

Europeanization And Its Stumbling Blocks: Role Of Political Conditionality In Turkey And Ukraine

By
Oksana Basystyuk

Submitted to
Central European University
Department of International Relations and European Studies

In partial fulfillment of the requirements for the Degree of Master of Arts

Supervisor: Professor Péter Balázs

Word Count: 17 005

Budapest, Hungary
2012

Abstract

This thesis offers an analysis of the Europeanization beyond the EU member states. In particular, the two cases – Turkey and Ukraine – are chosen to demonstrate the effect of Europeanization. On the one hand, two states are different, as they have distinct paths to the EU and belong to different EU external policies, enlargement and neighborhood policy respectively. On the other hand, both share similar challenges and obstacles on their way to European integration and therefore remain outside the EU borders.

This thesis argues that Turkey and Ukraine are important examples for further refinement of Europeanization theory. The research aims to fill in the literature gap between the external and domestic factors that play a crucial role in the process of Europeanization. The effects of Europeanization are analyzed through the EU key strategy – conditionality. Acknowledging the limits of the research, in both countries the ‘case-oriented’ comparative analysis is conducted in regard to specific issue-areas that fall under the EU main principles of democracy, human rights and the rule of law, in other words, political conditionality. The main finding of the research is that political conditionality has had different effects in the two countries due to the variation in the conditionality itself and significance of domestic factors. Overall, Europeanization beyond the EU external borders is a new field of research, which needs to be studied further.

Acknowledgements

Having my ups and downs while writing this thesis, I wish to express a genuine gratitude to the people without whom I would not have finished my research. First of all, my special thanks goes to my academic advisor Péter Balázs, whose patience, encouragement and valuable feedback helped me carry on with my research. I also want to thank Reka Futasz, whose constructive criticism helped me put my patchy and sometimes chaotic thoughts together, hopefully in a more logical way. Finally, a very special thank you goes to my parents and my two sisters for giving me their time, support and encouragement.

Table of Contents

INTRODUCTION.....	1
RESEARCH QUESTION AND HYPOTHESES	3
RESEARCH DESIGN	4
STRUCTURE OF THESIS	5
CHAPTER 1. THEORETICAL FRAMEWORK ON EUROPEANIZATION	6
1.1. EUROPEANIZATION: ONE NAME BUT DIFFERENT INTERPRETATIONS	6
1.2. EUROPEANIZATION BEYOND THE EU MEMBER STATES AND ITS EXPLANATORY MODELS.....	7
1.3. EUROPEANIZATION IN THE LITERATURE ON TURKEY AND UKRAINE.....	9
CHAPTER 2. STUMBLING BLOCKS OF EUROPEANIZATION: SIMILARITIES FOR TURKEY AND UKRAINE	12
2.1. TURKEY AND UKRAINE: DIFFERENT BUT SIMILAR.....	12
2.2. TURKEY'S AND UKRAINE'S SOCIO-POLITICAL CLEAVAGES	14
2.3. AXIS SHIFT IN TURKEY AND UKRAINE'S FOREIGN POLICY: GO EAST?.....	17
CHAPTER 3. TURKEY: IS THERE A WAY OUT FROM A WAITING ROOM?	20
3.1. CONFLICT FOR EUROPEANIZATION: THE OTTOMAN LEGACY AND KEMALISM.....	20
3.2. THE EU CONDITIONALITY FOR TURKEY: THE MILITARY, KURDS, AND CYPRUS.....	23
3.3. EUROPEANIZATION (2002-2005): 'A GOLDEN AGE OF REFORM'.....	25
3.4. POST-2005 EUROPEANIZATION: STALEMATE AND FURTHER REFORMS.....	29
3.5. LIMITS OF POLITICAL CONDITIONALITY: SIGNIFICANCE OF THE DOMESTIC FACTOR	33
CHAPTER 4. THE ROLE OF POLITICAL CONDITIONALITY IN UKRAINE	36
4.1. CONFLICT SITUATION FOR EUROPEANIZATION: THE SOVIET LEGACY	36
4.2. THE EU CONDITIONALITY: JUDICIAL REFORM, FREEDOM OF ELECTIONS	38
4.3. EUROPEANIZATION (2005-2010): THE TIME OF MISSED OPPORTUNITIES.....	42
4.4. POST 2010 EUROPEANIZATION: BACKSLIDING OF DEMOCRACY IN UKRAINE	47
CONCLUSIONS	51
BIBLIOGRAPHY	55

Introduction

In the past few years, attention of many researchers has been drawn to the concept of Europeanization. While there is no unified theory, Europeanization has significantly contributed to the field of the European studies, preoccupied with the European integration process. Notably, Europeanization is described as “return of the domestic factor back to the international politics”.¹ Initially, the research on Europeanization has developed around the effects of the European integration on the EU member states. This thesis, however, will use a more contemporary approach to Europeanization that goes beyond the external borders of the EU.

There are two approaches to describe Europeanization beyond the EU. The first approach is to analyze the effects of Europeanization on accession countries, and the second one is to apply the concept to the countries beyond the EU, mainly covered by the European Neighborhood Policy (ENP). In this thesis Europeanization process will be explained by two cases: Turkey representing the enlargement process and Ukraine developing its relations with the EU under the framework of the ENP and Eastern Partnership (EaP). According to Frank Schimmelfennig, Europeanization means “the domestic impact of and adaptation to European governance in the EU’s member states”. This definition will be used for explaining the effects of Europeanization through conditionality in the cases of Turkey and Ukraine.

The idea of assessing the effects of Europeanization on the EU candidate countries has significantly contributed to refinement of the theory and has demonstrated its analytical capacity. While studying the CEE countries during the process of their accession to the EU, Frank Schimmelfennig, Ulrich Sedelmeier, Heather Grabbe have concluded that Europeanization occurs under certain conditions. One of the necessary although not sufficient conditions is an assumption

¹ Claudio M. Radaelli, “Europeanisation: Solution or Problem?” *European Integration online Papers (EIoP)* Vol. 8 (2004), no. 16, <http://eiop.or.at/eiop/pdf/2004-016.pdf> (accessed May 27, 2012).

that there is a conflict in a country's domestic situation that causes tensions and resistance to adopt the EU's principles, standards and rules. Turkey and Ukraine fit the initial condition of domestic 'conflict', as in both countries there are numerous obstacles for Europeanization.

The main mechanism for Europeanization is conditionality. In the case of the enlargement policy, the EU candidate countries have to adopt the entire *acquis communautaire* prior to joining the EU. In addition to the main reward – the EU membership – the EU offers other rewards and incentives during the accession process. That explains why conditionality is a strong mechanism. In contrast, the ENP does not offer the EU membership, incentives and rewards are inconsistent and therefore conditionality is weak. Instead, the socialization mechanism is the main EU strategy towards its neighborhood. Yet, as socialization model predicts that “actors are motivated by internalized identities, values and norms”², there are doubts about the effectiveness of this mechanism for the ENP countries.

At first glance, it seems that because Turkey and Ukraine belong to different EU policies, there is no use for comparing two different countries. In this thesis it is argued that both states share important similarities and therefore it is worthwhile examining and contrasting the processes of Europeanization in the two cases. The main reason for choosing Turkey and Ukraine is that, notwithstanding their different statuses in regard to the relations with the EU, both countries *de-facto* remain outside the EU borders. The argument is that Turkey is a ‘hard case’ not only because of the formidable challenges for conditionality, which are more complex than in other accession countries,³ but due to the open-ended and long accession processes with the EU. In its turn, Ukraine, being geographically located in Europe, is an outlier in its own respect. Unlike most of the non-European countries covered by the ENP, Ukraine can potentially become the EU member state (Art.49 TEU). Consequently, both Turkey and Ukraine have significant obstacles to

² Frank Schimmelfenig and Sedelmeier “Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe,” *Journal of European Public Policy*, 11(4) (2004): 675.

³ Frank, Stefan Engert, Heiko Knobel, “Costs, commitment and compliance,” *JCMS* 41(3) (2003): 495.

effective Europeanization. To conclude, in this thesis it is argued that both countries are comparable and that lessons from Europeanization in Turkey can be useful for Ukraine and other Eastern European countries that do not have the EU membership perspective.

Research question and hypotheses

Acknowledging distinct political contexts in Turkey and Ukraine and their different paths to the EU, the purpose of this thesis is to contrast rather than compare the effects of Europeanization in the two countries. Considering the EU's power to make an impact on the external actors, the central question of my thesis is: How does Europeanization through political conditionality affect the countries beyond the EU borders?

Arising from the main question, further sub-questions are suggested: (1) Is the EU political conditionality effective mechanism for political transformation in Turkey and Ukraine? (2) What are the conditions that impede or/and facilitate political conditionality in Turkey and Ukraine? (3) In what way an experience of Europeanization process in Turkey might be useful for Ukraine?

Relying on the F. Schimmelfennig's original research on Europeanization, and specifically conditionality, the following hypotheses are proposed:

H1. The stronger the credibility of the membership perspective, the more effective is conditionality

H2. The more attractive incentives the EU offers, the stronger is conditionality

H3. The lesser number of the veto-players and the lower adoption cost, the stronger is the conditionality effect.

Acknowledging the limitation of the conditionality mechanism, the additional hypotheses derived from the socialization mechanism are suggested.

H4. The more monolithic and committed to the EU values is the government, the stronger the effect of conditionality.

H5. The higher the EU's legitimacy in the eyes of public opinion, the more effective is the conditionality.

To sum up, the existing literature on Europeanization lacks coherence and clarity, as there are different interpretations and explanations of the concept. This thesis will aim to contribute to the research on Europeanization by focusing on the two difficult cases in the enlargement policy and the ENP/EaP, Turkey and Ukraine respectively.

Research Design

The research design of this thesis is a 'case oriented' study, where the unit of analysis is a country, Turkey and Ukraine, specifically. The justification for selecting these two countries as cases for Europeanization through conditionality is that both share similar characteristics in regard to their relations with the EU. Drawing on the logic of comparison, as suggested by Giovanni Sartori, in this research it is argued that Turkey and Ukraine "are comparable with respect to some of their properties...and non-comparable with respect to the properties that they do not share"⁴. By defining similar criteria, like geography, size, location, socio-political cleavages and alternatives to the EU, the claim is that Turkey and Ukraine share similar challenges and obstacles to successful Europeanization.

Aiming at examining the effects of Europeanization through conditionality, I will rely on the external incentive model, as suggested by F. Schimmelfennig. The limits of conditionality will be complemented through consideration of other factors that are part of socialization mechanism and therefore social learning model. For the purpose of this analysis, relying on the external incentive model the following independent variables are distinguished – credibility of rewards (membership perspective), determinacy of conditions, incentives, adoption costs and veto

⁴ Giovanni Sartori, "Comparing and Miscomparing," *Journal of theoretical politics*, 3(3) (1991): 246. 243-257

players. The dependent variable is the country's compliance with the EU demands. Other variables will be analyzed in the context of the limits of conditionality.

Acknowledging that the two cases – Turkey and Ukraine – are large countries, it is difficult to demonstrate the effect of Europeanization through conditionality in all spheres within the time limit of this research. Thus, the analysis is restricted to the issues of high sensitivity and high adoption costs for both countries. In case of Turkey three issues are: the military, Kurds and Cyprus. In case of Ukraine the focus is made on judiciary and elections. Since the issues chosen fall under the umbrella of democracy, the rule of law and human rights, there is a sense of using the term of political conditionality. Overall, considering distinct political contexts in Turkey and Ukraine, and their different paths to the EU, the idea of this thesis is to contrast rather than compare the effects of Europeanization in both countries. Hence, the main value of the research is to derive lessons from Turkey as a 'hard case' of the enlargement process for Ukraine, which might also be useful for other Eastern European countries aspiring for the EU membership.

Structure of thesis

This thesis is divided into four chapters. Chapter 1 reviews the literature on Europeanization and depicts three different approaches to understanding Europeanization, while dealing with the idea of Europeanization beyond the EU member states. In the context of Europeanization beyond the EU borders, the conditionality mechanism is presented. In Chapter 2 the main obstacles through a common set of criteria are analyzed in the chosen case studies – Turkey and Ukraine. The following two chapters deal with the countries on the case-by-case basis. In Chapter 3 the principle of political conditionality is explained on the military, Kurds and Cyprus. Likewise, in Chapter 4 the effect of political conditionality is examined on the issues of judiciary and elections. The findings of the research are extensively presented in the concluding part of the thesis.

Chapter 1. Theoretical Framework on Europeanization

1.1. *Europeanization: one name but different interpretations*

Europeanization has become ‘a fashionable but contested concept’⁵. On the one hand, by adding to already existing theories in the European studies, like neofunctionalism, intergovernmentalism, ‘multi-level-governance’, the developing idea of Europeanization has gained a wide popularity among scholars researching on the EU. On the other hand, it has stirred academic disputes over a sense of Europeanization, as the concept has different interpretations, sometimes even of contradictory nature. In order to understand the value and importance of Europeanization, first, it is necessary to systematize its different meanings.

There are three main trends in studying Europeanization. First, Europeanization is understood as a result of the European integration process that derives from pooling national sovereignty at the supranational EU level for common policy decision-making. In this sense, the research is centered on a ‘bottom-up’ perspective “to account for emerging European polity”⁶ and is focused on the European institution-building processes.⁷ Overall, Europeanization is not perceived as a separate theory but is analyzed through theories of the European integration, like neo-functionalism of Ernst Haas, Wayne Sandholtz, Alice Stone Sweet and liberal intergovernmentalism of Andrew Moravcsik.

Second, Europeanization is explained in a narrower sense, as an impact of the EU policy measures on distinguished policies, politics and polities of the member states, as demonstrated in the works of Maria Green Cowles, Thomas Risse, James A. Caporaso, Arienne Héritier, and

⁵ Johan P. Olsen, “The Many Faces of Europeanization,” *Journal of Common Market Studies*, 40, no. 5 (2002): 921.

⁶ Borzel and Risse, “When Europe Hits Home: Europeanization and Domestic Change,” *European Integration online Papers (EIoP)* Vol. 4 (2000), no. 15, (accessed May 27, 2012).

⁷ Adrienne Heritier, “‘Chapter Ten’: Europeanization Research East and West: A Comparative Assessment” in *The Europeanization of Central and Eastern Europe*, ed. Frank Schimmelfennig and Ulrich Sedelmeier (Ithaca, NY: Cornell University Press, 2005), 199-200.

Claudio M. Radaelli. In this context, the research is focused on studying a ‘top-down’ perspective in order to emphasize the importance of the EU factor.⁸ In this sense, Europeanization can be already separated from the European integration theories, as it is focused on the adaptation of domestic realm to the European rules and standards and is not interested in the balance of power between the state and the supranational institutions of the EU.⁹

Third, the most recent trend in examining Europeanization is to look at the “domestic impact of the EU”¹⁰ beyond its borders. Within this approach, scholars working on Europeanization distinguish the EU’s effect on the accession countries and other EU’s neighbors. In case of candidate countries, scholars like Frank Schimmelfennig, Ulrich Sedelmeier, Heather Grabbe have focused on the analysis of Europeanization through the EU conditionality in the context of the eastern enlargement. Others, including Tanja A. Börzel and Thomas Risse have accentuated on the role of socialization in the process of Europeanization.

Acknowledging different trends mentioned above, this thesis focuses on conceptualizing Europeanization beyond the member states. Furthermore, Europeanization is explained through the accession process and the ENP applying the cases of Turkey and Ukraine.

1.2. *Europeanization beyond the EU member states and its explanatory models*

According to F. Schimmelfennig, Europeanization can be described as “the domestic impact of and adaptation to European governance in the EU’s member states”¹¹. This definition can be also used for the countries beyond the EU member states.

⁸ Heritier, “Chapter Ten,” 2005.

⁹ Radaelli, “Europeanisation: Solution or Problem?” 3

¹⁰ Ulrich Sedelmeier, “Europeanisation in new member and candidate states,” *Living Reviews in European Governance*, 6(1) (2011): 5

¹¹ Frank Schimmelfennig, “Europeanization beyond the member states,” (paper for: *Zeitschrift für Staats- und Europawissenschaften*, 2010).

