

**THE EUROPEAN UNION'S THIRD PARTY ROLE IN SOLVING  
CONFLICTS IN ITS PERIPHERY**

by  
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## ABSTRACT

### THE EUROPEAN UNION'S THIRD PARTY ROLE IN SOLVING CONFLICTS IN ITS PERIPHERY

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Keywords: European Union, conflict, third party, Turkey, Serbia

The European Union is a regional organization with a distinct institutional structure. Although conflict resolution is not the most essential policy area for the EU, it is one that has grown in relevance over the past two decades. By integrating two different literatures, namely conflict resolution and European studies, this study investigates whether the EU plays a substantial role as a third party in resolving intransigent conflicts in candidate states with its accession process and conflict resolution tools. To this end, the focus of this thesis is on Turkey's and Serbia's accession processes, as well as their separate conflicts in Cyprus and Kosovo respectively. Both states aspire to join the EU, but both have ongoing conflicts, though in different ways: Turkey's conflict is with a current EU member state and is not about secession, whereas Serbia's conflict is with Kosovo, a part of Greater Serbia that seceded. Turkey and Serbia have their own path of European integration, and the EU's impact on the Cyprus and Kosovo conflicts through their accession processes has both similarities and differences. The findings of this research demonstrated that as a result of several distinctions between these two cases, the EU does not have a significant role in Turkey's accession process regarding the Cyprus issue, whereas there are mixed results in the case of Serbia and Kosovo.

## ÖZET

### ÇEVRESİNDEKİ UYUŞMAZLIKLARI ÇÖZMEDE AVRUPA BİRLİĞİ'NİN ÜÇÜNCÜ TARAF ROLÜ

BERİL PAMIR

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Anahtar Kelimeler: Avrupa Birliği, uyuşmazlık, üçüncü taraf, Türkiye, Sırbistan

Avrupa Birliği, farklı bir kurumsal yapıya sahip bölgesel bir organizasyondur. Uyuşmazlık çözümü AB için en temel politika alanı olmasa da, son yirmi yılda önemi artmıştır. Bu çalışma, uyuşmazlık çözümü ve Avrupa çalışmaları olmak üzere iki farklı literatürü entegre ederek, AB'nin üyelik süreci ve uyuşmazlık çözüm araçları ile aday ülkelerdeki uzlaşması zor uyuşmazlıkların çözümünde üçüncü taraf olarak önemli bir rol oynayıp oynamadığını araştırmaktadır. Bu amaçla, bu tezin odak noktası, Türkiye ve Sırbistan'ın katılım süreçlerinin yanı sıra sırasıyla Kıbrıs ve Kosova'daki uyuşmazlıklarıdır. Her iki ülke de AB'ye katılmayı hedefliyor, ancak her ikisinin de farklı şekillerde olsa da devam eden uyuşmazlıkları var: Türkiye'nin uyuşmazlığı mevcut bir AB üyesi ile ve ayrılma ile ilgili değil, Sırbistan'ın uyuşmazlığı ise Büyük Sırbistan'ın bir parçası olup ayrılan Kosova ile. Türkiye ve Sırbistan'ın kendi Avrupa entegrasyonu yolları var ve AB'nin katılım süreçleri aracılığıyla Kıbrıs ve Kosova uyuşmazlıkları üzerindeki etkisi hem benzerlikler hem de farklılıklar içeriyor. Bu araştırmanın bulguları, bu iki durum arasındaki çeşitli ayrımların bir sonucu olarak, AB'nin Türkiye'nin üyelik sürecinde Kıbrıs sorununa ilişkin önemli bir rolü olmadığını, Sırbistan ve Kosova örneğinde ise karışık sonuçlar olduğunu göstermiştir.

