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THE COPENHAGEN CRITERIA: AN ANCHOR FOR DEMOCRACY

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Introduction

The European Union is a community that welcomes each and every state on the condition of respecting the values of the Union. Therefore, a country has to go through a phase of change to be able to join the Union. The accession phase requires some steps to be followed. These steps known as the pre-accession conditions affect and change the counterparts. The European Union itself has evolved over time. After World War II, Europe tried to unite by establishing an Economic Coal and Steel Community in order to promote peace and prosperity. Ever since the 1951 Paris Treaty, the European integration process expanded with multiple treaties and rounds of enlargement. The cooperation in the economic sphere also affected the political sphere. Step by step, what we know today as ‘the European Union’ came into being as a political and economic union. The desirability of the European Union especially increased after the fall of the Berlin Wall in 1990 and the end of the Cold War. In particular, Central and Eastern European countries wanted to be a part of the European Union just like many others that joined the EU. The problem was that the European Union already contained countries that were less developed in economic and political terms. Getting to say yes to the newcomers posed a potential threat to the development of these countries; that is why in the year 1993, certain criteria to be followed by applicant countries were introduced at the Copenhagen Summit. The Copenhagen Criteria were introduced so as to operationalize the European criteria and to define pre-conditions that had to be met by the candidate countries. The conditions that the Copenhagen Criteria put forward constituted a process that each candidate had to undergo in order to become a member. The Criteria are expected to change the candidate countries as the

reward of membership will be given to the target state if they fulfil the conditions. This paper demonstrates the effectiveness of the application of the Copenhagen Criteria as a form of conditionality which is an external incentive model of the Europeanization process. It examines the primary declarations that were made by the actors of the European Union and analyses the transitional period that took place in a candidate country; Turkey. The theory of Europeanization and the instruments of Europeanization are used to examine the application of the Copenhagen Criteria.

Copenhagen Criteria

The Copenhagen Criteria can be defined as the pre-accession conditions that each state has to follow in order to become a member. According to the Copenhagen Criteria, there are three main headings a candidate has to fulfil if the candidate wishes to become a member. These include political, economic and administrative and institutional market economy criteria. Political criteria refer to “the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities”. Economic criteria include “a functioning market economy and the capacity to cope with competition and market forces”. And lastly administrative and institutional capacity includes the idea “to effectively implement the acquis and ability to take on the obligations of membership.”¹ For the administrative and institutional capacity, national laws have to be in line with the acquis. In order to achieve this, the acquis is divided into different chapters, each dealing with a separate policy area. Each chapter is to be negotiated with the candidate so as to check their compliance with the Acquis. In order to see the progress of the candidate state, the

¹ "Conditions for Membership." Europa. December 06, 2016. https://ec.europa.eu/neighbourhood-enlargement/policy/conditions-membership_en.

Commission monitors the negotiation by checking whether the process complies with the EU legislation. Two instruments are used to follow the countries' attempts to fulfil the Copenhagen Criteria: Screening and Negotiating positions.²

To sum up, the Criteria actually provided a list of duties to follow for Central and Eastern countries; a lot of homework in other terms.³ Now the Criteria are a guideline for each candidate country that wants to join the EU.

Theoretical Framework

The European Union is a unique community which inspires other states to develop their economic and political lives. To explain the unique effect of the European Union and the process that takes place, the theory of Europeanization will be applied. Europeanization is defined as the process that takes place in countries adopting the EU Acquis into their domestic system.⁴ One of the methods that the Europeanization process uses the external incentive model in which the instrument of conditionality is used.

With the Copenhagen Criteria, the European Union was able to make countries develop their political and economic status. By doing so, the European Union guarantees two things; first, the well-being of the union, second the development

of the whole. In this sense, the Copenhagen criteria actually served as an external incentive model for governance which can be defined as " ... the transfer of given EU rules and their adoption by non-member states".⁵ They create an environment in which EU uses a tool of conditionality so as to make non-member states interiorise the Acquis Communautaire. The term conditionality suggests the idea that a certain reward or an action depends on a specific attitude.⁶ Usage of conditionality paves the way for Europeanization of these countries. Europeanization can be defined as the "as the process of downloading European Union (EU) directives, regulations and institutional structures to the domestic level."⁷ The process of adopting the conditions paves the way for Europeanization. The external incentive model suggests a rational bargaining model in which the actors try to achieve the desired goal.⁸ The main actor offers a reward to the counterpart and gives specified conditions under which the counterpart can obtain the reward. The counterpart decides to follow the conditions based on cost-benefit calculations and the counterpart is free to accept the given conditions or to reject them.⁹ Also, the external incentive model suggests that the key tool of Europeanization is conditionality.¹⁰ In doing so, the external incentive model gives certain conditions under which the conditionality

