COMPARING EU MEMBERSHIP PROCESSES OF TURKEY AND SERBIA

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Abstract

Turkey has started formal relations with the EU at 1959 and the association agreement was signed in 1963. Still, Turkey is in the accession process, which is not developing due to many reasons. Serbia, on the other hand, had signed the association agreement in 2008 and even though it had problems like not capturing the war criminals or relations with Kosovo, its membership process is proceeding much faster. By comparing and contrasting these two cases, I will try to analyze the reasons of the pace difference between their accession process, by considering both internal reasons and external conjunctures like the strategic location of the countries or the problematic regional situations. Particularly the policy areas of free movement of people, good relations with neighbors and conditionality are chosen for comparison. The reasons behind the difference of the process for the two countries can be claimed as twofold. First, the population and size of the countries matter for the absorption capacity of the EU. Second, culture and religious differences play a role though not being talked upon. I try to take attention to the membership procedure and question if it is standard for all or has different roadmaps for each state.

Introduction

European Union (previously European (Economic) Community) has been a cooperation project from the beginning and carries an ambition to build peace in the region. While transforming from being an economic community to a political union, it created and adopted a particular body of values. These values have been standardized and called as the Copenhagen criteria. The Union expects its current and future members to abide with these criteria. It implements them on the future members through its most effective foreign policy strategy, which is enlargement. The enlargement policy utilizes conditionality as an effective tool to implement the Copenhagen standard to the accession countries. As a result, EU norms began to expand and be adopted in the region as a general standard.

Eastern borders of the EU enlargement contain the former Yugoslav states in the Balkans and Turkey. The priority of the EU is to establish peace and stability in its ‘backyard’, which has experienced violent conflicts in the recent history. The EU aims to support establishment of stable democracies in this region and therefore developed policy strategies to create cooperation and export the European norms. Within this framework, the EU developed its relations with Serbia and by accepting her candidacy, opened the doors of
membership to the Union. On the other hand, Turkey, at the easternmost point of European border, is the oldest country on the waiting list for membership. Turkey has a long history with the European community/union, but she has only gained membership status in 1999 and still has a long way to go. Serbia, on the other hand, has a much faster pace in the way to full membership though it is a relatively new state with a conflict past. The internal situations of these countries being left aside, it will be informative to compare the membership procedures of these two states, in order to evaluate the membership standards of the EU, to see whether they are standard for all.

**European Union Enlargement Strategy and the Balkans**

EU enlargement policy is regulated in the EU agreement article 49, which directs to article 6. According to this, any European state which is respectful to the founding principles of the EU that are liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, can apply to become a member.\(^1\) These are part of the criteria that are necessary to become a member and were determined in 1993 Copenhagen Summit so they are called as the Copenhagen Criteria. The applicant states are required to oblige with these political and economic criteria and to have the capacity to implement *acquis communitaire*.\(^2\) The political criterion consists of having a stable democracy, rule of law, respect for and protection of human rights and fundamental freedoms. Economic criterion requires a functioning economy and ability to cope with the competitive free market of the Union. The EU Commission, which carries on the accession talks, follows three main strategies during the enlargement process. These are consolidation, communication and conditionality. Conditionality is the most effective strategy among all. Any state which desires to reach full member status, should follow the necessary reforms that are communicated by the Commission. The reforms are periodically monitored and the recommendations are reported. Membership is conditioned on the implementation of the required reforms. Thus, the EU becomes a powerful and influential outside actor to provide structural transformation and practical implementation in the candidate states.

The EU has built a different enlargement strategy in relation with the Balkan states (excluding Croatia). While the membership perspective was clearer in the past enlargements

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and the required reforms were determined based on the whole *acquis*, for the Balkan states including Serbia, a new process, called Stabilization and Association Process (SAP) has implemented, in which membership was a potential but not certain. Required reforms are not based on the whole *acquis* but only on particular areas that the EU determines.³ This procedure was criticized as it did not provide full membership perspective but aimed to transform the political structures of these countries. However, the EU provided full membership perspective after the preconditions were satisfied. It utilized the SAP to build peace and cooperation in the region. For example in 2005 an energy community was established among Croatia, Bosnia-Herzegovina, Serbia, Montenegro, Macedonia, Albania, Romania, Bulgaria and Kosovo. By this kind of cooperation procedures, the EU tried to develop peace and cooperation, also had the chance to see the desire and compatibility of these states for the EU membership.⁴ Also, this process prepared these countries for the EU membership.