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*To my grandfather*

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## LIST OF ABBREVIATIONS

<b>AP</b> Accession Partnership.....	20, 24, 39, 47, 48, 49, 50, 51
<b>AU</b> African Union.....	11
<b>CARDS</b> Community Assistance for Reconstruction, Development and Stabilization.....	70, 71
<b>CFSP</b> Common Foreign and Security Policy.....	14, 53, 54
<b>COREPER</b> Committee of Permanent Representatives.....	16
<b>EC</b> European Community.....	41, 42, 55, 57, 58, 63, 68
<b>ECSC</b> European Coal and Steel Community.....	13
<b>EEC</b> European Economic Community.....	13, 14, 17, 38, 39
<b>EP</b> European Parliament.....	15, 16, 17, 18, 56
<b>EU</b> European Union.....	1, 2, 3, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 58, 60, 61, 62, 63, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 80, 81, 82, 83, 85, 86, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111
<b>EULEX</b> European Union Rule of Law Mission in Kosovo ..	66, 71, 74, 75, 76, 78, 79, 80, 83, 84, 87, 88, 89, 104
<b>EURATOM</b> European Atomic Energy Community.....	13
<b>EUSR</b> European Union Special Representative of Kosovo.....	72, 84
<b>GA</b> General Assembly.....	12
<b>GAERC</b> General Affairs and External Relations Council.....	60, 61

<b>HRVP</b> High Representative of the Union for Foreign Affairs and Security Policy .	
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<b>IBM</b> Integrated Border Management . . . . .	76, 77, 78, 79, 82, 101
<b>ICJ</b> International Court of Justice . . . . .	60, 61, 74, 89
<b>ICRC</b> International Committee of Red Cross . . . . .	75, 76, 83, 87
<b>ICTY</b> International Criminal Tribunal for the Former Yugoslavia . . . . .	78
<b>IDPs</b> Internally Displaced People . . . . .	85, 87
<b>INTERPOL</b> International Criminal Police Organization . . . . .	88, 105
<b>IPA</b> Instrument of Pre-Accession Assistance . . . . .	70
<b>JHA</b> Justice and Home Affairs . . . . .	14
<b>KFOR</b> Kosovo Force . . . . .	78
<b>KLA</b> Kosovo Liberation Army . . . . .	65
<b>MARRI</b> Migration, Asylum, Refugees Regional Initiative . . . . .	82
<b>MSSD</b> Most Similar Systems Design . . . . .	31, 32, 33
<b>NATO</b> North Atlantic Treaty Organization . . . . .	11, 32, 38, 48, 62, 65
<b>NPAA</b> National Programme for the Adoption of the Acquis . . . . .	20, 39, 47, 55
<b>OAS</b> Organization of American States . . . . .	11
<b>OECD</b> Organization for Economic Co-operation and Development . . . . .	63
<b>OHCHR</b> Office of the UN High Commissioner for Human Rights . . . . .	87
<b>OSCE</b> Organization for Security and Co-operation in Europe . . . . .	76
<b>PHARE</b> Poland and Hungary Assistance for the Restructuring of the Economy .	
	19, 20
<b>RACVIAC</b> Center for Security Cooperation . . . . .	82
<b>RCC</b> Regional Cooperation Council . . . . .	77
<b>SAA</b> Stabilization and Association Agreement . . . . .	68, 69, 72, 81, 83, 89
<b>SAP</b> Stabilization and Association Process . . . . .	70, 72, 74, 78, 88, 89
<b>SEECP</b> South East European Cooperation Process . . . . .	79

<b>TSO</b> Transmission System Operators .....	79
<b>UN</b> United Nations 10, 11, 12, 13, 30, 31, 32, 36, 37, 38, 45, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 63, 65, 66, 68, 69, 70, 71, 74, 89, 94, 95, 98, 102	
<b>UNFICYP</b> United Nations Peacekeeping Force in Cyprus.....	54
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<b>UNSC</b> United Nations Security Council.....	12, 47, 48, 52, 71, 74

## 1. INTRODUCTION

The European Union (EU) is a regional organization with a unique institutional structure. The regional aspect of the EU comes from the fact that the membership is limited to a particular continent (Keethaponcalan 2017). Although conflict resolution is not the most crucial policy area for the Union, it is a policy area that has been growing and gaining importance in the last two decades. The influence of the EU over conflict resolution is an ongoing debate for both literatures and it is an unexpected development. As Keethaponcalan (2017) stated, regional organizations use different tactics for resolving a conflict depending on their territorial borders and their scope of influence. The EU is a large regional organization with a broad scope of influence due to its 27 member states. However, the Union's involvement in conflict resolution is mainly limited to conflicts around its borders. The reason is that when there is a conflict nearby, it threatens the stability of the whole region (Council of the European Union 2003); therefore, the EU has its own interest in solving the conflict.

