, on which special restrictions were agreed. The customs union, on the other hand, was envisaged to be fully effective by 1995, with Turkey gradually introducing the EC's common external tariffs and abolishing quotas on imports from the member countries. Within the framework of financial cooperation, Turkey was awarded loans and grants at five yearly intervals to back up the country's economic modernisation.[4]

This association tie, however, developed disappointing course, which can be followed through the generally sad story of Turkey-EC relations. The behaviour of both sides played its part in this situation, creating the impression that neither side had been seriously interested in achieving the aims of the Association Agreement. The enlargement of the Community with the accession of the United Kingdom, Denmark and Ireland also had an adverse effect on EC-Turkish relations.[5] The preoccupation of the parties in Turkey with internal structural and economic problems also overshadowed the special relationship of the EC with Turkey. Turkish military intervention in 1974 in Cyprus also precipitated a deterioriaration in the relations.

From the early 1960s up till January 1970, Turkey's development plans aimed at an *inward-looking import substitution strategy*, irreconcible with the logic of gradually setting up a full customs union and with the aim of acceding to the Community. The EC was not really convinced about Turkey's commitment to the aims of the association. Soon after the signing of the 1970 Additional Protocol, EC-Turkish relations began to deteriorate. The advantages that Turkey had expected to enjoy from its associate status proved illusory. The bleak state of affairs was further worsened by southern

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enlargement of the EC. Turkey found itself in direct competition with the new members, especially in Mediterranean agricultural products. In the industrial sector, competition from Spain, Portugal and Greece, too, became more clearly felt. Special problems have arisen in connection to Turkish textiles and clothing exports, foodstuffs, chemicals, glass, ceramics, cement, iron, steell and petro-chemical products.[6]

In 1978, the new government in Turkey decided that the country faced a heavy economic burden because of its obligations towards the Community, and froze relations for a definite period of five years. Shortly after that, in 1979, following a change of government the decision to freeze relations was withdrawn by Turkey. Some efforts to reactivate the relationship were made in early 1980 when Turkey and the Community agreed to launch a new series of initiatives to improve their stagnant relationship. However, the military intervention in Turkey in 1980 brought Turco-Community relations more or less to a halt. The ensuing political restrictions and the accusations of human rights violations in the 1980s made Turkey a prime target of suspicion in the EC. The Fourth Financial Protocol was suspended in 1981. Although civilian rule and democracy were restored following the 1983 elections, relations were not swiftly revived.[7] The Association Agreement remained largely inactive. Later, to put a decisive end to the ongoing deterioration in its relations with the Community, Turkey applied to the EC for full membership in 1987.

On 5 February 1990, the EC Council of Ministers concluded, on the basis of the opinion of the Commission on 18 December 1989, that it was not appropriate that the *"Community should accept any further membership applications, given its own changing shape."*[8] But it reaffirmed the principle enshrined in the Association Agreement that Turkey was eligible for membership. In the meantime the Council of Ministers decided that Turkey should be assisted by a comprehensive cooperation package plus financial assistance--known as the Matutes Plan-- with a view to help prepare Turkey for future accession.[9] To that end, the Commission proposed in 1990 a Cooperation Package which included the completion of the Customs Union by 1996, technical and industrial cooperation, enhanced political dialogue and adoption of the Fourth Financial Protocol over five years.

Next important stage in EC-Turkey relations started on 1 January 1996.[10] The Customs Union (CU) (excluding agricultural products) between the EC and Turkey came into effect in accordance with the deadline set by the 1970 Additional Protocol. The Decision of the EC-Turkey Association Council

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which constituted basis of the customs union required Turkey to implement the elimination of all customs duties, quantitative restrictions and measures of equivalent effect on trade in industrial goods in relations between the EC and Turkey, special arrangements for processed agricultural goods, the adoption of the EC's Common External Tariff by Turkey, the adoption of customs provisions in line with those of the EC. Furthermore, the Decision envisaged the adoption of the measures equivalent to the EC's Common Commercial Policy, progressive alignment of tariffs in line with the EC's preferential trading arrangements with third countries, the adoption of EC's competition rules and the abolition of voluntary restraint arrangements limiting the export of Turkish textiles to the EC.

The EC-Turkey Association Council also decided on financial cooperation to help the Turkish industrial sector to improve its competitiveness. However, the financial component of the customs union between Turkey and the EC has remained unimplemented. The aim of the Customs Union is to bring the Turkish economy into line with the Single Market. Thus a more active Community support is needed. To implement the Customs Union, Turkey enacted a wide range of trade and related legislation aimed at bringing its practices into line with those of the EC. However, there are still some areas where policies have not yet been fully aligned like state aids and agriculture.

In general, manufactured goods circulate freely within CU territory although certain non-tariff barriers exist on the Turkish side. Some longstanding trade disputes have not been solved. In particular access for alcoholic beverages is restricted and lengthy and burdensome testing is carried out on certain products (e.g. ceramics and tiles). The trade in agricultural products is inter alia still hampered by the Turkish ban on imports of live bovines and beef from the Community. This constitutes a violation of the spirit of the Association Agreement. It nullifies the concessions on those products granted by Turkey to the EC, in exchange for the import concessions granted by the EC on Turkish agricultural products. The issue of the application of the rules of origin for Turkish tuna products is still outstanding.

The most important feature of the CU between Turkey and the EU is that, Turkey has implemented the CU without becoming a member of the EU. It should be remembered that all the countries that have formerly concluded a CU with the EU have first signed a full-membership agreement with the EU and then entered the CU. The fact that the EU's share

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accounts for 48% of world trade and 70% of that trade takes place within the EU itself (intra-EU trade). This fact alone serves to underline the significance of EU membership for Turkey.

Since the beginning of the CU process with the EU in 1996, there has been an ongoing debate in Turkish public opinion over the following question: Has the CU, which was concluded before full-membership, been an advantage or disadvantage for Turkey?

The Discussions about the Customs Union

The core points around which discussions have been centred can be outlined as follows:

Advantages:

1) *The CU gives Turkey and the Member States improved access to each other's markets*

It states the free circulation of industrial and processed agricultural goods. Customs duties and charges having equivalent effect on Turkish, European and third-country goods in circulation in partner countries are abolished. Internal taxes can no longer be used as indirect protection mechanisms, the more so that Turkish competition policy and intellectual property legislation is to be harmonized with that of the EU.

2) *The CU enables Turkish and EU industry to use the opportunities of economies of scale*

This situation is expected to result in more cost-effective and efficient industries and a more rational and modern economy which will eventually become more competitive in the international arena.

Disadvantages:

1) *Turkey is the only country, which has concluded the CU without becoming a full-member of the EU, this situation has created some negative effects for Turkey.*

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The 6 March 1995 document, arranging the CU between Turkey and the CU obliges Turkey to comply with the external trade policies of the EU, the trade agreements of the EU signed with third countries to date and others that will be signed in the future, the past and future EU Court of Justice decisions concerning the CU, the EU laws concerning issues related to the CU. This document also obliges Turkey to respect the CU requirements in its preferential trade relations with third countries.

Some of the foreseen obligations have generated positive steps in the globalization and liberalization process of the Turkish economy. Yet, these obligations are mostly dependent on the unilateral decisions of the EU, and this has led to some draw-backs for Turkey. Turkey is not represented in the decision-making mechanisms (institutional void) of the EU and yet must also comply with the aforementioned obligations even if they are against Turkey's national interests.

If Turkey does not fulfil its obligations, the EU has the right to take appropriate measures, namely it has the right to apply sanctions. The 6 March 1995 document stated that in the event of such a case, the EU would only provide information to Turkey and Turkey's opinion would merely be requested. However, the consultative mechanism envisaged for Turkey and the EU exhibits certain problems and is far from functioning smoothly.

Supporters of the aforementioned statement argued that, *"After the EU initiates the CU process with Turkey in the free movement of industrial products, why should it fulfil its obligations such as the free movement of labour, financial aid and the assistance from the structural funds, which they believe will cause trouble for themselves when Turkey becomes a full member? In addition, Turkey will give unilateral guarantees, she will comply with the customs tariffs and customs regime of the EU within the framework of the CU. Yet, Turkey will not be able to take part in any negotiation or decision-making process concerning the laws binding herself concerning the CU. Moreover, Turkey will comply with the CU principles in her trade with third countries; in other words, from 1 January 1996 on, Turkey will comply with the agreements that the EU had previously signed with third countries for the last five year period and will guarantee compliance with all the preferential agreements to be concluded with third countries (even if these agreements are against the national interests of Turkey). Besides, no CU had been put in place before full membership in any of the association agreements that the EU has signed with countries such as Poland, Hungary, and the Czech Republic whose full*

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memberships are envisaged. There is only a free trade process before full membership. As a result, the CU is unacceptable for a non-member state that cannot participate in the decision-making mechanisms."

Opponents of the above mentioned statement argue that, *"Turkey's relations with the Union were already in a poor state. Even though we have serious doubts as to whether the EU considered our membership desirable, we had to start the CU process in industrial products 22 years later as foreseen within the framework of the Additional Protocol; otherwise, the Ankara Agreement and the Additional protocol regulating our relations with the EU would legally be open to discussion and consequently, the issue of Turkey's EU membership would be put aside. More importantly, it is wrong to consider the CU merely by reference to its trade dimension. The CU constitutes a considerable step for Turkey on the way to becoming a 'European Country'. When this is the case, it would be wrong to turn our back on this 'modernisation project' when we did not start the CU process."*

The CU aims to achieve the target of equal, balanced and just interest satisfaction on the basis of the principle of mutual dependence. Turkey has demonstrated that she saw the CU as a means to achieving membership in the EU by signing the CU in 1996 even before becoming a full-member. The Turkish side was against the CU when the issue of full membership appeared indefinite. Turkey could accept the CU only with EU financial aid and within the framework of full-membership.

On the other hand, financial aid is also necessary for the realisation of the CU which necessitates structural transformation. In fact, it had been foreseen that financial aid would be extended to Turkey and that Turkey would benefit from the preferential agreements the EU had signed with third countries when the CU document was signed in 1995. However, Turkey has not been able to benefit much from this financial cooperation.

Another striking example that supports this view is the fact that the EU member states and particularly Germany apply visa rules to Turkish businessmen despite the existence of the CU. More importantly, this situation is continuing and still continues even after the 17 December Decision of the European Council to start membership negotiations with Turkey on 3 October 2005. Furthermore, the visa requirement for Turkish businessmen despite the ongoing process of the CU is in violation of the

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related articles and spirit of both the Ankara Agreement and the Additional Protocol.

2) The Turkish economy became an open market for the EU member countries and third countries after the CU, without putting in place the necessary preparation for international competition. This affected various sectors to differing extents and also caused the foreign trade deficit to expand.

The EU had already opened its markets for Turkish exports long before the CU, and that is the reason why the CU itself has not caused a major shift in relative trade shares between Turkey and the EU.

The level of protection on the imports of industrial products from the EU and EFTA countries was totally eliminated after the CU, whereas this level was 5,9% before the CU. In addition, the level of protection on imports from third countries was decreased to 6% from 10,8% as a result of harmonization with the CCT, again after the completion of the CU. Accordingly, there has been a rapid increase in Turkish imports. Any evaluation about the effects of the CU on exports demonstrate that it would be wrong to expect an increase in exports only resulting from the CU process, except for a limited increase of exports to EU countries resulting from the elimination of textile quotas. In fact, there has been no restriction on Turkey's exports of industrial products since the beginning of the 1970s. Thus, there has been no significant increase in exports, other than at the normal rate.

However, Turkey has substantially eliminated the customs duties she had applied on investment goods since the beginning of the 1980s within the framework of investment promotion initiative. Consequently, the CU did not have a serious effect on the duties applied to imports of this type of goods. The situation regarding consumption goods is somewhat different. There has been an increase in the imports of consumption goods compared to pre-1995 period. The main reason for this increase was the elimination of some of the restrictive measures such as high customs duties and quotas that had been applied to consumption goods before the implementation of the CU.

As can be seen in *Annex I* and *Annex II*, the EU was pre-eminent in Turkey's foreign trade both before the CU and after 1 January 1996. There has been a continuous but slow increase in exports following the CU.

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Turkey's foreign trade deficit with the EU and third countries is still continuing, even though the CU has affected overall trade in differing ways.

Investment and intermediate goods that provide inputs to Turkish industry constitute the bulk of Turkey's imports and this fact demonstrates the healthy structure of Turkish imports (please see *Annex III*). The most important problem facing Turkish industrialists here is the lack of suitable financing opportunities that is provided to their European competitors.

Easier credit possibilities in the EU, advantages in accessing to other inputs and disguised subsidies cause Turkish firms to face unfair competition and this particularly hinders the import of intermediate goods that are produced in Turkey. For instance, the foreign input in 1 unit of production in the textile sector was 32% before the CU, whereas this proportion had increased to 77% in 2000 as argued by Turkish Textile Employers Union. Although the import of mostly investment and intermediate goods is a good sign for the Turkish economy, it should not be forgotten that increases in the imports of these types of goods that are also produced in Turkey has gradually caused many small and medium-sized enterprises (SMEs) to close down, unemployment to increase and the foreign trade deficit to grow. The number of firms that were newly opened or closed down can be pointed to as indicators of the most negative effects of the CU on Turkish industry. The CU is not the only or the prime factor, however it has been the scapegoat despite the existence of several other factors.

Supporters of the CU argue that the foreign trade deficit with the EU is misleading and the current account is generally positive when the unobservable foreign exchange revenues from tourism, transportation and foreign exchange remittances are taken into account. In addition, it can be observed that the sharp fall in Turkey's imports during the two- year crisis period following 1999 and the increase in the exchange rate have also played a role in the relative decrease of the foreign trade deficit. Moreover, and most importantly, it can be stated that the use of revenues from tourism and Turkish migrants' foreign exchanges in particular have had to be used in the financing of the foreign trade deficit in Turkey.

Those firms which have closed down will be replaced by new firms and unemployment will decrease in the medium and the long run proportional to the adaptation level of the Turkish economy to the conditions of

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competition. However, the macroeconomic problems that Turkey has faced for a long time, the use of the country's internal and external resources in the payment of internal and external debts, the lack of foreign direct investment that was expected to follow in the wake of the CU and the lack of EU financial support needed to restructure the Turkish economy as extended to Greece, Portugal and Spain, and the lack of a harmonization program which also highlight the resources to be used in preparing the Turkish economy for international competition particularly in the process of the CU are facts that have placed Turkey in an unfavourable situation.

The SMEs have had an important role to play during the CU process. The economic importance of SMEs is increasing in the EU both numerically and in terms of their share in total production. The inclination of the SMEs towards technical renewal and their elastic character in terms of consumer preferences, their rapid adaptation to conjunctural shifts, their positive contribution to balanced interregional growth and to the increase in the level of employment, their less bureaucratic structure and their contribution to the promotion of competition can be counted as the positive factors of SMEs. SMEs in Turkey comprise 99% of the total number of enterprises that should be restructured and promoted in order to be able to succeed in the competitive conditions of the CU.[11]

It should be noted that some of the protectionist measures exercised by the EU apply via unilateral decisions to the CU process. The inability of the Turkish government to take measures that protect her economy because of the requirement to comply with the decisions of Brussels, or to put the matter more simply, her inability to negotiate, has proved of considerable harm to the Turkish economy. On this issue, it is sufficient to look at the effects of US and EU decisions in March 2002 concerning mutual retaliation on limiting the imports of steel products.[12]

Turkey was also included in the restrictions of iron-steel imports that the EU imposed on the U.S. in retaliation even though this was against the terms of the CU and the Turkey-ECSC Free Trade Agreement. Turkey is one of the top exporters of steel to the EU with 2,7 million tons of steel exports. As a result, Turkey was required to comply with the decisions taken in EU institutions -where she is not represented- according to the interests of the EU member countries, due to the CU. What can the Turkish government do against this? Can it reject, or, maybe end this unfair treatment. The important thing here is that Turkey is being treated like a third country even though she is not one. Hence, as long as Turkey is not

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represented in the decision-making mechanisms of the EU, these unfair EU measures towards Turkey may continue into the future.

As seen above, the policy of trade protectionism does not possess any common features. The European Commission is both the authority responsible for the use of anti-dumping tools against third countries and monitors the application of the competition policy by all member countries. Therefore, the European Commission exercises a supervisory role as well. With regard to the CU between Turkey and the EU, trade protectionist policies can be coordinated under some conditions within the framework of the CU decision of the Association Council (1/95, Chapter III), although there is no common policy or an impartial monitoring authority.

In addition, the tools of trade protectionism can be used between the parties. The CU decision of the Association Council (no. 1/95, Chapter III) envisages that the Association Council can consider the use of trade protectionist tools between Turkey and the EU. However, the CU decision refers to a flexible formula in order for this to be realized. In other words, the parties refer to the adoption of a level of protection equivalent to the EU level against unfair competition rather than determining the legal basis that should be complied with in order to achieve progress in this field. Within this framework, Turkey should harmonize her laws bearing in mind the internal market (particularly the rules of competition, state subsidies) and to apply these rules effectively as well as accepting and applying the rules related to the free movement of goods between Turkey and the EU.

3) An increase in foreign direct investments (FDI) and aid from EU funds were some of the most important benefits Turkey had expected from the EU and the implementation of the CU. However, these expectations have not been fulfilled.

In particular, Turkey had expected an inflow of two benefits; firstly an increase in foreign investment in Turkey and secondly the aid to be provided from the EU funds. Nevertheless, these two expectations have remained unfulfilled during and after the transition to the final stage of the CU in 1996.

The leading reason why foreign investment in Turkey has not materialised at the expected level may be economic and political instability in the country. In this regard, Turkey has been listed among the most risky

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countries in the world, and international rating associations have occasionally lowered Turkey's credit rating.

More importantly, foreign direct investment have manifested a globally declining trend. Short term speculative capital flows, however, have displayed great increases since the 1990s and caused an overall increase in financial flows on the global scale. The so-called *hot money*, speculative capital flows directed towards benefiting from exchange rate/interest rate arbitration is naturally not inclined towards investments in developing countries, and can lead to an important effect on the economies of such nations as capital can be rapidly transferred from a country in a *delicate condition* to another. Hence, the *hot money* transferred from Turkey during late the 1990s economic crisis provided a good example of this type of phenomenon. For this reason, competition between developing countries to acquire their share of foreign direct investments is becoming fiercer. There are various reasons why the amount of foreign investment in Turkey after the CU has not increased in line with expectations.

Turkey has also supported the draft *Multilateral Agreement on Investment (MAI)* prepared by representatives of the OECD countries that contained radical decisions aimed at easing international capital investments.[13] Although the greement was scaled back in the face of global reaction, an informal application of the agreement has been observed. Within this perspective, the Turkish government has signed *Mutual Promotion and Protection of Investment* agreements with 57 countries and *Prevention of Double Taxing Agreement* with 42 countries since 2000.

In addition, as a member of the WTO and the OECD, Turkey is is a member of the *Multilateral Investment Agency* and the *International Center for the Resolution of Investment Disputes*. More importantly, Turkey has completed the CU with the EU, and holds candidate status for entry to the Union. In particular, the foreign capital experiences of Greece, Spain and Portugal in the 1980s, following full membership to the Union provide important lessons for Turkey. Spain made significant steps towards the liberalization of foreign capital laws from the beginning of the 1980s, before full-membership. Spain's accession to the EC in 1986 encouraged EU investors to shift investment towards Spain.

Consequently, foreign direct investment that had previously stood at 1.7 billion dollars increased by 79% in 1986 to 3 billion dollars. This trend continued after 1986. Foreign investments in 1990 increased by 225% with

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respect to 1986 and reached approximately 11 billion dollars. As a result, the determining factors for EU investors to invest in Spain - *"liberal foreign capital laws, low labor cost, the size of national market, transportation possibilities to other markets, import potential, etc."*- were also thought to be valid for Turkey.[14]

Unlike these countries, Turkey had to implement the CU before full membership. Foreign direct capital investments were expected to increase during the CU and the following membership negotiations. However, Turkey was granted candidate country status only at the Helsinki Summit of 1999 and for a long period of time Turkey was the only country among the then 13 candidate countries which had not started full membership negotiations. The EU's refusal to grant a date for starting full-membership negotiations as a result of certain political conditions undoubtedly influenced foreign investors after the CU. Therefore, unlike other former candidate countries involved in full-membership negotiations with the EU, Turkey has not experienced a worthwhile increase in foreign direct capital investments following the CU. (please see *Annex IV*)

In reality, Turkey was in a much better economic position than most of the other then candidate countries in respect to the size of its economy and potential, and in addition to factors such as its candidacy status to the EU and the CU with the EU, Turkey has the potential to attract high levels of foreign direct investment. The potential lies in Turkey's important geographical location, large domestic market, potential for a high growth rate, consumer openness to novelty, educated human resources, the existence of a qualified work force and managerial class and liberal capital laws. Nevertheless, the fact that Turkey has developed one of the most liberal foreign investment laws[15], has proved to be of limited effect when one considers the lack of a political will by the EU which is essential to provide the economic and political stability to encourage investors. However, the determination displayed by the EU in accepting the latest wave of Central and Eastern European countries had been effective in encouraging international capital to be directed to these countries despite remaining problems.

EU countries, especially Germany have played a major role in directing foreign capital investments to East European countries since the beginning of the 1990s. In this context, the German government for instance, has been insuring companies -by state banks or public financial institutions especially appointed for this task- that were prepared to invest in countries

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where German companies are specifically encouraged to invest, for the sake of political and economic interests.

The situation explained above reveal that it would be wrong to relate the aid and foreign capital investments given particularly to Poland, the Czech Republic, Hungary and the other Eastern European countries after the demise of the Berlin Wall, only to the appropriate conditions that arose during the transition process to the market economy. As a result of multi-directional support from the EU, Poland, whose membership is evaluated as the most problematic among the former candidate countries received a total of 43 billion dollars foreign capital investment during a ten year period until 2001.[16] Indeed, this interest was a reflection of *the political will* of some of the dominant countries in the EU such as Germany which would actively like to see these countries inside the Union.

Another development that took place during the CU process is capital export from Turkey to foreign countries (especially to the EU countries) because CU is a limited integration process and uncertainty over Turkey's full membership continues. The export of capital from Turkey via direct investments since entry to the CU has rapidly increased. By the end of 2001, it had reached a total of 5 billion dollars.[17]

On the other hand, it is also necessary to focus on the aid EU had previously provided to the South European countries. The aid Greece received from the EU budget during 1981-1996 totals up to 44.2 billion Euro. On becoming members in 1986, Spain and Portugal also received significant amounts of aid from EU funds.[18] Based on the experiences of these countries, Turkey had initially expected to accomplish structural reforms following the CU, on the basis of aid that would flow from the EU funds.

It is well-known that during the period Spain acceded to the Union, she was a country with a poor level of industrialization, a problematic agricultural sector, a weak financial system and most importantly an immature democracy. Consequently, the fact that Spain was a comparatively poor country, her competition with France in fishing and agricultural sectors, and the fear of potential waves of immigrants from Iberia to the north together with Portugal's concomitant accession had been very unsettling to the Union.

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However, as a result of the political will demonstrated by Spain as well as the political will demonstrated by the Union, Spain achieved great progress in the economic, political and social spheres after 1986. By using her power in the decision-making mechanisms of the Union after becoming a member, Spain was able to use the Union's regional development policy to her benefit. The process of internalising democratic culture in societal and political terms in Spain was supported by a strong legal infrastructure (fundamental human rights, freedom of speech and the dominance of civilian political will) that developed as a result of membership in the Union.