Conditionality is a direct mechanism of Europeanization that is meant to explain the EU's rule transfer beyond the EU member states. Through cost-benefit calculations, following the logic of consequence, the EU disseminates its "rules by setting them as conditions that external actors have to meet in order to obtain rewards and to avoid sanctions from the EU"¹². Among the variety of rewards like trade agreements, provisions on the access to the EU market and financial aid, the EU membership is regarded as 'the biggest carrot'. Overall, the effectiveness of this mechanism depends on the EU's rewards and credibility as a result of bargaining power and persistent application of conditionality. The explanatory model for conditionality is the external incentive model, which dwells on the rationalist logic of bargaining. The proposition of the external incentive model is that "a state adopts EU rules if the benefits of EU rewards exceed the domestic adoption costs"¹³. The cost-benefit calculation depends on the determinacy of conditions, the size and speed of rewards, the credibility of threats and promises, the size of adoption costs and veto-players.¹⁴

By contrast, socialization is about educating states outside the EU its policies and motivating them to adopt them. Socialization includes "social learning", "constructive impact" and "communication".¹⁵ Based on constructivism, socialization can be explained by social learning and lesson-drawing models. Following the logic of appropriateness, "the actors involved are motivated by internalized identities, values, and norms". The proposition of social learning model is that "a state adopts EU rules if it is persuaded of the appropriateness of EU rules".¹⁶

Prior to opening negotiations with accession countries, the EU sets criteria for membership eligibility (Art.49 TEU). In the context of conditionality the EU as "regionally integrated system

¹² Schimmelfennig, "Europeanization beyond the member states," 8.

¹³ Schimmelfennig and Sedelmeier, "Governance by conditionality EU rule transfer," 674.

¹⁴ Ibid., 675.

¹⁵ Schimmelfennig, "Europeanization beyond the member states," 5.

¹⁶ Schimmelfennig and Sedelmeier, "Governance by conditionality EU rule transfer," 676.

of liberal democracies”¹⁷ sets conditions for membership through monitoring the accession countries’ progress in compliance with the *acquis communautaire*. The membership perspective, being the central reward for the accession countries, is said to be an effective mechanism of conditionality for Europeanization.

In this context, the EU’s enlargement policy is part of the wider ‘external governance’. As the external actor, the EU also promotes its fundamental principles of democracy, human rights and the rule of law beyond the candidate states. Since the EU’s 2004 enlargement, the EU has redefined its external governance by launching the ENP to avoid the dividing lines between the new EU and its neighboring countries. Following the accession model, the ENP system of conditionality is also based on planning, reporting, and assessing, however, with the absence of the main reward – EU membership – and inconsistent conditions the effects of conditionality and therefore Europeanization are clearly weaker. Acknowledging the weakness of conditionality, the socialization mechanism is said to lie at the core of the ENP.¹⁸

Overall, following the idea of Europeanization, as presented by F. Schimmelfennig, this thesis looks to apply the political conditionality and external incentive model. The elements of socialization will be incorporated to demonstrate limitations of conditionality mechanism.

1.3. *Europeanization in the literature on Turkey and Ukraine*

In the EU context, Ukraine and Turkey are both important and self-sufficient cases for empirical research. Furthermore, the two countries belong to different EU policies. Turkey has started accession process with the EU, while Ukraine is a part of the EU neighborhood policy. Thus, there is a need for distinguishing literature on the EU-Turkey and EU-Ukraine relations.

¹⁷ Schimmelfennig, “Europeanization beyond the member states,” 6.

¹⁸ Ibid., 15.

Acknowledging the diverse literature on the EU-Turkey relations, in this thesis the focus is made on the works concerning the EU's impact on the country's democratization process, specifically the effects of Europeanization.

After Turkey was granted the membership perspective at Helsinki summit of 1999, different scholars have focused their attention on the importance of the EU factor in the country's democratization. In her book "Europe in Change. Turkey's relations with a changing Europe" (1997), Meltem Müftüler-Baç estimates the post-Cold War era and the development of the EU-Turkey relations in the 1990s.¹⁹ Drawing attention to the redefinition of identity in Turkey, the author argues that the EU had a substantial influence on the country's structural change and specific policies. In the comprehensive book "Turkey and the European Union" (2003), edited by A. Çarkoğlu and B. Rubin, the question of membership is defined as "one of the most important foreign policy problems"²⁰ A. Çarkoğlu assesses the EU initiatives and requirements as having "a deep impact on the Turkish domestic and foreign policy priorities"²¹. At the same time, M. Müftüler-Baç argues that it is not a candidacy status *per se* that resulted in economic and legal reforms in the country.

In case of Ukraine, the research on the country's relations with the EU clearly lacks systematization and coherence. Poorly represented in the literature of the 1990s, the interest to the EU-Ukraine relations has aroused after the ENP was introduced in 2004. Interest in the ENP framework and its Eastern Partnership (EaP) has been introduced in the works of Kataryna Wolczuk, Iryna Solonenko, Nataliya Shapovalova, Taras Kuzio and others. Their researches deal with the idea of the ENP, its importance for Ukraine, transformative power of the EU, Ukraine's domestic challenges and Russian factor. The new trend in the research is the Europeanization

¹⁹ Meltem Müftüler-Baç, *Europe in Change. Turkey's relations with a changing Europe* (UK: Manchester University Press, 1997), 124.

²⁰ Barry Rubin, "Introduction" in *Turkey and the European Union*, ed. Ali Çarkoğlu and Barry Rubin (London: Frank Cass Publishers, 2003), 1.

²¹ Ali Çarkoğlu, "Conclusion" in *Turkey and the European Union*, ed. Ali Çarkoğlu and Barry Rubin (London: Frank Cass Publishers), 252.

theory being introduced into the Ukrainian context of the ENP/EaP framework. In this respect, the research by Andrea Gawrich, Inna Melnykovska, and Rainer Schweickert (2009) is of a special interest, trying to explain the EU's external neighborhood policy through conditionality principle of the Europeanization theory.²²

Overall, the main gap in the literature on Europeanization is that countries are compared accordingly to the EU enlargement or neighborhood policies. By choosing Turkey, defined by F. Schimmelfennig as the 'hard case' in the accession process, the idea is twofold: to compare the country with Ukraine, which is also not a 'perfect fit' for the ENP, and to demonstrate the effect of political conditionality on both countries.

²² Andrea Gawrich, Inna Melnykovska, Rainer Schweickert, "Neighborhood Europeanization through ENP," *KFG Working Paper Series 3* (2009): 27.

Chapter 2. Stumbling Blocks Of Europeanization: Similarities For Turkey And Ukraine

2.1. Turkey And Ukraine: Different But Similar

Turkey and Ukraine are different but similar.²³ The two countries are different in several respects. First, unlike Ukraine, Turkey has long history of ties with Europe. Playing a buffer zone role during the Cold War between the Western allies and the Soviet Union, the country became “valued pillar of Western security”²⁴. As early as 1952, Turkey joined the North Atlantic Organization (NATO).²⁵ Since the first application for associated membership back in 1959, the country has initiated a long process of integration with the EU. Unlike Turkey, Ukraine still remains “a relatively isolated country within the international system”²⁶. Notably, Ukraine is not a member of NATO. Second, Turkey and Ukraine differ in terms of the EU cooperation framework. While Turkey is a candidate state for the EU membership with the accession negotiations already under way, Ukraine is a part of the broader Eastern Partnership framework under the ENP with no membership perspective on the agenda. Third, two countries can be distinguished by geography, religion, and historical heritage. Geographically, Turkey – with large Muslim population – is located between Europe and the Middle East. Ukraine – with large Christian population – is located in the Eastern Europe. Finally, as the successor of the Ottoman Empire, Turkey is independent ‘rider’ in its region, while Ukraine because of its Soviet past and tight relations with Russia is often referred to as a part of the post-Soviet space.

²³ Amanda Paul, “Turkey and Ukraine – different but similar,” *Today’s Zaman*, January 2011, <http://www.todayszaman.com/columnist-233883-turkey-and-ukraine----different-but-similar.html> (accessed May 28, 2012).

²⁴ Meltem Müftüler-Baç, “The Never ending story: Turkey and the European Union,” *Middle Eastern Studies*, 34(4) (1998), 243.

²⁵ Report of the Independent Commission on Turkey, “Turkey in Europe: More than a Promise?” *British Council Open Society Institute*, (2004): 12. P. 51

²⁶ Andreas Umland, “Four Political Dimensions of Ukraine’s Future Europeanization,” *Harvard International Review*, June 2011, <http://hir.harvard.edu/four-political-dimensions-of-ukraine-s-future-europeanization> (accessed May 28, 2012).

Acknowledging the differences between the two countries, I argue that Turkey and Ukraine can be compared since both of them aspire to become full members of the EU, and unlike other EU accession countries, their membership future remains dim. More specifically, the two cases are comparable with regards to several criteria: size and population, location, supporters/opponents inside the EU, socio-political cleavages, and existing alternative to the EU. These similarities between the two countries are perceived as obstacles for their successful integration with the EU. In this section, I will focus on the first three criteria, and the latter two will be described in full in the following sections.

To begin with, both countries are *big and populous*. Because of their population size, the two countries, if accepted to the EU, would become the ‘big’ member states. That means that along with such countries as Germany, France, and the UK they would “take a dominating position in institutions and decision-making processes”²⁷. Moreover, being poor, in comparison to other EU member states, Turkey and Ukraine would become the EU’s largest net recipients, benefiting from “significant financial assistance from the structural, regional and common agricultural funds”²⁸. In addition, there is a fear that labor migrants will cause substantial increase in the EU’s social costs.

Furthermore, Turkey and Ukraine are located in regions, which are geo-strategically important for the EU. While Turkey is said to become a bridge between Europe and the Middle East, Ukraine is said to play a similar role between the EU and Russia. Having Ukraine and Turkey as member states, would help the EU to establish its undisputable global role in the world and foster better political and economic ties with the Middle Eastern countries, Russia, South Caucasus, and Central Asia.²⁹ In addition, because of their geo-strategic location, both countries are important energy and transport hubs in their respective regions. By supplying energy from the Caucasus, Central Asia and Iran, Turkey is important for Europe, which is looking for diversification of its

²⁷ Bahri Yilmaz, “The relations of Turkey with the European Union: Candidate forever?” *Center for European Studies Working Paper Series*, 167 (2008): 16.

²⁸ Ibid.

²⁹ Yilmaz Bahri, “The relations of Turkey with the European Union: Candidate forever?” 17.

transit routes and suppliers.³⁰ Likewise, Ukraine's gas transport system, transporting gas mainly from Russia, remains important for the EU.

Finally, in pursue of the membership perspective, both Turkey and Ukraine, have similar supporters and opponents inside the EU. Largely being in favor of the enlargement process and having security concerns, "most Central and Eastern European countries are supportive of Turkish enlargement"³¹. Among the Eastern European supporters of Turkey are Romania, Poland, Bulgaria, Hungary, Slovenia, and the Baltic states. The UK, Sweden, Finland, Spain, Portugal and Italy are said to be the 'vocal supporters' of Turkey's accession.³² At the same time, France and Germany along with Austria and Denmark are the main opponenets of Turkey's EU bid. The same countries along with Spain have been said to strongly oppose Ukraine's membership. Among the countries, which at different times have expressed their support for Ukraine's membership are Poland, Lithuania, Hungary, Czech Republic, Slovakia, Sweden, and the UK.³³

2.2. Turkey's and Ukraine's Socio-Political Cleavages

Turkey's competing political ideas, societal cleavages and the threat of separatism represent the country's socio-political divergence. Coming from the old center-periphery, westernizing-traditionalist divide, political disagreement between adherents of secular state and Islam has developed around Turkey's integration with the EU.³⁴ While the proponents of secularism have been described as pro-European forces, traditionalists, nurtured by the ideas of Islam, have been seen as opponents of the EU.

³⁰ Kurtaran Gökhan, "Turkey vital for energy, EU commissioner says," *Daily News*, February 2012 <http://www.hurriyetdailynews.com/turkey-vital-for-energy-eu-commissioner-says.aspx?pageID=238&nid=13451>, (accessed April 5, 2012).

³¹ Omar Serano, "The EU, its Member states and Turkey: A Close Interdependent Relation," *IPSA-ECPR Joint Conference* 6 (prepared for IPSA-ECPR Joint Conference, hosted by the Brazilian Political Science Association of the University of Sao Paulo, 16.-19th February 2011) .

³² Ibid., 7-8.

³³ Richard Youngs, "A door neither closed nor open': EU policy towards Ukraine during and since the Orange Revolution," *International Politics*, 46 (2009): 369.

³⁴ Paul Kubicek, "The European Union, European Identity, and Political Cleavages in Turkey," (paper presented at the EUSA 11th Biennial International Conference, 2009).

Ironically, the major breakthrough in the EU-Turkey relations followed 2002 elections, when the Justice and Development Party (Adalet ve Kalkinma Partisi - AKP), known for the legacy of the Islamist tradition, came into power³⁵. For the first time in Turkey's modern history, the AKP has formed a government majority against one opposition secularist party, the Republican People's Party (CHP) that managed to overcome the 10% threshold.

Apart from the elite-level division, there are cleavages at societal level. The poor population mainly of the central Anatolian Turkey and metropolitan cities remain conservative and express strong adherence to practicing Islam. Likewise, Anatolian businessmen, although having prospered under the AKP's government, have not expressed any particular interest in the country's membership in the EU. In contrast, the industrialized coastal Turkey with the Istanbul-based bourgeoisie supports the EU's accession.³⁶

Finally, one more cleavage lies between Turks and Kurds. In the past, civil war conditions averted the establishment of an independent state or autonomy of Kurds.³⁷ Today, Kurds constitute the largest minority group in Turkey and their national identity continues to strengthen, although there is a lack of "political weight due to significant differences of region, dialect, and tribal identity"³⁸.

To sum up, Turkey's socio-political cleavages do not make it unique from other countries. Yet, it is important to understand these cleavages as they can either impede or induce the Europeanization processes.

³⁵ Meltem Müftüler-Bac, "Turkey's Political Reforms and the Impact of the European Union," *South European Society & Politics*, 10 (1) (2005): 24.

³⁶ Oğuzlu and Özpek, "Turkey's Europeanization," 1002.

³⁷ Riemer, "The Kurds – a critical appraisal", 303. P. 349

³⁸ Second Report of the Independent Commission on Turkey, "Turkey in Europe. Breaking the vicious circle", *Open Society Foundation and British Council*, September 2009: 21, http://www.europarl.europa.eu/meetdocs/2009_2014/documents/d-tr/dv/1022_05_/1022_05_en.pdf (accessed, April 28, 2012)

In Ukraine, several domestic cleavages had a profound impact on its efforts to build democracy. Essentially, these cleavages, particularly the East-West geographical division in combination with ethnic and historical factors have a profound influence on people's electoral behavior. In Western Ukraine political support has traditionally pro-Western orientation, in contrast to pro-Russian orientation in the Eastern and Southern regions.³⁹ The legacy of Austro-Hungarian, Polish and Romanian rule is positively associated with the pro-nationalist and pro-European vote; the same historical legacy has a negative effect on support for pro-Communist and pro-Russian parties and presidential candidates.⁴⁰

Apart from the direct influence on electoral behavior, social cleavages in Ukraine also impact people's geopolitical preferences and attitudes towards the EU. Interestingly, as the general trend from 2006 to 2010, relations with Russia were largely regarded as the main priority in foreign policy, but 2011 became the year of change.⁴¹ This trend was reversed, according to the survey results conducted by Razumkov Center, as Ukrainian public's attention and interest switched to the EU. The geopolitical orientation, however, still varied significantly by region, with a pro-European orientation in the west and a pro-Russian orientation in the south and the east.⁴²

Another weighty cleavage in Ukrainian society is the official status and use of Russian language. In western Ukraine, people are more likely to speak Ukrainian and to identify themselves as ethnic Ukrainians than are people in eastern or southern Ukraine, who are more likely to identify themselves as ethnic Russians or as Russian speakers.⁴³ Notably, the Russian community in Ukraine constitutes the largest ethnic minority (17.3 percent of the total population,

³⁹ Andrey Meleshevich, "Geographical Patterns of Party Support in the Baltic States, Russia, and Ukraine," *European Urban and Regional Studies*, 13 (2006): 113.