² "Steps towards Joining." Europa. December 06, 2016. https://ec.europa.eu/neighbourhood-enlargement/policy/steps-towards-joining_en.

³ John McCormik, *Understanding the European Union ; A Concise Introduction* (United States of America: ST.MARTIN'S PRESS, 1999), 223-225.

⁴ Schimmelfennig, Frank. "Europeanization beyond Europe." *Living Reviews in European Governance* 4 (2009). doi:10.12942/lreg-2009-3.

⁵ Schimmelfennig, Frank, and Ulrich Sedelmeier. "Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe." *Journal of European Public Policy* 11, no. 4 (2004): 661-79. doi:10.1080/1350176042000248089.

⁶ Carlos Puente, "Historical Evolution of Conditionality Criteria in External Relations of the EU with CEEC. From the Cold War to the Accession: An Insider's

Perspective," *Romanian Journal of European Affairs* 14, no. 4 (December 2014): , accessed December 08, 2018.

⁷ Kerry Howell. "Developing Conceptualizations of Europeanization and European Integration: Mixing Methodologies." *ESRC Seminar Series*, November 29, 2002, 1-27. Accessed December 08, 2018.

⁸ Schimmelfennig, Frank, and Ulrich Sedelmeier. "The Europeanization of Eastern Europe: The External Incentives Model Revisited." 2017.

⁹ Schimmelfennig, Frank. "The Conditions of Conditionality: The Impact of the EU on Democracy and Human Rights in European Non-Member States." 2002.

¹⁰ Schimmelfennig, Frank, and Ulrich Sedelmeier. "Introduction: Conceptualizing the Europeanization of Central and Eastern Europe." 2006.

would be effective, conditions such as “the size and speed of rewards, the determinacy of the conditions, the credibility of the conditionality, and the size of the adoption costs.”¹¹ Conditionality follows a process of rewards and Schimmelfenning states “conditionality can affect the target government either directly through intergovernmental bargaining or indirectly through the differential empowerment of domestic actors.”¹² Through a calculation of whether intergovernmental bargaining or differential empowerment of domestic actor would bring extra costs or extra benefits, the target government chooses to comply with the conditions.¹³ The European Union gives the rewards that consist of assistance and institutional ties ranging from trade agreements to full membership if the target government complies and fulfils the conditions. The target government also compares the domestic costs of complying to the conditions given by an external incentive.

To sum up the external incentive model and conditionality allow actors to encourage developments in target countries. The European Union has been using conditionality in order to promote developments in the candidate states. In that way, candidate states would be ready for joining to the European Union. Thus, the Criteria have been regarded as a tool of conditionality and the reward of membership makes states wishing to join the EU credibly commit to the cause and the process of complying with conditions.

Empirical Study

Central and Eastern European Countries

In the case of the Central and Eastern European Countries, conditionality proved successful and allowed them to adapt to the *acquis communautaire* and to contribute to the prosperity of the European Union.

As the Commissioner for Enlargement and European Neighbourhood Policy Stefan Füle and Denmark’s Minister for European Affairs Nicolai Wammen suggest:

“As advocates of the EU enlargement policy we are both repeatedly asked: Why is enlargement so important? Do we not have enough problems in the EU already? Why bother? Our answer is consistently: Because we fundamentally think that it is the right thing to do – for the countries aspiring to EU membership and for Europe. We have both come of age politically in the period during and after the fall of the Iron Curtain. And we have seen first-hand how enlargement has transformed societies in Eastern and Central Europe. We should not forget that it was not predestined to be so. The European leaders at that time made a conscious, political choice and a wise one: Meeting in Copenhagen in June 1993 they decided to invite the associated countries in Central and Eastern Europe to become members of the European Union. The aim was clear: To support the reform-processes, transmit the European values of democracy and human rights and ensure a peaceful and stable development. The conditions for membership – which we have come to know as the ‘Copenhagen criteria’ – included the need for prospective member states to have stable and democratic institutions and a functioning market economy, as well as the ability to assume the obligations of membership.