**Serbia’s Accession Process**

With the breakup of the Socialist Federal Republic of Yugoslavia, Serbia and Montenegro established the Federal Republic of Yugoslavia in 1992. Even though the state was new, the governing elite remained the same, under the leadership of Slobodan Milosevic until 2000.⁵ After Milosevic left power and was given in the International Criminal Tribunal for the former Yugoslavia (ICTY), the relations between Serbia and the EU has progressed positively.⁶ In 2006, Montenegro preferred independence in a referendum and thus, Serbia became the legal successor of the state and named the state as the Republic of Serbia.

The EU has given importance to the consolidation of democracy in the Balkans and therefore started the SAP after the Council’s decision in Santa Maria da Feira in 2000, thus giving the western Balkan states the prospect of EU membership.⁷ In June 2003, this decision


was repeated and Thessaloniki agenda was accepted for the integration of western Balkan states to Europe.\(^8\)

After these decisions, formal political dialog between the EU and Serbia started. In 2004, the Council started the European Partnership which would organize assistance to Serbia and Montenegro.\(^9\) It also set the necessities for Serbia to come closer with the EU.\(^10\) The EU also provided financial support to Serbia in order to consolidate democracy after the removal of Milosevic from power. The EU was the most generous foreign actor to support infrastructural and administrative development of Serbia since 2003. With the membership prospect becoming clearer, these aids were utilized in the harmonization with the *acquis*.\(^11\) In accordance with this assistance, Serbia progressed in democratization and took measures like increasing participation of women in political parties and parliament or removing the threshold for minority parties.\(^12\)

Serbia’s political system was called a hybrid regime for the period of 1990s to 2003 as it had authoritarian features despite of having elections. In the period of 2004-2006, it was a system of elections without consolidated democracy, which means there weren’t enough measures to prevent it to become authoritarian.\(^13\) In this period, Serbia’s cooperation with ICTY was questioned and Serbia complained the EU was making pressure. Moreover, 2006 constitution was perceived as a step backwards from democracy, as it was created through undemocratic procedures.\(^14\) Thus, it will be said that Serbia’s accommodation with democracy criterion of the EU was questionable in this period.

Serbia’s EU prospect began in 2005 with the negotiations of Stabilisation and Association Agreement (SAA), which set forth the requirements to fulfil to be eligible for

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membership application to the EU. The SAA can be perceived as conditions for Balkan states, which prepare them for the membership process. The EU put the condition to cooperate in the arrest and extradition of the war criminals to the ICTY for Serbia in order to sign the SAA. Serbia made progress in the cooperation on this issue, thus removed the conditions on the signing of the SAA but the cooperation emphasis continued for the realization of full membership as full cooperation was required. With the signing of the SAA in 2008, the EU committed itself in the strengthening of democracy and rule of law in Serbia, political, economic and institutional stability of Serbia and its region, development of political dialogue, fulfilment of the economic criterion, international cooperation, regional cooperation and development of a free trade area between the parties.

Commission’s 2005 enlargement strategy paper emphasizes that enlargement is the most powerful policy tool of the EU and this policy can help to turn the ex-communist regimes of central and eastern European states into modern and well-functioning democracies. That clearly shows that the EU perceives Eastern Europe or the Balkans as priority areas to influence and expand its norms. That can be the reason that despite of the shortcomings of Serbia’s fulfilment of criteria, the relations had showed rapid progress in relatively short time period. According to the same paper, Serbia had weaknesses in political structures, particularly in constitution. Additionally, there was lack of dialogue between Kosovo and Belgrade, which caused problems on migrants. Lastly, full cooperation with ICTY was yet required. Despite of the criticisms or requirements, repeating the decision of Thessaloniki summit that all western Balkan states can be members, was a good motivation for these states to continue reform and progress.

