

## Ten Years of Solitude

Turkey and the Western Balkans Require Practical Integration Measures to Bridge the Hiatus in the European Union Enlargement Process

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**In the wake of Croatia's EU accession in mid-2013, it is probable that the Union's enlargement process towards Turkey and the Western Balkans will initially grind to a halt, possibly for a decade or more. How can the EU safeguard nonetheless its position as the driving force behind conflict transformation in Western Balkan states, and how can it prevent European influence on Turkey, an increasingly important player on the international stage, from dwindling? It should ensure candidates' integration within as many EU policy areas as possible prior to accession, so that the stabilising and democratising effects of the EU's enlargement policy remain intact.**

After the fall of the Berlin Wall, efforts to achieve European unity gained renewed momentum. In its annual communication on enlargement strategy, the European Commission praises the accession policy "as one of the EU's most effective foreign policy instruments", which serves the "EU's strategic interest in stability, security and conflict prevention" and guarantees its "growing influence in international affairs". However, enthusiasm for the Balkan states' inclusion was tempered well before the eruption of the eurozone crisis in 2009. Turkey's accession was highly controversial from the outset. In recent years, Germany, France and other influential member states reiterated emphatic warnings alluding to the candidates' "insufficient readiness for membership" and the EU's "limited absorption capacity".

They suggested that the ability of EU institutions to make decisions and the Union's financial capacities should not be over-taxed. In a period in which national insolvency is posing a very real threat to several EU countries and the European Union's reputation among the population of the member states is undoubtedly in decline, saddling itself with additional problem cases would be tantamount to negligence.

As far as Turkey is concerned, some EU countries do not appear particularly troubled that no new negotiating chapter has been opened for almost two years and the accession process has reached deadlock. Instead, attention remains riveted on the Cyprus conflict, and a slow-down in Turkey's interest in negotiations is being discerned to great relief in some quarters.

## **New accession hurdles**

The European Commission has sought to avoid laying itself open to criticism from member states since the admission of Romania and Bulgaria to the EU, which came under fire on the grounds of prematurity. These efforts have been increased since the outbreak of the eurozone crisis in 2009. Individual countries have taken to articulating additional prerequisites during the deliberations in the European Council to be fulfilled by accession candidates, thus confounding the European Commission's intention to formulate a common EU stance as regards the membership process. The Commission itself has adopted a depoliticised, quasi-technical enlargement procedure that is legitimised by the fact that it shuns any obligation to either the specific interests of individual EU states or those of the candidates. Nevertheless, the Commission concomitantly seeks to achieve a whole battery of political objectives of strategic importance to the entire Union. Consequently, the prospect of accession is designed to defuse ethnopolitical tensions in the Western Balkans and enable the EU to mediate border and status disputes, thus boosting security in a region girdled entirely by EU member states. It is hoped that political reforms complementing the accession process will expedite Turkey's democratisation, safeguarding its connection to the West as a result. "Anchoring Turkey to the West" has always been considered an indispensable element of transatlantic security architecture. However, fields such as energy and migration policy and efforts to combat terrorism have long since revealed that Turkey's significance to the EU has also increased in other areas. Turkey is also likely to play an important role in European security and development policy in the Middle East and North Africa in the wake of the political turmoil in the Southern Mediterranean. Its economic success and ability to unite Muslim sentiment with a parliamentary regime make Turkey a source of inspiration for Arab countries, a matter of fact to which the EU, with its

reform-oriented policies or, in other words, its enlargement policy, considerably contributed.

The strict objectivity with which the Union's various bodies seek to scrutinise compliance with the accession criteria sits rather uncomfortably with these political goals. It thus comes as no surprise that political considerations play a pivotal role in the closing stages of any round of membership negotiations, be it Bulgaria, Romania or Croatia. The remaining candidates in South Eastern Europe are fully cognisant of this latent manoeuvring between politically motivated membership deliberations and strict compliance requirements. It is reinforcing their impression that for them the EU membership bar is being raised ever higher. This is already a long-established view in Turkey. Although approximately sixty per cent of the population remains in favour of Turkey's admission to the EU, a mere twenty-five per cent of citizens believe that their hopes can be realised within the next decade. Those questioned deem Europe's reservations towards Islam the main reason for this delay.