The lack of military capacity of the organization minimizes its possible strategies as a third party. Hence, the EU primarily relies on acting as a third party by using softer conflict resolution mechanisms that do not involve military intervention and instead focus on more diplomatic third party roles such as facilitation and positive and negative incentives (Beriker 2008). Enlargement is one of the most extensive policy areas of the EU and also a conflict resolution tool that the EU frequently uses.

The EU membership is the greatest motivation for the candidate states to change their behavior because there are particular conditions for candidate states to fulfill before they accede to the Union (European Commission n.d.). Similar to the other policy areas, the EU takes advantage of the accession process of the candidate countries to change their conflict behavior and hopefully reach a settlement in any kind of conflict that they are involved with. In this way, the EU prepares the candidates for accession while using this process to assist them in solving their conflicts. Thus,

the stability of the region would remain as it is. The EU as a third party focuses on three different mechanisms in order to contribute to the conflict resolution in its neighborhood through the accession process: conditionality, passive enforcement, and social learning (Tocci 2007).

This study explores how the accession process influences the impact of the EU's third party role in resolving conflict in candidate countries by combining two different kinds of literature, namely conflict resolution and European studies. I aim to determine whether the EU has a significant role as a third party in resolving intransigent conflicts in the candidate countries with its accession process and conflict resolution mechanisms. Thus, I analyze the accession processes of Turkey and Serbia and their respective conflicts in Cyprus and Kosovo. Both countries aim at accession, but both have ongoing a conflict situation albeit differently- Turkey's conflict is with a current EU member state and it is not about secession whereas Serbia's conflict is with Kosovo- a part of the Greater Serbia which seceded.

The accession of Cyprus in 2004 came with the veto power, which is an important tool for shaping the EU policy by blocking decisions that are not suitable for national interests. Therefore, having Cyprus as a new member state put the EU in a difficult position for contributing to the resolution of the conflict since one of the primary parties became a member state. This situation raised suspicions of the EU's credibility as a third party in the Cyprus conflict and the membership of Cyprus limited the EU's sphere of influence. In the case of Serbia, the EU was able to act freely due to having no constraints from any member state and it was a more active player.

These cases represent the EU's negotiation framework from two different decades. The timeline for the case of Turkey is limited to 1998 and 2006, whereas it is between 2011 and 2018 for the case of Serbia. From 1998 to 2018, the accession process became the subject of new enlargement policies and strategies, therefore, the candidate countries were bound by new conditions. To that end, this study also examines how the EU's third party role evolved in time and how the past experiences affected its future policies.

Several studies have shown the relationship between regional integration and conflict resolution (Diez and Tocci 2017; Diez, Stetter, and Albert 2006; Glenn 2004; Grabbe 2001, 2006; Tocci 2007). With this research, I aspire to contribute to the existing literature by comparing two candidate countries that have not been accepted as member states yet because of their unresolved conflicts and demonstrating how the EU as a third party influences these conflicts with its accession process since it has never been done before.

This thesis is composed of seven main chapters. Whereas the first chapter presents the general overview of the topic, the second one is the literature review which contains previous research on conflict studies which includes third party intervention, roles and actors, and information on the EU's history, structure, and enlargement policy together with its presence in the area of conflict resolution. The methodology, as the third chapter, presents the research question, research design, data collection methods, and limitations of the study. The fourth chapter focuses on the case of Turkey involving the background of the Cyprus issue, the relations of the EU with both Turkey and Cyprus and the EU documents accounting for its third party role. Similar to this chapter, the fifth one centers on the case of Serbia, explaining the brief history of the Kosovo conflict along with the relations of the EU with Serbia and Kosovo, respectively and also the EU documents portraying its role as a third party. The sixth chapter brings all the information given in other chapters together and demonstrates analysis and discussion of the findings. The seventh and last chapter of this study is a conclusory part in which the research is summarized, and suggestions for future research are given.



## **2. LITERATURE REVIEW**

### **2.1 Conflict Analysis and Resolution**

#### **2.1.1 Methods of Resolving a Conflict**

Conflict emerges when two or parties have incompatible goals. These parties disagree on at least one issue and they compete to gain more than the other with various strategies. Conflict produces a cycle of reasons and results; therefore, it is a process and has a life of its own. It is often confused with the term dispute, however, dispute refers to a process that is short-term, not rooted, and easy to solve whereas a conflict is long-term, deep-rooted, and resistant to resolution. Conflict is inevitable. That is why it is important how we handle it. To solve a conflict, the assessment of the situation is the key. Furthermore, resolving a conflict requires creativity since the goal is to find a mutually satisfying solution for all conflict parties rather than having one party win and the other side lose. In order to achieve that, changing the parties in constructive ways is necessary. These changes can be attitudinal, institutional, legislative, or structural.