⁴⁰ Ivan Katchanovski, "Regional Political Divisions in Ukraine in 1991 – 2006," *Nationalities Papers*, 34(5) (2006), http://uottawa.academia.edu/IvanKatchanovski/Papers/440843/Regional_Political_Divisions_in_Ukraine_in_1991-2006 (accessed, April 27, 2012).

⁴¹ Mykola Kapitonenko, Oleh Shamshur, Valeryi Chalyi, "Ukraine and EU: Challenges that Loom Ahead," *The German Marshall Fund of the United States*, February 2012, http://www.gmfus.org/wp-content/files_mf/kapitonenkoetal_ukraineeu_feb12.pdf (accessed April 27, 2012).

⁴² Ibid.

⁴³ Volodymyr Kulyk, "Language identity, linguistic diversity and political cleavages: evidence from Ukraine," *Nations and Nationalism*, 17(3) (2011): 627-648.

2001 Census⁴⁴) and is residing predominantly in Eastern Ukraine and the Crimea.

Finally, polarization among elite and business groups that are highly represented in Ukrainian parliament constitutes another major cleavage in Ukraine. The 2006 parliamentary elections were marked by the shift in election system from mixed and majoritarian to purely proportional. This allowed big financial groups to gain more power. These financial groups, while being regional (e.g. Donetsk, Dnipropetrovsk, and Kyiv groups) and having regional connections are mainly interested in economic gain and regionalism matters to them only to the extent that such ties can further their real agenda.⁴⁵ Moreover, often regionalism and ethnic tensions serve as impediments to achieving their main objective – economic benefit – which contributes to deeper cleavage, stalled political development and Europeanization in Ukraine.

2.3. Axis Shift in Turkey and Ukraine's Foreign Policy: Go East?

Since recently, Turkey's growing international profile has become controversial. On the one hand, Ankara has demonstrated its determination to act as stabilizing third party, while trying to mediate disputes between Afganistan and Pakistan, Bosnia and Serbia, Georgia and Abkhazia, Israel and Pakistan⁴⁶ On the other hand, the country's recent shift in foreign policy and 'increasingly warm ties with Iran, Syria, and Sudan'⁴⁷ have spurred debates on its further relationships with the EU. Notably, it is argued that Turkey, being a regional power, considers the disturbing Middle East, as a foreign policy alternative.⁴⁸ Starting from its second term the AKP has departed from the declared approach of 'caution and pragmatism' concerning the Middle

⁴⁴ State Statistic Service of Ukraine, <http://www.ukrstat.gov.ua/> (accessed April 28, 2012).

⁴⁵ Khmelko Irina et al., "Regionalism in Ukraine and its Role in Ukrainian Politics," Open eyes, February 24, 2011, <http://www.vidkryti-ochi.org.ua/2011/02/regionalism-in-ukraine-and-its-role-in.html> (accessed April 29, 2012).

⁴⁶ Heather Grabbe and Sinan Ülgen, "The Way forward for Turkey and the EU. A strategic Dialogue on Foreign Policy," *CARNEGIE ENDOWEMENT FOR INTERNATIONAL PEACE*, (2010): 5 http://carnegieendowment.org/files/turkey_eu_policy1.pdf (accessed, May 11, 2012).

⁴⁷ Svante E. Cornell, "What Drives Turkey's Foreign Policy? Changes in Turkey," *Middle East Quarterly*, (2012): 14, <http://www.meforum.org/meq/pdfs/3129.pdf> (accessed May 15, 2012). 13-24

⁴⁸ Srdja Trifkovic, "Neo-Ottomanism in Action: Turkey as a Regional Power," *The Lord Byron Foundation for Balkan Studies*, February 7, 2012, <http://www.balkanstudies.org/articles/neo-ottomanism-action-turkey-regional-power> (accessed April 27, 2012).

East.⁴⁹ The officially declared Davutoğlu doctrine “zero problems with neighbors”⁵⁰ has stirred doubts and fears in the western countries that Ankara has abandoned its pro-Western commitment and is steadily moving towards the Islamization and closer relationships with the Eastern countries. It is suggested that in its foreign policy Turkey has departed from a mediator role towards a regional leader role, taking a firmer stance on the issues contested by its Western allies. In this context, the stalled Europeanization process⁵¹ in Turkey has become a challenge for the EU and setback in the EU-Turkey relations.

Likewise Ukraine, after 2010 presidential elections, has become closer to its Eastern alternative – Russia. A ‘pro-Russian’ candidate Viktor Yanukovich won over a ‘pro-European’ candidate Yulia Tymoshenko.⁵² Once taking a seat in the presidential office, Yanukovich has called for normalization of Ukraine-Russia relations. He announced the return to a ‘multi-vector’ foreign policy⁵³, called for ‘pragmatism’ and for the need to balance between the EU and Russia (similarly to Turkey’s call to balance between the West and the Middle East).⁵⁴

The Kyiv position has remained controversial. By signing Kharkiv agreement in April 2011, Ukraine consented to prolong the lease of Russia’s Black Sea fleet naval base in the Crimea beyond 2017.⁵⁵ At the same time, Ukraine has demonstrated its reluctance to join much-debated Russia-Belarus-Kazakhstan Customs Union. Arguably, the reason behind it was the consideration of Ukraine’s business elites.⁵⁶

⁴⁹ Srdja Trifkovic, “Neo-Ottomanism in Action: Turkey as a Regional Power.”

⁵⁰ Second Report of the Independent Commission on Turkey, “Turkey in Europe. Breaking the vicious circle,” 26.

⁵¹ Cornell, “What Drives Turkey’s Foreign Policy? Changes in Turkey,” 24.

⁵² Andrew Wilson, “Dealing with Yanukovich’s Ukraine,” *European Council on Foreign Relations*, March 2010, http://www.ecfr.eu/page/-/ECFR20_UKRAINE_POLICY_BRIEF.pdf (accessed April 28, 2012).

⁵³ Taras Kuzio, “Viktor Yanukovich Two Years on: Why many got him wrong?” *Eurasia Daily Monitor*, 9 (39) (2011), http://www.taraskuzio.net/media24_files/105.pdf (accessed May 20, 2012).

⁵⁴ Christian Caryl, “Yanukovich Has Won. Get Over It. Foreign Policy,” February 2010, http://www.foreignpolicy.com/articles/2010/02/08/yanukovich_won_get_over_it?page=0,1 (accessed May 15, 2012).

⁵⁵ Dmitri Trenin, “The initial Outcomes of the Foreign Policy of Viktor Yanukovich,” *Carnegie Endowment*, June 2010, <http://carnegie.ru/publications/?fa=40946> (accessed May 11, 2012).

⁵⁶ Derek Fraser, “The Ukrainian Conundrum,” *Centre for Global Studies* (University of Victoria), <http://www.globalcentres.org/publicationfiles/Ukrainian%20Conundrum.pdf>, (accessed May 15, 2012)

Unlike NATO, European integration, as reiterated by Viktor Yanukovych, remained Ukraine's priority in both domestic and foreign policies.⁵⁷ Furthermore, European integration as Ukraine's strategic objective has been reconfirmed in the new law "On fundamentals of domestic and foreign policy".⁵⁸ Finally, the new enhanced Association Agreement (AA) between the EU and Ukraine has been negotiated and finalized in December 2011.

Yet, the conviction of president Yanukovych's main rival and the opposition leader Yulia Tymoshenko, has put in a profound jeopardy the EU-Ukraine relations. The signing and subsequent ratification of the already initialed Association Agreement was put on hold. Unpromisingly, the EU-Ukraine relationships have strained and reached their all-time low. It remains to be seen whether Ukraine's leadership responds positively to the EU demands or turns towards its Eastern neighbor – Russia.

⁵⁷ Kateryna Shynkaruk, (Policy Brief for the Roundtable Conference, Maastricht University, Brussels Campus, December 1-2, 2011).

⁵⁸ Taras Kuzio, "Viktor Yanukovych Two Years on: Why many got him wrong?"

Chapter 3. Turkey: Is There A Way Out From A Waiting Room?

3.1. Conflict for Europeanization: The Ottoman Legacy And Kemalism

Turkey is known to be a secular democracy. Its democratic tradition originates and continues to be nurtured by the ideals of the founder of the Republic of Turkey Mustafa Kemal Atatürk who started transformation of the country into a modern, secular and Western state in order to break free from the Ottoman past.⁵⁹ Since then, Turkey has often struggled to be recognized as a European country. In this context, the EU membership perspective was an important landmark for Turkey, as well as a reaffirmation of its belonging to Europe.

After the candidacy status has been attained at Helsinki summit in 1999, “sweeping political reforms”⁶⁰ have followed, giving the country an impetus for further democratization. Since then, the country’s leadership has produced eight legal reform packages that enacted international law in human rights; abolished death penalty and state security courts; reduced the National Security Council’s powers; removed the military ties to civilian institutions; improved women’s rights; introduced laws on freedom of expression, organization, and media.⁶¹ Despite these deep and wide-ranging political transformations, since 2005 the process of Europeanization in Turkey has been stalled.

The country’s past continues to influence the EU-Turkey relations at present. As a heritage of the Ottoman Empire, there are several obstacles in the process of Turkey’s democratization.⁶² They are: the role of military and its presence in Turkey’s politics, the rise of Islamism and radicalism, the Islam society and the restrictions on the freedom of expression⁶³.

⁵⁹ Angel Rabasa and Stephen F. Larabee, “The rise of political Islam in Turkey”, *RAND Corporation*, (2008): 32-33,

⁶⁰ Müftüler-Baç, “Turkey’s Political Reforms and the Impact of the European Union,” 17.

⁶¹ Second Report of the Independent Commission on Turkey, “Turkey in Europe. Breaking the vicious circle,” 13

⁶² Meltem Müftüler-Baç, “The Never ending story: Turkey and the European Union”, *Middle Eastern Studies*, 34(4) (1998): 247.

In this chapter, I will focus on three issues – the military, Kurds and Cyprus, which belong to domestic and foreign conflicting issues and, at the same time, are ‘misfits’ for Europeanization.

The military. Since the founding of the Turkish Republic by Atatürk, the Turkish Armed Forces (TAF) has acted as the “guardian of the Turkish state and Kemalist reforms”.⁶⁴ Until the constitutional amendments, the military has wide responsibility to protect the Turkish state from external and internal challenges, allowing it to intervene into politics on several occasions (1960, 1971, 1980, 1997). In order to legitimize its presence in politics, in 1960 the army established the National Security Council (NSC, Milli Güvenlik Kurulu). The NSC⁶⁵ used to play a special role in the formulation and implementation of the country’s national policies. After the reforms of 2003-2004, the NSC’s control over all security and non-security matters has been reduced to a certain degree.⁶⁶ After the army threatened the ruling AKP government, the EU has stressed on further transformation of the military non-partisan role.⁶⁷

The Kurds. Another issue, connected to the rise of radicalism, which impedes successful Europeanization, is related to the Kurdish problem. Kurds, who number 15-20 million people⁶⁸ (one fifth of the total Turkey’s population) plea for “the recognition of the separate cultural identity of the Kurdish population and the use of the Kurdish language”⁶⁹. Residing densely in the underdeveloped east and southeast regions of the country, Kurds represent the largest minority group in Turkey, although unrecognized as such by the Turkish law. Because of the difference in dialects, regions, religious heterogeneity, tribal (or clan) identity and different attitudes towards

⁶⁴ Meltem Müftüler-Baç, “The Never ending story: Turkey and the European Union”, *Middle Eastern Studies*, 34(4) (1998): 247.

⁶⁵ The NSC is a supervisory body for joint meetings of president, prime minister, ministers and militants (General Staff of the Turkish Armed Forces) to discuss domestic and foreign political issues.

⁶⁶ Lale Sariibrahimoglu, “Central role of Turkey’s Security Council Fades away,” *Sunday’s Zaman*, December 1, 2008, http://www.todayszaman.com/newsDetail_getNewsById.action?load=detay&link=160268 (accessed May 17, 2012).

⁶⁷ Second Report of the Independent Commission on Turkey, “Turkey in Europe. Breaking the vicious circle,” 15, P. 51

⁶⁸ 2004 Regular Report on Turkey’s progress towards accession, Brussels, 6.10.2004, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2004/rr_tr_2004_en.pdf (accessed May 17, 2012).

⁶⁹ Müftüler-Baç, “The Never ending story: Turkey and the European Union,” 250.

the Turkish state, the Kurds still lack political unity⁷⁰. Many Kurds appeal for a better treatment and the extension of their rights, others look for autonomy and few talk over independence.⁷¹ At the same time, the sense of the national Kurdish identity continues to grow. In the past, the Kurdish efforts to establish a state in the 1980s and 1990s led to “serious tensions and even civil-war-like conditions”⁷² in Turkey. The establishment of the PKK in 1960s is the result of the repression of Kurdish population after three military coups in Turkey. The situation gained a momentum for a change after the leader of the PKK Abdullah Öcalan was captured in 1999.

The Cyprus issue. The Cyprus problem is said to be a key stumbling block for Turkey’s successful accession to the EU. Since the Turkish intervention of Cyprus (as reaction to the Greek Cypriot coup) in 1974, Cyprus matters and Turkey’s relations with Greece have constantly inhibited Turkey’s road to the EU. As a result, Cyprus was divided into two parts: northern with one third of Turkish Cypriots and the southern with two thirds of Greek Cypriots. The situation has become more complicated after Greece had joined the EU in 1981. Two years later, the northern part populated by the Turkish Cypriots declared the establishment of the Turkish Republic of Northern Cyprus (TRNC), the entity only recognized by Turkey, which is still keeping there “tens of thousand military troops”.⁷³ In its turn, Turkey still has not recognized the Republic of Cyprus, which became the EU member in 2004. Overall, Cyprus has been peaceful for many years, but considering the Turkey’s military presence in the island, the conflict might unfreeze.⁷⁴

To conclude, “the difficult trajectory of Turkey’s democratization experience”⁷⁵ influenced by the EU has not faded away but since recently has led to the mutual estrangement. From the EU’s

⁷⁰ Second Report of the Independent Commission on Turkey, “Turkey in Europe. Breaking the vicious circle,” 21.

⁷¹ Ibid.

⁷² Riemer, “The Kurds- a critical appraisal,” 305.

⁷³ Second Report of the Independent Commission on Turkey, “Turkey in Europe. Breaking the vicious circle,” 17

⁷⁴ Ibid.

⁷⁵ Ziya Öniş and Fuat Keyman, “Helsinki, Copenhagen and Beyond: Challenges to the New Europe and the Turkish State,” (paper presented at ISA Conference; Budapest, Hungary. 2003).

position the main reason for that is an enduring doubt on Turkey's determinacy to uphold the principles of democracy, rule of law and human rights. The main fear in Turkey is that no matter how much progress the country will make in fostering the necessary reforms, the country will still be perceived as the 'other'.

3.2. The EU Conditionality For Turkey: The Military, Kurds, And Cyprus

The success of the EU conditionality depends on the perceived costs of conditions that are demanded. That means that if the perceived costs are higher than the rewards, there is less likelihood of effective conditionality.⁷⁶ In the case of Turkey I will look at three issues – military, Kurds, Cyprus – that are listed among the short-term priorities⁷⁷ in the Council's Decision of 12 February 2008 of the Accession Partnership, and at the same time are considered to be sensitive issues in Turkey.

The military. The Turkish military is said to be "one of the most important actors in Turkish politics"⁷⁸ and automatically the major veto player for the EU conditionality with regard to the specific context of the military-civil relations in the country. Absent in liberal democracies, the military's role in the Turkish politics has been regarded as one of the major impediments for the country's democratization. Therefore, the EU has set a condition for the reduction of military powers as one of the key necessary reforms for Turkey.⁷⁹ In contrast, the military emphasizes its special ties with society, its legitimacy to uphold democratic and secular ideals of the Republic against threats to integrity, democracy, and secularism. Notably, while the past military coups

⁷⁶ Frank Schimmelfennig, Stefan Engert, Heiko Knobel, "Costs, commitment and compliance," *JCMS* 41(3) (2003): 495-518.

⁷⁷ Council Decision of 12 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the Republic of Turkey and repealing Decision 2006/35/EC, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:051:0004:01:EN:HTML>, (accessed May 17, 2012).

⁷⁸ Senem Aym and Ali Çarkoglu, "EU Conditionality and Democratic Rule of Law in Turkey," *CDDRL Working Paper*, 2006: 52.