## **The re-nationalisation of EU enlargement policy**

The European Commission is finding it increasingly difficult to play an integrative, conciliatory role in the light of the growing number of partner states and the subsequent heterogeneity of their interests. Today, applicant countries no longer find themselves confronted by European Union institutions alone, but face a chorus of voices, which convey what are, to some extent, contradictory messages. Although the Commission gave green light for the start of accession negotiations with the Republic of Macedonia in 2009, Athens blocked this with its veto on the grounds of the "naming dispute" with Skopje. And although the Commission recommended the awarding of candidate status to Serbia without reservation in October 2011, Ger-

many pushed through detailed requirements to be fulfilled by Belgrade concerning Kosovo almost single-handedly in December 2011. This package caused uneasiness among the majority of EU states, which feared for the continued existence of the pro-European government in Belgrade, believing the deal could threaten stability in the region. In March 2012, Berlin considered the conditions to be met. However, Romania subsequently demanded that Serbia recognise approximately 45,000 Vlachs living in Serbia as Romanians as before it could be bestowed the candidate status. Additionally, in the run-up to negotiations, Hungary had called for the restoration of property rights of those members of Serbia's Hungarian minority accused of collaborating with the occupying forces in the Second World War. Bulgaria also took the opportunity to announce that it will formulate conditions relating to the position of the Bulgarian minorities residing in Serbia and the Republic of Macedonia.

A sword of Damocles linked intrinsically with national vested interests has been hanging over Turkey's membership prospects ever since the EU's eastward expansion. At 2003's EU summit in Thessaloniki, the host country made its support of eastward expansion contingent upon the admission of the divided island of Cyprus. The Greek Cypriots accordingly rejected the 2004 peace plan drawn up by then UN Secretary-General Kofi Annan and supported by the EU. As an EU member state, Nicosia subsequently prevented Brussels keeping its promise to the Turkish Cypriots in return for their approval of the Annan Plan (see Günter Seufert, "Die Teilung Zyperns" ("The Division of Cyprus"), in: Barbara Lippert and Volker Perthes [ed.], *Ungeplant ist der Normalfall (Unplanned is the Rule)*, SWP-Studie 32/2011, pp. 35–38). The plan predominantly concerned direct trade between the Turkish North and the EU. Admittedly, had major member powers, including France and Germany, failed to support Nicosia in its resistance to the

measures' implementation, the Greek Cypriots would have found it difficult to maintain their position. The most striking example of the extent to which the enlargement policy has become a playing field for national governments is the stonewalling of five negotiating chapters by the Sarkozy government, which, with its principled stand against full EU membership for Turkey, is blatantly flouting mutual EU resolutions.

Today, smaller states such as the Republic of Macedonia and Bosnia-Herzegovina are reaching similar conclusions to those of medium-sized power Turkey. Although compliance with the EU's demands remains an indispensable prerequisite for expediting the accession process, it offers only a limited guarantee that this process will be executed in a predictable manner and membership will materialise.

### **The EU connection: risks for the Western Balkans**

Rather paradoxically, the growing economic interdependence with the EU harbours increased risks for the Western Balkans. Western Balkan states conduct up to two thirds of their foreign trade with the EU. However, the eurozone crisis has resulted in declining exports to the EU by the majority of South-Eastern European countries and dwindling investments by the former. The banks are predominantly in Italian, Austrian, Greek and French hands. Many of these are considered at risk and reluctant to grant loans. In several South-Eastern European countries, bank transfers by migrant labourers boost the formers' gross national products by up to 25 per cent. The economic crisis has caused these transfers to decline, and the first migrants are returning from Greece and Italy.

Simultaneously, economic rationale demands that accession candidates reduce their dependency on a few select EU states such as Germany, Italy, Austria and Greece and consolidate their economic relations with Russia, Turkey, China and other coun-

tries. This goes hand in hand with the intensification of political links with players outside the EU. Some Bosnian Muslims and Albanians see an alternative in establishing links with Turkey in the event that prospects of EU membership continue to dissipate (see SWP Comments 69/2010). Between 2008 and 2010, Serbia failed to comply with Brussels' request to accede to the EU's stance and measures in relation to international committees in around a third of all cases. The EU's criticism of Russia and China lay at the heart of a considerable number of these episodes.

In the light of the anticipated hiatus in the enlargement process, the political costs of such autonomous action appear minor (see the SWP Research Paper 18/2011). And who can provide the accession candidates with a guarantee that, after this period has elapsed, economic solidarity mechanisms currently at work within the EU will continue to make an impact, and that the existing model of political equality for its members will still be valid? This is because the future of the EU has never looked as tenuous as it does today. And the gulf between the candidates' considerable political and economic expectations on the one hand and the gruelling, protracted membership process and the unpredictability of its outcome on the other has never been so great.