The field of study that is interested in these topics is known as Conflict Resolution. It emerged in the 1970s during the Cold War; however, after the Cold War has ended, new concepts were added to this area. Depending on the stages of conflict and the tools of intervention, these new terms started to get used interchangeably by academics and conflict practitioners. There are five central concepts in conflict resolution literature: conflict management, conflict prevention, conflict settlement, conflict transformation, and conflict resolution.

### **2.1.1.1 Conflict Management**

Conflict management is about regulating conflict. The objective of this resolution tool is to limit the escalation of the conflict to the minimum and manage the crisis. To regulate a conflict, “families have norms and informal rules; groups have customs and traditions; and states have legal and normative systems” (Bercovitch and Fretter 2004, 13). The concern of conflict management is expanding the gains and values while lessening the expenses and damage at the same time (Bercovitch and Fretter 2004). Although it is often discussed whether conflict management is only applicable when military aspects are involved, Swanström (2002) claims that a conflict does not have to be militarized to be regulated. In fact, it is easier to stop a conflict from escalating at the beginning by effective management (Bercovitch and Fretter 2004) that transforms “the mode of interaction from destructive to constructive” (Swanström 2002, 24).

### **2.1.1.2 Conflict Prevention**

The term conflict prevention is a difficult one to define because there is no consensus among scholars. It is often confused with conflict management or preventative diplomacy. Preventative diplomacy refers to using diplomatic ways to stop the escalation of a conflict into a violent one or stop an armed conflict from spreading (Boutros Boutros-Ghali 1996). Although there are similarities of conflict prevention with conflict management and preventative diplomacy, they are not identical in any way. Conflict management has a broader scope than conflict prevention while conflict prevention contains a wider scope than preventative diplomacy. For the context of this thesis, I will use the definition of Lund (2002):

“Any structural or intercessory means to keep intrastate or interstate tension and disputes from escalating into significant violence and use of armed forces, to strengthen the capabilities of potential parties to violent conflict for resolving such disputes peacefully, and to progressively reduce the underlying problems that produce these issues and disputes” (117).

I chose this definition because it expands the area of conflict prevention actions. These actions can be categorized into two: operational and structural. Operational actions aim at short-term and direct effects while structural actions stand for long-term instruments that deal with the root causes of the conflict and possibilities of a

future escalation (Swanström and Weissmann 2005). The main objective of conflict prevention is to take action any time when a peaceful environment is prone to turn into physical violence due to the indicators of growing hostility between the parties (Bercovitch, Kremenyuk, and Zartman 2009).

### **2.1.1.3 Conflict Settlement**

Conflict settlement aims at having a peace agreement between the conflicting parties. It focuses on the result that would make both parties contented. Hence, the emphasis is on the negotiation process, but there should be compromise from all parties for this tool to work. According to (Bercovitch and Fretter 2004), “a conflict can be considered settled when hostile attitudes have been ameliorated and destructive behavior curtailed” (14). Conflict settlement efforts are essential accompaniments to conflict resolution attempts because it prepares the environment for the agreement and these ripe conditions lead to the solution of the conflict.

### **2.1.1.4 Conflict Transformation**

Conflict transformation is the newest concept in the conflict resolution field. It does a deep analysis of the conflict and then works to achieve change from within. Stern and Druckman (2000) describe conflict transformation as “the effort to reach accommodation between parties in conflict through interactive processes that lead to reconciling tensions, redefining interests, or finding common ground” (5). Transforming the conflict does not necessarily mean that the conflict will disappear (Diez and Tocci 2017). It indicates that conflict transformation efforts will change the behavior of conflict parties and push them in the direction of settling.

### **2.1.1.5 Conflict Resolution**

Conflict resolution is the core and the oldest way of handling a conflict. It encourages mutual problem sharing between the conflict parties and changing behavior so that the attitudes are no longer hostile. It covers the whole process and the outcome. In other words, a resolution of a conflict refers to the situation in which “when the basic structure of the situation that originally gave rise to hostile attitudes and destructive behavior has been reevaluated or perceived anew by the parties in conflict” (Bercovitch, Kremenyuk, and Zartman 2009, 291).