⁷⁹ David Capezza, "Turkey's Military Is a Catalyst for Reform □ The Military in Politics," *Middle East Quarterly*, □ Summer 2009:13-23, <http://www.meforum.org/2160/turkey-military-catalyst-for-reform> (accessed April 20, 2012).

contradict the principles of democracy, “the military has always returned power to the civilian sector”⁸⁰. Importantly, despite the EU’s criticism, for Turkish people the military remains the most trusted institution.⁸¹ Thus, the question of the military’s role in Turkey is a sensitive issue.

The Kurds. Apart from the civil-military relations, another point of contestation between the EU and the military is the Kurdish problem. As in the military case, the Kurdish question can be characterized as a sensitive issue. On the one hand, for a long period of time Kurds have been denied in its cultural rights and abused by Turkish state security, on the other hand, the terrorist attacks led by the Kurdistan Worker’s Party (PKK) have exacerbated and raised the costs of solving the issue. Along with the Turkish nationalists, the military is a key veto player.⁸² As for conditionality, following the latest Accession Partnership document of 2008, the condition has been to improve socio-economic situation in the southeast region of the country and enhance the cultural rights of all Turkish citizens, including Kurds.⁸³

The Cyprus issue. As a result of the Helsinki summit in 1999, the Cyprus problem was not a precondition for Turkey to become a candidate state for the EU, although the country was expected to play an active role in bringing a settlement to the Cyprus problem. The situation has changed since the opening of the negotiation talks in October 2005. In the 2005 Negotiating Framework, it has been said that the advancement of negotiations with Turkey among other issues will be measured by the country’s “continued support for efforts to achieve a comprehensive settlement of the Cyprus problem within the UN framework... and progress in the normalization of bilateral relations between Turkey and all EU Member States, including the Republic of Cyprus”⁸⁴. Additionally, a further condition has been put forward to fulfill its obligations under the Additional Protocol extending the Association Agreement to ten new EU members, “including

⁸⁰ David Capezza, “Turkey’s Military Is a Catalyst for Reform” The Military in Politics.”

⁸¹ Ibid.

⁸² Riemer, “The Kurds- a critical appraisal,” 319.

⁸³ Council Decision of 12 February 2008.

⁸⁴ Negotiating Framework, Luxembourg, October 3, 2005,
http://ec.europa.eu/enlargement/pdf/turkey/st20002_05_tr_framedoc_en.pdf (accessed May 18, 2012).

removal of all existing restrictions on Cyprus-flagged vessels and vessels serving the Cyprus trade”⁸⁵. The Cyprus issue remains a highly debated and sensitive topic in Turkey and the major problem in the Turkey’s accession process with powerful veto-players like RoC and Greece. The public opinion towards the Cyprus issue remains unreceptive. According to the survey conducted by the International Republican Institute, when asked about the embargo of the Southern Cyprus, 49 percent have responded positively to only 25 percent who disagreed. This critical perception of the Cyprus problem by Turkish public reveals the sensitivity of the issue.

3.3. Europeanization (2002-2005): ‘A Golden Age Of Reform’

The period from 2002 till 2005 is said to be the ‘golden age of reform’ in Turkey. The elections of November 2002 changed the political setting in the country with a majority winner, Justice and Development Party (AKP). Following the achievements of the previous coalition government issuing important reform packages in October 2001, January 2002, and August 2002, the new AKP government adopted four major reform packages in January-June 2003, “bringing far-reaching changes to the political system and taking important steps to ensure their effective implementation”⁸⁶.

It is worth noting that during this period, the Accession Partnership as the framework for the EU-Turkey relations set the short- and medium-term benchmarks to fulfill the Copenhagen Criteria and the country’s capacity to adopt the *acquis communautaire*. In response to the 2003 Accession Partnership Report (based on the previous review of 2001 and 2002 Progress Reports), Turkey revised its National Programme in July 2003 by setting measures to address the EU priorities. It is said that the National Programme was a justification for the government’s

⁸⁵ Council Decision of 12 February 2008.

⁸⁶ Kivanc Ulusoy, “Turkey’s Reform Effort Reconsidered, 1987-2004”, *Democratization*, 14 (3) (2007): p 475. pp.472-490

constitutional amendments and carried reform packages.⁸⁷ Regarding the three issues discussed (military, Kurds, Cyprus), I argue that the country made significant progress.

With respect to the Turkish military, following the 2001 Constitutional amendments, the sixth and seventh harmonization packages and the May 2004 Constitutional amendments have brought significant changes to the duties, functioning and composition of the NSC, as well as the military spending.⁸⁸ The executive powers of the NSC secretariat were removed and the institution has become an advisory council with an increase of civilian members.⁸⁹ As indicated in the 2005 Progress Report, the right to audit military and defense expenditures has been granted to the Court of Auditors, acting on behalf of the Parliament.⁹⁰

Overall, following the EU demands during the period from 2002 till 2005 reforms concerning NSC “have further shifted the balance of civil-military relations towards civilians”⁹¹. Notably, the key reform packages regarding the military’s role have been adopted in the period “when the credibility of accession was most strengthened”⁹². First, high costs of political reforms in this sphere were reduced because of the credibility of the accession process. Following the EU’s formal rules and demands, the legitimacy of the AKP government to push for reforms has been strong. Second, a more credible EU accession course has resulted in the military’s reassessment of its role in politics and ‘more or less’ acceptance of the political reforms.⁹³ Being a key veto player, “the adoption costs for the military were significantly reduced with the defeat of PKK”⁹⁴.

⁸⁷ Nathalie Tocci “Europeanization in Turkey: Trigger or Anchor for Reform?” *South European Society & Politics*, 10(1) (2005): 75. pp. 73-83

⁸⁸ Senem Aym and Ali Çarkoglu, “EU Conditionality and Democratic Rule of Law in Turkey,” *CDDRL Working Paper*, 2006: 53.

⁸⁹ Çağrı Yıldırım, “The role of the military in Turkish Politics and European Union Membership Negotiations,” *Balkananalysis.com*, December 2, 2010, <http://www.balkananalysis.com/turkey/2010/12/02/the-role-of-the-military-in-turkish-politics-and-european-union-membership-negotiations/> (accessed May 18, 2012).

⁹⁰ Turkey. 2005 Progress Report, Brussels, 9 November 2005 SEC (2005) 1426, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1426_final_progress_report_tr_en.pdf (accessed May 20, 2012).

⁹¹ 2004 Regular Report on Turkey’s progress towards accession, Brussels, 6.10.2004 SEC (2004) 1201, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2004/rr_tr_2004_en.pdf, (accessed May 19, 2012).

⁹² Senem and Çarkoglu, “EU Conditionality and Democratic Rule of Law in Turkey,” 84.

⁹³ Tocci, “Europeanization in Turkey: Trigger or Anchor for Reform?” 82.

⁹⁴ Senem Aym and Ali Çarkoglu, “EU Conditionality and Democratic Rule of Law in Turkey,” 83.

With regard to the Kurdish question, under the EU conditionality, the AKP government carried reforms once started by the previous government and positively affected by the Turkish military capture of the PKK leader in 1999. Although specifically defined under the section of the minority rights, cultural rights and the protection of minorities in the Regular Reports on Turkey, adjustments in the human rights have had a critical impact on the Kurdish problem as well. In August 2002, the important third package concerning Kurdish human and minority rights was adopted. As indicated by the EU in the 2003 Regular Report, changes, however, brought ‘a degree of relaxation’ for the Kurdish situation.⁹⁵ One year later, in the 2004 Regular Report, the progress in improving the Kurdish situation was described already as ‘significant’, due to implementation of provisions on protection of human rights, including minority rights.⁹⁶

To sum up, in the Kurdish case, despite limits of the progress, including in the socio-economic area, the effect of Europeanization during 2002-2005 was measurable. The adoption costs at this period have been reduced, as the role of the military – key veto player in the Kurdish issue – was substantially reduced under the mechanism of the EU conditionality. For the first time, the change “contributed to the increasing perception of the Kurdish problem as a minority issue with socio-economic and identity-related dimensions to it, rather than just a military matter”⁹⁷.

Regarding the Cyprus problem, during 2002-2005 the issue of the division of the island and the initiatives related to its reunification under the UN auspices have been high on the political agenda⁹⁸. As highlighted in the 2003 Regular Report, Turkey’s efforts in settling the Cyprus question have been confirmed on several occasions through the United Nations Secretary-General’s missions and negotiations on the basis of his proposal.⁹⁹

⁹⁵ 2003 Regular Report on Turkey’s progress towards accession, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2003/rr_tk_final_en.pdf (accessed May 19, 2012)

⁹⁶ 2004 Regular Report on Turkey’s progress towards accession.

⁹⁷ Aydın Senem, Çarkoğlu Ali (2006) “EU Conditionality and Democratic Rule of Law in Turkey”, *Working Paper CDDRL*, p. 61, access mode, http://cddrl.stanford.edu/publications/eu_conditionality_and_democratic_rule_of_law_in_turkey

⁹⁸ 2004 Regular Report on Turkey’s progress towards accession.

⁹⁹ 2003 Regular Report on Turkey’s progress towards accession.

Taking into consideration “the impending membership of the EU”¹⁰⁰, according to the 2004 Regular Report the Turkish government was said to act constructively towards Cyprus matter. Alongside a counterpart from Greece, in March 2004 the Turkish Prime Minister Erdoğan was engaged in the negotiations with both Cypriot communities. Importantly, the Turkish government supported the final plan presented by the UN Secretary General Kofi Annan, called also the Annan Plan. In exchange for the EU promise to reward the Turkish community by allowing a direct access to the EU markets, the majority of the Turkish Cypriots (65 percent) backed by Turkey voted in favor of the Plan. However, the Annan Plan did not succeed as the majority of the Greek Cypriots (76 percent) rejected it.¹⁰¹

To conclude, despite the agreement on Cyprus was not reached and Turkey refused to open its airports and sea ports to Greek Cypriot vessels, the European Council decided to open the accession negotiations in October 2005, prizing positive steps undertaken by the Turkish government to settle the Cyprus question in December 2004. During the discussed period the effect of the EU demands for the Cyprus settlement is the strongest, as the adoption costs remained to be the highest.¹⁰²

It is important to emphasize that the progress in the EU-Turkey relations during 2002-2005 took place when the credibility of the EU membership perspective – between the December Copenhagen summit of 2002 and the December Summit of 2004 – was comparatively high. Moreover, the credibility of the membership perspective was reinforced by the reward of opening the accession negotiations and the financial and technical assistance’s incentives. Therefore, Europeanization through conditionality in the discussed timeline has played an important role in all reviewed cases, having the solidest impact on the Cyprus issue.

¹⁰⁰ Second Report of the Independent Commission on Turkey, “Turkey in Europe. Breaking the vicious circle,” 18

¹⁰¹ 2004 Regular Report on Turkey’s progress towards accession.

¹⁰² Suvarierol Semin, “The Cyprus Obstacle on Turkey’s Road to Membership in the European Union,” in *Turkey and the European Union*, ed. Ali Çarkoğlu and Barry Rubin (London: Frank Cass Publishers), 56

3.4. Post-2005 Europeanization: Stalemate And Further Reforms

In contrast to the external incentive model that predicts the increase in the credibility of conditionality rewards after the beginning of negotiations with the accession country,¹⁰³ in Turkey the process has had a reverse outcome. As indicated in the Second Independent Commission's report on Turkey, being challenged by domestic contestations "the AKP government missed opportunities and failed to sustain the momentum of reforms"¹⁰⁴. After the opening of negotiation talks in 2005, the slowdown in reforms has followed¹⁰⁵. The three issues – the military, Kurds and Cyprus – were characterized by new developments.

Regarding the military question, in the period of 2007-2008 there has been a revival of the TAF's political role. In April 2007 the military generals have expressed disapproval of the AKP's candidate for presidency Abdullah Gül by posting on the defense ministry's website a threat of intervention (e-coup) that resulted in the new general elections. Yet, the 2007 elections secured the AKP's second solid majority in the parliament.

Since recently, the role of the Turkish military has been further diminished. In the 2011 Progress Report on Turkey, the Ergenekon investigation has been evaluated as the opportunity "to strengthen confidence in the proper functioning of Turkey's democratic institutions and the rule of law"¹⁰⁶. The tensions between the AKP government and the military increased and a number of soldiers were brought under investigation. It resulted in "a growing sense of frustration in the military leadership"¹⁰⁷ and in the unprecedented resignation of Kosaner, the Chief of Staff and other military commanders.

¹⁰³ Frank Schimmelfennig and Ulrich Sedelmeier, " 'Chapter one' Introduction: Conceptualizing of Europeanization of Central and Eastern Europe" in *Europeanization of Central and Eastern Europe*, ed. Frank Schimmelfennig and Ulrich Sedelmeier (Cornell University Press, 2005), 14.

¹⁰⁴ Second Report of the Independent Commission on Turkey, "Turkey in Europe. Breaking the vicious circle", 14.

¹⁰⁵ Börzel A. Tanja, Soyaltin Dıgdem, "Europeanization in Turkey. Stretching a Concept to its Limits?" *KFG Working Paper Series*, 36 (2012): P. 24.

¹⁰⁶ Turkey 2011 Progress Report. Brussels, 12.10.2011, http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf (accessed May 20, 2012).

¹⁰⁷ Lars Haugom, "The Turkish armed Forces in Politics", *Norwegian Institute for Defense Studies*, (2012): 4.

Yet, from the EU's perspective there has been a 'good progress' in the civil-military relations, with further reforms needed in the composition of the Supreme Military Council (YAS), military justice system and the Law Personnel of the TAF.¹⁰⁸

With regard to the Kurdish question, the progress has stalled right after the negotiation talks. As indicated in the 2006 Progress Report, the positive statement by the Turkish government in 2005 to resolve the so-called 'Kurdish issue' through democratic means was not achieved.¹⁰⁹ Instead, in the post-2005 period, the clashes between the Turkish military and the PKK have started to trigger the slowdown of the reforms. Despite successful 2007 general elections, the results of the local 2009 elections have demonstrated a decline in the AKP's popularity in the Kurdish-populated region as the Kurdish Democratic Society Party (DTP) won in the key southeast provinces. As a reaction to this, the AKP proposed a so-called 'Kurdish opening', when 34 members of the PKK were allowed to return to Turkey from the Iraqi bases. Yet, this approach has backfired, as the party members said that they had no regrets about the terrorist actions they had done in the past and announced their return to the PKK.¹¹⁰ That has instigated a conflicting reaction from the Turkish nationalists and soon the 'Kurdish opening' was paraphrased to a 'democratic opening'.

As indicated in the two subsequent Progress Reports of 2010 and 2011, the domestic opening announced by the AKP government in August 2009, was not fulfilled. It has been said that, "the government could have relied on the conditionality discourse...keeping the extreme Turkish and Kurdish nationalists at bay"¹¹¹. Instead, the AKP decided to act swiftly to regain the substantial loss of public support in the southeast region.¹¹² According to the latest 2011 Progress Report,

¹⁰⁸ Turkey 2011 Progress Report.

¹⁰⁹ Ibid.

¹¹⁰ Soner Cagaptay, "'Kurdish Opening' Closed Shut", *Foreign Policy*, October 28, 2009, http://www.foreignpolicy.com/articles/2009/10/28/kurdish_opening_closed_shut (accessed May 20, 2012).

¹¹¹ Cengiz Firat, "Rethinking Conditionality: Turkey's EU Accession and the Kurdish Question", (2012): 18, http://tilburguniversity.academia.edu/FiratCengiz/Papers/1524224/Rethinking_Conditionality_TurkeyS_EU_Accession_and_the_Kurdish_Question (accessed May 20, 2012).