¹¹ Schimmelfenning, Frank, and Ulrich Sedelmeier. “Introduction: Conceptualizing the Europeanization of Central and Eastern Europe.” 2006.

¹² Schimmelfennig, Frank, and Ulrich Sedelmeier. “Governance by Conditionality: EU Rule Transfer to

the Candidate Countries of Central and Eastern Europe.” *Journal of European Public Policy* 11, no. 4 (2004): 661-79. doi:10.1080/1350176042000248089.

¹³ *Ibid.*

The decision of the European Council provided the associated countries with a clear sense of direction. But also a daunting list of homework to do. In 2004 Poland, the Czech Republic, Slovenia, Slovakia, Hungary, Estonia, Latvia and Lithuania as well as Cyprus and Malta entered the European Union, followed by Romania and Bulgaria three years later. Twenty years down the road, the enlargement policy of the European Union continues to inspire countries in the regions bordering the European Union. And the Copenhagen criteria are still the main reference points when we assess the ability of candidate states to assume EU-membership. In the Western Balkans, where societies are struggling to put the conflicts of the 1990s behind them once and for all, the promise of a European future has proven to be a powerful driver of change and democratic and economic transformation. (...) The Copenhagen criteria set high standards and setbacks happen.(...)"¹⁴

One can argue that the application of the Copenhagen Criteria is regarded as successful as the Commissioner talks about the fact that, with the Criteria, the candidate states were given a direction. Thanks to the introduction of the Criteria, the end results of the accession processes of Central and Eastern European states contributed to the Union. Moreover, through the usage of conditionality in which the states are offered membership, the European Union could accomplish the initial goal of helping these states to adapt so as to make them ready for the Union.

Likewise, another Commissioner for Enlargement, Günter Verheugen stated that :

" (...) Ten candidate countries will be ready to conclude the negotiations by the end of this year. These countries will be ready for membership by 2004. Furthermore, Bulgaria and Romania's efforts to achieve the objective of membership in

2007 have been supported and the Commission is now working hard on detailed roadmaps and increased pre-accession assistance. (...) In Brussels, Member States also managed to agree on positions on the last remaining financial and budgetary issues. (...) And we can already see the result. Stable democracies have emerged in Central and Eastern Europe. This has led to a dramatic improvement in terms of security in Europe. Enlargement will also contribute to a new political and economic dynamism. We will be better positioned to pursue projects such as security, liberty and justice and the development of Europe's common foreign and security policy. Enlargement will improve our capacity to protect Europe's environment, to combat crime and terrorism, to improve social conditions and to manage migratory pressures. Enlargement will also bring economic benefits for the EU as a whole. Of course, the impact at first will not be dramatic. The ten central European economies account for only 5% of EU GDP. But they do represent significant long-term business opportunities. (...) An impressive integration of the candidate countries into the EU economy has already taken place. Nearly two thirds of the candidate countries' trade is with the EU. Those are just some of the benefits enlargement will bring — what we might call the enlargement dividend. Of course, there are risks too, but we have built in measures to minimise them. The ten countries have made enormous progress in the last few years. The Commission's Regular Reports presented recently make this abundantly clear. The Commission will continue to regularly monitor developments in these and other areas over the coming months. We will produce a final comprehensive monitoring report six months before accession. After accession, the Commission, as guardian of the Treaties, including the accession treaties, will continue to

¹⁴<https://www.euractiv.com/section/enlargement/opinion/copenhagen-20-the-european-ideal-is-alive-and-well/> 14 May 2013.

*ensure that EU law is being properly implemented in the new Member States. (...)*¹⁵

Like Stefan Füle and Nicolai Wammen, Commissioner for Enlargement Günter Verheugen talks about how the enlargement of the ten countries contributed to the Union thanks to the application of the Copenhagen Criteria. Based on the regular reports of the Commission, he also argues that the ten countries that were on the accession process improved many areas thanks to the Copenhagen Criteria. Considering the external incentive and conditionality, the Copenhagen Criteria helped these countries reform successfully.