### 2.1.2 Third Party Intervention

The term ‘intervention’ has a puzzling and ambiguous connotation and there is no clear definition that is accepted among scholars. Interventions can be in many forms such as military, economic, diplomatic, or ideological. However, what all of them have in common is that they involve certain actions as a result of one country facing the effects of another (Rosenau 1969). Thus, for this study, the concept of intervention will be defined and used as “any action whereby one state has an impact upon the affairs of another” (Rosenau 1969, 153).

When states conflict, regardless of whether they have been violent with each other or not, there are two main ways to end the conflict in a peaceful manner (Bercovitch and Fretter 2004). One way is trying to overcome their incompatibility between them by negotiating privately or publicly. The other way is seeking help from a third party. However, every conflict has a different nature although they may have the same components; they have particular drives and features. Hence, the approach of a third party should be personalized to meet the requirements of a conflict by appreciating its unique qualities (Harbottle 1980). As an instrument of resolving conflicts, the involvement of a third party in the process is essential in international relations (Bercovitch 1985).

In respect to these definitions, third party intervention means any action “into a dispute of a person or an agency whose purpose it is to act as an instrument for bringing about a peaceful settlement to that dispute while creating structures whereby the foundations of a lasting settlement can be laid” (Harbottle 1980, 120). As mentioned above, conflict is a process, therefore, a third party can intervene at any stage of conflict when its assistance is permitted by “law, tradition, personal power, or the disputants’ request” (Kaufman and Duncan 1988, 403). Depending on the third party’s mandate, it can use one or more than one tools to settle the conflict: “physical force or credible threats of physical force, invocation of some rule, law or tradition, transfer of information and persuasion regarding the disputants’ best interest” (Kaufman and Duncan 1988, 403). The third party intervention has a voluntary basis. The task of a third party is assisting the conflicting parties rather than imposing actions on them. Consequently, the presence of an intervenor is supposed to be temporary. When a third party is involved in an international conflict, it affects, changes, influences, or modifies that conflict in some way (Bercovitch 1985).

### 2.1.3 Third Party Roles

In the conflict analysis and resolution literature, there is a wide range of categorizations on third party roles by different scholars. According to Fisher (2001), “the fact that third parties operate at many levels and in many different sectors within and between societies simply adds to the complexity and the confusion” (10). He mentions that the role of a third party can require its formal ability, whereas in some cases it has to act informally. Moreover, another distinction between the roles is regarding the operation of the third parties. While some third party interventions come about at the highest levels of decision-making, other interventions can deal with the middle ranges of society or even at the grassroots level (Fisher 2001). As a result, Fisher (2001) presents six forms of third party intervention to cover all these areas: conciliation, consultation, pure mediation, power mediation, arbitration, and peacekeeping whereas Skjelsbæk (1986) employs a seven-category typology: public appeals, channels of communication and arenas of negotiation, mediation, fact-finding and observation, peacekeeping, providing humanitarian aid, and adjudication. A more comprehensive approach to the third party roles is introduced by Beriker (2008). First, she divides the third party roles into two: transformative intervention and structural intervention. On the one hand, under the category of transformative intervention, she shows four subcategories: facilitative mediation, interactive conflict resolution, conflict resolution training, and post-conflict rehabilitation. On the other hand, positive incentives, peacebuilding, and peacekeeping, initiating bilateral cooperative programs, negative incentive, power mediation, and military intervention falls under the umbrella of structural intervention. Although there are certain similarities between Beriker’s, Fisher’s, and Skjelsbæk’s categorization, the framework of Beriker will be used for this thesis since it is more detailed and inclusive than the others.

The first main category is related to conflict transformation and conflict prevention. The mechanisms under this category aim at modifying the defective relationship among the conflicting parties and producing shared rational and value-based space between them. First, a third party that practices facilitative mediation helps parties to find their own solutions. It can be through exchanging information or problem-solving exercises that build trust among the parties. Second, interactive conflict resolution focuses on track two diplomacy and problem-solving workshops. In this approach, the third party brings the disputing parties together in an informal and confidential setting in order to resolve the issues that cause incompatibility between them. Third, conflict resolution trainings are skill-building exercises directed by third parties to coach participants to be more effective in coping with their dissim-

ilarities. Lastly, post-conflict rehabilitation refers to the social rehabilitation efforts of third parties in a country that has just come out of a conflict. All of these instruments concentrate on enhancing trust among the parties and changing their view on their differences.