Spanish companies became internationally renowned for their exports, brands and technology. Whereas Spain used to exemplify a centralist state structure, She has implemented one of the most extensive models of devolved, local governance in Europe. In Spain, the two ethnically distinct regions of Catalonia and the Basque region enjoy extensive autonomy as do 17 other regions. Financial aid from the EC provided for enhanced welfare, security and stability in Spain and reinforced the recently established democratic system. Spain was able to sustain the reform process with a great amount of financial aid after EU membership. Spain also benefited from the fact that the laws of the Union were not as extensive and wide-ranging as they are today. Turkey faces the responsibility for accomplishing similar reforms although it has entered the CU process without ever participating in the decision making mechanisms of the EU, unlike Spain.

Since the 1990s Eastern European countries have received substantial levels of aid from EU member and non-member countries and from a variety of international organizations. The amount of aid released to Central and East European countries until the end of 31 December 1995 by the Union totaled 86.5 billion Euro. (This amount excludes the aid given to Russia and the ex-Soviet Republics.) In addition, aid provided by EU member countries in the context of mutual relations has also been effective in the process of reconstruction in these countries. For instance, two thirds of the aid Germany gave to Central and East European countries during 1989-1995 was directed to Poland, the Czech Republic, Hungary and Slovakia. In addition to this aid, Germany was able to secure the postponement of CEECs debt repayments by petitioning the Paris Club. In this context, Germany postponed Poland's debt of 5 billion Marks as well as extending a further credit of 4.5 billion Marks. This amount represents one third of the total contribution made by all the countries that participated in the debt postponement effort as members of the Paris Club.[19]

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Conclusions

The CU is the last phase of the three- staged integration model foreseen in the Ankara agreement that has constituted the legal basis of the partnership between Turkey and the EU. There are still ongoing discussions about the CU, a stage of the partnership relationship that started in 1963 with the aim of full membership and was put into effect on 1996 with the enactment of the CU Decision of the Association Council (1/95). However, discussions over the CU should not be understood merely in terms of conflict between supporters and opponents of the CU.

Discussions over the CU have centered on the various characteristics and more specifically the deficiencies of the CU between Turkey and the EU. The most important of these features can be listed as follows:

1) According to the CU decision of the Association Council, the final period concerning relations with the EU has started as set out in Article 28 of the Ankara Agreement. This period is based on the CU wherein Turkey will take the necessary steps to prepare for full-membership in the EU. This situation is another element that distinguishes the CU between Turkey and the EU from other trade integration projects. Consequently, it should be noted that the parties to a trade integration based on the CU have to determine their trade policies towards countries outside the Union jointly and after a negotiation process. Turkey has not negotiated the common measures that the parties will apply to third countries before the enactment of the CU.

2) The CU between Turkey and the EU is structurally different from a customs union in the classical sense. This difference stems from the fact that it is not only restricted to the elimination of customs duties and quotas and the application of common protection levels to third countries, but also includes the harmonization of all the measures that can affect trade directly and indirectly(competition policy, state subsidies, standards and technical laws and regulations, protection of intellectual property rights) that are rooted in the aim of achieving the free movement of goods.

3) The establishment of a consultation and decision-making mechanism procedure between the parties as necessitated by the customs union in trade matters is inevitable. Although it was foreseen in CU Decision, an operational consultative procedure was not established

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between Turkey and the EU at the start of the CU process. The fact that the EU did not arrange the necessary consultations with Turkey during the formation of EU laws and regulations in the aforementioned fields can be clearly observed in the process of Turkey's harmonization with the relevant policies of the EU and its technical laws and regulations. Therefore, the CU between Turkey and the EU does not contain a mechanism that will allow Turkey's economic interests to be reflected in the decision-making process.

4) There is no mechanism regarding joint representation in international platforms involving the CU between Turkey and the EU. This deficiency will be clearly felt in the negotiation rounds of the WTO. As a result of the CU, Turkey automatically started to apply common rates of customs duties from 1.1.1996 onwards that are considerably below the WTO guarantees. New tariff concessions granted by the EU regarding industrial products will cause an erosion to the preferential status of Turkey in the EU market towards third countries. New regulations concerning topics relevant to trade, competition and agriculture on the EU's part following the start of new multilateral trade negotiations, will mean additional extensive concessions for Turkey.

5) It is well-known that a bloc of developed countries benefits more from gains in the liberalization of trade in terms of competitive power and efficiency, particularly in the customs unions signed between parties among which economic development disparities are clearly observable, and that in such types of integration (such as the association agreements that the EU has concluded with Greece, Spain, Portugal, Malta and Southern Cyprus) compensation-granting mechanisms are implemented in order to improve competitive power and efficiency. The most important of these mechanisms are technical aids, donations and the guarantee of participation in Union programs. It is not possible to say that a sufficient operational and financial support mechanism has been established following the CU regarding Turkey-EU relations.

6) The EU Commission issued a unilateral declaration after the CU decision which will provide some of the financial resources needed by the Turkish industrial sector in order to adapt to the new competitive environment created by the CU; to improve Turkey's infrastructural connection with the EU and to reduce the difference between the economies, regarding economic development levels and differences in the competitive powers of the parties. Turkey has only been able to use a small amount of the financial aid foreseen within this framework. As a matter of

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fact, Turkey has benefited least from EU financial aid when compared to the other candidate countries. In addition, the amount of aid that the EU had envisaged for Turkey in her candidacy period is very low when compared to the other candidate countries.

When the effect of the CU on the Turkish economy is considered, it can be seen that the CU has played an important role in raising Turkish foreign trade deficit, even though, this has not been the sole determining factor. If the rate of company establishments/dissolutions during the 1996-2001 period on which the CU is taken into account, it cannot be argued that the CU has positively affected employment levels in Turkey. Although it is true that the CU directed Turkish companies towards R&D activities in order to be able to compete, it is unclear as to how the resource for these activities will be generated.

Although these expectations have yet to be fully realised, the positive effects of the Customs Union on the Turkish understanding of production and consumer consciousness should also be underlined. Although the question of how the required financial support will be supplied remains unanswered, the establishment of Turkish companies, especially SMEs and therefore their interest to R&D should be regarded as positive effects of the Customs Union. Additionally, the legal and administrative reforms activated by the CU decision within the context of harmonization with EU technical laws and technical standards have also caused the production mentality of Turkish industry to enter a process of transformation.

The Turkish National Programme also includes obligations within the CU framework. Previous and ongoing efforts within the perspective of the Customs Union are expected to expedite harmonization efforts when accession negotiations begin.

An examination of the 29 chapters which form the foundation of the negotiation process reveals the presence therein of five areas mentioned in the CU decision concerning harmonization with EU laws. Through the CU, Turkey has been able through the CU to complete the obligations of a candidate country vis-a-vis chapters relating to free movement of goods and customs primarily, and also, competition, consumer and public health and foreign economic relations. These chapters are expected to be swiftly resolved during accession negotiations.

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Within this context, the 17 December Decision of the European Council concerning the start of accession negotiations with Turkey on 3 October, 2005 can be regarded as an important step. However, the conditions attached to this "yes", such as the unclear statements on the free movement of labour (possible imposition of permanent curbs on Turkish labour movement), the continued special monitoring of the implementation of reforms, the possible suspension of negotiations in the event of *a serious and persistent breach* and especially the *open-ended* nature of the negotiations which implies that Turkey may not necessarily join the EU even if the negotiations go ahead and which does not have even a concrete time-framework for the possible conclusion of the negotiations, will continue to complicate Turkey's relations with the EU.

Furthermore, the continuing vagueness surrending the prospect of Turkey's membership in the EU despite the start of negotiations means that Turkey, being in-between, will continue to experience the same difficulties in attracting FDI. As a result of the budgedary procedure of the EU itself, Turkey will also not be included in the financial perspective of the EU till 2014, even if she starts negotiations. In this sense, Turkey insists on receiving the same treatment as the other ten CEECs which joined the EU in May 2004, even though the negotiation process will definitely not be easy for both sides.

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Annex I

Turkish Foreign Trade and EU's Share (%) (million USD)

	Total			European Union			European Union (%)		
	Export	Import	Volume	Export	Import	Volume	Export	Import	Volume
1968	496	764	1.260	226	393	619	45.4	51.4	49.1
1971	676	1.171	1.847	329	582	911	48.7	49.7	49.3
1972	885	1.563	2.448	428	851	1.279	48.4	54.5	52.2
1974	1.532	3.778	5.310	761	1.748	2.509	49.7	46.3	47.2
1980	2.910	7.909	10.819	1.300	2.360	3.660	44.7	29.8	33.8
1985	7.958	11.343	19.301	3.204	3.895	7.099	40.3	34.3	36.7
1993	15.348	29.429	44.777	7.289	10.950	18.239	47.5	37.2	40.7
1994	18.105	23.270	41.375	8.269	10.279	18.548	45.6	44.2	44.8
1995	21.636	35.707	57.343	11.078	16.760	27.938	51.2	47.2	48.7
1996	23.224	43.626	66.850	11.548	23.138	34.686	49.7	53.0	51.9
1997	26.261	48.559	74.820	12.248	24.870	37.118	46.6	51.2	49.6
1998	26.974	45.921	72.895	13.498	24.075	37.573	50.0	52.4	51.5
1999	26.588	40.692	67.280	14.333	21.419	35.752	53.9	52.6	53.1
2000	27.485	54.149	81.634	14.352	26.388	40.740	52.2	48.7	49.9
2001	31.342	41.399	72.741	16.118	18.280	34.398	51.4	44.2	47.3
2002	35.761	51.270	87.031	18.330	23.288	41.618	51.3	45.4	47.8
2003*	42.385	60.679	103.064	22.068	27.440	49.508	52.1	45.2	48.0

Source: *The Effects of the Customs Union on the Turkish Economy*, Economic Development Foundation Publication, no:179, April 2004, p.12

* January-September

EU's Foreign Trade and Turkey's Share (%)(million USD)

	EU-Total Export	EU-Total Import	EU-Export to Turkey	%	EU-Import from Turkey	%
1980	211,1	280,6	2,0	1,0	1,1	0,4
1993	390,6	470,2	12,4	2,6	6,8	1,5
1994	471,4	518,5	9,3	1,8	7,9	1,5
1995	573,3	545,3	13,4	2,34	9,2	1,69
1996	627	581,1	18,3	2,92	10,2	1,76
1997	721,1	672,4	22,4	3,11	11,9	1,77
1998	730,8	709,8	22,1	3,03	13,6	1,92
1999	758,3	772,1	20,5	2,71	15,5	1,95
2000	937,9	1026,8	28,6	3,02	15,5	1,7
2001	985,3	1028,1	20,4	2,0	18	1,7
2002	990,4	984,3	24,5	1,94	19,3	2,48

Source: *The Effects of the Customs Union on the Turkish Economy*, Economic Development Foundation Publication, no:179, April 2004, p.21

Annex II

Turkish Foreign Trade (million USD)

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003*
					Import					
EU	10.915	16.760	23.138	24.870	24.075	21.419	26.388	18.280	23.288	27.440
EFTA	562.6	892.0	1.112,1	1.287,2	1.169,2	926.1	1.155,3	1.408,9	2.399,6	3.068,8
OtherOECD	3.852,9	5.947,3	6.841,6	8.658,3	8.228,0	5.983,7	7.916,2	6.245,6	7.043,5	7.670,2
Africa	860,4	1.384,7	1.993,3	2.197,3	1.758,4	1.687,4	2.714,2	2.818,7	2.611,4	2.997,4
Mid. East	2.530,2	2.687,0	3.243,2	2.726,0	1.943,1	1.986,6	4.154,8	3.302,8	3.618,8	3.966,2
BSEC	2.167,2	3.998,1	3.867,1	4.476,0	4.331,6	4.297,1	6.699,1	5.545,7	6.510,0	8.126,2
ECO	9.22,2	1.136,8	1.196,8	1.099,4	947,8	1.123,3	1.543,0	1.237,7	1.526,1	2.489,7
CIS	1.821,5	3.314,7	3.074,2	3.615,1	3.724,4	3.373,8	5.693,0	4.630,2	5.477,3	6.827
TurkicRep.	189.7	287,3	304,0	391,9	449,0	457,2	628,0	282,5	449,3	565
					Export					
EU	8.635	11.078	11.548	12.248	13.498	14.333	14.352	16.118	18.330	22.068
EFTA	276.9	293,3	335,9	414,3	356,7	361,6	324,3	316,1	403,9	483,2
Other OECD	1.845,7	1.925,0	2.541,9	2.921,1	3.124,7	3.346,4	4.171,2	4.180,9	4.524,4	4.912,5
Africa	842,7	1.063,9	1.159,1	1.233,9	1.819,1	1.656,8	1.372,2	1.520,9	1.648,4	1.923,1
Mid. East	2.108,4	2.119,9	2.245,1	2.381,8	2.190,5	2.204,1	2.552,7	3.581,5	3.444,7	4.488,6
BSEC	1.636,5	2.417,2	2.905,1	3.831,6	3.237,6	2.171,6	2.368,2	2.851,1	3.417,1	4.325,6
ECO	752,1	904,9	1.129,1	1.237,0	1.125,0	865,9	873,6	971,6	997,7	1.360,9
CIS	1.412,2	2.056,9	2.665,4	3.512,0	2.666,5	1.532,8	1.648,7	1.978,1	2.257,9	2.635,9
TurkicRep.	429,6	543,0	474,2	858,4	835,0	573,6	572,5	557,4	614,8	799,7

Source: *The Effects of the Customs Union on the Turkish Economy*, Economic Development Foundation Publication, no:179, April 2004, p.15

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Annex III

Turkish Foreign Trade with the EU (million USD)

	Investment Goods				Intermediate Goods				Consumption Goods			
	Export	%	Import	%	Export	%	Import	%	Export	%	Import	%
1994	252	2,9	3,209	29.4	2,805	32,5	6,912	63,3	5,577	64,6	795	7,3
1995	318	2,9	4,831	28,7	3,528	31,8	10,539	62,5	7,232	65,3	1,491	8,8
1996	396	3,4	7,388	31,9	3,727	32,3	12,880	55,7	7,425	64,3	2,870	12,3
1997	423	3,5	7,327	29,5	4,105	33,5	14,009	56,3	7,721	63	3,535	14,2
1998	489	3,6	7,182	29,8	4,612	34,2	13,270	55,1	8,397	62,2	3,622	15
1999	631	4,4	6,069	28,3	4,981	34,7	11,823	55,2	8,737	60,9	3,525	16,5
2000	666	4,6	7,337	27,8	5,203	35,9	14,116	53	8,511	59,3	5,114	19,2
2001	960	6,0	4,317	23,6	5,751	35,7	11,168	61,1	9,359	58,1	2,595	14,2
2002	1,267	6,9	5,382	23,1	5,787	31,6	14,357	61,8	11,256	61,4	3,191	13,7
2003*	1,511	8,7	4,539	20,7	5,440	31,3	13,882	63,2	10,407	59,9	3,345	15,2

Source: *The Effects of the Customs Union on the Turkish Economy*, Economic Development Foundation Publication, no:179, April 2004, p.19

* January-September.

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Annex IV

Foreign Direct Investment (FDI) in EU Candidate Countries (million USD)

	1992	1997	1998	1999	2000	2001
S.Cyprus	-	67	62	114	176	182
Czech Rep.	768	1.148	3.303	5.932	5.405	5.489
Estonia	-	235	513	284	425	603
Hungary	989	1.928	1.815	1.873	1.837	2.730
Latvia	-	460	318	324	445	198
Lithuania	-	313	826	456	410	498
Malta	-	71	238	770	707	339
Poland	230	4.328	5.678	6.821	10.242	6.356
Slovakia	-	154	504	306	317	1.647
Slovenia	-	293	194	98	149	562
Bulgaria	9	445	479	756	1.084	774
Romania	-	1.071	1.812	977	1.110	1.442
Turkey	369	710	838	735	1.063	3.647

Source: *The Effects of the Customs Union on the Turkish Economy*, Economic Development Foundation Publication, no:179, April 2004, p.24

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Endnotes

[1] EEC-Turkey Association Agreement (1963), *Official Journal* No 217, 29.12.1964; Tevfik Saraçoğlu, *Antlaşmalar*, İstanbul: Akbank Ekonomi Yayınları, 1992.

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[3] *Ankara Antlaşması ve Katma Protokol* (Metinleri ve Ekleri), IKV Yayınları; *Additional Protocol and Financial Protocol*, Ankara: State Planning Organisation, June 1987.

[4] Under the Ankara Agreement from 1964 to 1981, three Financial Protocols were signed and an amount of ECU 680 million was committed to Turkey under European Investment Bank loans and EC loans at a reduced rate. Fourth Financial Protocol (a loan of ECU 600 million) was not approved.

[5] Christopher Preston, *Enlargement and Integration in the European Union*, London: Routledge, 1997, pp.195-204; Heather Grabbe & Kirsty Hughes, *Eastward Enlargement and the European Union*, London: RIIA, 1997, pp. 5-12; *The European Union: Still Enlarging*, Brussels: European Commission, June 2001, pp.4-7.

[6] Sevilay E. Kahraman, "Rethinking the EU Relations in the Light of Enlargement", *Turkish Studies*, 1(1), Spring 2000, pp.4-5.

[7] Tomris Çavdar, "Türkiye-Avrupa Birliği İlişkilerinin Yeni Genişleme Dönemi Açısından Değerlendirilmesi", *ATAUM Bülten*, 2(1), Winter 2002.

[8] EC Commission, "Opinion on Turkey's Request for Accession to the Community", SEC (89), 2290 final, Brussels, December 18, 1989.

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[9] Apart from Financial Protocols, however, in 1980, under an exceptional aid, the EU granted Turkey ECU 75 million for financing specific projects. Due to the military intervention, the EU decided to freeze a part of this grant. In 1987, it relaunched the remaining ECU 29 million under a Special Action Programme. The EU also provided Turkey with ECU 175 million interest-free loans under the special aid programme for countries directly affected by the Gulf crisis. The financial support in the pre-Helsinki also amounts to 376 million Euro in grants and 544.5 million Euro in loans under MEDA I.

[10] Haluk Kabaalioğlu, "The Customs Union: A Final Step Before Turkey's Accession to the EU?", *Marmara Journal of European Studies*, 6(1), 1998, pp.113-140; Nanette A.E.M. Neuwahl, " The EU-Turkey Customs Union: A Balance, but No Equilibrium", *European Foreign Affairs Review*, 4, 1999, pp.37-62.

[11] Customs Union-SMEs- For more information on the issues of Competitive Power, see: Nusret Ekin, (1996), *Küresellesme ve Gümrük Birligi [Globalization and the Customs Union*], ICC Publication No: 1996: 32, Istanbul, pp. 45-62.

[12] Available at [http://europa.eu.int/comm/trade], retrieved on 28 May 2002.

[13] The draft of the Multilateral Agreement on Investment is not only economic but has repercussions on the fundamental parameters of politics and law. The former Secretary General of the World Trade Organization, Renato Ruggiero describes it in the following way: "We are preparing the constitution of the global economy". Some of the stipulations in the draft agreement that have provoked major reactions are as follows: The signatory countries will stay within the agreement for at last 5 years and will change those articles in their constitutions and other laws that do not comply with the provisions of this agreement in the required way. Countries that wish to abandon this agreement will have to comply with the rules of this agreement for 15 years. Multinational Corporations can sue the related country's government when they do not comply with the rules of the agreement, even if this is against national interests. However, the related country's government does not have a legal body to which it can apply in order to protect the country's national interests and the rights of the citizens. This means that the nation-states will have to protect the interests of the MNC's, which contradict the interests of the nation-state, instead of protecting and defending the country's national interests. For more information on this issue, see: Wolfgang Kreissl-Dörfler, Report containing Parliament's recommendations to the Commission on the negotiations in the framework of the OECD on a Multilateral Agreement on Investment (MAI), Committee on External Economic Relations, European Parliament, 26 February 1998; The Union of Chambers of Turkish Engineers and Architects, Küresellesmenin sermaye elektronik mal hizmetler dolasımı [The movement of capital electronic goods and services of globalization], Ankara 1999; Oktar Türel/ Cem Somel, *Çok Tarafli*

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[14] Turkish Research Center, *Türkiye'nin Tam Üyeliginin Avrupa Toplulugu'na Sağlayacağı Faydalar [The Advantages of Turkey's Full membership for the European Community]*, Essen, 1992, p.81.

[15] H. Güngör, "Dünyada ve Türkiye'de Dogrudan Yabancı Yatırımlar" [Foreign Direct Investments in Turkey and in the World], *Economic Development Foundation Magazine*, 149, 2001, p.72.

[16] R. Sanyer, "Bu is böyle yapılır!" [This is how to do it!], *Radikal*, 25 November 2001.

[17] Istanbul Chamber of Commerce, "Turkiye'den 75 ulkeye sermaye ihraci" (Export of capital from Turkey to 75 countries), *ICC Newspaper*, 29 May 2002.

[18] Onur Öymen, *Türkiye'nin Gücü* (Power of Turkey), Istanbul: AD Publishing, p.20.

[19] Öymen, ibid. pp. 202-204.

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SOCIAL AND CULTURAL ASPECTS OF TURKEY'S INTEGRATION TO THE EU

Nedret Kuran-Burçoğlu*

Introduction

It has been a big debate whether Turkey will be given a date by the European Union, on December 17 for the commencement of European Union accession negotiations. The provision of this date is certainly an important issue for Turkey from a variety of socio-political and economical perspectives, as experts of these disciplines rightly claim. However, as important as this issue- if not more important- should be the consideration of Turkey's adaptation process to EU norms and the societal dynamics that will accompany the accession negotiations.

To date, Turkey has shown her willingness and decisiveness about becoming a member of the European Union and has proved this commitment by abiding to the Copenhagen criteria and enacting legislation that will improve the general framework of democracy and human rights in the country. These measures would facilitate Turkey's accession to the club, as well as improve living standards of Turkish citizens. In that respect they will certainly be beneficial for both sides, however it is also rightly argued by critics that these improvements should have been actualized within the last 80 years of Turkey's modernisation process- the roots of which go back to the foundation of the Turkish Republic by Atatürk- and not in fact be imposed on Turkey by the European Union.

This is a valuable opportunity for Turkey to rethink the modernisation program, which was initiated by Atatürk, and make necessary adjustments.

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1. Social and cultural benefits Turkey will receive from EU membership

Membership in the European Union will certainly generate positive social and cultural repercussions in Turkey. Some of the positive effects that come to my mind now include the following:

As rights of all individuals (women, men, children, people with different ethnic, religious and gender identities, minorities, lesbians, gays, transsexuals) will be protected, monitored and secured on an equal basis in the context of EU standards, individuals will feel more secure in society and more able to claim their rights without fear of oppression from other individuals, pressure groups and state authorities.

Civil initiatives will strengthen the self-esteem of individuals and they will become more demanding in terms of their expectations of health and old age benefits, social insurance etc.

The initiatives of Non Governmental Organizations (NGOs) will be strengthened; they will be more involved and active in controlling illegality as well as in supporting improvements in social and cultural life.

Environmental issues, such as pollution and erosion, as well as the protection of nature and animal rights will be tackled in a more effective way.

Cultural heritage will be better protected, historical sites, buildings, art works will be protected and restored through the support that can be made available from the funds of supranational institutions, and expertise be shared among member countries.

The same level of potential improvement applies to the field of education and research. Ideas and expertise can be shared among colleagues from different member countries, through student and staff exchanges and joint projects. In this way standards of education can be upgraded.