### **Fundamental change with no guarantee of membership?**

In some cases, the distance to the EU is increased by political demands from Brussels which call the national identity of aspiring members into question. In several candidate countries, an ethno- or religious-national state identity serves to legitimise the preservation of authoritarian structures, violation of minority rights and stoking of cross-national conflicts. As a result, the EU demands more than the mere rectification of conspicuous deficits, particularly as regards the repression of cor-

ruption and establishment of the rule of law, instead working towards the transfiguration of ethno-religious national paradigms. However, this approach not only threatens the power base of members of the political elite, but also affects the self-image of much of the remaining population.

The manner in which Croatia's national identity was challenged on its way to EU accession has by no means escaped the attention of other Western Balkan states. Large swathes of the Croatian people population viewed the extradition of several high-ranking military officers to the War Crimes Tribunal in The Hague and their subsequent convictions as a national defeat. The meagre support for EU accession during the January 2012 referendum should also be viewed against this background. Although two thirds voted in favour of EU entry, the turnout of just 44 per cent equates to the acquiescence of 29 per cent of eligible voters. Thus to all intents and purposes, the majority of the population reacted to a political project peddled for years as a national objective of paramount importance by the political class with apathy or outright refusal.

Several Western states are demanding radical constitutional amendments from Bosnia-Herzegovina, which they believe will increase the state's efficiency and advance the pre-accession process. However, the Serbian and Croatian populations regard these efforts primarily as an attempt to revise the results of the war and transform the currently confederal structure into a unified state in which the Bosniaks, as the largest ethnic group, are elevated to the position of titular nation. Faced with the choice of acceding to these demands despite the uncertain outcome of the entry process or insisting on their political rights as a national group, they do not hesitate to vote against any change in the status quo. Negative trends are thus reinforced. Lack of reform precludes convergence with the EU, but a lack of confidence in the outcome of the membership process quenches all zeal for reform.

Serbia has extradited forty-six individuals to the War Crimes Tribunal in The Hague, including two former presidents. Although national acknowledgement that EU convergence requires cooperation of this nature prevails, a considerable proportion of the population views the tribunal as dispensing mere “victor’s justice”. After the conclusion of the Hague Chapter, the EU is now concentrating its efforts on demands relating to Kosovo. The twenty-two EU states which have recognised Kosovo’s secession are making Serbia’s EU acceptance effectively dependent on the surrender of its international claim to Kosovo. Although five EU partners (Spain, Slovakia, Romania, Greece and Cyprus) have not recognised Kosovo’s independence, the stance adopted by the larger member states determines the course of EU relations with Belgrade. This is why less than half the Serbian population voted in favour of EU accession in early 2012. Even influential politicians in the pro-European governing coalition are becoming increasingly eurosceptic in the present climate. Whatever the outcome of the parliamentary and presidential elections, scheduled for 6 May 2012, Belgrade’s internal political leeway is unlikely to expand. If, however, all subsequent steps in the accession process are made contingent upon concessions in the matter of Kosovo, the pro-European views of many Serbs, currently still in the ascendancy, are likely to enter decline.

The EU sees itself confronted with similar challenges in Kosovo itself. Although the Western powers threw their full weight behind Kosovo’s secession in February 2008, thereafter granting the country, to use Brussels jargon, a “European perspective”, Pristina had to resign itself to a chronologically unlimited state of “supervised independence”. Significant areas of internal sovereignty such as the judiciary were assigned to the European Union Rule of Law Mission (EULEX). The constitution, which was drafted with guidance from the USA, prohibits border changes and thus blocks all progress towards the attainment

of the central, century-old demand in Albania’s national identity construct, namely the unification of all “Albanian territories”. In Kosovo, the “self-determination” (Vetëvendosje) party, which was committed to the creation of an Albanian Union, came third in 2010’s parliamentary elections. Albania’s Red-Black Alliance and the oppositional Democratic Party of the Albanians (DPA) in the neighbouring Republic of Macedonia are spearheading the movement for the national unification of Albanians beyond the existing borders. Today, it remains unclear which strategy will eventually prevail in the tri-border region of Albania, Kosovo and Northern Macedonia – the EU’s integration policy, which advocates border permeability, or the Albanian desire for national unity?