Turkey

The case of Turkey is different from the one of the Central and Eastern European States in that political conditionality combined with distinct domestic factors worked for a particular period of time and caused domestic changes in human rights, the rule of law and many other aspects. However, as the prospect of membership became less likely, the conditionality lost credibility and the process became less linear. Therefore, in this chapter, the success of political conditionality and the puzzling case of Turkey are to be discussed.

The relations between Turkey and the European Union has had many ups and downs. From the starting point of accession talks, Turkey has not been an easy case for the European Union to handle. To become a member, Turkey, like any other candidate state, has to fulfil the Copenhagen Criteria. However, the road has not been very smooth either for Turkey or the European Union. As mentioned above, the European Union by creating the Copenhagen Criteria uses conditionality which is a tool of external

governance. Turkey is a unique case for the application of conditionality because unlike the Central Eastern Countries, Turkey has not followed a linear path to improve the principles of the Union.

Turkey and the European Union have a long history. In 1959 Turkey applied for membership to the European Economic Community (EEC) and signed the Ankara Treaty in 1963 resulting in the associate membership of Turkey.¹⁶ Yet the European dream did not end with the associate membership. In 1987, Turkey applied for a full membership which resulted in a disappointment as the application was turned down considering the fact that Turkey had many problems regarding the political and economic sphere. Nonetheless, the European Union instead offered a "continuation of relations".¹⁷ This was achieved through an Association Agreement and a customs union agreement which was signed in 1995. Still, the big aim was to be a part of the European club. However, while the European Union confirmed the eligibility of Turkey at the Luxembourg Summit (1997), Cardiff Summit (1998), and Cologne Summit (1999), it only adopted a pre-accession strategy.¹⁸ Nevertheless, in the year 1999, Turkey was given candidate status. From that point on, Turkey tried to adopt the Copenhagen Criteria so as to become a full member, yet the process has not been easy. As Schimmelfenning argues the credibility of the political conditionality is a vital aspect for the state to calculate the costs and benefits and to change in line with the given lists. From the year when Turkey was granted the candidate status, the credibility of membership was high and therefore the adoption of the Copenhagen Criteria was a successful tool of political conditionality. Like in the other cases of Central Eastern European Countries, the political conditionality tool of external governance worked.

¹⁵ "The Road to Copenhagen." Euractiv.com. November 15, 2002. Accessed January 8, 2019. <https://www.euractiv.com/section/future-eu/opinion/the-road-to-copenhagen/>.

¹⁶ Müftüler-Bac, Meltem. "Through the Looking Glass: Turkey in Europe." *Turkish Studies* 1, no. 1 (2000): 21-35. doi:10.1080/14683840008721219.

¹⁷ Ibid.

¹⁸ Ibid.

From 1999 to roughly 2011 (though the period between 2005 – 2011 was not a success in that a selective mode of changes was made), Turkey like other candidate states showed a great deal of effort in which Turkey adopted changes that enhance democracy and human rights in the country.¹⁹ The most visible problems with Turkish democracy and human rights were the military's role in the politics and in the judiciary, the Turkish Penal Code, violations of human rights as well as the treatment of minorities and the status of women in the society. Therefore, trying to comply with the norms of the European Union, different reforms were made especially between the years of 1999 and 2004. The literature on conditionality and Europeanization suggests that the main motive behind these reforms was the success of the political conditionality tool of the European Union.²⁰ The pieces of evidence of the success can be listed as 'the role of the military in politics through the judiciary; the State Security Courts; and through the National Security Council, the Turkish Penal Code and its articles on freedom of expression and association; the death penalty; the transparency of the public sector and the violations of human rights'.²¹ In addition to these improvements, Turkey also accepted a major constitutional package on 3 October 2001. After the first package, more was to be accepted in terms of complying with the Copenhagen Criteria.