The second main category of third party roles presented by Beriker is structural intervention. Stern and Druckman (2000) define structural prevention as “creating organizations or institutionalized systems of laws and rules that establish and strengthen non-violent channels for adjudicating inter-group disputes, accommodating conflicting interests, and transforming conflicts by finding common ground” (6). Hence, third party interventions that pertain to structural prevention intend to change the incentive structure of the parties with the expectation that they would direct parties to make amends on their conflict attitudes (Beriker 2008). In this context, the first type of structural intervention is positive incentives. A third party that practices this approach uses positive incentives such as economic and political rewards to transform the behavior of the conflicting parties. In contrast, third parties can use negative incentives to influence the parties. When the rewards are withdrawn, this may push the parties to change the conflict behavior and affect the course of the conflict (Beriker 2008). Peacebuilding and peacekeeping contain sending peace forces to manage the conflict and constructing democratic establishments like electoral systems, financial reforms, and constitution writing. The logic behind this form of intervention is that democratic developments will reduce the structural origins of the conflict. Similar to peacebuilding and peacekeeping, initiating bilateral cooperative programs mainly in low politics areas also has the purpose of changing the social structure of the conflict. Power mediation is more competitive than the other intervention methods because, in this method of intervention, third parties force the conflicting parties to resolve the situation by using imperious strategies so that they can enhance their own interests. An even more competitive type of third party role is military intervention, in which the third party militarily gets involved to change the current state of an already existing conflict and intrude the strategic balances in support of one of the disputing parties.

#### **2.1.4 Third Party Actors**

Conflict is a fact of life and where there is conflict; there is also an effort for resolution. When the conflict parties cannot solve their disagreements by themselves, there may be a need for a third party. As conflict can occur at different levels such as personal, organizational, or international, there are various types of third party

actors that help in resolving the conflicts. States and international organizations are the most dominant actors in international conflict resolution. The United Nations (UN) is the most prominent example of an international organization as a third party actor. However, in the last decades, regional organizations are also very effective and helpful in resolving conflicts globally. Consequently, these three actors are the ones that dominate the area of conflict resolution as third party actors.

#### **2.1.4.1 States**

States are the most essential actors to intervene as a third party and influence the context of a conflict. Although international organizations and regional organizations play an important role as well, states are still at the center of conflict resolution (Frazier and Dixon 2006). They undertake the intervention by sending official representatives or high-ranked individuals or groups, who are appointed officially or unofficially (Keethaponcalan 2017). However, state intervention has a flaw: the lack of transparency. Some states may prefer to take action openly, yet, there are also many instances in which states intervene in secret due to their own national interest. Moreover, even though states act openly, these efforts could be for the sake of looking good in front of the media, therefore, it is not possible to know the real action behind the scenes. The reason behind this suspicion is that states are driven by their national interests and they are motivated by their domestic agenda. But this situation does not indicate that intervening states are not interested in solving the conflict. They intervene and become a third party because the conflict negatively affects their interests (Keethaponcalan 2017).

Keethaponcalan (2017) mentions that “according to international law, and on paper, all states are equal. In reality, however, they differ drastically in terms of power and capacity” (28). This is a vital point because the power and capacity of a state are reflected in its ability to act as an effective third party. Whereas powerful states can change the dynamics of the conflict more easily as soon as they intervene as a strong third party, smaller states mostly depend on their soft power abilities to be more active third parties. But there is one important advantage that smaller states have over powerful ones: there are less likely to be in a clash of interest with other states. Hence, their non-threatening appearance may give them the space to act freely as third parties (Bercovitch and Kadayifci 2002).

#### **2.1.4.2 Regional Organizations**

Regional organizations are a subcategory of international organizations and they are made up of states (Keethaponcalan 2017). There are two types of regional organizations. The first type is the regional organizations “whose boundaries are not defined by natural borders, but rather by strategic and ideological factors” (Keethaponcalan 2017, 30). These organizations are usually formed with the idea of collective security, for instance, North Atlantic Treaty Organization (NATO) and Warsaw Pact. The second type involves the organizations based on membership limited to a certain continent. The EU, the African Union (AU), and the Organization of American States (OAS) are some important examples of this group.