¹¹² Cengiz Firat, "Rethinking Conditionality: Turkey's EU Accession and the Kurdish Question," 18.

measures announced to uphold a ‘democratic opening’ ‘fell short of expectations’, the terrorist attacks have intensified and the EU has raised concerns about the detention of elected Kurdish politicians and human rights defenders.¹¹³

Regarding the Cyprus issue, the post-2005 period has brought the new tensions into the EU-Turkey-Cyprus relations. After the Greek Cypriots’ resounding ‘no’ to the Annan Plan, the Turkish authorities argued that the blame cannot be put entirely on the Turkish Cypriots.¹¹⁴ The situation worsened after 2004, when the RoC was accepted to the EU. On 3 October 2005, after a series of debates over the Cyprus problem, the EU Council agreed for the Negotiating Framework therefore officially launching the accession process. However, the feeling of being treated unfairly has grown, following Germany’s and France’s advocacy for the ‘privileged partnership’ and the language of the document suggesting an-open ended process with no guarantee for the Turkey’s eventual full membership. As said in the Negotiating Framework, in the case of “serious breach of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law”, the suspension of negotiations would ensue.¹¹⁵

As a result of Turkey’s refusal to implement the Ankara Protocol, in November 2006 the European Commission recommended a partial suspension of the negotiation talks.¹¹⁶ In the connection to the Cyprus problem, eight out of 35 chapters were officially frozen, including three “most prominent and promising areas for joint EU-Turkey action, namely External Relations; Energy and Foreign Policy, Security and Defense Policy”¹¹⁷. Following the latest 2011 Progress Report, despite Turkey’s support for negotiations, the country still has not complied with its obligations “to ensure full, non-discriminatory implementation” of the Additional Protocol and has

¹¹³ Turkey 2011 Progress Report. Brussels, 12.10.2011, http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf (accessed May 20, 2012).

¹¹⁴ Tocci Nathalie, “The Baffling Short-Sightedness in the EU-Turkey-Cyprus Traiangle”, *Istituto Affari Internazionali*, (2010): 6. P. 7

¹¹⁵ Negotiating framework, Luxembourg, 3 October 2005.

¹¹⁶ “Turkey accession and Cyprus”, EurActiv, May 2011, <http://www.euractiv.com/enlargement/turkey-accession-and-cyprus-links dossier-188330> (accessed May 20, 2012).

¹¹⁷ Second Report of the Independent Commission on Turkey, “Turkey in Europe. Breaking the vicious circle”.

not removed obstacles for trade with Cyprus. ‘No progress’ has been made to normalize bilateral relations with Cyprus, as Turkey has kept its veto on Cyprus’s membership of several organizations, including OECD. The situation has worsened further after the RoC reported violations of its territorial waters and airspace by Turkey and an official statement of the senior Turkish representative to freeze its relations with the EU for six month when Cyprus is supposed to take chair in the Council presidency.¹¹⁸ The situation has become even more complicated when the Turkey's European Affairs Minister Egemen Bagis has stated that in case of failed peace talks, the possibility of integrating the TRNC to Turkey would be assessed.¹¹⁹

It is important to note that an immediate slowdown in all three issues followed the loss of credibility of the accession process. Some of the EU member states, namely Germany and France, have rooted for a ‘privileged partnership’ instead of the treaty-based prospect of membership. Moreover, a referendum is said to precede further accessions in Austria and France, where the public support for Turkey’s accession is known to be low. As a reaction to that, the ruling AKP government stressed that if needed the ‘Copenhagen criteria’ would be renamed to ‘Ankara criteria’ with further reforms undertaken. Notably, mixed signals coming from the EU have been mirrored in the Turkish public opinion on the EU membership. According to the Eurobarometer results, the public support for the membership in Turkey has declined from 70 percent in 2004 to 42 percent already in 2008,¹²⁰ reflecting clear disappointment with the EU. Following the credibility loss and subsequent changes of the electorate attitude towards the EU, the legitimacy of carrying further reforms has become more difficult, especially in the areas of a security concern as it is the case with Kurds and Cyprus. Instead, the EU demands to curb the military power have

¹¹⁸ Turkey 2011 Progress Report. Brussels, 12.10.2011 SEC(2011) 1201 final, access mode, http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf

¹¹⁹ Bagis: Cyprus is already integrated to Turkey, *Famagusta Gazette*, March 2012, <http://famagusta-gazette.com/bagis-cyprus-is-already-integrated-to-turkey-p14739-69.htm> (accessed May 21, 2012).

¹²⁰ Second Report of the Independent Commission on Turkey, “Turkey in Europe. Breaking the vicious circle,” 11.

coincided with the AKP's struggle for power with the Kemalist establishment for a long time demonstrating resistance and distrust to the ruling government.

3.5. Limits Of Political Conditionality: Significance Of The Domestic Factor

The process of Europeanization in Turkey has not been limited to political conditionality and the external pressure from the EU. In fact, the country's domestic transformation resembles Putnam's 'two-level' game, according to which the theory of international negotiations is rooted in the domestic theory. Following this logic, the success of Europeanization during the period of 2002-2005, was not solely a result of the external pressures, but was also contingent upon the central decision-maker - the AKP, which has strived to reconcile domestic demands with the imperatives of the EU.¹²¹ Furthermore, I will argue that the AKP's favoring the EU's reforms during 2002-2005 reflected the strong public support of the EU. Following the decrease in the public support after 2005, the process of Europeanization undertaken by the AKP has largely slowed down.

The results of the general 2002 elections have demonstrated popular frustration with the previous coalition government (DSP-MHP-ANAP) that could not design much of the domestic policy and foreign policy, which remained exclusively in the hands of the military and bureaucracy¹²². The Turkish public decided to punish the coalition parties by not voting for them. With a strong public support, the AKP, describing itself as a party of conservative democrats, formed the confident majority in the parliament. That allowed the AKP government to pursue the single strategy and therefore carry necessary reforms.

¹²¹ Robert D. Putnam, "Diplomacy and domestic politics: the logic of two-level games," *International organization*, 42(3) (1988), 460.

¹²² Senem Aym and Ali Çarkoglu, "EU Conditionality and Democratic Rule of Law in Turkey," 6.

After winning the 2002 elections, the AKP took a most pragmatic stance in comparison to other parties by implementing a pro-European agenda.¹²³ Despite its Islamist roots, the AKP has looked “more like a European social democratic party of the ‘third way’ type, repeatedly stressing its commitment to the EU-related reforms”¹²⁴. Overwhelming support for the EU accession and reforms, especially in the sensitive areas, brought legitimacy to the AKP and guaranteed its political survival against the secular Turkish establishment, especially the military. The EU also legitimized “the AKP’s heavy emphasis on democracy and the protection of individual rights and freedoms in its political ideology”¹²⁵. The question of legitimacy and public support during 2002-2005 was very important. According to the Eurobarometer 2004 data, the public support for the EU stood at 70 percent.¹²⁶

After the ‘golden age’ of Europeanization, the period of hindered Europeanization has followed, reflecting the disappointment of the Turkish public with the EU. Turkish public’s feelings of being treated unfairly has grown due to the Cyprus issue and calls for ‘privileged partnership’. In 2006 the level of skepticism among Turkish public was very high, and as a response to its electorate dissatisfaction “the AKP has quietly shelved the EU issue and has committed attention to domestic challenges”.¹²⁷ According to Eurobarometer 2010 data public support for the EU, although remaining predominant, has dropped to 42 percent.¹²⁸

To conclude, the AKP government has demonstrated the major success in carrying out the reforms when the Turkish public support was high. As soon as the attitude of its electorate has changed, the process of Europeanization has significantly slowed down, although has not stalled completely. Likewise, the public support of the EU began to decline as the ‘Turco-scepticism’ in

¹²³ Senem Aym and Ali Çarkoglu, “EU Conditionality and Democratic Rule of Law in Turkey,” 6.

¹²⁴ Fuat E. Keyman and Ziya Öniş, “‘Chapter 8’.The 2002 elections: a new path emerges,” 170.

¹²⁵ Senem Aym and Ali Çarkoglu, “EU Conditionality and Democratic Rule of Law in Turkey,” 81.

¹²⁶ Eurobarometer Spring 2004, Public opinion in the European Union, July 2004, http://ec.europa.eu/public_opinion/archives/eb/eb61/eb61_en.pdf (accessed May 25, 2012).

¹²⁷ Can Büyükbay and Adis Merdzanovic, “Euroscepticism in Turkey and Bosnia-Herzegovina,” 9.

¹²⁸ Eurobarometer 74 Autumn 2010, Public opinion in the European Union, February 2011, http://ec.europa.eu/public_opinion/archives/eb/eb74/eb74_publ_en.pdf (accessed May 25, 2012).

France and Germany has become more vocal, and the perception of treating Turkey unfairly regarding the Cyprus issue has grown broader.

Chapter 4. The Role Of Political Conditionality In Ukraine

4.1. Conflict Situation For Europeanization: The Soviet Legacy

Like Turkey, Ukraine has been perceived as ‘other’ because of its historical heritage. Despite being geographically located in Europe, Ukraine has faced “less favorable conditions”¹²⁹ than other Eastern and Central European countries, currently the members of the EU. During the transition period Ukraine has failed to “break with the Communist past”¹³⁰. Contrasting Turkey’s imperial past, Ukraine has never been on an equal footing with the biggest USSR successor – Russia.

After the communist rule for over seventy years, Ukraine has celebrated modest twenty years of its independence and continues to be a ‘lager’ in carrying the necessary domestic reforms. After independence was proclaimed in 1991, “Ukrainians were, on balance, confused as they were jubilant”¹³¹. At the same time, decades of tight connections with Russian socio-political life and economy could not simply wither away. Many Ukrainians living their lives in the Soviet Union have “incorporated some of the values, ideas, psychology of the Soviet regime”¹³².

Since then, the main problem for Ukraine, however, has been not the Soviet cultural past, but the Soviet state bureaucracy (nomenklatura) who have claimed themselves a “new” political elite. Establishing a ‘patrimonial’ system of linkages with the strong Presidency, the political system has been captured by business-administrative groups called oligarchs.¹³³ In exchange for

¹²⁹ Inna Melnykovska, “Ukraine: Europeanization from abroad or inside? Chance and Challenge for the European union” (paper prepared for the ECSA-Canada 2008 Biennial Conference “The Maturing European Union” Edmonton, AB, September 25-27, 2008).

¹³⁰ Taras Kuzio, “Transition in Post-Communist States: Triple or Quadruple?” *Politics* 172, no 3 (2001), http://www.taraskuzio.net/Economic%20Transition_files/economics-transition.pdf (accessed April 15, 2012).

¹³¹ Tomas Valasek, *Why Ukraine matters to Europe?* (Center for European Reforms, 2008), 16.

¹³² Taras Kuzio, “Ukraine coming to terms with the Soviet legacy,” *Journal of Communist Studies and Transition Politics* 14 (4) (1998): 7.

support to Kuchma's semi-authoritarian regime, they have monopolized the country's wealth and have gained an access to the political power.¹³⁴ In the 1990s, the EU's perception of Ukraine was rather of seeing it as a homogenous region along with other Soviet states.¹³⁵ The EU followed the principle that "Russia comes first".

The situation changed after the peaceful Orange Revolution of November 2004 when hundreds of thousands went to streets protesting against the fraudulent presidential elections, according to which Viktor Yanukovych, backed by the previous regime, was named a winner. Following the massive pressure from the public and international negotiators (including the EU members), the bargaining between elites took place.¹³⁶ In exchange for repeated second round resulting in Viktor Yushenko's victory, the Constitution was revised, bringing alterations to the power distribution in the country in favor of the Ukrainian parliament (Verkhovna Rada), by weakening the President's position, however, not for long.

Interestingly enough, the Orange Revolution coincided with the EU launching the European Neighborhood policy in order to avoid the dividing lines with the new neighbors after the 2004 enlargement. At that time, the EU welcomed the new developments in Kyiv, however, did not rush to offer Ukraine more than a neighborhood policy designed to cover countries of Middle East, North Africa and 'post-Soviet' Eastern Europe. Most importantly, a membership perspective was not on the EU-Ukraine agenda. In its turn, Kyiv failed to keep up with its promises for wide-ranging democratization, as struggle for power within the Orange forces soon became the central theme in the Ukrainian politics. Overall, high expectations on both sides did not materialize. Ironically, after Yushenko's first term, the new president of Ukraine became a

¹³³ Iryna Solonenko, "The EU's Transformative Power towards the Eastern Neighborhood. The case of Ukraine," *SPES Policy Papers* 9, (2010): 9-13, [pdf](#) (accessed April 5, 2012).

¹³⁴ Ibid.

¹³⁵ Kataryna Wolczuk, "Implementation without Coordination: The Impact of EU Conditionality under the European Neighborhood Policy," *Europe-Asia Studies*, 61 (2) (2009): 192.

¹³⁶ Ibid.

‘villain’ of the Orange revolution, Viktor Yanukovych, who has made a U-turn in the Ukrainian politics, leading to tensions in the EU-Ukraine relations.

Acknowledging the specific context of the Ukrainian political environment, as a heritage of the Soviet times, for the well-established democracies of the West Ukraine remains “too Soviet”. As in the case of Turkey, Soviet legacy continues to haunt Ukraine’s present and its relations with the EU. Similarly to Turkey, Ukraine is thought to be ‘different’ from the rest of Europe.

4.2. The EU Conditionality: Judicial Reform, Freedom Of Elections

Conditionality is often regarded as a promising tool of the EU to promote democratic reforms. In the previous chapter I suggested that the success or failure of the Conditionality largely depend on the credibility of the EU rewards, whereas the biggest carrot is a membership perspective. In this chapter I will argue that not only it depends on the domestic adoption costs but also on the attractiveness of the incentives, and the credibility of political conditionality.¹³⁷ Finally, I will suggest that in case of Ukraine despite the appearances of conditionality, the EU-Ukraine relations are based de facto on socialization mechanism.¹³⁸ In case of Ukraine, I will look at two issues that are listed among the short-term priorities of the ENP Country Progress Report 2011 for Ukraine¹³⁹ - judiciary and the rule of law, and elections – and at the same time are sensitive issues constituting high adoption costs.

¹³⁷ Frank Schimmelfennig, “The EU: Promoting Liberal-Democracy through Membership Conditionality,” *Socializing Democratic Norms: The Role of International Organizations for the Construction of Europe*, (2005):197.

¹³⁸ Frank Schimmelfennig, “Europeanization beyond the member states,” *Zeitschrift für Staats-und Europawissenschaften* 14, no 3 (2010), http://www.eup.ethz.ch/people/schimmelfennig/publications/10_ZSE_Europeanization_manuscript_.pdf (accessed April 11, 2012).

¹³⁹ European External Action Service, “ENP country Progress Report 2011 – Ukraine,” The European External Action Service, http://eeas.europa.eu/delegations/ukraine/documents/press_releases/memo_ukraine_clean.pdf (accessed April 18, 2012).

Independence of Judiciary. At the heart of the Association Agreement with the EU lies the key democratic principal of the rule of law. It has been put to the test recently in Ukraine, where the issues of politically motivated trials, independence of judiciary and selective use of law emerged after the former prime minister of Ukraine Yulia Tymoshenko and some other senior members of her cabinet were imprisoned after the series of “show trials”.

The Ukrainian judiciary has gone through a number of transformations over the past twenty years. However, these have been ad hoc measures that have not led to any systemic changes in the quality of the judiciary. The judiciary has remained a tool of manipulation for political purposes by political elites, acting as the principal veto players for the EU conditionality, while the majority of Ukraine’s population has been getting extremely limited access to justice. Furthermore, according to public opinion polls, the Ukrainian population distrusts the judiciary and this distrust has been steadily growing since 2010 presidential elections. Currently, over 57 percent of those polled do not support the Ukrainian judiciary, while only 4 to 25 percent support its activities completely or partially.¹⁴⁰

From the start of the EU-Ukraine relations the judiciary has been the priority area of reforms. Within the ENP policy the effective functioning of judiciary is indicated as a prerequisite of the correct and efficient application of the rule of law.¹⁴¹ Notably reform of judiciary in Ukraine could be of pragmatic benefit of the EU since “strengthening of the functioning of the judicial system will also contribute to a better investment climate”¹⁴² for potential EU investors. Specific steps to reform judiciary in Ukraine are identified in the bilateral EU-Ukraine Action Plan (AP):

¹⁴⁰ Razumkov Centre, “Sociological poll of April 2011,” Razumkov Centre, http://razumkov.org.ua/ukr/poll.php?poll_id=169 (accessed April 27, 2012).

¹⁴¹ Commission of the European Communities, “Wider Europe-Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours,” *Communication from the Commission to the Council and the European Parliament* 7, COM(2003), http://ec.europa.eu/world/enp/pdf/com03_104_en.pdf (accessed April 27, 2012).