With regards to the relations in the region, Serbia had problems and a new tension emerged in the region when Kosovo declared independence from Serbia in 2008. Serbia withdrew her ambassadors from the EU member states at the first stance but with the EU’s

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18 The European Community, Stabilization and Association Agreement Between the European Communities and Their Member States of the One Part and the Republic of Serbia, on the Other Part, CE/SE7en 1, p.9-10.
19 Ibid., p.22-23.
20 Ibid., p.8-9.
interference, reappointed her envoys. The EU found it positive that Serbia opposed the independence of Kosovo only in terms of diplomatic ways and did not resort to violence.\(^{21}\)

Regarding the free movement, the EU acted positively towards Serbia even before making a membership application. In 2009 the EU lifted visa obligation for Serbian citizens so provided free movement in the Schengen area.\(^{22}\) Serbia applied for membership to the EU just after receiving this right. Thus, Serbia did not have trouble in the free movement of people clause, and gained this right even before the beginning of accession talks.

The main obstacle on the full membership process had been the full cooperation with ICTY, meaning to deliver war criminals Ratko Mladic and Goran Hadzic who were believed to be hidden in Serbia.\(^{23}\) As both of them were delivered to the court, Serbia fulfilled the condition and therefore removed the barrier on full membership. So, the Commission approved the membership application of Serbia in the end of the same year, 2011, by declaring that Serbia has proceeded considerably in the fulfilment of the Copenhagen criteria and the reforms that the SAA foresaw.\(^{24}\) Considering the determination and progress of Serbia in the way to the EU membership, Serbia was formally declared as a candidate state in March the 1\(^{st}\), 2012. In June 2013, the European Council decided to open negotiations with Serbia and in January 2014, the 1\(^{st}\) Intergovernmental Conference took place, meaning the start of negotiation process.\(^{25}\)

**Turkey’s Accession Process**

After the collapse of the Ottoman Empire, winning a liberation war against the occupiers, Republic of Turkey was established in 1923. Formed as a secular, modern republic, Turkey went through a decade of reforms. As Ottomans did, Turkey has always identified herself among the European state system. During the Second World War and afterwards

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during the Cold War period, Turkey has identified herself with the Western bloc and participated in Western organizations like UN, NATO, OECD, or Council of Europe.26

In accordance with this identification, due to economic development desire, trade privileges and also because of the need to counter balance the disputed neighbor Greece, Turkey aimed for European Economic Community (EEC) membership.27 As a result of Turkey’s application in 1959, an Association Agreement was signed in 1963.28 At the same year, association agreements were concluded both with Turkey and Greece with the perspective of full membership.28 From a contradicting perspective, these agreements did not provide full membership prospect, so the first membership application of Turkey was in 1987. According to the EU, 1959 application was for associate membership and 1987 application was for full membership.29

With 1963 Association Agreement, a 22 year period was foreseen for the parties to harmonize their policies for economic integration which will end up in full membership to the Community.30 It was planned that, in the end of 22 years period, Turkey would be ready for full membership, enter into a Customs Union and harmonize with common taxation and agriculture policies. However, among all these, only Customs Union was realized. In 1970, an Additional Protocol was signed as the end of the preparation period and a date for entering the Customs Union was set.

Due to the economic and political crises in 1970s, the relations had deteriorated. Turkey had another military intervention in 1971. Cyprus problem emerged as a factor to effect the relations. Moreover, EC established Mediterranean policy but did not give Turkey a place in the decision making bodies or did not include Turkey in common agricultural policy.31 This kind of exclusion negatively affected Turkey’s perception and ambition to join

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28 The time gap between 1959 and 1963 was caused by the political change in Turkish political life; the first of the total three coup d'états of Turkish politics took place. The years of the military coups in Turkey are 1960, 1971, 1980.
29 Müftüler-Bac, Turkey’s Relations with a Changing Europe, p.54-56.
31 Meltem Müftüler-Bac, Turkey’s Relations with a Changing Europe, p.56-57.
the community and discouraged her to take further steps. Additionally, EC did not realize the responsibilities on its side, like the promised free movement right. Thus, Turkey had frozen the relations in 1978 by activating self-protection clause.32