Conflict resolution is not the prominent policy area for most of these organizations. However, when they are involved in a conflict, they use different strategies to resolve it, therefore their approach and behavior depend on their region and their scope of influence. What the regional organizations have in common is that they are more likely to deal with interstate conflicts whereas they are resistant to intervene in intrastate conflicts because the principle of sovereignty and respect for territorial integrity is significant for regional organizations. But this does not imply that they are never involved in intrastate conflicts. If there is an escalating conflict in the neighborhood, regional organizations get involved as third actors since a conflict nearby threatens the regional stability. Scholars such as Young (1967) and Gartner (2011) argue that the regional organizations are not very successful in resolving conflicts overall and even if they managed to settle the situation; the conflict will eventually escalate again. Keethaponcalan (2017) sets out several reasons why the involvement of regional organizations is likely to fail: “inadequate resources, lack of power to impose solutions, weak military capacity to use leverage, and dependency on feeble instruments” (32).

#### **2.1.4.3 The United Nations**

The UN is the most outstanding international organization that acts as a third party in international conflicts. In the charter of the UN, the objectives are determined as follows:

“to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and the suppression of acts of aggression or other breaches of



the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace” (United Nations 1945).

Thus, conflict resolution is the number one priority of the organization. The range of the role of the UN in this is extremely wide. To fulfill the mandate of preserving international peace and security, it engages in multiple activities such as humanitarian assistance, election monitoring, and post-conflict reconstruction. As a third party, the UN has fully advanced methods and instruments at its service. Good office, fact-finding missions, conciliation, mediation, and arbitration are some examples of the United Nations’ third party role in the field.

There are various institutions and bodies in the structure of the UN. Yet, the General Assembly (GA), Security Council (UNSC), and the Secretary-General are the three main actors leading the conflict resolution activities. The General Assembly does not affect the process directly, however, it has an important role of acting as a forum for bargaining and diplomacy in which voices of all member states are heard (Lall 1975). In addition to this role, the General Assembly also has the power to require the Security Council or the Secretary-General to act on an issue. As a result, although the General Assembly can be very effective in the process, the direct action has to come from either the Security Council or the Secretary-General.

A widely discussed topic is whether the UN is effective in international conflicts or not. Although there are strong opinions on both sides of this discussion, regardless of agreeing with one side, it is evident that the UN faces serious challenges as a third party. Keethaponcalan (2017) sets out two major issues that the UN have to deal with. The first one is related to the core of this organization: states. The UN consists of 193 states, each with its own national agenda. As previously mentioned, states are driven by their national interests and the UN is an international organization that works through the membership and contribution of states. Therefore, this reliance on states poses a serious challenge to the ability of the UN as a third party actor. When there is a clash of interest with the action the UN is supposed to do and the interest of a state, the flexibility of the UN to act on its own is highly limited. Every country has its unique culture and worldview, along with different expectations, and each of them attempts to modify the agenda of the biggest international organization in the world for their own benefit (Keethaponcalan 2017). Since the organization is dependent on the states, this situation has a tremendous influence on the ability of the UN to intervene at will. The second issue is about the principle of sovereignty. Since not interfering with the domestic affairs of a state is an essential norm for the

UN, this poses a challenge to the mobility of the UN as a third party. According to Bertram (1995), peace builders are challenged with a dual task of interfering without damaging both the sovereignty of the country and the legitimacy of the government.

## **2.2 The European Union**

### **2.2.1 A Brief History of the European Union**

The root of the idea of a European Community goes back to the year 1950. The Schuman Declaration was presented by the French foreign minister Robert Schuman on May 9, 1950, and the document was initially a proposal to form a European Coal and Steel Community (ECSC) (European Union n.d.a). It had been 5 years since the Second World War ended and the situation of Europe was still devastating. While Europe was still trying to recover from the horrible consequences of the war, the possibility of another war erupting in the future spread fear amongst the politicians, and Schuman was one of them. The solution that Schuman suggested was to create a union of European states based on economic interests. The theory of Schuman was that if the European states were gathered under a higher authority and were bounded by economic conditions, this will lead to solidarity between the members, therefore, Europe would be a no war zone (European Union n.d.a). As a result of this initiative, France, Germany, Belgium, Italy, Netherlands, and Luxembourg founded the ECSC.