This international intercultural exchange will enhance co-operation and dialogue between Turkish citizens and citizens of the European Union countries from which both sides will benefit. Through such interaction people will get to know each other better and this human experience can lead people to overcome existing mutual negative stereotypes in societies.

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The co-existence of multiple identities will strengthen multicultural dialogue, recognition and respect for the 'other's values and beliefs which will lead to peace and the prospect of unity in diversity.

This list of the advantages of EU membership can certainly be extended. We are all aware that membership of the European Union can bring a lot of benefits to Turkey and her citizens, but there is also another side to the issue.

2. How are we going to cope with the problems with which we will be confronted during the Accession Process?

We have to ask ourselves: "what kind of social and cultural problems are we going to face during this process and to what extent are we ready to face them?" The second question would be; "how are we going to tackle these problems?" All previous EU candidate countries have faced general problems during their accession period to the Union. In dealing with these problems we can derive much benefit from listening to feedback from the experience of those countries- as we hear from our Greek colleague Professor George Pagoulatos-, but there will also be culture-specific problems that will only apply to Turkey. While we can predict some of these problems in advance, we will discover others when we come across them. Anyway it seems that we have to be ready to face them in due time. For this reason we will have to set up a *Communication Strategy* and exchange ideas with equivalent circles in candidate countries and provide information to the public by constantly updating our knowledge concerning problematic issues.

A third aspect of the phenomenon concerns the reservations of a number of Turkish citizens about some potentially negative consequences that European Union membership could bring about in Turkey.

3. Reservations of Turkey concerning membership in the EU (Euroscepticism)

Turkish anxiety and scepticism about EU membership centre on the following questions, which have to be tackled:

-To what extent do we have to sacrifice our national sovereignty?

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-Are we going to lose our own traditions, habits and values? To what extent will our culture be affected by the constraints of EU membership?

-What is the borderline between assimilation and integration? Are we expected to surrender our national identity and passively assimilate into the Union?

-Is the European Union, with the encouragement of ethnic and religious groups in Turkey, trying to impose on Turkey a plan, which will end up with the fragmentation of the Turkish Republic?

-Does the emphasis put on minority rights have a hidden intention?

-Are we going to be accepted as a member of the EU merely because we have a strong army?

In short; given the strategic position of Turkey, her historical experiences and present circumstances make eurosceptics in Turkey ask the following crude question:

Is there a 'Hidden Agenda for Turkey' which is going to be actualized within Turkey's accession process with the European Union?'

A number of conspiracy theories that are to be found on the internet, as well as in the wider written and visual media constantly deal with these questions. I am sure that some of these questions, like national sovereignty, integration versus assimilation, etc. had also been of concern for other candidate countries. However, in the case of Turkey suspicion about the so-called potential 'Hidden Agenda' has some grounds, which I would like to focus on briefly and try to explain the reasons for this scepticism.

To my mind this anxiety regarding potential EU membership can be explained by Turkey's lack of trust in Europeans due to two important factors; e.g. first, Turkey's history where she had to fight against imperialistic attempts by various European countries during her war of independence. The second factor is, the negative cliché of the Turk that exist in Europe and pops up whenever a decision has to be taken about Turkey's place in Europe.

The existence of a 'referendum' discourse surrounding Turkey's accession to the EU in European countries, the 'limit' that is going to be established on 'the free movement of Turks within the Union', as well as the statements of various European statesmen, like Valerie Giscard d'Estaing, Helmut Schmidt, Edmund Stoiber and others who have claimed that 'Turkey's integration would signal the end of the European Union', or that

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'the European Union is a Christian Club and that Turks have no place in it' have reinforced these prejudices about the Turks in Europe. Professor Bolkestein of Leiden University, the former Dutch EU commissioner said a month ago that the 'defeat of the Turks at the gates of Vienna, in 1683 was useless if Europe is going to integrate Turkey into its Union today'. These are stereotypes that were created in the course of the history of the Image of the Turk in Europe the roots of which go back to the 11th century when the Turks settled in Anatolia and became a threat to the East Roman Empire. (I would also like to point out that in the Middle Ages, during the expansion period of the Ottomans in Europe, the image of Islam and that of the Turk served to define 'Europeanness' in relation to the 'other') These clichés are reflected in hundreds of written, visual and audiovisual sources in Europe that are studied within the scope of image studies. Alfred Einstein once said: "to destroy a stereotype is harder than to destroy an atom." This is indeed the case as far as Turkey is concerned. Turkey has a long way to go in order to change this perception. The words of the well-known Dutch Professor Erick Zürcher were also remarkable in this respect. The professor said in a panel held at the Dutch Consulate last year, that Turkey's integration process to the European Union would be very hard due to Turkey's negative Image in Europe even if the Copenhagen criteria were to be properly fulfilled.

As a final example I would like to cite a paragraph from a Greek Helsinki Monitor's, Mrs.Christina Rougheri's contribution[1] to a research project, entitled. *The Image of the Turk in Europe from the Declaration of the Republic in 1923 to 1990s* [2] that I had initiated at Boğaziçi University in 1999:

> "Conclusion: The portrait of Turkey in the Greek press is far from flattering. The Greek press, in its majority, cannot really claim an objective and cool coverage of Greek-Turkish relations. This is becoming far more evident in periods of high political and diplomatic tension between the two countries. The Turkish media follow more or less the same track. During the days of the Imia-Kardak crisis "most media in the two countries engaged in extreme hate speech and war mongering."[3] However the Greek media proved to be far more aggressive towards the other side, compared to the Turkish ones. In both cases the media seem to be playing a crucial role in the formation of the public's perception of Greek-Turkish relations. This perception undoubtedly depends upon the way in which the respective media sources are constructing and

> deconstructing events involving the two countries. Thus one may argue that to a certain extent the media determine the publicly acceptable ways for resolving all pending issues between them. The media do not simply reproduce, perpetuate, recycle and reinforce the ethnocentric perspective of each side's unique reality. Moreover they provide fertile soil for the cultivation of a series of stereotypes, making it difficult even for the most willing governments, to deal with the Greek-Turkish disputes and improve the bilateral relations, without the fear of an important political cost. In other words, without the fear that they might be betraying the national myths."

As Rougheri pointed out in the above cited paragraph in periods of high political and diplomatic tension between Turkey and Greece – we can generalize this also for other European Union countries – the negative image of this country and its people gains strategic primacy. These stereotypes are then combined with various other pretexts as an attempt to exclude Turkey from Europe, pretexts such as the violation of human rights, fundamentalism, the Kurdish issue, the Armenian issue, the Cyprus question, corruption, shortcomings of economy, etc. and instrumentalised by power mechanisms and strategists, and diffused over the world through various kinds of media. Images can be dangerous as they may be used, under certain circumstances, as 'weapons'. Therefore, their 'concealed' power should not be underestimated.

In the case of Turkey's integration with the European Union, unless mutual attempts are made towards achieving transparency, sincerity and confidence building, the tension between Turkey and the European Union as well as its psychological repercussions within Turkey will prevail and that will only serve to affect Turkey's stance vis-à-vis the European Union in a negative way.

Endnotes

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Part III

Europeanisation and Its Legal and Institutional Implications

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REFORMS IN THE TURKISH LEGAL SYSTEM IN THE CONTEXT OF THE COPENHAGEN POLITICAL CRITERIA

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After the adoption of the National Plan for the Adoption of the Acquis in 2001which was revised in 2003, a series of political reforms in line with the Accession Partnership have been adopted. Constitutional and legislative amendments adopted during the period between 2001 and 2004 were reinforced by eight seperate legislative packages implemented in 2002 and 2004.

The aim of this paper is to examine the specific reforms introduced by Turkey under the the pertinent chapters of the "Enhanced Political Dialogue and Political Criteria" of the Regular Reports of the European Commission.

1. Democracy and the rule of law

1.1 Constitutional amendments

The constitutional amendments adopted by the Turkish Parliament on 3 October 2001 provided the first perceptible example of constitutional reform in regard to the Accession Partnership. The fifth paragraph of the preamble of the Constitution was amended by this legislation. The words "any idea or consideration" were replaced by "any activity". This legislation also defined precisely the conditions governing the banning of a political party. This same legislation also defined and regulated the conditions of the establishment and activities of political parties, their supervision and their expenses their dissolution or their complete or partial exclusion from State aid.

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This legislation also provided foreigners resident in Turkey with the same right of petition to state authorities as Turkish citizens and offered the possibility of asserting the unconstitutionality of martial law rule.

The legislation also made efforts to improve the functioning of the National Assembly and speed up the approval of legislation. It shortened the periods of debating time involving the election of the National Assembly President and the majority required for certain decisions like decisions on Parliamentary Bills, the approval of the budget etc.

A second set of constitutional reforms was adopted on 7 May 2004: Civilian control of the National Security Council was strengthened; the duties, functioning and composition of the National Security Council were altered. With this reform the National Security Council became an advisory body having no executive power and with a majority of civilians in its composition. In August 2004, a retired ambassador, was appointed as the first *civilian* Secretary General of the National Security Council.

Furthermore, the May 2004 constitutional reforms removed the secrecy exemption over Armed Forces expenditure. This amendment granted permission to the Court of Auditors to audit military expenditures. To ensure the application of this constitutional amendment, legislative adoption should be completed.

The May 2004 constitutional reforms revised Article 90 of the Constitution and enshrined the primacy of international and European human rights conventions concerning fundamental rights over domestic legislation.

Furthermore, the May 2004 constitutional amendments removed the right of appointment of military representatives to the Higher Education Board (YÖK). In line with this amendment, the Secretary General of the National Security Council lost his right to appoint a military representative to the Radio and Television Supreme Council (RTÜK).

1.2 Legislative amendments

The adoption of the new Turkish Civil Code elaborated the right of establishment and functioning of associations. The new Civil Code broadened the conditions of membership in associations by allowing foreigners living in Turkey to become members of an association. The new

code also assures a harmony between the Constitution and the new Civil Code by providing equality between the members of associations.

In addition to this change, the new Civil Code guaranteed complete gender equality in marriage and family life.

The second legislative package of 26 March 2002 amended article 101 of the Political Parties Law concerning the conditions and procedures for the closing down of political parties.

The fourth legislative package of 2 January 2003 adopted amendments in the following areas:

- provisions concerning the membership of political parties and the conditions for closing them in the Law on Political Parties,
- provisions concerning the eligibility criteria of candidates and conditions of possible extraordinary election in the Law on Election of Parliamentary Deputies.
- provisions concerning the conditions of election and candidates In the Law on Election of Local Administrations, Districts Chiefs and Board of Old Persons.
- provision concerning the right of petition of foreigners resident in Turkey in the Law on the Execution of the Right of Petition.

The seventh legislative reform package of 30 July 2003 introduced new provisions in the Law on the Board of Auditors enhancing its role to fight against corruption. The same article of the package also allowed the Board of Auditors to audit state properties owned by the Turkish Armed Forces. This package also realized an important democratic reform via the Law on National Security Council and General Secretariat of the Councils by defining National Security Council decisions as recommendations and limiting the mission, role, duties and the functioning of it. (The appointment procedure of the General Secretary of the National Security Council was amended and the possibility of having a civilian General Secretary of the National Security Council was foreseen, which was realized recently in August 2004 as mentioned above).

On 10 December 2003, a number of fundemental changes were made to the National Security Council Law. The General Secretariat of the National Security Council was abolished in order to help to civilianize the Council.

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The right of the Chief of the General Staff to select a member of the Higher Education Board (YÖK) was removed.

The eighth legislation package of 14 July 2004 implemented amendments to the Law on Trade Unions for Public Servants, the Law of Social Insurance, the new Law of Associations, the legislative package reforming public administration, the Law on Compensation of Losses Resulting from Terrorist Acts, the new Penal Code and the Law establishing the (Intermediate) Court of Appeal.

In April 2004 the Commercial Code was amended so as to set up specialized courts for maritime cases.

With regard to the adoption of anti-corruption measures, Turkey signed the UN Convention against corruption and ratified the Council of Europe Criminal Law Convention on Corruption in 2004. In January 2004, Turkey became a member of the Group of States against Corruption (GRECO).

In May 2004, progress in increasing transparency in public administration was facilitated by the adoption of the Law on the Establishment of an Ethical Board for Public Servants adopted.

In June and July 2004, a package on the reform of the public sector was adopted. The aim of this reform is to replace the country's centralized, hierarchical and secretive administrative system with a decentralized, participatory and transparent model. Therefore, it is important to note that the President vetoed some amendments in this reform package and this reform has not entered into force yet.

2. Human rights and the protection of minorities

2.1 Constitutional amendments

The constitutional amendments adopted by the Turkish Parliament on 3 October 2001 were significant steps in strenghtening the field of human rights and the protection of minority rights. Article 13 of the Constitution concerning the limitation of fundamental rights and freedom was narrowed and the restriction of fundamental rights were limited only "with the reasons cited in the related article of the Constitution" and these restrictions should "not be contrary" to the Constitution and "...to the necessities of a secular Republic and to the principle of proportionality". The same amendments

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limited the period of arrest to "48 hours" for individual crimes and "4 days" for collective crimes. These amendments strengthened the principles of the immunity of domicile and the secrecy of communication, the liberty of association; widened freedom of expression by allowing the possibility of publishing in languages other than Turkish through abolishing the concept of "prohibited language".

The revision of Article 38 of the constitution limited the use of the death penalty to cases of terrorist crimes and to times of war, or imminent threat of war.

These amendments also made efforts to achieve greater gender equality by inserting the words into article 41 of the constitution "... and based on the equality between spouses".

These amendments also intensified the state's economic and social responsibility in improving the social and economic rights of workers.

The 7 May 2004 constitutional amendments represent an important change in the protection of human rights and the general framework for the exercise of fundamental freedoms as they abolished the State Security Courts and replaced them with Special Criminal Courts.

The 7 May 2004 constitutional reforms also abolished the death penalty in all circumstances, strengthened gender equality, widened freedom of expression and recognized the supremacy of international law sources in the area of fundamental rights over domestic legislation.

2.2 Legislative amendments

The first reform package adopted in February 2002 brought major amendments to the Anti-Terror Law and expanded the notion of freedom of expression.

The second legislative package of 26 March 2002 amended the Law on Public Servants concerning compensation decided by the European Court of Human Rights. The same packages widened the freedom of expression in the Law on Public Meetings and Demonstration Marches.

The third legislative package of 03 August 2002 made amendments in the following areas:

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- provisions concerning the recognition of property rights of religious minority foundations and the possibility of cooperation of Turkish foundations with international or foreign foundations in the Law on Foundations;

- provisions concerning the right of foreigners to actively participate in demonstrations in the Law on the Holding of Public Meetings and Demonstrations;

- provisions concerning the adoption of the retrial right of concerned parties following a decision of the European Court of Human Rights in the Law of Procedure in Private Law;

- provisions concerning the possibility of broadcasting in other local languages and dialects in the Law on TV Radio Broadcasting and Establishment of TV and Radio;

- provisions concerning the possibility of education in other local languages and dialects other than Turkish in private educational courses in the Law on Foreign Language Education.

The fourth legislative package of 2 January 2003 amended provisions concerning the property rights of religious minorities foundations in the Law of Foundations and those concerning the right of petition of the foreigners resident in Turkey in the Law on the Petition Right.

The fifth legislative package of 23 January 2003 amended provisions concerning the implementation and the effects of the European Court of Human Rights decisions in the Law of Procedure in Private Law.

The sixth legislative package of 19 June 2003 amended provisions in the Law on General Rules of Elections and Electoral Register concerning TV-radio broadcasting during elections, revised provisions in the Law of Procedure in Administrative Law concerning the right of retrial following the decisions of European Court of Human Rights, amended provisions in the Law on TV Radio Broadcasting and Establishment of TV and Radio concerning broadcasting in languages and dialects other than Turkish, and amended provisions in the Law of Fighting against Terrorism concerning the redefinition of terror. This package reduced all death penalties to terms of life imprisonment.

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The seventh legislative package of 30 July 2003 made some amendments to the Law on Public Meetings and Demonstration concerning the prohibition and postponement of public meetings and demonstration marches and in the Law on Foreign Language Education and the Law on Learning other Languages and Dialects of Turkish Citizens which allowed the establishment of private courses providing education in languages and dialects other than Turkish.

In January 2004, Turkey signed the 13th Protocol of the ECHR concerning the abolition of the death penalty in all circumstances.

The By-law on Apprehension, Detention and Interrogation was adopted in January 2004 to strengthen and improve the rights of detainees.

A new regulation was published in January 2004 establishing the possibility for private national television and radio channels to broadcast in languages and dialects other than Turkish.

The alignment of detention procedures of military courts with other courts was achieved with the amendment of the Military Criminal Code and the Law on the Establishment and Trial Procedures of Military Courts in January 2004.

The new Press Law adopted in June 2004 and the new Law on Associations in July 2004 broadened liberty of expression in Turkey.

In June 2004 a Regulation on the Methods and Principles of the Boards of Non-Muslim Religious Foundations concerning the rights of religious minority was adopted.

The implementation of the Law on Compensation of Losses Resulting from Terrorist Acts started in July 2004.

In September 2004 a new Penal Code was adopted.

Regarding the promotion and enforcement of human rights, a number of bodies have been established since 1999 such as the Reform Monitoring Group, the Human Rights Presidency, the provincial and sub-provincial Human Rights Board, the Human Rights Advisory Committee and several investigation boards.

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Conclusions

In sum, Turkey has recently fully committed itself to a process of far-reaching constitutional and legislative reform in line with the priorities of the Accession Partnership. The reform process of 2001-2004 has enhanced civil liberties and human rights in Turkey, strenghtened the judicial system and aligned civil-military relations with European standards. The challenge for Turkey now is to ensure the effective implementation of these changes. The role for the EU will be to appreciate the significance of the steps that Turkey is embarked upon.

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EUROPEAN UNION INFLUENCE ON THE EVOLUTION OF THE BULGARIAN CIVIL ADMINISTRATIVE STRUCTURE AND PROCESSES

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The reform of the system of public administration in Bulgaria is a part of the larger process of modernization of state and society that followed the fall of the totalitarian regime in 1989. The Europeanization of the State's institutions and the Civil Service system will have a crucial impact on the ability of the state to meet EU admission standards. The Bulgarian case suggests some similarities and differences with the process in other East-European countries.

The common heritage from the period before the downfall of the Berlin wall for the whole former communist block can be described as one of a Soviet type central government structure with extensive influence for the communist Party secured by the Constitution. These mostly included:

1. Political and strategic decisions, including funding of public policy initiatives, approved by the Communist Party and not prepared or coordinated by the executive – the Council of Ministers or decided by the legislative power – the Parliament. The local Nomenclatura – a central political bureaucracy constituted the power elite whose membership cut across all of the institutional hierarchies. Ethical principles such as "neutrality" and "incorruptibility" were often breached because the administration was so highly politicized.
2. Lack of mobility in the civil service. Career and advancement opportunities were closely linked to a willingness to adapt one's political views to that of the ruling clique in the party.

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3. The central government, including the Ministry of Finance did not have the appropriate policy-making or financial authority. Each minister had the power to organize their administrative structures as they saw fit.

4. A high degree of decentralization and fragmentation of responsibilities existed in personnel policy. The state personnel system at the central level was again highly fragmented, with no central recruitment and minimal interministerial mobility amongst staff. There was no common salary and benefit structure and very considerable pay differences existed among ministries.

5. In many cases, decisions to recruit and dismiss staff were not a responsibility of a specific central department, agency or personnel department, but fell within the decision-making powers of the minister.

6. A negative public perception of the civil service due to the politicization of public administration. Moreover, staff conditions of service were fairly poor, very inflexible and only seldom linked to individual performance, motivation and development potential.

7. Poorly paid staff. The pay of public employees was often so low that a career in public service was not (in financial terms) a very attractive prospect.

8. Public administration in post-communist countries has conventionally been depicted as vastly over-extended and over-staffed. Consequently, a drastic scaling-down of the public service through privatization and massive dismissals are often considered inevitable consequences of the transition towards a modern public service, comparable in its tasks, structures and procedures to Western public administration[1].

After 1989 the constitutional protection of the leading role of the Communist party was discarded. A pluralist democracy and a market based economy required the reform of the state's administrative apparatus.

Europeanization of the State in Bulgaria has become a significant concern of government, one which resembles the situation 120 years ago. Now as then, the essential question is – what is to be retained from the old heritage and what is to be changed? After 1879 the precursors of today's rulers considered that the term "modernization" meant developing and

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applying European approaches and standards to the state's social structure and administrative system. But some politicians and government officials shared the "unofficial" view that *"the reforms implemented during the Tanzîmât in the Ottoman Empire could serve as an example for the modernization of Bulgaria"*. Some of the practices of the Ottoman administration were adopted by the New Bulgarian State. However, the situation after 1989 was different. The official position of almost all experts and politicians was that almost nothing from the totalitarian period could exist in the new structures and the new administration. The current approach is to develop and adopt EU standards and practices. For this reason the issue of reform of the public administration system became a highly salient feature of almost all post 1989 cabinets. Despite the common understanding of the importance of the issue there are significant variations in the approaches of the various post communist governments and cabinets.

One of the first steps after the reestablishment of the democracy was the abolition of the communist political organizations in government institutions. The success of political opposition in the first few years after the collapse of communism, called the "transitional" period, led to a completely politically polarized society. The system of public administration was not an exception, despite the fact that the 1990 legislation regulating political parties had explicitly excluded all political organizations from government departments.

The new Constitution of the Republic of Bulgaria adopted in July 1991 insufficiently defined the role and character of public administration in the political-administrative system. The only relevant references can be found in article 105(2) which states that the Council of Ministers guides the work of the state administration and article 116: "(1) State employees shall be the executors of the nation's will and interest. In the performance of their duty they shall be guided solely by the law and shall be politically neutral. (2) A law shall establish the conditions for the appointment and dismissal of state employees and the conditions on which they shall be free to belong to political parties and trade unions, as well as to exercise their right to strike". The task of the central administration or the status of civil servants are not addressed. It is clear that during the first year after the change of regime the reform of the public management structures was not a strategic goal and its role in the market economy was overlooked. Another potential reason was

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that the political party, which dominated the constitutional writing process, the Bulgarian Socialist Party (ex-communists), did not see any reason to include substantial provisions on public administration in the Constitution[2]. It is clear that this disregard of public administration created difficulties for subsequent reform minded forces.

The Institute of State and Economic Management at the Council of Ministers provided the first theoretical analysis of the proposed administrative reform in 1991. The paper called "Principal Positions for the Range and the Contents of the Civil Service Law", based on European models suggested the creation of one State administration established on the principles of political impartiality, objectivity and integrity. The proposition had no consequence[3].

The first rightist-oriented government, that of the United Democratic Forces under Prime Minister Philip Dimitrov (November 1991 – October 1992) inserted into the Labour Code the right to dismiss middle and high ranking civil servants "in the interest of the job" without due process procedures and with two months notification in his efforts at "decommunization". It was called "Article Kapudaliev" named after the Member of the Parliament who made the proposal. Until the abolition of this article, which happened five years later, the Dimitrov government as well as subsequent cabinets used it to discharge any inconvenient state employee. The Institute of State and Economic Management at the Council of Ministers was transformed to the Center of Administration at the Council of Ministers. It prepared a new proposal called "The Project for Civil Service Law' that had the same fate as the preceding proposition and did not secure parliamentary approval.

Despite the fact that the government of Liuben Berov was in power for two years, it was also considered to be "transitory",and administrative reform was therefore not its top priority.