In the Republic of Macedonia, the national conservative wing of the Slavic political elite currently appears more concerned with reinventing Macedonia’s identity than satisfying the EU catalogue of accession measures. The right-wing government is investing politically and financially in the construction of what is being dubbed an “antique” Macedonian national identity. An oversized monument to Alexander the Great recently appeared in the centre of the capital, and “antique-style” government buildings are being erected. This crude imposition of a new state identity is a direct result of the naming dispute with Greece and exacerbates the ethnic and political schism in society, as a third of the population – the Albanians – will certainly not recognise themselves as part of an “antique” Macedonia. Spring 2012 saw a renewal of violent altercations between Albanians and Macedonians, which resulted in the deaths of two people and injuries to almost forty by late March.

Its efforts to play a meaningful role in conflict transformation in the region inevitably turn the EU and its key states into a type of political party as far as domestic disputes in the Western Balkans are concerned. The flagging accession process is causing a decline in this “party’s”

influence and thus in the power of pro-European forces in Western Balkan politics and society.

### **Turkey's stagnating accession process and its cost for both sides**

In Turkey, the issue of EU accession no longer determines the political agenda. The fundamental rejection of Turkey's admission articulated in Paris, as well as the stance of Germany's main governing party, robs the EU of the vehicle of conditionality, which would, or so it had been hoped, successfully fuel the reform process. Unsurprisingly, it proved impossible to mitigate this state of affairs by increasing payments within the framework of the EU Instrument for Pre-Accession Assistance (IPA) from 497.2 million euros in 2007 to 899.5 million in 2012. As a result, the reading of over forty reform laws was adjourned prior to the parliamentary elections in July 2011, and has not yet been resumed. Furthermore, the referendum to amend the constitution, held successfully in September 2010 and met with acclaim by the EU, has also failed to generate a new push for reform. A large proportion of constitutional amendments passed at that time have not yet found expression in the country's legislation. In some areas, a revocation of democratic reforms has even been observed, which includes the fields of anti-terrorism legislation, public tender law and the Law on the Court of Accounts. Thus, an extremely broad definition of terror continues to threaten freedom of expression, public tenders are an endless source of corruption and the military's actual budget remains unknown to the public at large. The disassociation of domestic policy from the EU's expectations, guidelines and norms has contributed to what are in essence, positive changes in the judicial system and investigations into putschists and other political criminal organisations within the state apparatus today degenerating into vehicles for domestic disputes, with the result that Turkey is further from legal

security and the rule of law today than it was prior to the constitutional referendum.

Now that the political import of Brussels has declined in the eyes of Ankara, Europe's economic significance for Turkey is also experiencing a downturn. Although Western countries continue to play a central role in the Turkish economy, their contribution to Turkey's foreign trade is decreasing steadily. In 2000, Turkey sent 56.4 per cent of its exports to EU member states. By 2009, this figure had dropped to 46 per cent. In the same period, the stake held by African countries in Turkish exports rose from 5 to 10 per cent, that of Asian trading partners from 14 to 25.4 per cent and that of Middle Eastern countries from 9.3 to 18.8 per cent. In 2000, 12.9 per cent of Turkish exports were sent to member states within the Organisation for Islamic Cooperation (OIC), a figure that had risen to 28 per cent by 2009. The financial crisis has intensified this trend still further. Prior to the crisis, exports to Middle Eastern countries and North Africa were responsible for 60 per cent of *growth* in Turkish exports. During the crisis, the European markets were the first to slump, with the result that Middle Eastern and Asian export regions made the strongest contribution to the Turkish economy's subsequent recovery.

The diminishing political and economic relevance of the EU in the eyes of Turkey has dashed Brussels' hopes that the Ankara government's desire for accession would induce it to cooperate more closely with the EU in terms of foreign and security policy. Nowhere is this more evident than in Cyprus. As Turkish prospects of Union membership evaporate, the EU and its member, the Republic of Cyprus, have lost their sole method of putting pressure on Turkey.

### **Sectoral integration as an interim solution**

If the EU wishes to preserve its languishing influence in Turkey and the Western Balkans, it must develop a policy that leaves

the question of further memberships open and nonetheless creates additional leeway for action in the applicant countries. The EU can only remain a weighty political player in the region by developing a strategy which furthers the accession process. This is also the only way to fulfil its obligation to stability in Europe. To make this strategy attractive to the applicant countries, measures are required, which demonstrate the economic and political benefits of EU integration to their governments and populations clearly and convincingly. These measures must facilitate the creation of economic and social prerequisites for the possible future accession. If these two elements are not achieved simultaneously, the Union will lose its influence over the applicant countries. This situation calls for a reinforcement of sectoral integration. Candidates could be treated like EU members in selected policy areas while committing to the adoption of the *Acquis communautaire* as regards specific issues.