When the relations resumed again, Turkey had the third military intervention of her history in 1980. Afterwards, the well-known anti-democratic 1982 constitution was made; it was made undemocratically and was undemocratic in substance too. When increasing human rights abuses was coupled with these developments, the EC suspended the relations with Turkey. As another influential event, in 1981 Greece, which had problematic relations with Turkey, was accepted as a member, having a vote against Turkey for about two decades. Re-establishment of relations between the EC and Turkey happened gradually in 1986-8. Turkey applied for full membership to EC in 1987, which accepted new members a year ago. This application was responded two years later, in 1989. The response was rather unclear; it accepted the full membership prospect of Turkey but denied the application due to being in the deepening phase. Turkey was found un-absorbable in that moment, as the EC had just accepted new members, therefore it had to deepen, and was in the process of starting the Common Market. Besides, Turkey faced additional criteria; problems with Greece and Cyprus. Democracy, human rights and pluralism were also taking part in the agenda as priorities while the EC started to change from an economic community to also a political one, particularly with 1993 Copenhagen Summit. Therefore it can be said that, Turkey’s conditions experienced an increase as the community enlarged and deepened.

The relations between Turkey and the EC had been effected also from international developments. As the Cold War came to an end, with the breakup of federations and change of regimes, new states emerged in central and Eastern Europe which did not have much experience of democracy. Thus, the focus of the EC shifted to these places.

In 1995, as a major event in the relations, Turkey joined the Customs Union, being the only state to do so without being a full member.33 While Turkey does not take part in decision making bodies, she undertook the responsibility to implement the customs agreements with the third countries. That is an issue still under discussion in Turkey.

Turkey was given a candidate country only in 1999. With the National Program accepted in 2001, Turkey started to implement the *acquis* and necessary reforms. In 2002, a reform period started, in which reforms in the areas of freedom of speech and press, prevention of torture, freedom of political parties, abandoning of death sentence, minority groups’ right of using mother tongue in press had realized.\(^{34}\) As the reforms continued in 2003, the Commission advised that Turkey abided with the political criteria.\(^{35}\)

In 2004, an internal paper about the issues arising from Turkey’s membership perspective stated that this enlargement is different than the previous enlargements due to Turkey’s size, population, geopolitical situation, economic, security and military potential, and cultural and religious identity.\(^{36}\) On the one hand this evaluation can be regarded as being realistic but on the other it is open to criticism. The EU may have concerns on the possible influence on the decision-making of a highly populated country in the Parliament and Council.\(^{37}\) These are practical issues that can be evaluated. But there other issues which are not compatible with the other membership procedures. First of all, it is unclear that what is meant by the ‘cultural identity’ and in which aspects Turkey is different. Secondly, discussing something that is called ‘religious character’ within enlargement policy, comparing with other enlargements, takes us to the point that the EU may have religious prejudices against memberships. It also points to an unexpressed internal problem of EU on self-identification.

After the Commission’s advice in 2004, accession talks with Turkey began in 2006. However, as the Cyprus Republic also became a member of the EU, Turkey faces her veto on the progress of the talks. As Turkey does not have any diplomatic relations with Cyprus Republic, she doesn’t open ports and airports to vessels coming from Cyprus Republic. As a result, the Council decided that eight of the chapters are not going to open for discussion until Turkey opens its ports and airports. Additionally some chapters are frozen due to veto from

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\(^{37}\) Ibid, p.5.
Cyprus and France on particular issues. Moreover, none of the other chapters will be closed until the problem with Cyprus is solved.\textsuperscript{38} Yet, only one chapter is completed and closed (science and research), fourteen chapters out of 33 are open. Free movement of workers is labelled as hard to adapt to \textit{acquis}. Recently agreements were concluded between the two sides regarding simplification of visa requirements for Turkish citizens, in return of Turkey’s signing the readmission agreement of refugees.\textsuperscript{39} Thus, it can be seen that free movement is not perceived as a right for Turkish citizens but as a bargaining tool. This, in turn, decreases the hope and willingness of Turkish governments to carry on with the reforms. Full membership prospect for Turkey is still unclear.

\textbf{Conclusion}

After reviewing the EU prospect of both countries, it can be seen that there is an obvious pace difference. The first relations between Turkey and the European Union have started in 1959. Turkey applied for associate membership and in 1963 the Association Agreement was signed between the two parties. Relation between the EU and Serbia, which was established in 1989 after the dissolution of Yugoslavia, has developed after the end of Slobodan Milosevic rule. The association agreement between Serbia and the EU was signed in 2008. Turkey applied for full membership in 1987 and she was accepted as a candidate country only in 1999. It took six more years for the accession negotiations to start, which took place in 2005. Serbia, on the other hand, applied for full membership in 2011 and was accepted as candidate in 2012. The negotiation process has started by the beginning of 2014.