In December 1994 a coalition lead by the Socialist Party won the elections. Administrative reform occupied a central place in its program. In the Project for "New Administrative Strategy of Administrative Reform in the Republic of Bulgaria", the government of the Democratic Left in 1996 declared the goals of the reform to be:

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- improvement of the normative base for the establishment and operation of administrative structures, procedures and mechanisms;
- organizational development of the government structures that perform administrative functions;
- permanent staff qualification;
- application of information technologies to increase the productivity of administration;
- orientation of the administrative functions to the standards of the EU member countries.

Some key projects were given high priority:

- statutory regulation of the Civil Service through the drafting of a Civil Service Law;
- training system for Civil Servants;
- introduction of the Ombudsman institution;
- implementation of the principles of the "White Paper" for administrative services;
- elaboration of a framework system of remuneration and selection[4].

A special department for problems concerned with administrative reform was created in the Council of Ministers. The department of Parliamentary Research in the National Assembly also provided input into the proposed reforms through its own analysis and papers. The analysis of the status of the civil servant in the main European countries, the collection of recently voted laws in this domain in Europe and all the Bulgarian laws for the period of 1881-1947 concerning state functionaries were considered as steps preparing Members of the Parliament for the choice of an appropriate model that would conform to political realities and the Constitution.

But the lack of real reforms in the wider society led to a profound socio-economic and political crisis. By the end of 1996 the situation was aggravated by a government crisis and a collapse of confidence in the state

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and its institutions. The government of the Democratic Left was forced to resign.

The elections of April 1997 gave the parliament majority back to the United Democratic Forces. The Program of the Government of the Republic of Bulgaria 1997-2001 declared the will of the cabinet to "defend the European political and civilization orientation of the country; to prepare the entry of Bulgaria into the EU". Section II of the program *"The Institutions of Democratic Bulgaria"* proclaimed that administrative reform was an important priority. "The road to the democratization of society leads to democratization of the institutions and the raising of their effectiveness." For the first time in Bulgarian history a Minister of Public Administration became a member of the cabinet. The Deputy Prime Minister, Vesselin Metodiev, was charged with supervising all the processes of administrative reform. The government inherited not only the unsolved problems of the previous reform efforts, but also the European consultants from PHARE invited by the former cabinet. The fact that the chosen consortium was determined by the previous cabinet led to serious problems of confidence. The government preferred to create its own "consultative body" which would advise it on the necessary reforms – STRATEGMA. Relations between the two consultant bodies were not always smooth. The members of STRATEGMA did not have the necessary experience in administration and consequently the results of their efforts were not always satisfactory.

The first step of the new government regarding administrative reform was taken immediately after its election in April 1997. The Minister of Administration, Mario Tagarinsky demanded a "map" of the actual structure of all the executive institutions. The analysis of the situation in the summer of 1997 revealed a heterogeneous collection of administrative bodies and a mess in administrative terminology. Besides the Ministries in the executive the following existed as separate institutions: one directorate (*direkcia*), seven agencies (*agencii*), seven committes (*komiteti*), one office (*biuro*), two institutes (*instituta*), two chief boards (*glavni upravlenia*), three centers (*centura*), one administration (*vedomstvo*) two funds (*fondove*), twenty commissions (*komissii*), five councils (*suveta*). There was no unification of structures and even in institutions of the same type there was no similarity. In the Ministries the picture was the same – there was no similarity of internal structure or of the position of the different heads. In three Ministries

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the chief secretary was at the same time deputy-Minister – an inadmissible mixture of political and non-political positions[5]. Even in the Council of Ministers, the first idea had been to combine the position of the Minister of Administration with that of chief secretary – a proposal with no future because of the objections of the European consultants from PHARE. The confusion in the structure of all executive bodies was so serious that the cabinet, regardless of the suggestion of PHARE advisors, decided to prepare two separate laws – one concerning the Public Administration and one dealing with Civil Service Law. The first one was to regulate the structure of the State Administration and the second, the conditions of employment, the rights and obligations and the social guarantees of civil servants.

The EU does not have formal rules concerning the form of organization of the executive institutions. However, the EU expects applicant countries to organize their public administration systems according to general principles in order to efficiently perform new functions during and after accession. These countries are free to arrange their administration in the way they consider appropriate, but the administrations have to function in such way that the tasks of the EU can be performed effectively. So the requirements of public administration modernization have become an important priority in the accession process since 1997, when the EU member states re-enforced their support for preparation for EU membership through the Agenda 2000, and identified the lack of administrative capacity in applicant countries as a major obstacle to successful accession[6]. For this reason, SIGMA – "Support for Improvement in Governance and Management in Central and Eastern European Countries" - proposed sending its experts to help the government during the reform.

In March 1998, the government team together, with experts from SIGMA, developed a "Strategy for the Establishment of a Modern Administrative System". The Strategy promised to create an efficient, transparent and honest public administration as an "instrument for the completion of economic reform and the harmonization of Bulgarian legislation with EU standards". A number of important laws were proposed to the Parliament to implement this strategy:

- The Civil Service Law,
- The Public Administration Law,

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- The Position and Qualifications in the Administration Law, and
- Amendments to the Labour Code in the area of the civil service.

The Regular Report of the European Commission for 1998 concerning Bulgaria's progress towards accession states in unambiguous terms: "The main central institutions of the State continue to operate smoothly in general in spite of certain instability because administrative reform is still at an early stage. An administrative reform process has been launched with a view to creating an independent, efficient and professional civil service. A number of initial steps have been taken to this end, notably through the adoption of a strategy on the modernization of the administrative system and a law on public administration. These will need to be completed by further legislation."

The Law on Public Administration was passed on 5 November 1998. The Law unified the structures of state institutions -the Ministries, the agencies and the commissions-, regulated the basic principles of organization for their activity and the positions within, and the basic requirements for occupying them. All the structures now have the same hierarchy –chief directorates, directorates, departments and sectors. For all the ministries the following units are obligatory: "Office", "Financial-Economic Activities", "Legal-Normative Services", "Human Resources", "Management of Ownership", "Defensive-Mobilization Preparation" and "Information Services and Technologies". The units "Protocol Department" and "Public Relations" are permissive depending on the judgment of the head of the institution. The positions in the administration are divided into three groups: "governing staff", "experts" and "technical staff".

A new element in Bulgarian administrative culture is the creation of the "political cabinets" – organizational structures to help the Prime Minister, the deputy prime Ministers and other Ministers in formulating and drafting concrete decisions for the implementation of government policy.

The Law on Public Administration obliged the state institutions to reorganize their structures in conformity with its requirements by December 1999. Otherwise they were going to face severe consequences – state

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bodies, which were not in accord with the law, were to be "suspended by elimination" within 3 months. This forced even the most dissenting Ministers – those of the Defense and of the Internal Affairs, which claimed the authority to develop their own restructuring proposals, to restructure their institutions in accordance with the Law.

The Civil Service Act (adopted on 27 July 1999) came into force in August. It aimed at raising the professional quality of staff so that performance was improved thus giving the public sector legitimacy in the eyes of the citizens, it was also aimed at making a civil service career more attractive. The government also identified the introduction of a new administrative culture as an indispensable part of the reform as without it "it will be impossible to achieve the necessary transparency of the institutions, which is an obligatory criteria for the contemporary administration"[7].

The Civil Service Law and the Law on State Administration establish the overall values for the public service. These are legality, loyalty, responsibility, stability, political neutrality and hierarchical subordination.

While in the Regular Report of the European Commission for 1999, referred to the positive elements of the reform - the adoption of the classification of the positions in the administration, and the standards for personnel, and the structures of ministries and state institutions, according to which, every Ministry has to define its directory (*organigram*) –several criticisms were also advanced:

- Administrative structures in Bulgaria remain weak and public institutions cannot attract and retain qualified staff.
- Both key laws should eventually provide a better legal framework but their implementation is slow. Furthermore, both laws fail to address a number of key issues indispensable for a modern and efficient administration such as creating working conditions and career opportunities, ensuring that public servants with appropriate knowledge and skills are recruited, developed and retained; the introduction of a mechanism to stimulate job rotation; the generally low level of salaries; assuring open competition for entering the civil service and the

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introduction and implementation of clear procedures and mechanisms for investigating maladministration and corruption.

- The general recommendation of the Commission is that all institutions need "institutional strengthening, upgrading of equipment, training of staff and a general increase in resources.

At the end of 1999 Mario Tagarinsky was removed as Minister of Administration and the position was abolished as a separate post. The Prime Minister Ivan Kostov, took on its functions. "In early 2000, secondary legislation was adopted on issues including the status, classification, recruitment, conduct and professional development of civil servants. The new statute for civil servants is intended to guarantee their status even when the political environment changes. From May 2000, all civil servants are to be appointed under the Civil Servants Act and their salaries and allowances are public and centrally controlled. The new laws also make it a civil servant's duty to act impartially and according to the law, and sets requirements for dealing with the public. A new disciplinary framework has been created. To monitor the implementation of the Civil Servants law, a State Administrative Commission was established in July 2000"[8]. The European Commission estimated that in 2000 the changes in the administration "have increased the administration's capacity on EU issues, which is illustrated by the work on the opening of negotiation chapters". The most positive step for integration is the fact that "the government has completed a review of administrative structures, roles and staffing of ministries, agencies and municipal administrations. Under the new regulations on the structure of ministries, each ministry has a special unit on EU integration. The Council of Ministers has adopted the statute for the Institute for Public Administration and European Integration and has allocated a budget for 2000. A database of civil servants trained in public administration and EU integration has been established and information on training needs has been collected"[9].

The Report also contained some criticisms and recommendations especially with regard to staff management. "It remains difficult to recruit and retain professional employees in the civil service, especially where their skills are also in demand in the private sector. Low salary levels are a factor.

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This is particularly acute at senior and middle management levels. There is in some ministries an unjustifiably high turnover at these levels when there are changes at ministerial level (even when there has been no change of government)."

In December 2000, the Council of Ministers approved a Code of Ethics for Civil Servants. The goal was to offer guidance on ethical conduct in relations with the public on duty and in public and private life, but for many observers the Ethical Code was rather a case of more "beautiful phrases" than a working document because there were no administrative sanctions for violations.

In 2001 employees in the administration were gradually covered by the new civil servant status. By September 2001, 17 300 people had civil servant status. This represented about 30 percent of those employed in state administrative structures (including national, regional and municipal administrations). People with this status received significant salary increases of approximately 20 percent, which was intended to contribute towards recruitment and retention of high quality personnel.

The Law on Access to Public Information, in force since July 2000, is the main piece of legislation regulating the openness and transparency of public information. This law has been amended twice, in January and April 2002, to align its provisions with the new Laws on Personal Data Protection and Classified Information. There were criticisms from the European Commission that a considerable percentage of requests for information were not answered and there remained some imprecise provisions in the law, which left excessive scope for discretion.

In the 2001 elections, a new political force – the National Movement "Simeon II", lead by the ex-king Simeon created a surprise, winning a majority in Parliament. Its leader became Prime Minister. The new government made a commitment to the continuation of the reforms. The position of Minister of State Administration was restored as a member of the cabinet, and reform became his responsibility. Preparation for effective administration after EU accession occupied an important place in the government programme.

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In November 2001 the Law on State Administration was amended. New provisions were introduced to regulate the distinction between the political and administrative responsibilities of heads of administrative structures. The type of legal relationship between them and their employer were transformed from "civil service" status into an "employment contract". The provisions permitted the dismissal of certain senior officials and their deputies at the discretion of their appointing authority. The government was criticized that a certain amendment was specially made to satisfy one person who was nominated as chief of an agency without having the required Master's degree. This amendment is now popularly described as the "Luciano amendment" after the name of the individual concerned.

A decree of the Council of Ministers permits the nomination of civil servants having professional experience from outside of the state administrative structure – a modest attempt to attract capable managers from the private sector. But despite the fact that civil service salaries were increased by 10 percent in 2002, they remain low in comparison with those of other sectors. For this reason the Report of the European Commission continued to state that there remained a shortage of qualified senior experienced staff to ensure the sustainability of reforms and that human resource management in state administration was generally very weak and inconsistent across institutions.

To overcome this problem in February 2002, the Council of Ministers adopted a Strategy for the Training of Civil Servants. This covered introductory, continuous and specialized training for civil servants. The primary focus concerned the implementation of EU legislation. Every year the state budget allows up to 0.8 percent of the personnel budget to be used for training purposes. 1159 civil servants have attended courses at the Institute for Public Administration and European Integration in 2002.

A Strategy for Modernization of the State Administration was adopted in June 2002. It was built on five main principles:

- openness to citizens,
- participation of social and economic partners and civil society in policy design,
- accountability of the administration,

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- effectiveness of national policies, and
- coherence of the political process.

Concrete measures are planned; firstly, to strengthen the civil service through a range of improvements to administrative capacity and working methods, including measures to improve planning and policy-making, consultative mechanisms with economic and social partners, to prevent and combat corruption, to integrate minorities and vulnerable groups, and to improve the business climate. Secondly, to strengthen the administrative capacity in the implementation of the acquis communautaire; and thirdly, to strengthen Bulgaria's administrative capacity for managing structural funds. The time frame for the implementation of the strategy is 2002-2005.

Corruption is a very important problem in the opinion of the average Bulgarian. Despite the fact that for the last 8 years, international surveys have suggested a decline in corruption, the bulk of public opinion states that corruption is widespread in public administration. Some practical steps have been taken. The Council of Ministers has adopted a "National Anti-Corruption Strategy" and "Program for the Implementation of the Strategy". A "Commission against Corruption" has also been created. The Institute for Public Administration has started to provide a training course on "Preventing corruption – risks and challenges to the public administration."

In response to criticisms that there has been little change regarding the accountability of public service and the fact that "transparent and competitive schemes for recruitment and promotion are not mandatory and are the exception rather than the rule", the government provided some measures to relate the jobs, skills and performance of individual civil servants to career and pay. An annual testimonial has been introduced for civil servants. In 2002, the number of people with civil servant status increased to about 22 660.

In March 2003 a Council for the Modernization of the State Administration was created, which was responsible for the management and control of the action plan of the Strategy for Modernization of the State Administration.

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The Report of the European Commission for 2003 states that the amendment to the Civil Service law adopted in early October 2003 provides new conditions for entering the Civil Service (requirements in terms of professional experience and compulsory competition), better career opportunities based on merit, the introduction of a salary system linked to performance, the right to training (including mechanisms for its funding), the revision of the code of conduct and procedures for the prevention of conflicts of interests.

The general conclusions that the EU has repeated over the last few years are that "sustained efforts will be necessary to further implement the public administration reform and to fulfil Bulgaria's aim of having a qualified and efficient civil service in place in the medium term, to ensure the effective application and enforcement of the acquis when Bulgaria joins the Union"[10].

What are the latest changes in Bulgarian public administration? The Minister of Public Administration – Dimitar Kaltchev, who prepared a PhD thesis on the "one-stop shop" and e e-Government, is trying to implement his research interests. The government approved the "one-stop shop" concept in December 2002. The concept introduced standards for administrative servicing, in particular those regarding the procedures for processing requests for public services, the improvement of access to services and better co-operation between services. In September 2004 77 percent of the structures in the central administration provided services on the principle "one-stop shop". All central and local administration have to use this principle by the end of 2005. Progress has been made with the implementation of the e-Government Strategy. About two-thirds of the state administration has been interconnected. Almost all state administration are going to be interconnected by the end of next year[11].

The reform of civil service is a continuous process in Central and Eastern European accession states, which began in 1989 and has not yet been completed (in 2004). In spite of the fact that administrative capacities are obviously not the main criterion by which the membership applications of the candidates are judged, the possibility for them to manage EU affairs is crucial. European models and assistance are important factors in the modernization and the Europeanization of all countries. In this way the new

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EU members can contribute from their own experience to the creation of the emerging "European Administrative Space".

Endnotes

[1] Bossaert and Demmke (2003), pp. 3-4; and Hesse (1998), p. 174.

[2] Verheijen (1995), p.128.

[3] Nikolova (1997), p.55.

[4] The New Administrative Strategy...(1996) p. 20.

[5] Peev (1999), p. 316.

[6] Brusis (2004), p. 166.

[7] Todorova (2000), p. 396.

[8] Regular Report of the European Commission (2000).

[9] op. cit. .Regular Report

[10] European Commission (2004).

[11] Kaltchev (2004).

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EUROPEAN STUDIES AND THEIR ROLE IN THE PROCESS OF MODERNISATION AND EUROPEANISATION OF ROMANIAN SOCIETY

Nicolae Păun*

Introduction

There is no doubt that the main concern of political-administrative structures in Europe as well of the people of Europe is the achievement of European unification. It is a very difficult task to measure the impact of Europeanisation upon public opinion other than by using impressionistic assessments[1]. The case studies, realised via systematic analysis of reaction to the essential decisions of the EU in the European and Romanian press represent a valuable method to approaching this topic successfully[2].

After 1989, the year of the Revolution, the nature of the modernisation process in Romania resulted in the implementation of the measures that were constant but characterized by hesitations, unsteadiness and incoherence.

Romania signed an Association Agreement with the EU in 1993, and as of 1995 developed a pre-accession strategy regarding the integration process, but because of a process of adverse transition management Romania missed out on the Luxembourg decision and was invited to take part in the accession process only in December 1999, at the Helsinki Summit[3]. Romania has now reached the final stage of pre-accession to the EU.

Without attempting to investigate the problems present in Romanian society caused by an excessively long transition and the impact of a deficient system of public administration and bad management on the human and material resources of the country, let us assert that the

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modernisation and adaptation of Romanian society to the western model was a visible process, even if a slow one[4].

In fact, Romania was overly insisted on engaging in a debate regarding modernisation and democratisation, the indispensable prerequisites for participation in the current western model and to adapt itself to the rules and demands of societies in the EU countries[5].

All the elements required for modernisation were present in Romania well before other competitors in the region, although it did not produce outcomes at the level of the people's mentalities or at the macro-level of Romanian society. The explanation for this situation lies in the absence of performance at a systemic level. It is important to emphasize here the spot priorities, namely the original contribution of the academic in this process, more specifically, the impact of the introduction and the development of European Studies in the Higher Education System[6].

Since its inception the purpose of European Studies has been: to inform, to expand skills, to design institutions, to strengthen options and judgements, to produce analysis, to manage and to generate expertise regarding the process of European integration in countries or areas that are in the process of modernisation and Europeanisation by adopting the contents, strategies and the projective guidelines of the European Union.

As a subject, European Studies appeared in the educational curricula of the most important Romanian universities in 1994-1995 and was very well received. These programmes have not only opened up possibilities for academic careers in the Higher Education System but have also created conditions oriented towards the rapid modernisation of society through attainment of the objectives of the integration process.

It is vitally necessary to specify the role of European Studies in defining the process of European integration before trying to measure the impact of changing mentalities and the accelerating pace of the transition underway in Romanian society.

European Studies – as a part of the educational process

In order to define the area of European Studies as an integrated part of the university education system it is useful to observe that there has long

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been a range of subjects, lectures, and even of study methods, characterised as or termed "European"[7].

For purposes of conceptual clarity, we could define the latter situation as a "general" or "extensive" way of understanding "European Studies". This register included all those fields of the social sciences that were considered worthy of receiving the "European" label. The result was an abuse of this label, as it was attached to the most diverse disciplines. One could reflect that the term "European" became a sort of European brand, a sort of "registered mark" used not only in trade, but also in the university field for attracting students and clients. Therefore, in Western Europe – and later, in Central & Eastern Europe – there was a tendency to confer a more attractive image on certain academic disciplines by attaching, in an excessive manner, the word "European" as a label, to some older courses. That is why one can see university courses with amazing names like "European Studies in Forest Maintenance", "European Oil Studies", etc.

A second situation can be identified in the form of studies related to social and human studies, targeting the European dimension of specific scientific activities or programs. In this case, a history of Europe, a general philosophy or a political sociology of the European states could constitute disciplines affiliated to European Studies. We must note that this meaning was predominant in the majority of European universities in 1989-1990; it is discernable as such even today. This understanding of European Studies carrys the risk of not being sufficiently articulated – and of being, in theory, extended and over-extended, because, generally speaking, any socio-human study historically created in Europe can be perceived as belonging to the area of European Studies.

Finally, it is possible to identify what could be called the third situation where European Studies represents those aspects of social and human studies that attempt to explain the process of European integration. It is no less true that this field is – by nature – an inter-disciplinary one; and one in which it is not possible to select, with complete certitude, the studies that could actually form a part of this field. Consequently, the philosophy of European unification, the European idea, EU Law, European institutional architecture, the theory and the dynamics of European political integration are viewed as disciplines that are certainly – by any means and definition –

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constituent parts of European Studies. The University curricula placed this third interpretation of European studies at the very heart of their undergraduate, as well as their graduate study programs.

One can exemplify on the undergraduate level of European studies by mentioning the existence of several models[8]. The first would be the British model (best represented by Sussex University), which targeted the creation of specialists in European integration (the famous "eurocrats") and opened a line for cultural anthropology studies. In Holland, at Amsterdam, European Studies are employed to generate bureaucrats specialised in EU integration. The University of Krakow in Poland follows the same trend of producing "eurocrats".

In Romania, European Studies are best represented at the level of undergraduate studies (4 years, BA level) in International Relations and European Studies. The model here is closest to the one of Sussex and Nottingham Universities, while the curricula are quite similar with those to be found in German universities – especially the Muenster Westphälische Universität. It is perhaps important to mention here that The Faculty of European Studies of Cluj and Muenster Westphälische Universität have established a joint-degree program with a high level of compatibility – meaning the mutual recognition of studies: after 2 years of studying either at Muenster, or at Cluj, one can chose to continue in Germany or, respectively Romania; the final graduation paper is analysed by professors belonging to both Universities, and – in the end – the student can receive two diplomas: a German and a Romanian one.

Bulgaria also offers a range of European Studies programmes through its universities: European Studies and Philosophy at Sofia, American and European Studies at Blagojegrad, General European Studies at Plovdiv. The Bulgarian-Romanian joint-college at Ruse also counts European Studies in its general curricula.

This inter-curricular model is multi-disciplinary, and involves a wide range of studies: International Relations and Political Sciences (here, the basic fields are the history of International Relations, the analysis and theory of international relations, the cultural premises of International Relations); then; Political Sciences, Comparative Political Systems and Doctrines, etc. Furthermore, general European Studies are also present in the curricula: a History of Europe, the European Idea, European construction, the Political Theory of Integration, Economy, EU Institutions. Law is represented in the

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curricula through the study of EU Law, European Jurisprudence, and Human Rights Law; The curricula also contain study of Economic integration, studies on the European Business Environment, on Communication, Linguistics, and computers[9].

At the MA level, the level which is viewed as so essential in the North-Atlantic educational space – meaning both in Europe and the US, the entirety of universities offer MA modules in International Relations and European Studies, be it at a general level or at a more specialised one. These modules usually target the training of future "eurocrats", and are offered by the Universities of Bruges, Natolin (Poland), Strasbourg, by the Institute of European Studies at The Free University of Brussels, by Alcala University of Madrid, the Central-European University in Budapest and "Babes-Bolyai University" of Cluj-Napoca, Romania.

In Cluj, the MA level programme in general European Studies involves of completion of a joint-degree with the University of Marne-la-Vallée, Paris, and by a Francophone line of studies called "Intelligence of Europe".

A new branch of European Studies is appearing, due to the fact that all these Universities are able to offer and develop, courses like Cultural Anthropology, German Studies (mostly in France), Central and Eastern European Studies (in Britain), as well as Cultural Studies. In Central & Eastern Europe there is an obvious penchant for identity studies – one can include here a focus on Cultural European Studies. In this regard, it is possible to mention the College "New Europe" of Bucharest in Romania, the activities of Zagreb and Dubrovnik Universities in Croatia, the Universities of Pécs in Hungary and of Warsaw inPoland.