Following the first constitutional package, Turkey adopted eight more constitutional packages following the year 2001; respectively 2002, 2003, 2004. The third constitutional package dealt with the abolishment of the death penalty, revising the anti-terror law and the permission for broadcasting in other languages rather than

Turkish while the fourth constitutional Package was the operationalization of the previous reforms.²² The fifth constitutional package included the retrial of all cases decided in State Security Courts. The sixth constitutional package also dealt with converting all death sentences to life imprisonment.²³ The following 3 more packages in addition to the former ones focused on revising the National Security Council, the freedom of press and amendments in the Constitution.²⁴ Considering this specific period (before the process of detachment begins) of developments and reforms, one can argue that the motive for Turkey is the award of membership. The adoption of the Copenhagen Criteria was and has been a tool of adaptation to the European Union just like in the case of the Central Eastern European States. The striking difference between the Central Eastern European States and Turkey in the context of conditionality is that after 2011, as the EU and Turkey drifted apart politically, conditionality lost its credibility and Turkey has started to detach from the path to the membership. Yet with a credible commitment from both the EU and Turkey, the effectiveness of the conditionality can be observed.

Conclusion

The expansion of the European Union has been on the political agenda for a long time. In order to give the opportunity of membership to other countries, the European Union put forward pre-accession conditions for the states that want to be a part of the union. The motive behind the pre-accession conditions was to protect both the Union and the countries as after the fall of the

¹⁹ Yilmaz, Gözde. "From Europeanization to De-Europeanization: The Europeanization Process of Turkey in 1999–2014." *Journal of Contemporary European Studies* 24, no. 1 (2015): 86-100. doi:10.1080/14782804.2015.1038226.

²⁰ Ibid.

²¹ Baç, Meltem Müftüler. "Turkeys Political Reforms and the Impact of the European Union." *South*

European Society and Politics 10, no. 1 (2005): 17-31. doi:10.1080/13608740500037916.

²² Ibid.

²³ Baç, Meltem Müftüler. "Turkeys Political Reforms and the Impact of the European Union." *South European Society and Politics* 10, no. 1 (2005): 17-31. doi:10.1080/13608740500037916.

²⁴ Ibid.

Berlin Wall, ex-communist states wished to be a part of the Western World and the European Union. Therefore, the introduction of the Copenhagen Criteria was supported by the institutions of the European Union, namely; the Commission and the European Council. This paper tried to look at the content of the Copenhagen Criteria and how conditionality can be used as an incentive to comply with them. While doing so, the effectiveness of the application of the Copenhagen Criteria is evaluated by examining speeches that were made by the actors of the European Union and by considering the period of Europeanization in Turkey through examining the reforms. As two different commissioners of Enlargement stated, with the application of the Copenhagen Criteria, candidate states of the Central Eastern European States improved and indeed contributed to the union. For the Turkish case, one can conclude that with credible political conditionality and an award of membership at the end of the road, European Union was able to encourage Turkey to reform her democracy, the rule of law and equality. The developments that took place in Turkey from 1999 onwards, and especially in 2002 to 2004, and the speeches that were made by the European Union officials about the development of Central Eastern European Countries show us that external governance model worked for both cases. However, Europeanization in Turkey started to reverse itself because of the domestic factors and the loss of credibility of conditionality.

To sum up, the application of the Copenhagen Criteria helped the candidate states to develop their democracy, economy, rule of law. In the end, the Europeanization process of adopting the EU Acquis took place in the candidate states successfully and that is how in the year 2004, they were accepted as members of the European Union. For Turkey, even if the process is currently on hold, the hopes for the path to the membership still persist. The European Union still uses the same technique for other candidate countries by

making membership conditional on compliance with the Copenhagen Criteria.

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ABOUT VIADUCT

The **historical complexity and volatility of EU-Turkey relations** are reflected by **research and teaching** in this field. There are international research projects as well as many smaller and nationally funded studies and projects dealing with Turkey, including its relationship with the EU. Linking these different projects, diffusing knowledge on the European Integration process and exploiting synergies between international players constitutes real added-value for European Integration studies.

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The Challenge faced by the VIADUCT Partners are the **EU Turkey relations as a moving target**. On the one hand Turkey is seen as a “key strategic partner for the EU”, on the other hand several interconnected crises are profoundly affecting EU–Turkey relations. VIADUCT’s objective is, hence, to **promote research, teaching and policy dialogue on EU-Turkey relations**.

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