The conditionality of membership differed for two countries both in terms of quality and quantity. The first and the most important condition for the membership of Serbia was the arrest and extradition of the war criminals to the ICTY. With the fulfillment of this criterion, Serbia gained official candidate status. However, for the same position Turkey was expected to fulfill various criteria, starting from the economic criterion to political, including human rights, minority rights and democracy. As these are not stable criteria, which are open to development in time, there is a problem of ‘moving targets’ for Turkey.\textsuperscript{40} Moreover, the criteria lists for Turkey have been developed in time, with the addition of good neighborhood

\textsuperscript{38} European Commission, Enlargement: EU - Turkey relations, online: http://ec.europa.eu/enlargement/candidate-countries/turkey/relation/index_en.htm, (19.03.2014)


\textsuperscript{40} Eder points out this situation for economic criterion. Mine Eder, “Implementing the Economic Criteria of EU Membership: How Difficult is it for Turkey?”, \textbf{Turkish Studies}, Vol.4, N.1, 2003, (pp.219-244) p.222.
relations, particularly with Greece and Cyprus. Thus, the conditions for Turkey did not stay stable and attainable, but they are developing in time.

Regarding relations with neighbors, both countries experience difficulty particularly in their relations with Kosovo and Cyprus. Serbia is given credit for non-aggression towards Kosovo, despite of not formally recognizing her. Turkey on the other hand, faces sanctions for un-recognizing Cyprus Republic, which was given membership without solving conflictual border problems with Northern Cyprus.

As the last comparison area, the free movement clause is implemented completely different for the two countries. The 1963 Association Agreement gives Turkey free movement of workers and establishment rights with Articles 12 and 13.\(^{41}\) Again in 1970 Additional Protocol, these rights were mentioned and were expected to be realized between 12\(^{th}\) and 22\(^{nd}\) years of the Association Agreement.\(^{42}\) Article 41 of the same protocol declares that parties shall refrain from introducing restrictions on these rights; however, Turkish citizens are subject to strict visa regulations. In a European Court of Justice Case in 2009, the Court approved a Turkish citizen’s claim of violation of free movement rights.\(^{43}\) However, in practice these rights are still violated and all European member states require visa for Turkish citizens. For Serbia, the free movement right was given even before the membership application, with a visa facilitation agreement in 2008.

After reviewing these three areas to see whether the pace of membership was different for the two countries, the reasons for the difference should be overviewed. Size and population can be perceived as important factors in this difference. The impact of these factors can be seen from the candidacy document of Serbia, in which it was stated that “…Serbia’s accession would have a limited overall impact on European Union policies and would not affect the Union’s capacity to maintain and deepen its own development”.\(^{44}\) As it can also be seen from this statement, size and population are factors that the EU gives

\(^{41}\) Articles declare that the contracting parties agree to be guided by the relevant articles of the Treaty establishing the Community for the purpose of progressively securing freedom of movement for workers and abolishing restrictions on freedom to provide services. 1963 Ankara Agreement, online: http://ec.europa.eu/enlargement/pdf/turkey/association_agreement_1964_en.pdf (09.03.2014)


importance to and Serbia’s size and population are absorbable for the EU. On the other hand, with the large population Turkey will change the balance in decision making bodies, and with her growing economy and geographical location, will have a bigger impact on the policies of the EU. When comparing the sizes of both countries, it is expected that Turkey’s accession process would be longer. However, the pace difference, as tried to be shown throughout this article, is considerable negative for Turkey and this, in turn, can negatively affect the belief and endeavor of Turkey to realize the reforms that are necessary to reach membership.

Turkey’s size and democracy are factors that can cause the prolonged candidacy. However, as the least expressed but maybe the most influential factor, culture and religion should also be taken into consideration. The question remains important and unanswered; is the reason behind the different pace of candidacy and membership for the two countries technical problems or European identity? At this point, it is the EU that needs to clarify the logic behind the enlargement; enlargement as Europeanization or enlargement as EU-izaton 45.

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