Specialised European Studies are offered by Italian universities (Brescia, Bologna), by Krakow University (especially in economics), by the Hungarian University of Debrecin, and the Chemnitz Universität in Germany and also by the University of Sophia, Plovdiv, Blagoyevgrad[10].

These MA degree programmes involve – 1 or 2 years of study – and are designed to create those experts and bureaucrats needed by the European integration process.

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Doctorate level study in International Relations and European Studies is concerned with doctoral programmes in various disciplines, the most consistent area of study on offer being in the Humanities (history, philosophy, literature). My university (Babeş-Bolyai) can provide the example of its own doctoral programme "The Integration Paradigm", created within the Faculty of European Studies.

After 1990, the European Union tried to place European Studies on the list of PHARE-Tempus and PHARE-Tacit supported programmes. This had notable results in Romania, where – through 2 programmes, from 1995 to 1997 and from 1997 to 2000 –the Faculty of European Studies of Cluj-Napoca[11], the School of Higher European Studies in Timisoara, the MA programme in European Cultural Studies in Bucharest and the European Studies-Regional Integration school in Iasi were established.

Euro-American programmes in the field of Political Sciences are best represented in Romania by the partnership between Michigan State University and two Faculties from Cluj; the faculties of Political and Administrative Sciences and European Studies.

The Socrates Program has brought about an internationalisation of exchanges for lecturers and students and an increased degree of didactic and research mobility (1-2 weeks for teaching, 3 months to 1 year for studying). A new Socrates-Mundus program was conceived for 2004, in order to launch a joint-degree programme at MA level: 1 student in 2 faculties ; as illustrated by the common project "European Studies Across Borders" established between Cluj – Muenster – Nottingham – Lille – Timisoara and Novi Sad Universities. This is probably one of the best examples of the need to promote educational internationalisation.

With specific regard to EU enlargement, one of the most useful instruments in sustaining educational internationalisation was the creation of The European Higher Education Area (EHEA), as well as of a European Research Area (ERA). These projects will become reality in the first decade of the twenty-first century[12].

Changes in national agendas and the promotion of the aforementioned objectives were facilitated by the publication of a variety of policy documents and promoted the termed *"The Bologna Process"*. For the European elite – academic, as well as political – the Bologna documents launched a vivid and ongoing debate. The practical result in every country

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associated with the project was the elaboration of a public education policy designed to modify former educational systems – those which had retarded or blocked the creation of the EHEA and ERA.

Besides well-known agreements – like those adopting a system of comparable diplomas and implementing the diploma's supplement, adopting a system based on two main cycles, establishing a crediting system and promoting mobility – the Bologna document mentions two further aspects, never sufficiently employed:

- promoting European co-operation in order to insure quality in the development of comparable criteria and methodology
- promoting European dimensions needed for university studies, focusing on curricula reform, inter-institutional co-operation, mobility schemes and combined study programs, training and research.

Shortly after the adoption of the Bologna Declaration, another document was signed, perfecting the first: everything was to be extended towards undergraduate studies. This new document was called *"The Florence Declaration"* and was approved by a rather reduced number of states. Among the policies admitted to be a priority is the European dimension: " *... to promote, in a European context, common projects in which schools from two or more countries shall be involved; to develop, where this is possible, the components of school programs and texts based on* – [we must underline this] – *our common origins and the cultural heritage."*

In 2001, the Prague Communiqué invited universities to improve and elaborate their modules, courses and curricula by adding a "European" structure to all fields, especially where "joint-degrees" are concerned.

The Berlin Communiqué from September 2003, recognises the progress made by the academic world towards a European dimension and stresses the need to insure that students have the opportunity to participate in international scholarships and substantial study periods throughout Europe (especially through programmes that confer a joint-degree), as these are destined to be a source for understanding and mastering the linguistic diversities of the Continent. The length of these study periods allows for the

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acquisition of a maximum potential for European identity and citizenship, besides permitting increased chances to work in the future common European state.

During the Mantua Seminar of April 11-12, 2003 – "Integrated curricula – Implications and Prospects" - discussions focused on the curricular process of joint-degrees programmes, on the assumption that curricular integration – intended as joint curriculum design and implementation – is a necessary condition for awarding joint degrees.

The Mantova seminar concluded that joint degrees programmes based on integrated curricula are one of the major priorities for the building of a European "identity" within the common European Higher Education Area, as they provide learners in all cycles – including doctoral studies – with a coherent, recognisable and challenging experience of European diversity. This contributes also an obvious added value to national higher education systems.

Joint degrees programmes based on integrated curricula are valuable instruments for developing European citizenship and employability. There terms are used in a broad sense and from the point of view of students and citizens. In this context, "citizenship" means having the cultural, linguistic and social experience necessary to live knowledgeably and responsibly in the multinational/multilingual framework of the broader Europe; "employability" means not only being able to find employment or have the attributes that industry or other employers desire, but also having the knowledge and competences necessary to leading a satisfactory and genuine professional life in a global society.

As regards the joint doctoral programmes educating for the research professions in Europe, these are a cornerstone for greater co-operation between the European Higher Education Area and the European Research Area. Synergy between the two areas is viewed as an essential prerequisite for the creation of a Europe of Knowledge.

On October 24, 2003, in Cluj-Napoca, the EUA Conference "Working together: Joint Degrees"[13] clarified the obstacles and the difficulties that must be surpassed in order to set up these advanced forms of co-operation. An important conclusion was the recommendation that defining words like the "European dimension" should have a real content, in terms of meeting the European need for educated, trained or employable people.

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My university's profile can be described in the following terms: it has the longest higher education tradition in Romania – as it was founded in 1581. Amongst its more than 43 000 students, 428 come from outside Romania, adding to its multicultural character.

A distinctive trait of UBB (Cluj) is represented by the combination of teaching and research, in conformity with the tendencies manifested in the best Humboldtian universities. It approaches, in this way, the end of a 14-15 years tradition after 1989, and it has become comparable and compatible with the greatest universities of Europe. One can also notice that our University is moving towards an "entrepreneurial" style – the Anglo-Saxon model – in trying to stimulate and valorise the elements of civic society, and to offer solutions for the community.

It is an open University, with visibly democratic mechanisms; the guiding philosophy of the University itself reflects a certain tradition and aptly embodies the identity of the oldest University in Romania that is innovative in the Romanian space, and open to the movements and the pulse of Central Europe.

Both the University and the Faculty of European Studies stimulate and enlarge the field for studying Europe.

The strong points of the Faculty could be summarized in the following terms:

- it prepares "eurocrats" needed, as we mentioned before, for Romania's integration with the EU
- it is a centre of continuous training, offering the possibility for professional development.
- it offers courses and lectures in European Studies to other Faculties of the University: in areas such as European construction, European Idea, the Philosophy of European Unification, Regional policies, programmes,

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- counselling for other universities in Romania,

- it is a part of the European Universities Consortium linked to British universities (Nottingham, Sussex), French (Strasbourg, Lille, Paris), Belgian (Brussels), German (Muenster, Gemlitz, Chemnitz, etc,), Italian (Milan, Pisa, Naples), the Netherlands (Utrecht), etc. It is a part of the faculties network in Central and South-East Europe, through the Stability Pact, under Bonn/Berlin co-ordination, linked to Bulgarian, Serbian, Turkish and West-Balkans universities,

- it disseminates information – conferences, information on Europe, involvement in community activities, monitors the integration process,

- it conducts research and publishes magazines, reviews, books, holds colloquiums, seminars and owns the biannual "Studia Europæa" review published in English, French, German

Conclusions

The most relevant and important items to be extracted from the previous discussion are: the "appetite" for modernisation and Europenisation within Romanian society, the undoubted value of the young generation in this process of modernisation and democratisation, the involvement not only, of the elite from the new Romania in institutional and legislative development, but also the role of the university in this process. Its strong message and its contribution to the innovative discourse in which our country is engaged at the moment – offers essential and crucial opportunity for the development and position of higher education in the framework of the integration process with the EU.

Endnotes

[1] See Nicolas Bourcier, "Les Européens de l'Est sont attachés à l'élargissement", *Le Monde* (20 March 2002): 7 ; "L'Europe en perspective", *Cahiers français*, no. 298 (September-October 2000); "Dix années de transition en Europe de l'Est", *Revue d'économie finacière*, 2001; also see the semestrial *Studii Internaţionale* (Bucharest: Centre for International Studies, 2002-2003); Rodica Culcer, "Spre Europa? Până unde?" *Dilema* no. 474 (18 April 2002): 11; Daniel Dăianu, "Is Economic Convergence Possible in Europe? The Case of Romania" *Early Warning*

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Report, SAR, 2002; Also see Nicolae Păun, Ciprian-Adrian Păun, Georgiana Ciceo, *Europa unită, Europa noastră*, Presa Universitară Clujană, Cluj-Napoca, 2003, p. 760

[2] See, *A Romanian Conception of the Future of Europe*, Iaşi, Polirom, 2002.

[3] See a long list of authors, such as Daniel Dăianu, Radu Vranceanu (eds.), *România şi Uniunea Europeană*, Iaşi, Polirom, 2002; Cătălin Zamfir, Ilie Bădescu, Elena Zamfir (eds.), *Who Report 2000* and *Starea Societăţii româneşti după zece ani de tranziţie*, Iaşi, Polirom, 2001; Dumitru Sandu, *Spaţiul social al tranziţiei*, Iaşi, Polirom, 2002.

[4] Also see Daniel Dăianu, *South Eastern Europe Revisited. Can Economic Decline Be Stopped?* (Occasional Paper 21/2000: Institute for Security Studies): pp. 22-24.

[5] Nicolae Păun, "De la Maastricht la Nisa. Perspective ale integrării europene" in Andrei Marga, Nicolae Păun, Ladislau Gyemant (eds.) *Paradigme ale integrării. Relaţii Internaţionale şi Studii Europene la Cluj*, Cluj-Napoca, Efes, 2002, pp. 221-272; Marius Jucan, "Europenitatea României: între construcţie instituţională şi percepţie imagologică" in Andrei Marga, Nicolae Păun, Ladislau Gyemant (eds.) *Paradigme ale integrării. Relaţii Internaţionale şi Studii Europene la Cluj*, Cluj-Napoca, Efes, 2002, pp. 359-384.

[6] Available at [http://www2.ubbcluj.ro].

[7] See the comments and the notes of Siegfired Gehrmann and Marianne Kruger-Potratz (eds.), *Europe at Schools in South Eastern Europe – Core Curriculum for Master of European Education* (Bonn, Zentrum fur Europaische Integrationsforschung, Rheinische Friedrich-Wilhelms Universitat Bonn, 2003): pp. 10-28.

[8] Nicolae Păun, Dan Grigorescu (eds.), *European Studies Today* (International Conference Papers, Cluj-Napoca, Efes, September 1998): pp. 29-30

[9] See John Field, *European Dimensions: Education, Training, and the European Union*, Jessica Kingsley Pub. 1997; Cameron Harrison, *Stocktaking Research on Policies for Education for Democratic Citizenship and Management of Diversity in Southeast Europe: Regional Analysis and Intervention Proposals*, Strasbourg, Council of Europe, Doc. DG IV/EDU/CIT (2001) 45 Final Regional Report; *The Road to Stability and Prosperity in South Eastern Europe: A Regional Strategy*

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Paper (2001) (The World Bank an the European Commission): available at [http://www.seerecon.org/RegionalInitiatives].

[10] *Europe at Schools...., cited in endnote 7.*

[11] See, *Faculty of European Studies, "Babeş-Bolyai" University,* Cluj-Napoca, EFES, 2000-2004. Also see *Faculty of European Studies, "Babeş-Bolyai" University, the 10th Anniversary (1994-2004). The documents regarding the establishment and the development*, 2004, p.47; also see [http://www.euro.ubblcuj.ro] and [http:// idd.euro.ubbcluj.ro].

[12] Preoccupations concerning the reform of the higher education have been salient since the 1990s. See Russell J. Meyer, (ed.), *Alliance of the Universities for Democracy. Perspectives in Higher Education Reform*, Vol. 7, Warsaw, 2-5 November 1997, Emporia State University Press, p. 247.

[13] See the works EUA Conferences, Babes-Bolyai University, printed and electronics on the university site.

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Part IV

Central and South-Eastern Europe: Country Analysis on Selective Topics PhD Students Forum

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CHALLENGES OF ACCESSION TO THE EUROPEAN UNION FOR THE CENTRAL AND EASTERN EUROPEAN COUNTRIES*

Ebru Oğurlu**

With the changing international environment since the beginning of 1990s, the European Union (EU) has modified its relations with its eastern neighbours and taken enlargement policy to the top of its agenda. Through the use of special policies and programs the Union has been able to complete the entire enlargement process in a relatively short period of time and gained a different outlook with its 25 Member States as of 1 May 2004. Actually the enlargement process facing the EU today is its most ambitious project for two reasons. On the one hand, the EU has been supporting the political and economic transformations in Central and East Europe (CEE); on the other hand, it has tried to bring East and West together to ensure security, stability and prosperity in the whole of Europe and to build a common future for the people of such a diverse continent by overcoming past mistakes and tragedies.

The prospect of enlargement is not a new phenomenon for the EU. In the past 30 years, the EU has grown from six members with 185 million into an entity of 15 members with 375 million people. But the last enlargement is the biggest one in its history without any precedent in terms of its scope and diversity; the number of countries, the area and populations; and the wealth of different histories and cultures. As a result, the EU has recently become a political actor of 25 members with 450 million citizens. So, this process has expanded the size of the Union enormously and in the long run it will also increase its geopolitical and economic weight, its intellectual capacity and cultural influence.[1]

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As similar to the earlier enlargements; all new comers are joining the Union, because they see their natural place within the EU and they share the goals of freedom, democracy and prosperity. But, at the same time, contrary to previous enlargements, the latest one embraced many countries that are different in their attitudes and mentalities from those of the current members. Therefore, with this attempt, for the first time in its history, the EU is changing itself from a "mainly Western European enterprise to a truly pan-European institution"[2] that covers most of its continent. In this context, it has been mostly believed that a united and diverse Europe would enrich people as a whole and give them more freedom by encouraging them to live in a stable and peaceful atmosphere. However, the challenges and risks of enlargement both for the old and new Member States have tended to be overlooked. Within this framework, this article intends to show that although the enlargement process is one of the most important events of the 21st century and will bring enormous political and economic benefits to the continent in the long run, at the beginning the situation will not be as easy as it was expected, especially for the Central and Eastern European Countries (CEECs). On the contrary, at the initial stages of their accession to the EU, they have to face problems in their membership due to their internal political and economic situations.

The rationale behind the enlargement process of the European Union in 2004

During the cold war, economic and political integration with the Western European countries was not an option for the CEECs due to the division of the continent into two politically opposed blocs. Together with the differences in their economic, political and social lives; their close relations with the Soviet Union prevented even a milder collaboration with the members of the European Community (EC).[3] The situation, however, changed radically in the late 1980s and early 1990s with revolutionary political and economic developments in Eastern Europe. The fall of the Berlin Wall in November 1989 marked the beginning of the end of the polarised world that had emerged from the ashes of World War II and paved the ways for the regime changes and transformations in CEE. Relatedly, this symbolic event emerged both as a decisive challenge in the post-World War II settlement in Europe and a trigger of the enlargement conundrum towards CEE.[4]

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The enlargement of 2004 is particularly dramatic not only because of its big bang nature, but also because of its powerful symbolic meaning.[5] Contrary to previous enlargements with their both "economic-political character", the latest enlargement has an exclusive "political significance".[6] Since, enlargement is of utmost importance in healing the rift in Europe opened up by World War II, the East-West confrontation and the cold war.[7] The main logic behind it is to develop a historical opportunity to end the artificial divide between East and West Europe and to reunite the continent by minimizing the risk of instability. Therefore, the decision to accept the CEECs to the EU as new members is a very important step to shape the future political and economic restructuring in the whole Europe; to make it as a whole, unified and free continent and "to extend to other Europeans the zones of peace, stability and prosperity which West Europeans have been enjoying for more than a generation".[8]

The leaders of the CEECs have decided to take part in this process due to the potential economic and political benefits of the membership.[9] As Heather Grabbe and Kirsty Hughes point out "arguments in favour of returning to Europe have tended to be symbolised in terms of the logic of historical precedent, geographical position and psychological need"[10] to break with the communist past and belong once again to Europe. The leaders of the current EU members, on the other hand, have been promoting accession due to their long-term economic and geopolitical interests. As a result, with enlargement policy the EU has found the opportunity to move from the "politics of exclusion" to the "politics of inclusion" with respect to its Eastern European neighbours.[11] In this framework, more countries would participate in a Union that promotes the principles of democracy, good governance, rule of law and respect for human and minority rights. Thus, a larger and stronger Union would be the most effective way to provide democratic stability and export western identity to the entire continent.

The challenges of enlargement for the enlarged European Union

The inevitable impact of the new members on the functioning of the EU itself has implied that "old Europe" has to adopt itself to the new realities of a bigger Europe. As Elemér Hankiss argues "the process of enlargement could be seen as an excellent opportunity to question vested institutional

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interests, break up the rigidities of the existing institutions, and implement those changes that would increase the Union's flexibility, dynamism and responsiveness".[12]

Therefore, the present challenges, some of which will be discussed below, have to be evaluated carefully and ways of solving them have to be found in order to achieve a better functioning of the EU in the future not to slow down its decision making process and increase the political inertia of the system.

This article will deal with four types of challenges for the EU itself. The first one is the institutional mechanism. Enlargement could only be successful, if the existing institutional mechanisms are to be thoroughly reformed. Initially designed for a small group of countries with similar interests and willingness to compromise, past enlargements have shown the limits of the old system with its existing institutional structures. Since, the EU of 25 would function differently from the Europe of 6 or 12; the shift from fifteen to twenty-five members should be accompanied with changes in the decision-making process of the EU and its institutional structure. Increasing diversity and number of members would increase the difficulty of reaching decisions in the process to create the European area of freedom, security and justice. In this framework, to ensure a more effective and powerful Union, the EU has to adapt its institutions.

The second problem can be seen in the integration attempts of the EU. On the political level, it is commonly asked whether such a big enlargement might slow European integration or dilute current achievements. This concern has been raised mainly because of the doubts about the ability and capacity of the new members to fully adapt the EU's *acquis communautaire*, which is the most important guide for further integration attempts among the Member States. Therefore, enlargement would permit the EU to upgrade its system of governance and overcome existing concerns about legitimacy and accountability of the established European system.

The issue of external borders is another concern for the old members of the EU. Newcomers to the EU would be expected to take over the responsibility for controlling large stretches of the borders of the enlarged Union.[13] But, since all the neighbours in the Balkans and East European

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region have a low level of economic development and many of them are not yet anchored in democracy, political stability and the market economy; currently there would be the risk of a "new East-West fault line"[14] and a "new curtain between rich and poor countries".[15] Moreover, the enlargement of the EU frontier would make it difficult to deal with the problems of crime and drug smuggling, as well as to meet the demands of the citizens for effective action against international crime and illegal migration. Because of all these reasons, after enlargement the EU would desperately be in need of new policies.

The Common Foreign and Security Policy (CFSP) is another problematic area for the EU after enlargement. The CFSP has emerged as the second pillar of the EU to safeguard common values, fundamental interests, independence and the integrity of the EU. But after enlargement, the EU would find itself in trouble in formulating and implementing a coherent foreign and defence policy even in emergency conditions. Certain differences in the medium and long term policies and priorities of the Member States and in their perceptions about threat and security would force the Member States to find ways for compromise among a Union of diversity.

The challenges of enlargement for the new member states

In the post cold war era, international actors and factors among which the EU had a leading role played a decisive role on the transformation of the CEECs both in economic and political aspects.[16] For those countries, membership of the EU was equated with entering Europe, gaining international recognition and being incorporated into the Western security system with a major impact on domestic democratic stability and economic prosperity.[17] As Anna Grzymala-Busse and Abby Innes argue, "membership of the EU would bring enormous potential for political and economic integration, new freedoms to travel and to work, and many other public benefits. Moreover, it would lead to improvements in ethnic minority rights, freedom of press and anti-corruption efforts".[18] However, these benefits and opportunities could not be achieved without domestic costs. It seems obvious that within the span of a single generation, these countries have been confronted with the unprecedented challenge of having to adjust to radical economic and social changes. After enlargement, they would face

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the dual challenge of acceding to the EU, which is clearly the external modernisation anchor for all of them and also of finding an adequate response to other global challenges.[19] However, due to domestic political and economic problems, it would not be surprising to observe that as time passed, these countries would realise the difficulties of simultaneous transitions of their economic and political structures and the necessity of economic, political and institutional reforms of the EU membership. In this framework, the rest of the paper will discuss the challenges and problems of the CEECs (especially the political ones), which they have to face after enlargement.

The adoption and Implementation of the *Acquis Communautaire* is one of the most important problems of the enlargement for the CEECs. In the case of the last enlargement of the EU, the *acquis communautaire* has become much more complex than it was when the previous candidates joined to the EU.[20] Since, in 1990s, the EU has shifted its emphasis from the adoption of the *acquis* to a vaguely defined notion of the capacity of its implementation. Moreover, the candidate countries have been expected to incorporate the whole European *acquis* without any possibility of opt-out clauses and with significant restrictions on the transition periods. Therefore, the assimilation of the *acquis communautaire* in its entirety has become more difficult for the CEECs. As David Cameron argues, this would create an impression that "in many instances the new members would be in a position with processes of policy-making and policy outcomes having little or no relation with their domestic policy making process and their prior policy decisions, but reflecting, instead, the politics, policy-making processes and political choices of the EU and its earlier member states".[21]

Another problem is related to public ambivalence in the CEECs where it was the cadre elites who decided the application for membership with minimal support from the coalition of social forces.[22] In this context, the citizens of the new members have to prove their capacity of mental integration, apart from complying with economic and technical criteria. This has necessitated a strong awareness of European values and their realisation, implying a longer period than is currently anticipated.[23] But, what is lacking in the CEECs is the feeling of belonging to the set of values, a common history and shared destiny. Therefore, the feeling of being European has to be created among the citizens to minimise the problem of public opposition

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especially in the first years of membership, as they cope with the challenges of enlargement. Otherwise as Grzymala-Busse and Innes express "the Union might increasingly be depicted as an actor that is deliberately trying to add further handicaps to a region that inherited enough structural disadvantages of its own".[24] Under such circumstance, the possible outcome would be the resistance to EU membership, which would rally around a "nationalist, traditionalist and xenophobic agenda".[25] Therefore, in the short run, enlargement would tend to strengthen anti-democratic and populist movements in the CEECs which would undermine the practice and solidarity that provides the foundation for the future enlarged Union.

Sovereignty is another problematic issue for the new Member States. A bigger, more heterogeneous and more fragmented Europe would mean that membership to the EU would require the autonomous units to become integrated into a larger system of cooperative effort, and to change their internal structure and dynamics. Therefore, integration into a larger organization would compete with the autonomous structure of the separate units.[26] On the other hand, the CEECs are very sensitive about the concept of "sovereignty". The major concern among their citizens is the possibility of surrendering sovereignty to Brussels immediately after escaping from the Soviet yoke.[27] In this context, it is important for them to know whether European integration would mean a delegation or pooling of their only recently won sovereignty to a trans-national entity such as the EU.[28]

One of the possible effects of membership would be the deterioration of social conditions in the CEECs. Hanns-D. Jacobsen, in his article, argues that "the success of further reforms in the CEECs has been closely tied to the ability of governments to combine economic growth with the creation of new jobs and the development of decent social security system".[29] Only through this way together with the expected economic benefits of the membership would governments be able to prevent any further social conflicts and political instabilities. Otherwise, economic transformation could easily create social and societal crisis.