¹⁴² Commission of the European Communities, “European Neighbourhood Policy Strategy Paper,” *Communication from the Commission* 16, COM(2004), http://ec.europa.eu/world/enp/pdf/strategy/strategy_paper_en.pdf (accessed, April 27, 2012).

“to complete and implement reform of the court system to ensure independence, impartiality and efficiency of the judiciary; effective implementation of the European Court of Human Rights (ECHR) judgments; enhance training of judges, prosecutors and officials in judiciary, administration, police and prisons, in particular on human rights issues.”¹⁴³

Importantly, the implementation of reforms has taken place irrespective of the government in power. Since 2010 presidential elections judiciary continued to be subject of reform measures, mainly due to the fact that the EU has demanded certain reform steps. Yet, the measures that have been taken reflect the attempts of political elites to adjust the system to individual interests with short-term benefits. More importantly, however, they reflect the need to take into account external constraints of the EU conditionality and domestic pressure.

Free and Fair Elections. The implementation of free and fair elections can be influenced through conditionality. In the so-called ‘List of Additional Measures’, which accompanied the signing of the EU-Ukraine Action Plan in February 2005, the conduct of “free and fair” elections was a key political condition of the Action Plan, the fulfillment of which was sufficient for opening negotiations on a new ‘enhanced agreement’ “to ensure democratic conduct of parliamentary (2006) elections, in accordance with OSCE standards and OSCE/ODIHR recommendations”.¹⁴⁴

This condition was regarded fulfilled during the 2006 parliamentary elections, the first truly free and fair elections in Ukrainian history, thereby paving the way to opening negotiations on the new Association Agreement in March 2007.¹⁴⁵ Importantly, based on the analysis of the Action Plan (2005), before the “Orange Revolution” the EU incentives and conditions were formulated very vaguely and were not clearly related to each other. After the Orange Revolution

¹⁴³ European Commission, “EU-Ukraine Action Plan,” European Commission European Neighbourhood Policy, http://ec.europa.eu/world/enp/pdf/action_plans/ukraine_enp_ap_final_en.pdf (accessed, April 18, 2012).

¹⁴⁴ Katarzyna Wolczuk, “Adjectival Europeanisation? The Impact of EU Conditionality on Ukraine under the European Neighbourhood Policy,” *European Research Working Paper Series* 18 (2007): 12.

¹⁴⁵ European Commission, “EU-Ukraine Action Plan.”

the EU used more defined conditionality, like “free and fair “ elections, which can be measure through the OSCE reports in Europe (OSCE/ODIHR, 2005, 2006).¹⁴⁶

Ukraine’s positive record in the conduct of democratic elections of 2006 was also largely confirmed during the 2007 early parliamentary elections¹⁴⁷ and 2010 presidential elections.

Yet, the situation has changed dramatically shortly after the 2010 elections. The following local elections were generally interpreted as a big step backwards.¹⁴⁸ Regulations were changed shortly before the elections and favored established parties with extensive structures. International observers recorded many irregularities and the misuses of administrative resources. As a result, the ruling party won in most regions and large cities. Moreover among the elected rulers dominated the representatives of big business (financial-industrial groups). Thus, the heads o financial-industrial groups started to exercise even greater than before influence over the course of political action.

Importantly, in Ukraine, the military does not interfere with politics, as it does in Turkey. Instead, the major veto players for the EU conditionality are among political elites and can be found in parliament, presidential administration and government.¹⁴⁹ Notably, Ukrainian big business is closely tied to Russia, especially in the energy sector. The role of Russia is furthermore important because during all past election campaigns in Ukraine, it has expressed direct internal political preferences and support to pro-Russian political powers, thus affecting Ukrainian society and acting as an influential external veto player for Europeanization. The next litmus test to the EU conditionality in the form of elections, Ukraine will face in October 2012, when parliamentary

¹⁴⁶ Janine Reinhard, “EU Democracy Promotion through Conditionality: The Temptation of Membership Perspective or Flexible Integration? A Case Study on Ukraine,” *Chair of International Relations and Conflict Management, Working Paper* 25, 02 (2008), http://kops.ub.uni-konstanz.de/bitstream/handle/urn:nbn:de:bsz:352-opus-67745/Working_Paper_Series_2_2008_Reinhard.pdf?sequence=1 (accessed April 25, 2012).

¹⁴⁷ Commission of the European Communities, “Implementation of the European Neighbourhood Policy in 2007, Progress Report Ukraine,” *Commission Staff Working Document* 2, SEC(2008), http://ec.europa.eu/world/enp/pdf/progress2008/sec08_402_en.pdf (accessed April 28, 2012).

¹⁴⁸ BTI 2012, “Ukraine Country Report.”

¹⁴⁹ BTI 2012, “Ukraine Country Report.”

elections are set to take place. The fate of already finalized but recently “put on hold” Association Agreement,¹⁵⁰ which includes DCFTA, depends on it.¹⁵¹

4.3. Europeanization (2005-2010): The Time of Missed Opportunities

Since the Orange Revolution of 2004 and until the 2010 presidential elections Ukraine has made tangible progress in incorporating the European norms and values: (1) four successive national elections have been conducted largely in accordance with international standards; (2) civil society has taken deeper root particularly in the larger cities; (3) people could enjoy a large degree of pluralism in the media.¹⁵² Moreover, all major political forces in Ukraine, including the Orange Coalition leaders (Viktor Yushchenko and Yulia Tymoshenko) and the leader of the main opposition party (Viktor Yanukovich, Party of Regions) have confirmed Ukraine’s European aspirations and its commitment to the European reform agenda within the framework of the ENP. Yet, reform efforts in particular in the areas of the rule of law and judiciary reform, corruption, business and investment climate have been significantly undermined by political instability, division within Ukraine’s political leadership and elites, and new unclear constitutional division of powers.

Despite the consensus on the pro-European orientation, Ukrainian political elites disagreed on a number of key domestic issues. By the end of 2006, political competition between different elite groups acquired an institutional character and the constitutional ‘rules of the game’ became a subject of contestation.¹⁵³ Ukraine witnessed a humiliating conflict over competencies between the

¹⁵⁰ Stefan Füle, “EU-Ukraine relations are at critical point, says Commissioner Füle,” DiploNews, http://www.diplonews.com/feeds/free/28_February_2012_1.php (accessed April 28, 2012).

¹⁵¹ Agata Byczewska, “EU-Ukraine relations at a crossroads.”

¹⁵² European Union, “Ukraine, National Indicative Programme 2011-2013,” *European Neighborhood and Partnership Instrument* 4, (2011), http://ec.europa.eu/world/enp/pdf/country/2011_enpi_nip_ukraine_en.pdf (accessed at May 25, 2012).

¹⁵³ Commission of the European Communities, “Commission’s Progress report on the Implementation of the European Neighbourhood Policy in Ukraine in 2008,” *Commission Staff Working Document* 11, Sec (2009), http://ec.europa.eu/world/enp/pdf/progress2009/sec09_515_en.pdf (accessed at May 26, 2012).

prime minister (Yulia Tymoshenko) and the president (Viktor Yushchenko). The executive-legislative relations were overshadowed by the elections and then premier-presidential conflict, which in the spring 2007 involved the Supreme Council itself. In this context of the intensive power struggle, high expectations of major transformations, including further deep integration with the EU, were dashed, resulting in the period of “missed opportunities”.

Could the EU have influenced the situation in Ukraine and had a greater impact on domestic changes? The EU has become an actor in the domestic reform process in Ukraine since the European Neighborhood Policy (ENP) was launched in 2004. Taking into account that the introduction of the ENP coincided with the Orange Revolution and that the new Ukrainian authorities demonstrated the full willingness to move closer with the EU, the Union offered to Ukraine a number of new policy tools, such as enhanced political dialogue, increased mobility and an Association Agreement with a deep and comprehensive free trade area.¹⁵⁴

The EU also proposed a model for domestic reforms in the form of EU-Ukraine Action Plan, implemented in 2005-2008, and an Association Agenda (a second-generation Action Plan), implemented since 2010, as well as regular progress reports published annually in spring.

What has been missing in the EU’s policy towards Ukraine was the eventual membership perspective. The offered incentives and objectives were rather vague,¹⁵⁵ which proved a weak conditionality and no clear linkage between potential rewards, such as financial, technical assistance and deeper integration, and specific reform requirements. The feebleness of conditionality has decreased the EU’s pressure for reforms in Ukraine. Given that the adoption costs for incumbent political elites are high, the EU’s domestic pressure for adaptation is rather insignificant. The following analysis of the EU’s policy towards judicial reform in Ukraine and the freedom of elections demonstrate the essential role that conditionality could play in promoting reforms.

¹⁵⁴ Katarzyna Wolczuk, “Adjectival Europeanisation?” 6.

¹⁵⁵ European Commission, “Revised EU-Ukraine Action Plan on Freedom, Security and Justice Challenges and strategic aims,” *EU Neighborhood Library*, (2007), http://ec.europa.eu/world/enp/pdf/action_plans/ukraine_enp_ap_jls-rev_en.pdf (accessed May 21, 2012).

Independence of Judiciary. The reform of judiciary has always been of a top priority on the EU's agenda towards Ukraine. The revised 2005 EU-Ukraine Action Plan encouraged Ukraine's efforts: (1) to ensure impartiality, independence and competence of judges; (2) to implement the strategy on judicial reform entitled "Concept for improvement of the judiciary" in order to ensure fair trial in Ukraine in line with European standards; (3) to increase the capacity of the court system to deal with its workload and strengthen administrative capacity; (4) to improve access to justice and establish a proper legal aid system; (5) to introduce special training for judges and candidate judges and to enhance their independence, impartiality and efficiency.¹⁵⁶ Yet these concrete actions did not apply conditionality. As a result, Ukrainian authorities have had no strong incentives to reform the system from thy benefited.

Over the period of 2005-2010, the judicial reform did not see substantial progress, although a number of reforms were enacted. The independence of judiciary was often questioned, which both the legal framework and its implementation did not provide for sufficient guarantees of independence. According to the OECD Monitoring Report on Ukraine the key problems lied in: (1) insufficient funding and as a consequence courts had no proper conditions for administering justice; Importantly private contributions and local self-government authorities often compensated insufficient state funding, which undermined the integrity and independence of the judiciary and fostered corruption; (2) the conflict with the political power due to a decision of freezing salaries; (3) the role of the parliament in dismissing judges.¹⁵⁷

Among the most notable efforts initiated by the Ukrainian authorities were: the Code on administrative justice and the new civil Code (both entered into force in 2005); a Concept on improvements of judiciary and on ensuring justice, adopted by the National commission for strengthening democracy and the rule of law (established in 2005); a Law on enforcement of

¹⁵⁶ Kataryna Wolczuk, "Adjectival Europeanisation?"¹⁴.

¹⁵⁷ Monitoring Meeting of the Anti-Corruption Network for Eastern Europe and Central Asia, "Second Round of Monitoring, Ukraine Monitoring Report," *OECD Anti-Corruption Network for Eastern Europe and Central Asia* 66, (2010), <http://www.oecd.org/dataoecd/31/55/46832397.pdf> (accessed May 25, 2012).

judgments of the European Court of Human Rights. Furthermore, training for judges, prosecutors and other officials in particular human rights issues was provided during 2006-2007 through the European Commission Programmes.¹⁵⁸ Despite these efforts, the reforms of judiciary were limited and “progress was still required to ensure the independence and efficiency of judiciary and fairness of legal proceedings”.¹⁵⁹

It is also important to mention that the EU offered financial resources to support reform of judiciary in Ukraine. For instance, during 2007-2010 through the ENP technical and financial assistance (ENPI), the EU provided 464 million Euro to support the judicial reform.¹⁶⁰ Yet, these financial efforts were not backed up by the proper conditionality, but rather through the policy influence by means of regular monitoring (country reports) and enhancement of judicial cooperation. In addition, the EU used general statements or communicated with the Ukrainian authorities through the diplomatic sources.

Free and Fair elections. The 2006 Freedom House indicators show that the main democratic improvements in Ukraine brought by the Orange Revolution lie in the field of democratic elections.¹⁶¹ These democratic changes were evident during the 2006 and 2007 parliamentary, as well as 2010 presidential elections. After the 2006 parliamentary elections, which were observed by an International Observer Mission under the leadership of the OSCE/ODIHR and deemed as “largely free and fair”, the then president Yushchenko stated: “this elections became a celebration of Ukrainian democracy and our determination to pursue a

¹⁵⁸ K. Kanjaa, “A Wider Europe Without a Golden Carrot of Membership. A Study on the Effectiveness of EU Political Conditionality in Providing Political Reforms in Morocco and Ukraine under the European Neighbourhood Policy,” (Master thesis, University of Twente, 2010), 31, 42.

¹⁵⁹ Ibid.

¹⁶⁰ Roman Petrov, “EU External Policies and Application of EU Law by Judiciaries in the EU Neighbourhood: Cases of Russia and Ukraine,” *EC Law Discussion Group Presentation 1*, (2009), http://denning.law.ox.ac.uk/news/events_files/Petrov_handout_IECL.pdf (accessed May 25, 2012).

¹⁶¹ Freedom House, “Nations in Transit 2006, Ukraine,” DocStoc, <http://www.docstoc.com/docs/50708193/Nations-in-Transit-2006-Ukraine> (accessed May 23, 2012).

European path”.¹⁶² Overall, fundamental civil and political rights, such as freedom of expression and assembly, were respected. Preceding the elections, the legislative framework had been revised, through the Law on the Election of People’s Deputies (July 2005) addressing recommendations made by the OSCE Observer Mission following the 2004 presidential elections.¹⁶³

In terms of the latest 2007 parliamentary elections’ results, five major parties and blocks overcame the 3 percent threshold: two pro-European Orange parties – Bloc Yulia Tymoshenko and Our Ukraine-People’s Self-Defense Bloc (headed by Lutsenko), the centrist Lytvyn’s Bloc and pro-Russian Party of Regions and the Communist Party.¹⁶⁴ All these parties, with the exception of the Communist party, were lacking a clear programmatic differentiation between their respective party platforms, and they served mostly as political vehicles for individual leading politicians.

Importantly, despite the success of the series of democratic elections, Ukraine still has no unified electoral code. According to the Parliamentary Assembly and the Venice Commission, there are too many laws governing elections, and they are complex and unclear. That is why the Ukrainian authorities were repeatedly advised to develop and adopt a unified and simplified electoral code.

To sum up, the free and fair conduct of the 2006 and 2007 parliamentary elections has convinced the EU to open negotiations on further Association agreement with Ukraine – an obvious case of conditionality and proper incentives working.

¹⁶² Geoffrey Pridham, “Ukraine, the European Union and the Democracy Question,” *Romanian Journal of European Affairs* 20, no 4 (2011), http://www.ier.ro/documente/rjea_vol11_no4/RJEA_2011_vol11_no4_Ukraine_the_European_Union_and_the_Democracy_Question.pdf (accessed May 15, 2012).

¹⁶³ Commission of the European Communities, “ENP Progress Report, Ukraine,” *Commission Staff Working Document* 4, SEC(2006), http://ec.europa.eu/world/enp/pdf/sec06_1505-2_en.pdf (accessed May 25, 2012).

¹⁶⁴ Nations in Transit, “Executive summary Ukraine,” Freedom House, <http://www.freedomhouse.org/report/nations-transit/2008/ukraine> (accessed May 25, 2012).

4.4. Post 2010 Europeanization: Backsliding of Democracy in Ukraine

The 2012 was supposed to become “the Year of Europe” in Ukraine, as declared by president Yanykovich in 2011 during the traditional meeting with the heads of diplomatic missions of foreign states and international organizations: “we are committed to the Association Agreement with the EU, and to recognition of Ukraine’s right to become a full member of the European Community”.¹⁶⁵ Indeed, the five-year long negotiation process (opened in 2007) for an Association agreement between the EU and Ukraine has been completed in December 2011 and was ready for signing at the EU-Ukraine summit. Instead, all these achievements have been put in a profound jeopardy by former prime minister Yulia Tymoshenko’s trial and imprisonment.

As the Freedom House has informed in its 2011 report, Ukraine has been downgraded from being “free” to being “partly free”.¹⁶⁶ Moreover, back in 2011 Freedom House published a report at the one-year anniversary of Yanukovich’s government, in which it urged “if left unchecked, the trends set by Ukraine’s current leadership will move the country toward greater centralization and consolidation of power – that is, toward authoritarianism”.¹⁶⁷

Like in 2004, today Ukraine is again at the political crossroads.