One example of sectoral integration is the Energy Community. Created in 2006, its full members include the Republic of Moldova and the Ukraine as well as the EU and the Western Balkan states and Armenia, Georgia, Norway and Turkey as observers. 2005 saw the founding of the European Common Aviation Area (ECAA), whose participants include the Western Balkan states, Norway and Iceland. The Commission is currently conducting negotiations with Western Balkan states regarding the foundation of a Transport Community based on the model of the Energy Community. Similar integration mechanisms could be realised in the services sector, in the fight against cross-border criminality and corruption and as regards the use of the EU structural fund, not to mention other sectors. Population decline in the EU makes it advisable to initiate appropriate measures to align the education systems of accession candidates and strive towards the gradual opening of the European labour market for citizens of these states in a timely manner.

The EU's Danube Strategy, adopted by the European Council in 2011 amidst a volley of praise, but without specifically assigned financial resources, can only make a limited contribution to economic recovery in the Western Balkans for the foreseeable future. The mutual development of a growth model based on increased export is required in order to halt the decline in industrial production and mass unemployment. Financial experts in the region have proposed the creation of new instruments in the light of the reluctance of commercial banks to grant loans and the limited resources available from international development banks. Fikret Čaušević, member of the Governing Board of the Central Bank of Bosnia-Herzegovina, called for the issue of Euro-Balkan bonds, to be safeguarded by an EU guarantee fund designed specifically for the Western Balkans. This could effectively accelerate infrastructural developments. Ownership rights to public infrastructure enterprises could serve as collateral. Serbia's former Minister for European integration, Božidar Đelić, submitted a similar proposal in 2011. In return for budget supervision by EU institutions, the idea was to provide Western Balkan countries with EU guarantees in order to raise new capital on the international markets. Lower lending rates would facilitate higher investments in growth industries.

### **Lifting the visa requirement for Turkey**

The introduction of visa-free travel for Turkish citizens would send a particularly clear signal regarding the advancement of the accession process. This would doubtlessly trigger fresh sympathy for the European Union and create new allies in Turkish society.

The lifting of visa requirements for Western Balkan states in 2009 did not precipitate a massive migratory flux of people to the West. This should encourage the EU to revisit its visa policy towards Turkey, as

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visa procedures are a thorn in the side of Turkish citizens and boost the negative image of the European Union and its member states. This is compounded by two factors. Because the EU lifted the visa requirement for aspiring candidates including Serbia, Macedonia, Montenegro and Albania before some of them were granted candidate status, Turkey felt that it had been bypassed, as it had been in negotiations with the EU since 2005. Furthermore, member states within the former EEC are not permitted to demand visas from Turkish citizens in accordance with a series of decisions issued by the European Court of Justice. These decisions are based on 1973's Additional Protocol to the Association Agreement dated 1963. This prohibits the implementation of new restrictions on freedom to provide services and freedom of establishment. The visa requirement for Turkish citizens was introduced after the 1980 putsch in order to limit the number of political refugees, and was welcomed by the military regime, which held sway in Ankara at the time. The European Court of Justice decreed that the imposition of visa requirement during this period was unlawful. In the meantime, several German, Dutch and Austrian courts expressed support for this legal opinion. Instead of waiting for European courts to force individual states to grant Turkish citizens visa-free entry, the EU Commission should offer Turkey a roadmap for lifting the visa requirement. Possible reform commitments, which could be stipulated in a roadmap of this nature, could include increasing the efficacy of border controls in Turkey and a closer collaboration between Ankara and Frontex. The high level of illegal migration via Turkey to Greece underscores the necessity of increased cooperation.

The virtual standstill in Turkish democratisation demonstrates how important it is for the EU to continue to set a normative example. However, persevering with the accession process is also important to the Turkish government. It serves to maintain the flow of investment, secure the markets

and bolster the country's international reputation and thus its regional standing. In contrast to previous years, Turkey now takes the view that after the conclusion of negotiations the decision on Turkish membership should be made by each side on its own. One could even go so far as to state that by now the continuation of the accession process means more to Ankara than accession itself. This new stance should allow the EU to revive the accession process, thus gaining renewed leverage over Turkey.