The CEECs have observed some problems in the area of free movement of persons, which is a usual and expected outcome of the EU membership. Domestically, the demand of new members for the relaxation of travelling and working restrictions for their nationals has coincided with an

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unfavourable economic climate and political situation within the EU. After the disintegration of the former regimes in CEE and an emergence of the fear of mass migration, the willingness and ability of the EU Member States to grant the right of the free movement of people to the citizens of the new Member States was seriously restricted[30] and long transition periods have been applied to those countries, although these provisions have been contrary to the spirit of the EU.

The possibility of a Multi-Speed Europe (Differentiated Europe) has emerged as one of the most significant concerns of the CEECs after membership in the EU. Actually, with the recent policies and practices of the EU, it has become obvious that further enlargement is not compatible with a single-speed EU where each Member State would participate in all policy areas at the same time. In a less homogenous and more fragmented EU it would be possible to observe a Europe of different speeds with a number of new members trying to achieve closer cooperation with the founding members of the EU.[31] But what is important for the members of the EU is to protect the integrity of the Union and not to allow any dilution in the achievements on the way to a more integrated Europe. Therefore, after enlargement, one of the main challenges would be to build up and maintain the integrity and unity of Europe while preserving its diversity in every sense of the term and to make that diversity a source of power, competitiveness and change.[32] In this context, the possibility of differentiated integration[33] implying that the post-communist CEECs would be accepted under "especially unfavourable conditions[34] has emerged as an important concern for the CEECs.

These ideas, however, could not be accepted by the CEECs, since they would characterise the distinction and discrimination between the "core/more integrated Europe" and "the rest" in which the core Europe can be interpreted as "protectionist, encapsulating and exclusivist".[35] Therefore, such a Union could be counter-productive and politically dangerous. It would be a handicap for the improvement of the EU itself and a destabilising factor for the eastern flank of Europe. More importantly, differentiated integration models in which different groups of countries cooperate under different framework with different interests were not the idea of the founding fathers of the EU implying that the CEECs have to be engaged in full not diluted EU membership. Although the main discourse

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among the leading figures of the EU is ever closer Union, the diversity upon which the common future of the Union will be built has to be respected. Only through such a perspective could the potential benefits and opportunities of enlargement be fully utilised to create security and prosperity throughout the continent.

Conclusion

Enlargement is one of the key challenges the EU had to face at the beginning of the 21st century. The arrival of a series of countries with different political and economic traditions would increase the EU's diversity and their absorption would inevitably transform the Union itself. Enlargement could be successful, if both old and new members were willing to cooperate and ready to make sacrifices for a Europe which would have a hand in building the most unified, prosperous and free continent in modern history. This implies that the restructuring of the EU should not be practiced at the expense of the new Member States. Therefore, the old members would be under an obligation to find the mechanisms and the ways to treat these countries on favourable terms and not to allow any discrimination against them. Otherwise, the possibility of division among the existing Member States could endanger the unity and integrity of the EU and the chance of unification between Eastern and Western Europe would result in some unexpected consequences. But, once digested, the Union would be an effective member of the international community by offering stable relations to its neighbours. Only after that could an enlarged Union become a continent spreading peace and stability to the peripheral region and a model for a free, peaceful and multicultural co-existence.

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EUROPE AND BULGARIAN POLITICAL PARTIES- A CONTROVERSIAL RELATIONSHIP

Dragomir Stoyanov*

Introduction

> *"...while some domestic actors are proud of their historic achievements and do their best to protect them, others are eager to get beyond 'the burdens of the past'"*[1]

In this paper, I will focus on the Europeanisation process of the main Bulgarian political parties represented in the 39th National Assembly. We can observe the Europeanisation as a two-way process in the framework of Bulgarian political system. Bulgarian governments interact with the institutions of the European Union and are influenced by these institutions but, at the same time, the format of this interaction is influenced by the domestic institutions and, in the light of the research, by the Bulgarian political parties. In this sense, the Bulgaria's accession process is influenced not only by the European institutions but also by the characteristics of domestic actors – Bulgarian political parties.

Political parties are the very first institutions in Bulgaria that established new international contacts after the fall of communism and therefore it is interesting to investigate how these relations influenced party programs, structures, and domestic party relations.

The main hypothesis of the research is that the impact of these international contacts is very "limited"[2]. In this sense, we can observe strong Europeanisation only at the level of party declarations and party programs. The explanation of this fact is complex. Firstly, Bulgaria is still not a member of the EU; therefore, we cannot expect the same level of

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Europeanisation as in the political parties of EU member states[3]. Secondly the country's existence of the following characteristics in Bulgaria: a non-developed civic society, lack of knowledge about EU, unfavourable domestic atmosphere towards deep institutional changes, is a barrier to deeper Europeanisation.

To describe the controversial process of Europeanisation of Bulgarian political parties I will use the theoretical framework that Robert Ladrech proposes in his article "Europeanization and Political Parties" [4]. He concentrates his attention on several aspects:

> *" Five areas of investigation for evidence of Europeanisation in parties and party activity...: (1) policy/programmatic content;(2) organizational;(3) patterns of party competition;(4) party-government relations; and (5) relations beyond the national party system."*[5]

I will change slightly the order proposed by Ladrech, and my paper will be structured as follows:

First, what type of connections exists between Bulgarian political parties and European political parties?

Second, is there a programmatic change, which can be, measured both quantitatively- the frequency of mentioning of EU in party programs and qualitatively – the place of the EU in party politics?

Third, does the accession process influence an organizational change in the party structure?

Fourth, is there a pattern of competition between political parties concerning the EU project?

Fifth, how we can describe the party's relation to the government in the context of European integration?

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1. Party connections between Bulgarian political parties and European political parties

The development of international party relations has been of high importance for Bulgarian political parties. These contacts provide the parties with the legitimization they need in the political conditions of a weak civic society. This legitimization is both on an external and internal level. On the external level, it is needed because of the possibilities that international contacts give the parties in periods when party functionaries are in power. The member states of the EU are Bulgaria's main political and economic partners. Therefore, the political parties that want to govern need close relations with influential parties in the EU member states. On the domestic level, Bulgarian parties need international legitimization because they lack the support of a strong and well-established civic society. Through their external contacts, parties receive some type of a "reflected legitimization". The idea is that because of the fact they are internationally recognized they are taught to be ready to occupy the power positions of the power in the country.

Union of Democratic Forces (UDF)

Since its beginning as a political coalition, the UDF has maintained a lot of international contacts. Different parties from the coalition were orientated to different international parties and the variety of external contacts in the framework of the UDF was very broad. The orientation of UDF to the ideology and political values of Christian democracy started after the transformation of the coalition into a single party in 1997.

The will of the UDF to become a member of the European Peoples Party (EPP) was influenced by three reasons. Firstly, the UDF at the beginning of the transition established itself as an anticommunist movement. The coalition situated itself in the right field of the political arena - one of the reasons was the fact that almost all of the Union's international contacts were with parties from the Liberal and Christian democratic political spectrum. In this sense, the orientation of the UDF after 1997 to Christian democratic ideology and values is not surprising. Secondly, the UDF as a governing party in the period 1997-2001 needed the support of influential Western political parties to promote successfully its international and domestic political goals. The influence of the EPP in EU structures stimulated the UDF to apply for membership in this international party. Thirdly, UDF wanted to create in the eyes of the Bulgarian voters the

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impression that it is the only democratic party with developed international contacts which has a strong influence in international political structures.

Currently, the UDF is an affiliated member of the EPP and participates in the its Committee of the regions. It is important to mention that the leader of UDF – Nadejda Mihailova is a vice-president of the EPP and she is responsible for the EPP's foreign policy.

Bulgarian Socialist Party (BSP)

After the fall of communism, the BSP started a long and difficult process of transformation. A change of the party's external priorities was part of this transformation. Searching for a new identity the socialists oriented themselves to membership in the Socialists International (SI). In 1992 official contacts with the SI were established. After the political catastrophe of its government in 1997 the BSP entered into a complete internal and external isolation.

Gradually, during the period 1997-2001, the BSP started to reclaim the political attention of the SI. In 2001, the most influential Bulgarian left parties with the support of the "Friedrich Ebert Foundation" established a political union called "New Left". The 2001 Presidential elections were the *"crucial moment"*[6] that demonstrated to the SI that BSP was on the road of reform and that these reforms were supported by an important part of Bulgarian society. In 2002, the BSP was invited to be a "consultant member" of the SI and this fact made contacts with the Party of European Socialists (PES) closer. At the moment the PES supports actively BSP, by different initiatives, in the process of its ideological and structural reforms.

National Movement Simeon Second (NMSS)

Immediately after its establishment in 2001 the NMSS tried to build contacts with other European parties. In the beginning, the NMSS was oriented towards contacts with the EPP and even declared adherence to the values of Christian democracy in its *"Declaration of Basic Values of NMSS"*[7]. In this situation the UDF as one of the Bulgarian EPP's members was opposed to the initiative of NMSS. After their failure to become a member of the EPP and thus to receive international legitimization, functionaries of the Movement orientated themselves to contacts with the Party of European Liberals, Democrats and Reformers (ELDR). The governing leadership of the Movement gave it more political opportunities

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and on 4th of July 2003 NMSS was recognized as political partner of the ELDR in Bulgaria and became a member[8]. Its coalition partner - the MRF, supported the NMSS's candidature. The membership in ELDR gave these parties, as political partners in the Bulgarian government, the opportunity of closer cooperation and added more stability to the governing majority[9]. Thus, the NMSS received an external legitimization, which stabilized its positions on the Bulgarian political scene.

Movement for Rights and Freedoms (MRF)

The MRF is a part of the large family of European Liberals. The Movement is a member of ELDR. At the beginning of the transition period, the MRF represented mainly the Bulgarian-Turkish minority and was considered to be an ethnic party. During the last seven years, the party has attempted to change its image as an ethnic party and to integrate better into Bulgarian political life. The MRF established close relations with the ELDR and later became a member of the party with the goal of finding an international legitimization of its policy orientation. The ELDR's membership gave the party the possibility of enlarging its political contacts in the domestic arena, and not to be treated only as a party of Bulgarian-Turks. Influenced by its membership in the ELDR, the MRF started to be more open to the participation of ethnic Bulgarians in its structures. The will of the ELDR to accept the MRF as a political partner was influenced by the fact that during the transition period the MRF occupied positions on different governing levels, and because of the ideology of the party, which defends the rights of ethnic minorities[10]. The MRF has received more importance as a member of the current governing coalition in which it collaborates with the other Liberal party – NMSS.

2. Programmatic change

Here I will describe the role that Bulgarian political parties have given the EU in their party programs, how they explain or not the effects of future Bulgarian EU membership and the possible influences of EU politics and institutions on Bulgaria after accession. At first, the most "Europeanised" party program that of UDF is presented. This is followed by the analysis of the BSP, which according to recent sociological surveys may form the next government, and then by an examination, party programs of the current actual governing parties – NMSS and MRF.

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UDF

Several centrist and right political parties formed the coalition United Democratic Forces (UtDF). In this political coalition the most influential party was the UDF. In this sense, we can see the program of UtDF as a proposition for the governing program of UDF. It is called *"Bulgaria - a European Country. Work and Security, Opportunities for Everybody"*[11].

According to the program all domestic policy has to be synchronized with the *"European standards"*, *"European regulations"*, *"European requirements"*, *"European practices"*, and has to conform to like the "e*stablished*" *"European models"* and *"European norms"*[12].

In the program, it can be seen that the EU is no longer an explicit issue of Bulgarian foreign policy. The EU is already a part of our domestic reality and will be increasingly become an influential factor of the Bulgarian domestic political scene. However, the program lacks well-articulated political strategies of what exactly needs to be done to ensure a successful integration of Bulgarian economy and society with the EU. At the same time, the role of the EU is not well described in the document. The image of the EU in the UDF's program is one of an external political body that imposes a set of rules, shaping the economic and political development of Bulgaria.

According to this program the only function that the Bulgarian political elite has is to administer these rules in Bulgaria. The EU is seen as a single actor that can modernize and in this case – Europeanize the country[13]. The whole program is oriented towards cooperation with the EU but the role of the Bulgarian political elite is too passive – only to implement the EU's rules into Bulgarian institutions.

BSP

The next program that deserves attention is that of the Coalition for Bulgaria. The major partner within this coalition is the BSP, which has been one of the main political actors in the Bulgarian transition process.The electoral program of the Coalition for Bulgaria is entitled *"Project for a contract with the elector"*[14].

In the whole program, the EU is mentioned only three times: twice as a foreign political priority and once as a *"European model"* for agriculture. This fact is really strange as BSP is the most influential left party in

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Bulgaria and it is natural to expect that it will pay definitely more attention to the European integration issues. Obviously, there is no explicit understanding of the fact that the EU is not an issue of our foreign policy anymore but is an influential domestic factor. In this regard, the program of the BSP is quite laconic, and if the Bulgarian left needs a project, United Europe could satisfy this need. In recent years, socialists have very often underlined that a big part of the current EU member states are social-democratic countries with politics oriented towards the social problems. Therefore, European integration and the EU as a social Union could be the next successful project of the Bulgarian Left if its politicians are sensible enough to understand the complexity of the European social model.

NMSS

The electoral program of the NMSS is called: *"Bulgaria – a Home for its Citizens"*[15].

The NMSS declares its will to accelerate the negotiation process as far as possible, and to fulfill all the requirements of the European Commission in areas such as: domestic legal reforms, integration into the Schengen system, harmonization of domestic law with the EU rules, close cooperation with EU institutions and the institutions of member-states. The Bulgaria's integration with NATO is also seen through the lense of accession into the Union. It is considered to be a useful step helping the country's integration into the EU. The NMSS states that Bulgaria has to participate in the construction of Europe's security and defense policy, and NATO could be an important partner in this sphere.

According to the aforementioned document, Bulgaria has to help the Union to achieve stronger influence in international affairs. In the framework of Bulgarian foreign policy, the EU is presented as a very important partner in achieving regional stability and peace. Due to the fact that Bulgaria is the most advanced country in the integration process, there is an opportunity for it to become regional political leader and to command a more influential regional position. The program proposes that the Balkan states could use the so-called *"European model"* to resolve their national problems. Bulgaria is represented as the main regional actor that could help the other Balkan states to establish liberal democracy and to *"return"* to *"the common space of united and free Europe"*[16].

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MRF

The name of the political program of the MRF Coalition[17] is *"Bulgaria – Europe, a unusual way of development"*[18].

Among the programmatic priorities of the MRF it is Bulgaria's integration into the EU and the synchronization of Bulgarian legislation with the requirements of the Union.

In a chapter, dedicated to Regional policy, MRF argues for more autonomy in policy execution for municipalities. In order to support this idea the Coalition uses European regional policy as a reference model and the tendency for more responsibilities and rights to be given to Local governments. This is an appropriate example of how one party of local importance can use the EU requirements, here in the area of Regional policy, to promote its particular interests and as a result EU integration strengthens its positions on this particular issue[19].

The other political issue where the MRF finds support from EU priorities is the minority issue. The MRF is closely involved in government policies towards minority rights and the requirements for Bulgaria's integration in EU

In the program *"Bulgaria – Europe, an unusual way of development"* the Coalition MRF pays much more attention to the benefits that integration could offer Bulgaria and does not mention at all, except in reference to the *"Bulgarian model"*, what Bulgaria could contribute to the Union's development. The EU is seen more as a donor, a contributor. As a result, Bulgaria is in the position of a subordinate and not of an equal political partner of the Union. The future role of the country in the EU is not articulated at all and this is a sign for the Coalition's political immaturity.

3. Party structure

Here I will briefly describe the main political bodies within the party structures in accordance with the Statutes of the parties, and the positions the party agencies have in dealing with the international relations of Bulgarian parties. By investigating the possibilities that these agencies have

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in influencing the party's politics we can "measure" the impact of Europeanisation on the party structures.

UDF

According to the Statutes of the UDF[20], a Commission of Foreign and Integration Policy (CFIP) exists in the structural framework of the party. The members of this Commission have to be party members but during it's work, the CFIP can collaborate with independent experts and NGOs. The influence of the CFIP over the party decisions is very limited. The CFIP has no possibility of proposing political initiatives concerning policy issues, except in the field of the party's foreign policy. The role of this body is to elaborate programs about future party initiatives in the foreign policy area and to prepare expert opinions, declarations and political positions concerning current foreign policy issues.

BSP

At the very beginning of its party Statutes, the BSP declares that is a "*part of the Bulgarian, European and world democratic left*"[21].

In the framework of the BSP's structure, there is an International Department that governs the international contacts of the party. This Department combines administrative and political tasks. In addition, there is a Foreign Policy and International Relations Commission (FPIRC), which is established at the political level and offers propositions concerning the party's general foreign policy. This body has a strongly party character, as it is composed only by party members. In the framework of the BSP's structure, a European Integration Council (EIC) has been established. This structure is more open than the FPIRC and includes experts from NGOs, think thanks etc. The chairperson of the Council is an MP and his goal is to achieve closer coordination with the Parliamentary group. The party attaches such importance to its contacts with the PES that at every PES meeting, the BSP is represented by its leader, MPs or by the Secretary of foreign policy and international relations. The EIC's members support every MP with information and expert opinion concerning the development of the integration process. In 2003 the BSP took the initiative in creating discussion clubs on a local level where the Bulgarian– EU relations can be discussed. The idea behind this development is to offer more information to voters about EU negotiations and requirements.

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NMSS

The political structure of the NMSS is presented in the Statutes of the party, a document of 5 pages, which is very laconic and open to interpretation [22].

The NMSS was established just before the 2001 Parliamentary elections but in fact, it was constructed as a party organization in Parliament. The Statutes were accepted on 6th of April 2002 – almost a year after the elections. All power is concentrated not in the party structures but in the Parliamentary group. All influential party members dealing with the international relations of the NMSS are MPs and members of the government. Therefore, important decisions concerning the international activities of the party are taken at these institutional levels without the extensive participation of NMSS activists. At this moment all-important party positions are occupied by people who are part of the Executive or Legislative power of the country. This fact does not give the party apparatus any opportunities to influence the Parliamentary faction of the party. On the contrary, the influence of MPs and the ministers is crucial for the party's political development.

MRF

In its Statutes the MRF declares its liberal-democratic character and membership in the ELDR[23].

At the party structures level there are two functionaries who are occupied with the international contacts of the party. One is in the sphere of "Foreign policy and Contacts with European Parliament" and the other "Relations with LI and ELDR". Both are MPs and as a result, all international contacts of the MRF are concentrated in the Parliamentary faction of the party.

4. Inter-party relations

The "European idea" emerged in Bulgarian political discourse at the beginning of the 90's, and for a very short time became one of the dominant political ideas. From the very beginning, the idea of the transition in Bulgaria was closely connected with the idea of Bulgaria's transformation into a "normal country"[24]. Europe was described in terms such as: political pluralism, democracy, market economy, high living standards etc. and as a

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result every newly emergent political party started with declaration that supports the "European model", "European standards", the "European way" in every sphere of public life. Even in the Bulgarian Communist Party (BCP) a political faction called "Road to Europe" emerged[25].

Every political party that wanted to be politically "fashionable" needed to perform some type of Europeaness and to use strongly pro-European rhetoric. Moreover, the degree of BSP's transformation was "measured" by the degree of expressed commitment to the "European idea". This phenomenon explains also the need of Bulgarian political parties to seek legitimization from EU parties. Every political party is searching for close connections with European parties in order to achieve an external legitimization in the eyes of Bulgarian voters and thus - electoral support.

The EU integration project gives the governing parties huge possibilities to write the "political agenda" of Bulgarian life. They can use European funds with the main goal of supporting their political positions for as long as possible. The EU funds are a very powerful tool for the government of Bulgarian internal policy.

At the same time, the possibility of euroscepticism may emerge at two levels. The first is at the level of political elite, the second – at the level of society. EU integration gives the political elite powerful tools but at the same time situates it in a specifically new political framework. The EU institutional system creates new rules and models[26]. Consequently, part of the political elite may not adapt to the new realities and try to find an asylum in euroscepticism. The Bulgarian political elite loses its independent role at the supranational level as well as at the domestic one. In the first case, this results from the far-reaching process of integration, in the second - from the financial possibilities of Local governments to lobby directly in Brussels and to receive finances through other channels different from the central one[27]. This loss of influence by the "central" political elite could be interpreted as a loss of political sovereignty, and a threat to the "national interest"[28]. As a result it is possible for eurosceptic political opinion to emerge.

At the beginning of the transition, the expectations of Bulgarians concerning the EU were very high. These expectations created a false image of the EU that politicians exploited during the electoral campaigns. Either because of a lack of knowledge or intentionally, the integration process was

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not explained by the politicians and as a result was not understood by society.

Post-accession, the disappointment of Bulgarians stemming from the fact that the changes were slower than expected and not always positive could provoke the rise of eurosceptic feelings among the Bulgarians. The "Dream Europe" will vanish and instead of it citizens will see the "Reality Europe" with its advantages and problems, with its new requirements and models of life.

According to all the party programs, analyzed above, Bulgarian integration is a political priority of every political party. There is no other issue, which is able to garner such broad consensus in the Bulgarian political elite. Moreover, Taggart and Szczerbiak argue that Bulgaria is the only country among the new democracies where not even one single eurosceptic party exists[29].

The political competition between Bulgarian parties is not "whether to Europeanise, but who will Europeanise." [30]

It has been expected that this common priority would be articulated in political language in program documents and after that thoroughly developed during the legislative and governing process. In fact, nothing of the aforementioned has taken place. Every political party coming to power only "translates" the EU requirements to "domestic language". The governing party is not an active partner of the EU but a "transmitter" of EU models. This is the consequence of the fact that Bulgarian political parties have no clear idea about the country's priorities during the negotiation process.

5. Party – Government relations

In order to describe the Europeanisation of party – government relations in Bulgaria I will use the approach that Raunio propose to us in his article "*Why European Integration Increases Leadership Autonomy within Political Parties*"[31]. According to him it is possible to observe three levels of "*erosion*"[32] in the connection between citizens - political parties - parliamentary group - government. Here I will try to describe these "erosion

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levels" in the case of Bulgaria and the influence of the accession process on this tendency.

Raunio argues that:

> *"The erosion in the traditional linkage between citizens and parties has three main components: turnout, party identification and party membership."*[33]

Concerning the level of turnout in Bulgaria I would comment that the electoral participation of Bulgarian citizens gradually declined during the last fifteen years. At the first elections in 1990, voter participation was approximately 90%. This was a natural fact because these elections were the first free elections in Bulgaria after 45 years of authoritarian rule. The politization level was also very high and a lot of citizens interested in the political issues. At the 1991 elections, the turnout was at about 85% but still the level of politization (strong opposition between UDF and BSP) was high. At the 1997 elections, the electoral activity was almost 75% and here we can observe already the tendency of a declining turnout. Sociological surveys showed that at the beginning of 2001 the level of electoral abstention was at about 50%. The emergence in April 2001 of the NMSS and the participation of this party in the 2001 elections changed this tendency and then turnout was at about 67%[34]. According to these turnout results, it can be concluded that a process of "alienation" of citizens from the political life and party support exists in Bulgaria. This tendency of gradual "*erosion*" of the linkage citizens - parties can be observed and at the levels of party identification, and party membership. According to sociological surveys, now, the only political party with a constant electoral support (at about 20%) is BSP. This is the party with the strongest party identification and with the largest number of party members – about 200 thousand[35]. The other three parties (UDF, NMSS, MRF) have support at about 7-10% each one. Membership in these parties is also very limited. These tendencies are not a result of Bulgarian's EU integration process. They can be seen during almost all phases of the transition and not only in the last five years of active process of accession negotiations.