Independence of Judiciary. The reform of the judiciary has always been on the top of the EU’s agenda towards Ukraine. In the document prepared by the EU commissioner for Enlargement and European Neighborhood Policy Stefan Fule, the so-called “Fule’s Matrix”, the judiciary reform was among priority reform areas.¹⁶⁸ In this Matrix, the EU suggested to “take forward reform of the judiciary in order to ensure its independence and the efficiency of the

¹⁶⁵ Official Website of President of Ukraine, “Viktor Yanukovich: 2012 will be a European Year for Ukraine,” Party of Region, <http://www.partyofregions.org.ua/en/news/top/show/7401> (accessed May 23, 2012).

¹⁶⁶ Nations in Transit 2011, “Report for Ukraine,” Freedom House, <http://www.freedomhouse.org/report/nations-transit/nations-transit-2011> (accessed May 25, 2012).

¹⁶⁷ Reports, “Freedom of the Press 2012,” Freedom House, www.freedomhouse.org/reports (accessed May 25, 2012).

¹⁶⁸ Iryna Solonenko, “The EU’s Transformative Power towards the Eastern Neighborhood. The case of Ukraine,” 11.

courts, further strengthen impartiality of the judiciary and courts ... and provide sufficient resources to implement reforms”.¹⁶⁹

The EU support for the judiciary reforms in Ukraine over the past years has consisted mainly from a number of initiatives backed by the financial support. In 2010, the EU allocated 11,5 million Euros for the judiciary.¹⁷⁰ The assistance envisioned two programmes and three twinning projects: “Transparency and Efficiency of the Judicial System of Ukraine” and “Accountability and Effectiveness of Ukrainian Judiciary Functioning”.¹⁷¹ Both programmes were implemented jointly with the Council of Europe. Yet, the level of effectiveness of such initiatives has been very limited due to the lack of the EU’s official conditionality and proper political communication. Situation has changed dramatically since the political trial and the subsequent imprisonment of Yulia Tymoshenko and the senior members of her Cabinet.

Back in 2010, right after the presidential elections, the legislation in the field of the judiciary has developed in the direction of making the judiciary more politically dependent. Since then, the new system has been widely used to prosecute political opposition leaders. Yet, the case against Tymoshenko and her conviction for seven years in prison triggered unprecedented reaction from the EU towards Ukraine.

The European Commissioner for Enlargement and European Neighborhood Stefan Füle noted that the trial over Tymoshenko did not respect the international standards as regards fair, transparent and independent legal process.¹⁷² This declaration along with other statements coming from the highest-ranking EU officials made it clear that Ukraine risks losing the chance of having

¹⁶⁹ Stefan Füle, “I presented to the Ukrainian side a list of key reforms,” Delegation of the European Union to Ukraine, http://eeas.europa.eu/delegations/ukraine/press_corner/all_news/news/2010/2010_04_28_01_en.htm (accessed, May 25, 2012).

¹⁷⁰ Iryna Solonenko, “When the EU Makes a Difference in Ukraine’s Reform Process: The cases of Public Procurement and the Judiciary” (paper presented at the seventh annual Danyliw Research Seminar in Contemporary Ukrainian Studies, University of Ottawa, Canada, October 20-22, 2002).

¹⁷¹ Ibid.

¹⁷² Stefan Füle, “Statement on the Situation in Ukraine, Case of Yulia Tymoshenko,” Europa Press releases Rapid, <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/12/373&format=HTML&aged=0&language=EN&guiLanguage=en> (accessed May 21, 2012).

the Association Agreement with the EU. The actual signing of the Agreement will now depend on how the authorities handle the Tymoshenko case. This is an example of clear and strong conditionality. Two outcomes are yet to be seen, whether this conditionality is connected to the entire judicial reform or just to a specific Tymoshenko case, and whether the Ukrainian authorities taking into account the great costs positively respond to it.

Free and Fair Elections. In recent years Ukraine has enjoyed a relatively democratic and pluralist political environment, yet the system faced new challenges in 2010, including a growing concentration of power in the executive branch and a general return to a post-Soviet semi-authoritarian model.¹⁷³

In February 2010, Viktor Yanukovich was elected President in the election, which was deemed by most observers to have met internationally accepted democratic standards. Nevertheless, since his election the Yanukovich administration has been engaged in the practice of selective justice, targeting opposition leaders.

To date, the only elections conducted under the Yanukovich presidency are the 2010 local elections. These elections have fallen short of meeting democratic standards, as recognized by international observers and organizations. Massive government resources were used to consolidate power, while parties not aligned with the governing party were not able to fully and fairly participate in the elections nationwide.¹⁷⁴

Notably, on November 17, 2011 Ukraine's parliament adopted a law on Parliamentary Elections, which are scheduled for October 2012. The new law establishes a mixed system by which half of the deputies will be elected under a closed-list proportional system and the other half will be selected through individual mandates in a majoritarian system.¹⁷⁵ This mixed electoral system was last used in 2002, when OSCE international observers reported significant fraud. In

¹⁷³ Oleksandr Sushko, Olena Prystayko, "Ukraine," *Nations in Transit* 582, (2011), http://www.freedomhouse.org/sites/default/files/inline_images/NIT-2011-Ukraine.pdf (accessed May 22, 2012).

¹⁷⁴ Ibid.

¹⁷⁵ BTI 2012, "Ukraine Country Report."

addition, the new law establishes a five-percent threshold for any political party to be presented through the proportional vote and does not allow electoral blocs to compete in the election.¹⁷⁶ Importantly, the Venice Commission strongly criticized the draft of the new Parliamentary Election Law. However, the Commission's recommendations were mostly disregarded.

The October 2012 elections will be the first parliamentary election in Ukraine since 2007. At the same time they will be the litmus test for the EU-Ukraine relations.¹⁷⁷

The EU will follow both the condition of the electoral campaigns and the voting process very closely. Thus, if Ukraine wants to fulfill its European aspirations and move towards further Europeanization, it is of the utmost importance that the elections are conducted as free and fair, and in accordance with the international standards and norms.

¹⁷⁶ Ibid.

¹⁷⁷ Stefan Füle, "Statement on the Situation in Ukraine, Case of Yulia Tymoshenko."

Conclusions

This thesis looks at the effects of Europeanization on Turkey and Ukraine through the mechanism of political conditionality. As envisaged by F. Schimmelfennig, the EU strategy of political conditionality in both countries so far has resulted in distinctive effects, which yet again reconfirms that enlargement and neighborhood policies operate on different bases through conditionality and socialization, respectively. At the same time, the research has produced additional important findings in terms of necessary conditions and extent of Europeanization for both cases, as well as highlighted significance of domestic factors.

In Turkey, political conditionality proved to be the strongest during the period of 2002-2005, when in addition to financial and technical incentives, the membership credibility was high and the initial time for opening negotiations was also defined. During this timeline the AKP government carried out ‘sweeping reforms’ in different areas, specifically – the military, Kurds and Cyprus. In all three areas, the Turkish government made a progress, therefore paving the way for the opening of the negotiation talks in 2005. Importantly, during the discussed timeframe, the adoption costs within the issues of the military and Kurds were lowered, as the key veto-player’s role in politics – the Turkish army – was reduced. Most importantly, the public support during this period, as estimated by Eurobarometer in 2004, was very high, accounting for 71 percent. The effect of Europeanization was even stronger in the Cyprus issue, where despite the high adoption costs and strong veto players, the AKP government encouraged the Turkish Cypriots to vote for the Annan Plan for a resolution of the Cyprus problem.

The complications began after the Greek Cypriots rejected the plan and the promise of the EU to open the EU market to the Turkish Cypriots for voting positively was not fulfilled. Moreover, before the negotiation talks took place, the German Chancellor Angela Merkel and the former French President Nicolas Sarkozy changed their rhetoric from the membership perspective to the ‘privileged partnership’ for Turkey. Consequently, starting from 2005 there has been a

slowdown in the reforms in the discussed three areas. As a result of these changes, the AKP has announced that Turkey would rename the Copenhagen criteria into ‘Ankara criteria’ and will continue its path for democratization, which seem to contest the main conditionality principle of ‘a rule transfer’.

Importantly, domestic environment in the country has also changed. The adoption costs in the Kurdish question have been brought back to the agenda with a revival of the radically oriented Kurdish forces, namely PKK. The Cyprus case has reached its lowest point with no perspective for future rapprochement. Concerning the military, the reforms were carried on, yet not as a response to the EU demands, but rather because the military has become the main opposition to the ruling AKP government, accusing it of the ‘hidden agenda’. At the later stage, some changes were reassumed in the Kurdish question. However, as argued earlier that was a reaction to the loss of votes by the AKP in the Kurdish populated region. Most importantly, the public support within Turkish society has substantially dropped to 42 percent reflecting changes in the known for its pragmatism AKP government.

Supporting the hypotheses, the main findings of this research suggest that:

- the credibility of conditionality, specifically full membership perspective, has an important role;
- the adoption costs and veto-players as showed by the positive results in two issues, the military and Kurds have another strong influence;
- the Cyprus case reveals that notwithstanding the high adoption costs and strong veto-players, support - legitimacy for carrying out the EU-led reforms - of public is crucial.

In Ukraine, the political conditionality has demonstrated its flexibility and weakness resulting in the failure of Ukraine to fulfill its obligations. As the EU neighborhood policy is based on the socialization mechanism, in general, conditions for Ukraine remain weak and most importantly the EU membership perspective is not offered. Taking into account the specific

context as the legacy of the past, where individual interests and short-term benefits drive the key state actors, a lack of clear rewards and incentives impedes the effectiveness of conditionality. Importantly, political elites act both as the key actors and often the veto-players.

During the period of 2005-2009 there was an impetus for successful Europeanization, however, because of the internal political struggles, the results were limited. In the two chosen issue areas, namely judiciary and elections, the outcomes of the EU pressure were different. In terms of judiciary, the significant progress was not made, as there was an absence of clear linkage between potential rewards and the required reforms, resulting in weak conditionality. With regard to the elections, the conditionality during the discussed period was successful. The determinacy of the EU demands for conducting democratic parliamentary elections in 2006 and 2007 was effectively conditioned upon the opening of FTA. After 2010, under the new President Yanukovych and its government, the progress that was reached on elections by the previous government, was reversed. The local elections of 2010 fell short to conform to democratic standards. In the area of judiciary backslide was even more drastic. The new government has engaged in the practice of selective justice by targeting opposition. Following the imprisonment of the key opposition leader Yulia Tymoshenko, the EU exercised clear conditionality by suspending the initialed Association Agreement until Tymoshenko is released. Despite clear political conditionality this time, the domestic environment has changed while both the adoption costs and the veto-players have increased. Moreover, in Ukraine's case, unlike Turkey, the EU is competing with Russia, an important external veto-player for successful Europeanization.

Supporting the three hypotheses the findings of this research suggest that:

- without the “biggest carrot”, conditionality is handicapped from the outset. The importance of attractiveness of incentives has been evidenced on the example of Ukraine's elections in 2006 and 2007;

- by exercising weak conditionality, it is difficult to overcome high adoption costs and the power of strong veto-players at different levels, including the external ones;
- favorable domestic environment is crucial, once the government is less committed to the EU, even strong conditionality proves to be ineffective.

Derived from the above analysis, the following important conclusions can be made. Both Turkey and Ukraine experienced complex Europeanization processes. Yet, achievements of Turkey can be useful for the case of Ukraine. The success of Turkey's Europeanization in the period of 2002-2005 can be explained due to three factors. First, the credibility of conditionality with the EU membership perspective has granted the government legitimacy to conduct uncomfortable reforms. In the case of Ukraine the credibility of political conditionality is weak and the membership perspective is not even a distant offer. Second, the domestic environment during the mentioned period in Turkey has been the most conducive, as the AKP, unlike the previous Turkish governments, has managed a single-party government and therefore has followed one strategy. Contrary to that, in Ukraine even in the aftermath of the Orange revolution – when the Ukrainian government was said to be the most committed to the EU – political struggles inside the coalition government did not allow implementation of an effective single strategy. Third, in the case of Turkey the decrease of the adoption costs and veto-players have induced a conducive environment in the country to bring the reforms. Fourth, and most importantly for Turkey, public support for the EU was crucial for the AKP government to carry unpopular reforms. In Ukraine, the crucial problem is the lack of nexus between the government and society that impedes the successful country's Europeanization.

Bibliography

Alessandri, Emiliano. "Democratization and Europeanization in Turkey After the September 12 Referendum." *Insight Turkey*. 12 (2010): 23-30.

"Bagis: Cyprus is already integrated to Turkey". *Famagusta Gazette*, March 8, 2012, <http://famagusta-gazette.com/bagis-cyprus-is-already-integrated-to-turkey-p14739-69.htm> (accessed May 21, 2012).

Börzel, A. Tanja, and Thomas Risse. "When Europe Hits Home: Europeanization and Domestic Change." *European Integration online Papers (EIoP)* 4, no. 15 (November 29, 2000), <http://eiop.or.at/eiop/pdf/2000-015.pdf> (accessed May 27, 2012).

Börzel, A. Tanja and Soyaltin Digdem. "Europeanization in Turkey. Stretching a Concept to its Limits?" *KFG Working Paper Series* 36 (2012): 24.

BTI 2012. "Ukraine Country Report." Transformation Index BTI 2012. <http://www.bti-project.org/countryreports/pse/ukr/> (accessed May 25, 2012).

Byczewska, Agata. "EU-Ukraine relations at a crossroads." EPP Group in the European Parliament, May 21, 2012, http://www.eppgroup.eu/infocus/ukraine_120521_en.asp (accessed May 27, 2012).

Büyükbay, Can and Merdzanovic, Adis. "Euroscepticism in Turkey and Bosnia-Herzegovina." Paper presented at the 62nd Political Studies Association Annual International Conference, Belfast, United Kingdom, April 3-5, 2012.

Cagaptay, Soner "'Kurdish Opening' Closed Shut." *Foreign Policy*. October 28, 2009. http://www.foreignpolicy.com/articles/2009/10/28/kurdish_opening_closed_shut (accessed May 20, 2012).

Capezza, David. "Turkey's Military is a Catalyst for Reform□The Military in Politics." *Middle East Quarterly*, □Summer (2009):13-23.

Çarkoglu, Ali and Barry Rubin, eds., *Turkey and the European Union*. London: Frank Cass Publishers, 2003, 273.

Caryl, Christian. "Yanukovych Has Won. Get Over It. Foreign Policy." February 2010. http://www.foreignpolicy.com/articles/2010/02/08/yanukovich_won_get_over_it?page=0.1 (accessed May 15, 2012).

Central Electoral Commission of Ukraine. Elections of the President of Ukraine 2004-2010. <http://www.cvk.gov.ua> (accessed April 27, 2012).

Commission of the European Communities. "Wider Europe-Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours." *Communication from the Commission to the Council and the European Parliament*, COM (March 11, 2003) 104 final, http://ec.europa.eu/world/enp/pdf/com03_104_en.pdf (accessed April 27, 2012).

Commission of the European Communities. "Implementation of the European Neighbourhood Policy in 2008, Progress Report Ukraine." *Commission Staff Working Document*, SEC (April 23, 2009) 515/2, http://ec.europa.eu/world/enp/pdf/progress2009/sec09_515_en.pdf (accessed April 28, 2012).

Commission of the European Communities. "European Neighborhood Policy Strategy Paper." *Communication from the Commission*, COM (May 12, 2004) 373 final, http://ec.europa.eu/world/enp/pdf/strategy/strategy_paper_en.pdf (accessed, April 27, 2012).

Commission of the European Communities. "ENP Progress Report Ukraine." *Commission Staff Working Document*, SEC (December 4, 2006) 1505/2, http://ec.europa.eu/world/enp/pdf/sec06_1505-2_en.pdf (accessed May 25, 2012).

Commission of the European Communities. "Implementation of the European Neighbourhood Policy in 2007, Progress Report Ukraine." *Commission Staff Working Document*, SEC (April 3, 2008) 402, http://ec.europa.eu/world/enp/pdf/progress2008/sec08_402_en.pdf (accessed April 28, 2012).

Commission of the European Communities. "Regular Report on Turkey's progress towards accession 2004." SEC (October 6, 2004) 1201, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2004/rr_tr_2004_en.pdf (accessed May 17, 2012).