The other important "erosion" tendency concerns the relations between parties and their Parliamentary groups. The role of Parliamentary groups in the political process has constantly increased in the last ten years. The decrease of politization within society and concentration of the political

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life in the Parliament has restricted the influence of parties in the Bulgarian legislative body[36].

The third level where we can observe "erosion" in party - government relations is between the legislative and executive bodies of the power. Bulgaria is still not a EU member but the tendency characterizing the Parliament – government relations in EU member states also can be seen in Bulgaria:

> *"No matter how tightly MPs control their governments in European affairs, their input is always indirect, involving a delegation of authority to governments that represent member states in the EU political system."*[37]

Due to the fact that the Bulgarian government is the main political actor during the negotiation process this gives the governing administration an *"informational advantage"*[38] which creates so called *"informational asymmetry"*[39] in relations with the Parliament. In the particular case of Bulgaria where the governing party is newly emerged and is still in the process of structuring itself, the dominant position of the government towards the party and its Parliamentary group is being reinforced.

In sum I argue that the Bulgaria – EU negotiation process is influencing party – government relations indirectly[40]. The process reinforces government positions at the expense of the party and Parliamentary groups.

Conclusion: The effects of the Europeanisation process

As institutions, the political parties occupy the space between the institutions of the state and civil society. Political parties are the transmitters of the civil will to the state's bureaucratic structure. They are an important partner both of the state and of the society in the establishment of a new modern Bulgaria. This is why it is important that more attention is paid to the processes that are taking place within the political parties in the periods of transformation. Focusing on the Bulgarian political parties I tried to answer the question is there any Europeanisation process within their programs, structures and inter-party relations. To answer this question I used Robert Ladrech's theoretical approach and tried to describe in details the possible effects of Europeanisation that can be observed in the Bulgarian political parties.

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From the very beginning of the transition period, the emerging political parties in Bulgaria tried to establish contacts with various West European partners. This tendency was stimulayed by three main reasons. Firstly, the Bulgarian political parties (except the BCP/BSP) had no political experience or financial support. They needed political and financial help in order to develop their party programs and structures. Secondly, the Bulgarian political parties needed an international legitimization because they did not have a domestic one. In this sense becoming partners of the influential Western political parties, the Bulgarian parties were recognized as legitimate political actors in the domestic arena. Thirdly, the Bulgarian parties' motivation to search for international contacts is related with the opportunities that these contacts give them when they are in power. Being in power, the Bulgarian parties need these contacts to promote more successfully their domestic and external political goals.

These international contacts have a "*direct impact*"[41] on party programs. The most important conclusion derived from of a party programs' analysis is that the Bulgarian parties consider the EU as a main political and economic partner of the country. Among all influential political parties, there exists a political consensus concerning the integration of Bulgaria into the EU. In its party program every party recognize the integration project as its main political priority. However, the Europeanisation of party programs stops here. Qualitatively among political parties, a real comprehension about the specifies of the integration process does not exist. The Union is regarded as a homogenic entity and no attention is paid to its institutional and structural characteristics. The "EU project" is presented in the party programs in a much-idealized way; there is no articulation of the Bulgarian interests in this project and of the possible consequences for the country becoming a member of the Union. Thus the programmatic Europeanisation is a very formal one and remains only at the level of political declarations.

At the level of party structure the Europeanisation process is quite weak. Every political party has in its structures Commission (UDF), Commission and Council (BSP), Department (NMSS), a responsible person (MRF) but its role in party politics is quite limited. Their members do not have many possibilities to influence party decisions in other areas except for those concerning international contacts. I expect that the role of these bodies will increase after Bulgaria's accession to the EU. In addition, they will influence to a greater degree party politics in every policy area.

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The Europeanisation of inter party relations can be described as not being a politicized one. EU issues do not create in Bulgaria any eurosceptic feelings and now in the Bulgarian party system, there is no influential political party trying to provoke eurosceptic attitudes. This consensus varies from the strong Euroenthusiasm of the UDF to the more moderate Eurooptimism of BSP. However, it has its "dark side". Due to the fact that the Bulgaria's future accession is still not being debated, Bulgarian society is not aware of the future development of this process. This ignorance about the EU could form the base of eurosceptic feelings to emerge between citizens and its party expression. The lack of a real social discussion about Bulgaria's profits and losses from EU integration creates the risk in the future that the declared political consensus will disappear.

If we have a look at party – government relations, we can observe an "*indirect impact*"[42] of Europeanisation. This effect is expressed by the fact that the negotiation process stimulates the tendency of the government to achieve more autonomy and to behave more independently of the Parliament. This tendency is a consequence of the fact that the main information concerning the negotiation process is concentrated in the governing body and the Parliament plays only a secondary role in this process.

In sum, the process of the Europeanisation of Bulgarian political parties is in its beginning stages. The explanation for this can be found in several reasons. Firstly, Bulgaria is still not an EU member and the tendencies expressed in the EU members influence Bulgarian institutions to a lesser degree. Secondly, the Bulgarian political parties are still in a process of development - they are still searching for their political identity and in this sense, Europeanisation is a process that could influence them stronger in the near future. The difficulties of their programmatic and structural change can be resolved positively or negatively. In the first case, the parties can be more adaptive to social and state changes and to transform themselves. In the second they can "freeze" in their "Bulgarian uniqueness" and try to stop these new tendencies. Thirdly, Bulgarian civic society is still not well developed and cannot influence the political parties to such a degree that might lead them to the transformation of their party structures and political behavior.

Bulgaria's will to become a member of the EU means that Bulgaria is facing a process of deep transition in its state and social structures. The

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Europeanisation of the Bulgarian political parties is one of the expressions of this transformation, but:

> *"Yet, Europe is still in a period of transition. The continent is moving towards a new form of political organization and it is experimenting with the procedures by which the political order itself is to be changed..."*[43]

This means that Bulgaria is moving in a constantly changing institutional area and the effect of this fact will only be seen in the future.

Endnotes

[1] Zielonka, (2001) quoted in Olsen, Johan P.; "The Many Faces of Europeanisation"; *Journal of Common Market Studies*; 40(5), 2002; p. 934.

[2] Peter Mair; "The Limited Impact of Europe on National Party Systems"*; West European Politics;* 23(4); October 2000.

[3] Mair argues that even in the member state the impact of Europeanisation on party systems is very limited: *"it seems reasonable to conclude that neither the format nor the mechanics of the large majority of the party systems of the member states have been directly effected in any significant way by Europeanisation..."* Op.cit. p.36.

[4] Robert Ladrech "Europeanization and Political Parties"; Party Politics; 8(4); 2002 pp. 389-403

[5] Ibid. p. 396.

[6] Kristian Vigenin "Patiat na BSP kam Socialisticheskia internazional" v *Ponedelnik*; ("The road of BSP to Socialist International" in *Monday*); 11(12), 2003; p.38.

[7] Deklarazia za osnovnite zennosti na Nazionalno Dvijenie Simeon Vtori; (Declaration of Basic Values of National Movement Simeon Second)

[8] NMSS has also the statute of "observer" in the Liberal International (LI).

[9] Interview with Peter Angelov; International relations department NMSS; Sofia; July, August 2004.

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[10] Interview with Samuel Levi; Member of the Executive Board "Institute for Research of Integration" - MRF; August 2004.

[11] Predizborna programa na ODS – " Bulgaria – Evropeiska darjava. Rabota i sigurnost, vazmojnosti za vsichki" (Election program of United Democratic Forces (UtDF) - "Bulgaria – an European State. Work and Security, Opportunities for Everybody."); 2001.

[12] In this way of understanding Europe and the EU are seen as a something monolithic and strongly united. This fact means that there is no political sensibility about the quintessence of the EU - a complex, flexible, and politically and economically variable structure.

[13] Ivalio Ditchev "Evropa kato legitimazia"; in Sociologicheski problemi; ("Europe as a Legitimization" in Sociological problems); 1(2); 2000 pp. 87-109.

[14] Predizborna programa na "Koalizia za Bulgaria" – "Proect za dogovor s izbiratelia" (Election program of Coalition "For Bulgaria" – "Project for a Contract with the Elector"); 2001.

[15] Predizborna programa na NDSV – "Bulgaria – dobar dom za svoite grajdani" (Election program of National Movement Simeon Second (NMSS) – "Bulgaria – a Home for its Citizens") ; 2001.

[16] Ibid. p. 18.

[17] At 2001 Parliamentary elections the MRF Coalition was composed of the MRF, as a major party, Liberal Union, and Euroroma.

[18] Predizborna programa na DPS – "Bulgaria-Evropa, nestandarten pat na razvitie" (Election program of Movement for Rights and Freedoms (MRF) – "Bulgaria – Europe, an unusual Way of Development"); 2001.

[19] See Simon Hix and Klaus H. Goetz "Introduction: European Integration and National Political Systems"; in *Europeanised Politics?;* Goetz and Hix eds.; Frank Cass; London; 2001; p. 10.

[20] Ustav na Saiuza na Demokratichnite Sili; (Statues of the Union of Democratic Forces).

[21] Ustav na Bulgarskata Socialisticheska Partia; (Statues of the Bulgarian Socialist Party); art. 5.

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[22] Ustav na Politicheska Partia "Nazionalno Dvijenie Simeon Vtori; (Statues of the Political Party "National Movement Simeon Second"),.

[23] Statues of the Movement for Rights and Freedoms.

[24] Popular phrase of former Bulgarian Prime-minister Philip Dimitrov. Normal in this case mean West European country. The same discourse emerges in countries such as Italy and Greece:

"According to Giuiani (1999) and Featherstone (1998), in Italy and Greece the discourse on Europe has become equivalent to modernization and normalization – in the sense of making these countries more normal, that is, more similar to the other EU partners." Radaelli, Claudio M.; "Whither Europeanization? Concept stretching and substantive change"; European Integration online Papers (EIoP); 4(8), 2000, p. 13.

[25] This faction consisted of reformist politicians, part of who left the party later.

[26] "Keeping the rules" is a cultural expression of a social behavior that is not common in the Bulgarian political elite.

[27] In the member states countries:*"...regional policy is to an increasing extent decided by the EU, not national governments, and this diminishes parties ability to use regional policy to reward their constituents."* In Tapio, Raunio "Why European Integration Increases Leadership Autonomy Within Political Parties"; *Party Politics*; 8(4), 2002; p. 416.

[28] The central governing level in the country is not ready to give more autonomy to the local level. It still has the tendency to supervise strictly the other levels of governance and to determine the rules and possibilities for political behavior for local governance.

[29] Paul Taggart and Aleks Szczerbiak; "The party politics of Euroscepticism in EU Member and Candidate States"; SEI Working Paper No 51; Opposing Europe Research Network Working Paper No 6; Sussex European Institute; Sussex; April 2002.

[30] In Ivalio Ditchev " Evropa kato legitimazia"; v *Sociologicheski problemi*; ("Europe as a Legitimization" in *Sociological problems*); No 1-2; 2000; p. 93.

[31] Tapio Raunio, "Why European Integration Increases Leadership Autonomy Within Political Parties"; *Party Politics*; 8(4), 2002 pp. 405 – 422.

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[32] Ibid. p. 407.

[33] Ibid.p.407.

[34] All tournout results you can find in Georgi Karasimeonov *Novata partiina sistema v Bulgaria*; (*The new party system in Bulgaria*); GorexPress; Sofia; 2003.

[35] Ibid.p. 163.

[36] Because of the fact that in the BSP, UDF, NMSS, MRF almost all important party positions are occupied by MPs the role of the party apparatus in the party decision making process is rather limited.

[37]Raunio *op.cit. p.412.*

[38] Simon Hix and Kalus H. Goetz "Introduction: European Integration and National Political Systems"; in *Europeanised Politics?;* Goetz and Hix eds.; Frank Cass; London; 2001; p. 13.

[39] Raunio *op.cit. p.412.*

[40] Hix and Goetz *op.cit.* p.10

[41] Hix and Goetz *op.cit.* p.10

[42] Hix and Goetz *op.cit.* p.10

[43] Johan P. Olsen.; "The Many Faces of Europeanisation"; *Journal of Common Market Studies*; 40(5), 2002, p. 944.

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WAR IN THE BALKANS: HUMANITARIAN INTERVENTION AND BEYOND

Kerem Batır*

The dissolution of the Socialist Federal Republic of Yugoslavia was one of the most important events to occur in Continental Europe in the 1990s. This part of the continent was not stabilised during the decade. The dissolution created several conflicts among the constituent states, then the provinces. Bosnia showed the importance of intervention in humanitarian disasters, and Kosovo led scholars to think about the criteria and limits of humanitarian intervention. In Bosnia the Security Council agrees that the non-intervention principle should be overridden in cases of extreme humanitarian emergency.

Yugoslavia was set up as a federation consisting of six republics: Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia. Internal borders did not attempt to consolidate populations along ethnic lines. Some authors believe that Tito (as a Croat) intentionally sought to limit the Serb's influence by the way he drew the administrative divisions.[1] In accordance with this policy both Bosnia and Croatia contain large Serbian populations. The 1974 Constitution paved the way for a decentralized Yugoslavia; it created two new autonomous regions, the Albanian Muslim Kosovo in the southern part of Serbia and Vojvodina, with a large Hungarian population in the northern part. The 1974 constitution granted the province of Kosovo and Vojvodina far-reaching autonomy that virtually accorded it the status of a republic. It was granted a right of veto in federal bodies and its own political and cultural institutions, including a university in the Albanian language.[2] The Constitution also recognized the Muslims of Bosnia as a nation.

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On June 25,1991, Croatia and Slovenia each declared their independence. The result of these proclamations was the outbreak of warfare. On June 27,1991, the predominantly Serbian Yugoslav National Army (JNA) attempted to seize control of Slovenia's international borders. By July, violent incidents had occurred between Croatian armed forces and JNA. By January 15, 1992, Croatia and Slovenia had been formerly recognized by the European Community under pressure from Germany.

The European Community and Yugoslav crisis

The European Community's policy was based on economic carrots and sticks. At the very beginning of the conflict, Jacques Delors visited Belgrade and promised the Yugoslavs that, in the event of a constitutional settlement, progress could be made on an association agreement with the Community and direct or indirect financial support of between $4 and $5 billion would be made available.[3] The basic principles underpinning this deal were the continuation of Yugoslav unity and democracy.

At the end of June 1991 the federal army (JNA) moved into Slovenia to assert federal authority, this move was the starting point of the crisis. The European Community moved rapidly into crisis mode; the sense of responsibility was overwhelming. Furthermore, the diplomatic interest of the European Community in Yugoslavia, was based on a hope that self-determination might be exercised in a way which would not excite nationalist and territorial disputes elsewhere, included a concern to avoid total economic collapse in the region and to avoid refugee problems. Finally, the Community wanted to offer itself and its embrace to the various parties in the future, as part of the new, integrated Europe.[4]

Apart from the issues of refugees and total economic collapse there were a couple of other reasons for EC involvement. One of the main reasons was the Germans. After the collapse of the communist system German unification was realised. This was completed on the principle of self-determination. After unification Germans became emotional supporters of others claiming this fundamental right. There were also practical reasons for EC involvement. Yugoslavia is situated on the main trade route between the rest of the Community and Greece. Moreover, the Community had economic influence; it was much more heavily involved financially in Yugoslavia. The total amount of the aid programme extended by the Community reached $4 billion at the time of the outbreak of crisis.

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The European Community took the lead in the international handling of the Yugoslav conflict, even after the burden of arranging cease-fires and discussing peacekeeping troops had been passed from the Community to the United Nations. In June 1991 the Troika, made up of the past, present and future foreign ministers of the presidency of the Council of Ministers of the EC, took a three-point plan to Yugoslavia. This called for a resolution of the presidential crisis, the suspension of the implementation of the declarations of independence for a period of three months and the army's return to its barracks. The session of the federal presidency on 29 June to appoint Stipe Mesic did not convene and the federal army continued to act on its own in Slovenia. The presidency failed to meet because Slovenia rejected attending the meetings declaring that it was no longer part of Yugoslavia.

The European Community and its members backed the troika's effort with the intention of reaching an agreement on a cease-fire. An embargo on armaments and sale of military equipment to the whole of Yugoslavia was imposed and there was a call to other countries to follow suit. Moreover, the Community also decided to suspend the second and third financial protocols with Yugoslavia which meant blockage of aid worth £700-800 million. Finally, on 7 July the troika succeeded in establishing peace in Slovenia.

In October 1991, Lord Carrington and Dutch Foreign Minister Hans van den Broek released a proposed constitutional plan for a loose association among the Yugoslav republics, retaining the existing borders. All of the republics except Serbia accepted the proposal. The EC voted on November 8 to impose economic sanctions against Yugoslavia, but to exempt any republic that agreed to the constitutional plan. On December 2 the EC restored aid and trade privileges to Bosnia, Croatia, Macedonia, and Slovenia.[5]

On 16 December 1991, the EC Foreign Ministers meeting in Brussels issued a 'Declaration on Yugoslavia'. The Declaration introduced a process for applying the Guidelines; a written application for recognition was requested. These applications were sent to the Badinter Commission[6] to review all standing requests for secession and independence signalled a proportionate shift in international policy in the region. The panel established the following criteria for "legitimate" claims for independence: (a) preservation of respect for individual and minority rights; (b) commitment to the sovereignty (inviolability) of existing territorial borders; (c) the promotion of democratization; and (d) the acceptance of any brokered EC peace process.[7] All six Yugoslav republics responded the invitation but only four sought recognition. The recognition of Slovenia and Croatia was requested on 19 December, and granted on 15 January 1992.

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Bosnia and Herzegovina and Macedonia requested the same on 20 December, but the privilege was not extended to Bosnia and Herzegovina until 7 April 1992, after the Bosnian referendum, while formal recognition of Macedonia was frustrated by Greece until 8 April 1993, due to Greek fears of Macedonian irredentism.[8]

The criteria marked a shift in norms, guiding international intervention into what was hitherto considered off-limits: the internal affairs of sovereign states. The international community began to use principles of individual and group human rights protection as new justification for broader intervention policies.

After the recognition of Bosnia and Herzegovina, Bosnian Serbs, with the support of JNA, accelerated the violence, focusing on forcible removal, intimidation, and even the killing of Bosnian Muslims and Croats to create ethnically pure Serb regions. The Community's attempts to find a political solution could not reach an agreement. Furthermore, these attempts were criticised by the UN Secretary General for committing the UN without prior consultation. As a result, the EC and the UN decided to merge their efforts and involve the UN directly in the peace negotiations.

United Nations and the Yugoslav conflict

In September 1991, the UN Security Council passed Resolution 713, and imposed an arms embargo on all parties of the conflict in the former Yugoslavia. The Security Council acted under Chapter VII and concerned that the continuation of the situation constitutes a threat to international peace and security. Security Council also expressed support for EC and CSCE'S collective efforts thus providing regional arrangements with the opportunity to settle the local crisis. The UN Security Council supported the arrangements for the cease-fire and with Resolution 724 called for the presence of a peacekeeping force in Croatia once a cease-fire had been negotiated. Following that the Council also adopted Resolution 743, which established the United Nations Protection Force (UNPROFOR). The Council established this force in accordance with the Report of the Secretary General and the United Nations peacekeeping plan. This force was essential for consolidating the cease-fire and facilitating negotiation of a comprehensive settlement. UNPROFOR was established in four protected areas of the Krajina region within Croatia. They were to be completely demilitarized and Croatian refugees permitted to return their homes.

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As mentioned in the previous section ethnic cleansing by Bosnian Serbs toward Muslims increased after the recognition of Bosnia and Herzegovina by the EC and the UN. A large portion of the Bosnian territory came under the control of the JNA. Together with the lack of progress evident in the EC sponsored cease-fire agreements, the Security Council hold Serbia responsible for the aggression. The Security Council adopted Resolution 752 under these circumstances. The Council demanded that all parties and others concerned in Bosnia and Herzegovina stop the fighting immediately; all forms of interference from the outside Bosnia and Herzegovina, including by units of JNA and Croatian Army, cease immediately and respect the territorial integrity of Bosnia and Herzegovina.

Resolution 755 admitted Bosnia and Herzegovina to membership of the UN. The international community did everything except to resort to military force to end the conflict. The Security Council held Serbia responsible for the continuation of the conflict with the Resolution 757. Resolution 757 imposed comprehensive mandatory sanctions, including economic ones, against Serbia. But these sanctions were not enough to stop Serb aggression in the country. Weiss and Collins note that the war was about territory, and the best way to gain territory was to eliminate the presence of non-Serbs in whatever manner was most effective. The means to that end included blocking relief supplies to Muslim populations, systematizing the rape of Muslim women and young girls, shelling civilian populations, and practising widespread and indiscriminate torture and murder.[9]

Under these circumstances the Council passed Resolution 770 on 13 August 1992. This resolution fell significantly short of providing authorization for explicit military intervention. The resolution underlined the need for a non-military solution even though it did recognize that the situation in Bosnia constituted a threat to international peace and security. Resolution 770 only called upon states to provide troops under a mandate to use all necessary means to ensure the delivery of humanitarian relief supplies to Bosnia. With reference to Chapter VII, it reaffirmed its demand that all parties stop fighting and called upon states 'to take nationally or through regional agencies or arrangements all measures to facilitate in coordination with the United Nations' the delivery of humanitarian assistance. This resolution expanded the mandate of UNPROFOR to deliver humanitarian assistance and in performing this task to use "all necessary means". For these purposes the number of UN peace-keepers increased to several thousand and they were sent to the region to protect humanitarian convoys with totally insufficient support. As Abiew notes these forces relied

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almost entirely on negotiations to get humanitarian assistance to where it was needed the most, which frequently resulted in delays and disruptions.[10]

At the same meeting the Security Council adopted Resolution 771 which for the first time expressly condemned the practice of 'ethnic cleansing'. The resolution repeated previous demands by the Council and requested information from states and relevant organizations relating to the violations of humanitarian law. The Council decided that all parties and other concerned in the former Yugoslavia and all military forces in Bosnia and Herzegovina shall comply with the resolution, "failing which the Council will need to take further measures under the Charter".

Malanczuk argues that Resolution 770 must be seen in connection with the discussion at the end of July and beginning of August on launching a massive military relief operation for Bosnia and Herzegovina, not with UN 'blue helmets', but with national contingents of Western armies, in other words, within the NATO framework. He also notes that Resolution 770 may have been understood as an authorization of Western states to proceed with such plans, although the text limits the purpose of action by Member States to the facilitation of the delivery of humanitarian assistance.[11]

UNPROFOR troops, in accordance with Resolution 770, were deployed specifically to assist in the delivery of humanitarian aid within Bosnia. France, Britain, Canada, Spain, Pakistan and former COMECON countries provided troops at the outset according to a type of special arrangement with NATO, but under a UN umbrella. Weiss and Collins argue that although they were authorized to use force to protect humanitarian personnel, especially their own members, military commanders on ground were reluctant to provoke further Serbian aggression and soldiers were unable to act as soldiers for fear that Serbian soldiers would attack.[12] Ero and Long believe that the main reason for this reluctance was the lack of national interest in doing so. The second reason was the view that the use of force by the UN might not necessarily achieve the objectives of the operation; they were not going to be able to use force to impose a peaceful settlement. They argue that there was no clear or common Western policy on what the future of the Balkans should be.[13]

During this period, efforts to achieve a political settlement were reinforced by the EC and the UN. The main objectives of the London Peace Conference (26-28 August 1992) were: to negotiate a political settlement to the dispute; to ensure the rapid flow of humanitarian relief, and to make the cease-fires long-lasting in the former Yugoslavia. However these statements

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had no effect on the ground fighting. Further more, it is clear that these objectives could not be achieved in the absence of a threat to use force.