Cornell, E. Svante. "What Drives Turkey's Foreign Policy? Changes in Turkey," *Middle East Quarterly*, (2012): 13-24, <http://www.meforum.org/meq/pdfs/3129.pdf> (accessed May 15, 2012).

European Commission. "Public opinion in the European Union." *Eurobarometer Spring 2004*: 1-172, http://ec.europa.eu/public_opinion/archives/eb/eb61/eb61_en.pdf (accessed May 25, 2012).

European Commission. "Public opinion in the European Union." *Eurobarometer 74 Autumn 2010*: 1-126, http://ec.europa.eu/public_opinion/archives/eb/eb74/eb74_publ_en.pdf (accessed May 25, 2012).

European Commission. "Revised EU-Ukraine Action Plan on Freedom, Security and Justice Challenges and strategic aims." *EU Neighborhood Library*, (2007), http://ec.europa.eu/world/enp/pdf/action_plans/ukraine_enp_ap_jls-rev_en.pdf (accessed May 21, 2012).

European Commission. "Negotiating Framework. Principles governing the negotiations." Luxembourg, (October 3, 2005), http://ec.europa.eu/enlargement/pdf/turkey/st20002_05_tr_framedoc_en.pdf (accessed May 18, 2012).

European Commission. "Turkey 2011 Progress Report." *Commission Staff Working Paper*, (October 10, 2011), http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf (accessed May 20, 2012).

European Commission. "Turkey 2005. Progress Report." SEC (November 9, 2005) 1426, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1426_final_progress_report_tr_en.pdf (accessed May 20, 2012).

European Union. "Ukraine, National Indicative Programme 2011-2013." *European Neighborhood and Partnership Instrument*, (2011), http://ec.europa.eu/world/enp/pdf/country/2011_enpi_nip_ukraine_en.pdf (accessed at May 25, 2012).

Firat, Cengiz. "Rethinking Conditionality: Turkey's EU Accession and the Kurdish Question." Academia.edu. http://tilburguniversity.academia.edu/FiratCengiz/Papers/1524224/Rethinking_Conditionality_TurkeyS_EU_Accession_and_the_Kurdish_Question (accessed May 20, 2012).

Fraser, Derek. "The Ukrainian Conundrum." *Centre for Global Studies* (University of Victoria), <http://www.globalcentres.org/publicationfiles/Ukrainian%20Conundrum.pdf> (accessed May 15, 2012).

Füle, Stefan. "Statement on the Situation in Ukraine, Case of Yulia Tymoshenko." Europa Press releases Rapid. <http://europa.eu/rapid/pressReleasesAction.do?reference>

[=SPEECH/12/373&format=HTML&aged=0&language=EN&guiLanguage=en](#) (accessed May 21, 2012).

Füle, Stefan. "I presented to the Ukrainian side a list of key reforms." Delegation of the European Union to Ukraine, http://eeas.europa.eu/delegations/ukraine/press_corner/all_news/news/2010/2010_04_28_01_en.htm (accessed, May 25, 2012).

Gawrich, Andrea, Melnykovska, Inna, Schweickert, Rainer. "Neighborhood Europeanization through ENP." *KFG Working Paper Series* 3 (2009): 27.

Gökhan, Kurtaran. "Turkey vital for energy, EU commissioner says." *Daily News*, February 2012, <http://www.hurriyetdailynews.com/turkey-vital-for-energy-eu-commissioner-says.aspx?pageID=238&nid=13451> (accessed April 5, 2012).

Grabbe, Heather and Ülgen, Sinan. "The Way forward for Turkey and the EU. A strategic Dialogue on Foreign Policy." *Carnegie Endowment for International Peace*, (2010): 1-12, http://carnegieendowment.org/files/turkey_eu_policy1.pdf (accessed, May 11, 2012).

Haugom, Lars. "The Turkish armed Forces in Politics." *Norwegian Institute for Defense Studies* (2012): 1-11.

IKV (İktisadi Kalkınma Vakfı). "Eastern European countries support Turkey's EU membership." Economic Development Foundation. http://www.ikv.org.tr/icerik_en.asp?konu=haberler&id=331&baslik=EASTERN%20EUROPEAN%20COUNTRIES%20SUPPORT%20TURKEY%92S%20EU%20MEMBERSHIP (accessed, April 12, 2012).

Kaoutar, Kanjaa. "A Wider Europe Without a Golden Carrot of Membership. A Study on the Effectiveness of EU Political Conditionality in Providing Political Reforms in Morocco and Ukraine under the European Neighbourhood Policy." Master thesis, University of Twente, 2010. http://essay.utwente.nl/60284/1/MA_thesis_K_Kanjaa.pdf (accessed May 27, 2012).

Kapitonenko, Mykola, Shamshur, Oleh, Chalyi, Valeryi. "Ukraine and EU: Challenges that Loom Ahead." *The German Marshall Fund of the United States*, (2012):1-6, http://www.gmfus.org/wp-content/files_mf/kapitonenkoetal_ukraineeu_feb12.pdf (accessed April 27, 2012).

Katchanovski, Ivan. "Regional Political Divisions in Ukraine in 1991 – 2006." *Nationalities Papers*, no. 5 (November 2006): 507-532, http://uottawa.academia.edu/IvanKatchanovski/Papers/440843/Regional_Political_Divisions_in_Ukraine_in_1991-2006 (accessed, April 27, 2012).

Keyman, E. Fuat and Öniş, Ziya. *Turkish Politics in a Changing World: Global Dynamics and Domestic Transformation*. Istanbul Bilgi University Press, 2008.

Khmelko, Irina et al. "Regionalism in Ukraine and its Role in Ukrainian Politics." *Open eyes*, (February 24, 2011), <http://www.vidkryti-ochi.org.ua/2011/02/regionalism-in-ukraine-and-its-role-in.html> (accessed April 29, 2012).

Kubicek, Paul. "The European Union, European Identity, and Political Cleavages in Turkey." Paper presented at the EUSA 11th Biennial International Conference, 2009.

Kulyk, Volodymyr. "Language identity, linguistic diversity and political cleavages: evidence from Ukraine." *Nations and Nationalism*, 17 (2011): 627-648.

Kuzio, Taras. "Viktor Yanukovich Two Years on: Why many got him wrong?" *Eurasia Daily Monitor*, no. 39 (2011), http://www.taraskuzio.net/media24_files/105.pdf (accessed May 20, 2012).

Kuzio, Taras. "Transition in Post-Communist States: Triple or Quadruple?" *Politics* 21 (2001): 168-177.

Kuzio, Taras. "Ukraine coming to terms with the Soviet legacy." *Journal of communist studies and transition politics* 14 (1998): 1-27.

Meleshevich, Andrey. "Geographical Patterns of Party Support in the Baltic States, Russia, and Ukraine." *European Urban and Regional Studies* 13 (2006): 113-129.

Melnykovska, Inna. "Ukraine: Europeanization from abroad or inside? Chance and Challenge for the European union." *ENEPO project*. Paper prepared for the ECSA-Canada 2008 Biennial Conference "The Maturing European Union" Edmonton, September 25-27, 2008.

Müftüler-Bac, Meltem. "Turkey's Political Reforms and the Impact of the European Union." *South European Society & Politics* 10 (2005): 16-30.

Müftüler-Baç, Meltem. *Europe in Change. Turkey's relations with a changing Europe*. UK: Manchester University Press, 1997.

Müftüler-Baç, Meltem. "The Never ending story: Turkey and the European Union." *Middle Eastern Studies* 34 (1998): 240-258.

Nations in Transit. "Executive summary Ukraine." Freedom House. <http://www.freedomhouse.org/report/nations-transit/2008/ukraine> (accessed May 25, 2012).

Oğuzlu, H. Tarik and Özpek, B. Burak. "Turkey's Europeanization." *International Journal*. 63 (2008): 991-1009.

"Oettinger calls for 'Europeanisation' of energy powers." *EurActiv*, (February 1, 2012), <http://www.euractiv.com/energy/oettinger-calls-europeanisation-energy-powers-news-510497> (accessed April 12, 2012).

Olsen, P. Johan. "The Many Faces of Europeanization." *Journal of Common Market Studies* 40 (2002): 921-952.

Önis, Ziya and Keyman, Fuat. "Helsinki, Copenhagen and Beyond: Challenges to the New Europe and the Turkish State." Paper presented at ISA Conference; Budapest, Hungary. 2003.

Paul, Amanda. "Turkey and Ukraine – different but similar." *Today's Zaman*, (January 2011), <http://www.todayszaman.com/columnist-233883-turkey-and-ukraine----different-but-similar.html> (accessed May 28, 2012).

Petrov, Roman. "EU External Policies and Application of EU Law by Judiciaries in the EU Neighbourhood: Cases of Russia and Ukraine." *EC Law Discussion Group Presentation*, (May, 2009), http://denning.law.ox.ac.uk/news/events_files/Petrov_handout_IECL.pdf (accessed May 25, 2012).

Pope, Hugh. "Erdoğan's Decade." *The Cairo Review of Global Affairs*, (March 2012), <http://www.crisisgroup.org/en/regions/europe/turkey-cyprus/turkey/op-ed/pope-turkey-erdogans-decade.aspx> (accessed April 28, 2012).

Putnam, D. Robert. "Diplomacy and domestic politics: the logic of two-level games." *International organization* 42 (1988): 460.

Rabasa, Angel and Larabee, F. Stephen. "The rise of political Islam in Turkey". *RAND Corporation*, (2008): 111.

Radaelli, M. Claudio. "Europeanisation: Solution or Problem?" *European Integration online Papers (EIoP)*, no. 16 (2004), <http://eiop.or.at/eiop/pdf/2004-016.pdf> (accessed May 27, 2012).

Razumkov Centre. "Sociological poll of April 2011." http://razumkov.org.ua/ukr/poll.php?poll_id=169 (accessed April 27, 2012).

Reinhard, Janine. "EU Democracy Promotion through Conditionality: The Temptation of Membership Perspective or Flexible Integration? A Case Study on Ukraine." Germany: Causasian Review of International Affairs, 2008.

Report of the Independent Commission on Turkey. "Turkey in Europe: More than a Promise?" *British Council Open Society Institute*. (2004): 51.

Sariibrahimoglu, Lale. "Central role of Turkey's Security Council Fades away." *Sunday's Zaman*, (December 1, 2008), http://www.todayszaman.com/newsDetail_getNewsById.action?load=detay&link=160268 (accessed May 17, 2012).

Sartori, Giovanni. "Comparing and Miscomparing." *Journal of theoretical politics* 3 (1991): 243-257.

Second Round of Monitoring, Ukraine Monitoring Report. *OECD Anti-Corruption Network for Eastern Europe and Central Asia*, <http://www.oecd.org/dataoecd/31/55/46832397.pdf> (accessed May 25, 2012).

Sedelmeier, Ulrich "Europeanisation in new member and candidate states." *Living Reviews in European Governance* 6 (2011): 5-32.

Senem, Aym and Ali Çarkoglu. "EU Conditionality and Democratic Rule of Law in Turkey." *Center on Democracy, Development and the Rule of Law Working Paper*. (2006): 84.

Serano, Omar. "The EU, its Member states and Turkey: A Close Interdependent Relation." *IPSA-ECPR Joint Conference* 6. Prepared for IPSA-ECPR Joint Conference, hosted by the Brazilian Political Science Association of the University of Sao Paulo, 16.-19th February 2011.

Schimmelfennig, Frank and Sedelmeier, Ulrich. "Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe." *Journal of European Public Policy* 11 (2004): 669-687.

Schimmelfennig, Frank, Engert, Stefan, Knobel, Heiko. "Costs, commitment and compliance." *JCMS* 41(3) (2003): 495-518.

Schimmelfennig, Frank. "Europeanization beyond the member states." *Zeitschrift für Staats- und Europawissenschaften* 8 (2010): 319-339.

Schimmelfennig, Frank and Ulrich Sedelmeier, eds. *The Europeanization of Central and Eastern Europe*. Ithaca, NY: Cornell University Press, 2005, 256.

Schimmelfennig, Frank. "The EU: Promoting Liberal-Democracy through Membership Conditionality." *Socializing Democratic Norms: The Role of International Organizations for the Construction of Europe*, Trine Flockart ed. (Basingstoke: Palgrave Macmillan, 2005): 106-126.

Shynkaruk, Kateryna. "Policy Brief for the Roundtable Conference." Maastricht University, Brussels Campus, December 1-2, 2011.

Snyder, Timothy. "Ukraine's last chance?" *The New York Review of Books*, (November 2011), <http://www.nybooks.com/blogs/nyrblog/2011/nov/09/ukraines-last-chance/> (accessed April 12, 2012).

Solonenko, Iryna. "The EU's Transformative Power towards the Eastern Neighborhood. The case of Ukraine." *SPES Policy Papers*, 2010.

Sushko, Oleksandr and Olena Prystayko. "Ukraine." *Nations in Transit*, (2011), http://www.freedomhouse.org/sites/default/files/inline_images/NIT-2011-Ukraine.pdf (accessed May 22, 2012).

The Council of the European Union. "Council Decision of 12 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the Republic of Turkey and repealing Decision 2006/35/EC." EUR-Lex. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:051:0004:01:EN:HTML> (accessed May 17, 2012).

The European External Action Service. "ENP country Progress Report 2011 – Ukraine." http://eeas.europa.eu/delegations/ukraine/documents/press_releases/memo_ukraine_clean.pdf (accessed April 18, 2012).

Tocci, Nathalie "Europeanization in Turkey: Trigger or Anchor for Reform?" *South European Society & Politics* 10 (2005): 73-83.

Trenin, Dmitri. "The initial Outcomes of the Foreign Policy of Viktor Yanukovich." *Carnegie Endowment*, (June, 2010), <http://carnegie.ru/publications/?fa=40946> (accessed May 11, 2012).

Trifkovic, Srdja. "Neo-Ottomanism in Action: Turkey as a Regional Power." *The Lord Byron Foundation for Balkan Studies*, (February 7, 2012), <http://www.balkanstudies.org/articles/neo-ottomanism-action-turkey-regional-power> (accessed April 27, 2012).

"Turkey accession and Cyprus." *EurActiv*. <http://www.euractiv.com/enlargement/turkey-accession-and-cyprus-links dossier-188330> (accessed May 20, 2012).

Ulusoy, Kivanc. "Turkey's Reform Effort Reconsidered, 1987-2004." *Democratization* 14 (2007): 472-490.

Umland, Andreas. "Four Political Dimensions of Ukraine's Future Europeanization." *Harvard International Review*, (June 2011), <http://hir.harvard.edu/four-political-dimensions-of-ukraine-s-future-europeanization> (accessed May 28, 2012).

Valasek, Tomas. "Why Ukraine matters to Europe?" *Center for European Reforms*. December (2008): 1-16.

"Viktor Yanukovich: 2012 will be a European Year for Ukraine." Party of Region. <http://www.partyofregions.org.ua/en/news/top/show/7401> (accessed May 25, 2012).

Wolczuk, Kataryna. "Adjectival Europeanisation? The Impact of EU Conditionality on Ukraine under the European Neighbourhood Policy." *European Research Working Paper Series*, 18, (2007): 1-12.

Wolczuk, Kataryna. "Implementation without Coordination: The Impact of EU Conditionality under the European Neighborhood Policy." *Europe-Asia Studies* 61 (2009): 187-201.

Wilson, Andrew. "Dealing with Yanukovich's Ukraine." *European Council on Foreign Relations*, (March 2010), http://www.ecfr.eu/page/-/ECFR20_UKRAINE_POLICY_BRIEF.pdf (accessed April 28, 2012).

Yıldırım, Çağrı “The role of the military in Turkish Politics and European Union Membership Negotiations.” *Balkananalysis.com*. http://www.balkananalysis.com/turkey/2010/12/02/_the-role-of-the-military-in-turkish-politics-and-european-union-membership-negotiations/ (accessed May 18, 2012).

Yilmaz, Bahri. “The relations of Turkey with the European Union: Candidate forever?” *Center for European Studies Working Paper Series*. 167 (2008): 1-24.

Youngs, Richard. “A door neither closed nor open’: EU policy towards Ukraine during and since the Orange Revolution.” *International Politics* 46 (2009): 358–375.