After the failure of attempts to protect the Bosnian Muslims and continuing ethnic cleansing by the Serbs, the Security Council passed Resolution 781, which allowed the imposition of a "no-fly zone" over Bosnia to prevent Serbian attacks. This was an indication of the 'superfluous nature' of the negotiations and therefore "the provisions of Chapter VII were only the remaining option."[14] Bosnian Muslims were defenceless in the face of Serb attacks in the UN declared safe zones, in the mean time UN peacekeepers and humanitarian aid workers became the hostages of local combatants. According to one reporter Bosnian Serbs viewed the UN Resolutions as attempts by the US and EC to give the appearance of protecting the Muslims while doing nothing.[15] Unfortunately, this observation was true; the US and its European allies disagreed over the use of force to bring about Serbian compliance with no-fly zones and hindrance of relief delivery. Violations by all warring parties, especially by Serbs, of the 1949 Geneva Conventions, and additional protocols and other customary norms were apparent. There were reports of the massive, organized and systematic detention and rape of women. On 18 December 1992, the Council adopted Resolution 798, which had been introduced by Belgium, France and Britain, and demanded that all the detention camps and camps for women detainees be immediately closed, condemned "these acts of unspeakable brutality" and supported the dispatch of the delegation from the EC to investigate the facts. In the absence of a consensus over the use of force against aggressors, the international community focused on the distribution of humanitarian aid, and diplomatic negotiations.

NATO intervention in Bosnia and Herzegovina

As the prospects for peace dimmed and the constraints on UNPROFOR became more evident, attention was given to the possible use of NATO air power. The US government was the driving force behind this initiative; NATO governments with troops in UNPROFOR were understandably more cautious in their approach. NATO's involvement in former Yugoslavia developed piecemeal, starting in 1992 with maritime and then air operations and culminating in 1996 with the deployment of a NATO-led Peace Implementation Force (IFOR). All of the NATO operations were undertaken under the authority of the UN Security Council.

At the end of March 1993, the Security Council, under Resolution 816 authorized Member States, acting nationally or through regional

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organizations or arrangements, "to take all necessary measures in the airspace of the Republic of Bosnia and Herzegovina to ensure compliance with the bans on flights." With this resolution, the Security Council specifically approved the enforcement by NATO fighter planes. As noted in the previous part of the thesis, there is a disagreement in the interpretation of the resolutions related to Iraq. There was no such clear approval in the case of Northern Iraq.

The NATO Secretary General Manfred Worner repeatedly emphasised during 1992 and 1993 that NATO had done everything the UN asked to do. Sharp believes that this is technically true: NATO deployed naval forces to the Adriatic in Operation Sharp Guard to prevent unauthorised shipping entering the waters of new Yugoslavia (Serbia and Montenegro), as well as aircraft to Italy to be available for the Deny Flight, and Close Air Support operations. The problem was that military commanders on the ground were unwilling to call for air strikes against the Serbs and Croats for fear of endangering their own personnel serving with UNPROFOR.[16]

Resolution 836 passed on 4 June 1993 with two abstentions, extended UNPROFOR's mandate in operative paragraph 5 "to deter attacks against the safe areas" and in paragraph 9 it empowered UNPROFOR "acting in self-defence, to take necessary measures, including the use of force, in reply to bombardments against the safe areas by any parties or to armed incursion into them". To fulfil this new mandate, member states, acting nationally or through regional organizations, were empowered to take, under the authority of the Security Council and subject to close coordination with the Secretary General and UNPROFOR, all necessary means, through the use of air power, in and around the safe areas in Bosnia and Herzegovina, to support UNPROFOR in the performance of its mandate mentioned above. After analyzing the statements made in the Security Council, Wheeler believes that members of the Council interpreted this mandate as being restricted to close air support in defence of UNPROFOR personnel.[17]

Resolution 836 afforded specific permission to Bosnian government military and paramilitary units to remain within the safe areas. According to Bierman and Vadset this was a blatant violation of the impartiality principle and of the safe havens principles under international humanitarian law. By failing to endorse the agreement reached by the UN Force Commander in the field, the UN Security Council action led to the failure of the safe areas concept.[18]

After the adoption of the Resolution 836 it was reported that an additional 32000 troops were needed in order to defend and demilitarize the

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safe areas. In the end only 3500 additional troops were sent to Bosnia and Herzegovina and this additional force was very far from the number that was required to stop Serbian attacks and disarm safe areas.

However, regardless of the implicit threat contained in the Resolution 824, Serbs prepared to take action against Goradze. Besides, the disarming of Bosnian Government forces within the safe areas was regarded as deeply unfair, as the Serbian side kept their arms.[19] The only military alternative available to the UN was NATO strikes. Acting under the authority of the UN, NATO fighter planes organized a series of bombing operations against Serbian targets that violated the safe heavens designated by the UN in order to deter further attacks. These operations worked well for a while. Bosnian Serbs withdrew from the mountains around Sarajevo in August 1993 but fighting restarted shortly after.

By late 1993, an estimated 250.000 persons had been killed or were missing in the former Yugoslavia. Bosnia and Herzegovina yielded the largest number of internally displaced, with approximately 2.7 million persons homeless and dependent for their daily survival on international assistance.[20]

In the meantime, peace negotiations in Geneva failed to achieve a political and peaceful solution. Bosnian Serbs had regularly prevented the UN from carrying out its peacekeeping mandates. In the Muslim enclave of Srebrenica the Serbs had refused to allow Dutch UN troops to replace the Canadians. Moreover, the Bosnian Serb siege of Sarajevo where the media attention was concentrated, made it the most pressing place for the UN to act . There was also a continued breach of no-fly zone by both Serbians and Croats. These factors led NATO to renew its threat of air strikes in January 1994. But the right to a final decision for a bombing campaign belonged to UN Secretary General and Boutros-Ghali, Secretary General of the time, believed that they would lead to break down in the political negotiation process.[21] No fly zone was violated hundreds of times by Serbian and Croatian aircrafts. NATO forces did not attempt to shoot them down. In April 1994, NATO's air attacks against Bosnian Serb forces attacking Goradze halted the offensive and brought an important degree of relief to civilian population. In August 1994, NATO attacked Serbian forces around Sarajevo as part of enforcing an exclusion zone imposed by the UN against heavy weaponry. Furthermore, air operations were significantly intensified in August 1995, after an attack against Sarajevo by Serbs that killed thirty-seven people as a result.

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NATO air strikes placed the UN, without a doubt, in the role of a combatant, and the response of the Bosnian Serbs after the attacks against Pale in May 1995 was to take UN soldiers hostage and to overrun the towns of Srebrenica and Zepa.

In the case of Srebrenica, Bosnian Muslims who fled Srebrenica in a huge column during the night of 11 July 1995 were attacked by Bosnian Serb forces and thousands surrendered or were captured in the days following their flight. It is true that the Dutch UNPROFOR troops in Srebrenica never fired at the attacking Serbs. They fired warning shots over the Serbs' heads and their mortars fired flares, but they never directly fired on any Serb units. Had they engaged the attacking Serbs directly it is possible that events would have unfolded differently. The killings of Muslims by Bosnian Serb soldiers, under the command and control of Karadzic and Mladic in Potocari, at surrender or capture locations, and at mass execution sites near Karakaj were happened within this period. At the end of these massacres it was reported that of at least 7414 Muslim men were killed.[22]

Lepard notes that many Council members welcomed NATO bombing attacks against Bosnian Serb positions in August and September 1995 as an assertion of determination by the international community to uphold UN resolutions that could only further the achievement of a fair diplomatic outcome.[23] Furthermore Secretary General Kofi Annan declared in 1999 "When decisive action was finally taken by UNPROFOR in August and September 1995, it helped to bring the war to a conclusion".[24]

Abiew argues that the intervention by NATO forces is partly explainable in the sense of it having a humanitarian dimension. It was an action undertaken pursuant to authorization from the UN with the aim of ending the horrible human rights situation as a result of the conflict. Although initial UN authorization was limited to the use of air force to securing delivery of humanitarian relief and enforcement of the "no-fly" zones, those limited purposes were exceeded in some instances.[25] The above mentioned actions in 1995 were good examples for strong actions of NATO.

Settlement of the conflict

In December 1995, parties to the Bosnian conflict started negotiations designed to bring the war in Bosnia to an end. The Dayton proximity talks[26] culminated in the initiating on November 21, 1995, of a General Framework Agreement for Peace in Bosnia and Herzegovina.

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a. The Dayton Peace Agreement

The agreement was signed in Paris on December 14, 1995. The Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia initialled the agreement. Representatives of the Contact Group nations - the United States, Britain, France, Germany, and Russia - and the European Union Special Negotiator, witnessed it. According to the terms of the agreement, a sovereign state known as the Republic of Bosnia and Herzegovina would consist of two entities: the Bosnian Serb Republic and the Federation of Bosnia. According to the agreement, Bosnia and Herzegovina, Croatia, and the Federal Republic of Yugoslavia (FRY) agree to fully respect the sovereign equality of one another and to settle disputes by peaceful means and the FRY and Bosnia and Herzegovina recognize each other and agree to discuss further aspects of their mutual recognition.[27]

The Dayton Agreement was typical of a negotiated settlement where there was no victor and parties had essentially been forced to settle. Together with 12 Annexes, the Dayton Agreement ratifies and seeks to strengthen existing territorial divisions. It requires the withdrawal of all Bosnian Serb forces from the Sarajevo suburbs as well as from a corridor stretching from Sarajevo to Goradze, and assigns these areas to the Bosnian government. It also establishes Implementation Force for Bosnia (IFOR) to supervise the implementation of the military part of the Peace Plan.

According to Morris, many of the more serious problems after Dayton were inbuilt in the non-military provisions of that agreement, which stopped the conflict but did not resolve and still has not resolved its causes. With no significant change in the circumstances that drove people from their homes, and no removal of the political constraints, some governments and NATO military leaders, nevertheless, looked to the international administrators and UNHCR to deliver what the military intervention and political process had failed to achieve: the reversal of ethnic cleansing.[28]

b. Operation Joint Endeavour (IFOR)

Resolution 1031 of the Security Council authorised Member States of the United Nations to "take all necessary measures to effect the implementation of and to ensure compliance with Annex 1-A of the Peace Agreement" under unified command and control. It is necessary to stress that Resolution1031 assigns the unified command and control of contributing States to IFOR, a coalition force established `through or in co-

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operation with' NATO, but not identical to it. Under Resolution 1031 NATO is responsible for establishing IFOR, while Annex 1-A goes much further by envisaging that "IFOR will operate under the authority and subject to the direction and political control of the North Atlantic Council ... through the NATO chain of command".

Each contributing State is under the same obligations and has the same rights as if it were acting individually in accordance with the Security Council resolution. In short, IFOR troops are in Bosnia and Herzegovina under the United Nations Security Council authority, and they are accountable only to the United Nations for their actions or omissions. However, as Talamanca notes, the Security Council did make an important concession to the view of the diplomats in Dayton by requesting contributing States to act 'through or in co-operation with' NATO.[29] IFOR treated all factions equally, but as Schulte notes, it had the capability and authority to take enforcement action against any party violating the terms of the peace agreement.[30]

IFOR's authority was limited to a period of one year, after which the Security Council had to decide whether its mandate should be continued. The Council extended the mandate by Resolution 1088 dated 12 December 1996, which replaced IFOR with SFOR.

c. Stabilisation Force (SFOR)

After the September 1996 elections peacefully concluded, it was clear that IFOR would successfully complete its mission. In a meeting just after the elections, NATO Foreign and Defence Ministers concluded that a reduced military presence was needed to provide the stability necessary for the consolidation of the peace. They agreed that NATO should organize SFOR, which was subsequently activated on 20 December 1996.

SFOR's mandate was fundamentally the same as that of its predecessor and was limited to a period of 18 months. The mandate has been extended on an ongoing basis, but each extension is subject to a time limit of one year. The states participating in SFOR are required to submit reports to the Security Council on a monthly basis.

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The United Nations, NATO and the evolution of humanitarian intervention

Schulte argues that NATO's involvement in former Yugoslavia has had a dramatic impact on the Alliance. NATO's new November 1991 Strategic Concept acknowledged the need to adapt the Alliance to the new security environment including risks emerging from outside NATO territory and other challenges to security short of outright military threats. He also believes that, it was operations in former Yugoslavia that gave the immediate impetus for NATO's increased emphasis on peacekeeping and 'out-of-area' operations.[31]

NATO's relations with the UN constituted another important factor in this context. During the Cold War, NATO operated as a collective self-defence organization acting under Article 51 of the UN Charter. For that reason, there was little need for contact between the UN and NATO. In the former Yugoslavia, NATO began to operate under the authority of the Security Council and in conjunction with UN forces on the ground. In that case, the two organizations needed to interact. Resolution 836 determined the arena for more intensified contact between the two organizations. Planning for close air support was conducted in close coordination with UNPROFOR, and NATO helped to train and equip the UN tactical air controllers responsible for calling in and controlling close air support. The 'dual key' procedures, agreed in August 1993 to allow for joint decisions on NATO air strikes, were initially seen as a symbol of NATO-UN cooperation. However, in the later phases of the operations, different views on the purposes of air power in a peacekeeping operation by the two organizations became a source of disagreement.

Hoffmann believes that the long war in Bosnia showed the limits of humanitarian intervention in two different ways. First, when atrocities reach a certain level, the humanitarian organizations, which had tried to protect the victims and provide food and medical care, were all too easily weighed down by the magnitude of the task. The international society is badly equipped to cope with genocide and ethnic cleansing. Secondly, putting an end to such horrors so that the number of victims ceases to rise and the survivors begin to feel safe requires more than the minimal uses of force authorized by the Security Council in Bosnia before August 1995. This authorization provided only protection for UNPROFOR from direct attack but, as in Srebrenica, left the UN impotent and the victims at the mercy of the killers.[32]

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Conclusion

To conclude this discussion on Yugoslavian case, UN involvement in the former Yugoslavia conflict could be justified on three grounds. First, there was a refugee situation. More than 500000 Yugoslav refugees fled into other European countries during the conflict. Internal refugee flows were in enormous. Secondly, the humanitarian situation resulting from the war was severer than the refugee situation. The Bosnian Serb strategy was based on attacking Muslim communities as a result left large parts of the civilian population with a lack of essential supplies of food, medicine, power and water. These troubles carried with them starvation, exposure to the natural elements of the weather and disease. Humanitarian concerns were thus significant and fell within the mandate of the UN Security Council. And last, and most importantly, human rights violations perpetrated especially by the Bosnian Serbs for instance, mistreatment of Muslims held in concentration camps and widespread rape of Muslim women shocked the international community. The human rights situation by itself provided the necessary justification for involvement by the CSCE.

The situation in the former Yugoslavia displayed the Security Council's awareness, at least in principle, to authorize the use of force for humanitarian reasons. Humanitarian concerns certainly played a prominent role in international response in this case. As Morris points out, the humanitarian intervention in Bosnia in 1995 was almost too late. It stopped the fighting, but the passage of time without effective action to address years of massive violations of human rights meant that only a seriously flawed settlement was achieved, and only that at the last hour of negotiations.[33]

The European Union drew important lessons from the Yugoslav case. The uselessness of the tools which were employed in this case let the Member States develop new tools. The new European Constitution embodied new competences, the tasks in which the Union may use force shall include 'joint disarmament operations', 'humanitarian and rescue tasks', 'conflict prevention', 'peacekeeping', and 'crisis management'. There is obligatory provision relating to collective self-defence. The Constitution defines the term 'closer cooperation' and the closer cooperation on mutual defence is open to all member states of the Union.

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NEW POWERS CONCERNING THE CFSP IN THE EU CONSTITUTION AND TURKEY

Yıldıray Sak*

Introduction

Four years ago, the Treaty of Nice called for a debate on the future of Europe. The call was taken up by the European Council at Leaken in Decemeber 2001 and led to the establishment of the European Convention in February 2002. The Convention addressed the following points:

1. How to establish and monitor a more precise delimitation of powers between the European Union and the Member States, reflecting the principle of subsidiarity.
2. The status of the Charter of Fundamental Rights of the European Union.
3. A simplification of the Treaties with a view to making them clearer and better understood without changing their meaning.
4. The role of national parliaments in the European architecture.

Debates on the second, third and fourth articles have not created unknown results for the draft Constitution. By contrast, the EU Constitution does contain many new provisions regarding competence or powers.

Articles relating to competence articles can be found in the Constitution[1] in/by three differents locations/methods:

First, some articles establish the principles that underpin the allaocation and exercise of competences to the EU[2] . One of them is the principle of conferral competences. This means that competences are conferred on the EU by the Member States and that the EU has no competences by itself.

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Indeed, where competences are not conferred on the EU they remain with the Member States. Although it was placed in a primary law document for the first time, the principle of conferral is not at all new but has always underpinned the allocation of competences to the EU.

In addition to conferral, which has already been present in the existing treaties, is the principle of subsidiarity that states that in fields, which do not, fall within its exclusive competence the EU shall act only if and insofar as the objectives of the intended action cannot be sufficiently achieved by the Member States. Last but not least is the principle of proportionality, which requires that the content and form of any EU action shall not exceed what is necessary to achieve the EU's objectives.

The second group of articles are the 'standard enabling norms' that can be found in Title III of the Part I of the Constitution. For example, Part I Title III Article 12 determines fields, which are applied exclusive competence. But rather we can find that kind of articles over the constitution, especially in Part III of the Constitution. For example, Part III Chapter I Article III-50 (ex Article 81) regarding competiton rules.

And finally the third group of competence articles we can find in Title V of the Constitution are the provisions that explain and determine how the EU uses its competences.

1. New competences in Common Security and Defence Policy

The articles that gives the EU necessary competence in Common Foreign and Security Policy and, especially in Common Security and Defence Policy can be found in Part I Title V (Exercise of Union Competence) Chapter II (Specific Provisions to Common Foreign and Security Policy and Common Security and Defence Policy) and Part III (Policies and Functioning of the Union) Title V (The Union's External Action) Chapter II (Common Foreign and Security Policy) Section II (Common Security and Defence Policy).

1.1 Scope and Aim of the Competence on CSDP

The EU Constitution introduces a series of new provisions designed to build on existing EU competences in the development of a security and defence policy.

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According to Article I-41 of the Constitution, the Common Security and Defence Policy provides the Union with an operational capacity drawing on civil and military assets. The Union can use this operational capacity on missions outside the Union for *peacekeeping, conflict prevention and strengthening international security. The performance of these tasks shall be undertaken using capabilities provided by the Member States.* The point that must be stressed here is that an EU Army is not being proposed in order to fulfill these tasks, it is a kind of multinational force and sometimes strike (rapid) force.

On the other hand Article III-309 differentiates and explains the above mentioned tasks under six different titles:

- joint disarmament operations
- humanitarian and rescue tasks
- military advice and assistance tasks
- conflict prevention and peace-keeping tasks
- tasks of combat forces in crisis management
- peace-making and post-conflict stabilisation.

Another competence stemming from Article I-41(7)[3] is a kind of self-defence clause or mutual assistance clause for the Union. Acordingly, if a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by *all the means in their power.*

Lastly, according to the Article III-312, if a group of Member States wants to make more binding commitments and fulfil the criteria on military capabilities set out in the 'Protocol on permanent structure cooperation', they notify their intention to the Council and Union Minister for Foreign Affairs. The Council adopts within 3 months a European decision establishing 'permanent structure cooperation' and determining the list of participating MS.

1.2 Institutions for the CSDP

The power concerning to prepare, create and implemen the Common Security and Defence Policy belongs to the Europen Council, the Council of Ministers and the Union Ministers of Foreign Affairs. Acording to article I – 41(4), European decisions relating to the common security and defence policy, including those initiating a mission as referred to in this Article, are

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adopted by the Council acting *unanimously* on a proposal from the Union Minister for Foreign Affairs or on an initiative from a Member State.

The Union Minister for Foreign Affairs may propose the use of both national resources and Union instruments, together with the Commission where appropriate. Additionally, Article III-310 stated that the Council may entrust the implementation of one of the above mentioned tasks to a group of Member States which are willing and have the necessary capability to undertake such a task.

Although unanimity is compulsory relating to the tasks set out in article III-309, Article I-40 in the Part I Chapter 2 in specific provisions stated that the European Council may, unanimously, adopt a European decision authorising the Council to *act by a qualified majority* in cases other than those referred to in Part 2.

2. CSDP and Turkey

Importantly, there are some results and findings for Turkey concerning new competences on Common Security and Defence Policy.

First, the candidates in the last wave of enlargement did not face difficulties in this regard because the EU did not have the competence in Common Foreign and Security Policy chapter in the negotiation process since Common Foreign and Security Policy has been in the second pillar. Since the EU Constitution has abolished the pillars structure, no longer are the Common Foreign and Security Policy and Common Security and Defence Policy so distinct from the former central supranational first pillar. Although much of what happens under the Common Security and Defence Policy will remain almost in all case subject to national vetoes, it will become more institutionalised and more 'communitarized' with, for example, the Union Minister for Foreign Affairs who will also be a member of the Commission.

So, Turkey will suffer during negotiations if she does not find another way for to issues because it may have to negotiate its problems with the EU.

The second result of new Common Security and Defence Policy for Turkey is its effect on the Cyprus issue. It is to be feared that the above mentioned Articles, especially Article III- 309, may give some opportunities to the Greece and South Cyprus to cause the involvement of the EU into the

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issue. As far as the meanings of the above mentioned concepts in international law are considered, one can say that ends and their means, for example peacekeeping tasks or tasks of combat forces in crisis management, are not appropriate to the situations or circumstances in Cyprus. However, due to the fact that the EU has not taken international law into consideration, many unfair cases for North Cyprus have been experienced over the Cyprus issue.

Endnotes

[1] All references in the text are to the Constitution of 18 July 2003 unless identified otherwise. The Constitution's provisions may be changed after ratifcation process or on the stage after ratification process which may be cause possible amendments by ongoing IGC.

[2] Title III, Part I, Article 11:

1. The limits of Union competences are governed by the principle of conferral. The use of Union competences is governed by the principles of subsidiarity and proportionality.

2. Under the principle of conferral, the Union shall act within the limits of the competences conferred upon it by the Member States in the Constitution to attain the objectives set out in the Constitution. Competences not conferred upon the Union in the Constitution remain with the Member States.

3. Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level. The institutions of the Union shall apply the principle of subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and proportionality. National Parliaments shall ensure compliance with that principle in accordance with the procedure set out in that Protocol.

4. Under the principle of proportionality, the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Constitution.The institutions of the Union shall apply the principle of proportionality as laid down in the Protocol on the application of the principles of subsidiarity and proportionality.

[3] Article I-41(7)

If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States.

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The main objectives of TUNAECS, located in Marmara University, are to promote research about European integration in Turkish universities; to organise academic activities in EU-related issues; and to develop widest possible co-operation among its members; ECSAs and academic institutions in the world.

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