With one of the Treaties of Rome in 1957, this organization evolved into the European Economic Community (EEC) with a larger economic agenda. The same treaty also introduced the first steps of a common market between the EEC countries. The common market referred to a policy of no tariffs and no restrictions in internal trade whereas an external tariff was in place while trading with non-member states. The other Treaty of Rome established the European Atomic Energy Community (EURATOM), which was an institution that was confined to atomic energy. The objective of this institution was to ensure the safe usage of nuclear energy.

The 1960s were a great decade for the member states in terms of economy and integration (European Union n.d.b). Three communities, namely the ECSC, the EEC, and the EURATOM were brought together with the Merger Treaty of 1967. The communities had already shared a single parliament and judiciary; however, the treaty also instituted a single European Commission and a single Council of Ministers for all communities. In 1962, the Common Agricultural Policy was put into

practice and the member states decide to have mutual control on food production. Later, this policy turned out to be the biggest and oldest policy area of the union. Moreover, the member states agreed on lifting the custom duties when they trade with each other. This decision paved the way for a future Single Market and a Customs Union.

The first enlargement period was in the 1970s. The number of members stated increased to nine with the membership of the United Kingdom, Ireland, and Denmark in 1973. The energy crisis caused by The Arab-Israeli War drove the European economy badly. Yet, a positive update was that the citizens of member states were given the right to elect the members of the parliament directly. In the 1980s, the number of member states rose to twelve when Greece, Portugal, and Spain were accepted as new members. The Single European Act was signed in 1986. It was a six-year plan for the completion of the Single Market, which allows the free movement of goods, services, money, and people across European borders.

1993 was a landmark in the history of European integration because the Single Market was finally complete and the Maastricht Treaty was put into practice. The importance of the Maastricht Treaty is that it officially transformed the EEC into the EU. Furthermore, it created a three-pillar system: the European Communities, Common Foreign and Security Policy (CFSP), and Justice and Home Affairs (JHA) (Nugent 2010). Austria, Finland, and Sweden were welcomed as the new member states in 1995. Afterward, the Treaty of Amsterdam was signed in 1997 and it deepened the supranational nature of the EU.

The first decade of the new millennium was mostly about enlargement. In 2004, 10 countries joined the EU and it was followed by the membership of Bulgaria and Romania in 2007 (European Union n.d.b). Similar to the 1990s, two more treaties were signed in the 2000s: Treaty of Nice in 2001 and the Treaty of Lisbon in 2007. Treaty of Nice focused on institutional matters and prepared the union for the upcoming enlargement. Yet, the Treaty of Lisbon was different than the preceding treaties of the EU. It was originally the Constitutional Treaty; however, the word of the constitution was too forward and radical for some member states to accept and the treaty involved many symbolic aspects. Thus, when the symbolic features were left aside, member states agreed to sign the Treaty of Lisbon. This treaty presented new institutional changes which restructured the Maastricht Treaty. This is the last European treaty that the current EU operates under. 2010 and onwards, the EU has been in crisis management mode due to the contemporary challenges that it has been facing. The most sensational ones are the Eurozone crisis, the migration crisis, Brexit, Euroscepticism, and COVID crisis. All these challenges have been system

challenging and they led to the questioning of solidarity among the member states.

## **2.2.2 Structure of the European Union**

The EU is a unique organization with a complex institutional structure and decision-making process. The setup of the EU consists of main institutions and inter-institutional bodies. The European Commission, the Council of the EU, and the European Parliament (EP) are the three institutions that make the European legislation, whereas the European Council sets the agenda of new policies. Court of Justice of the EU and Court of Auditors are other institutions that are important for the functioning of the union. The Court of Justice of the EU is involved with upholding the European law and the Court of Auditors deal with the financing of the EU's activities (European Union n.d.c). To comprehend how the decisions are made in the EU, the political and legislative institutions will be explained below.

### **2.2.2.1 The European Commission**

The Commission is the bureaucratic center of the EU and it promotes the common interests of the member states. At the top of the hierarchical structure of the European Commission is the Commission President who oversees the College of Commissioners. It is made up of officials who are responsible for specific policy areas and they are sent by member states. The European Commission has four major roles: proposing legislation, identifying the budget, enforcing the European law, representing the EU on the international stage (Nugent 2010). It plays a vital role in the decision-making process because it is the only European institution that has the power to propose legislation. Budgetary powers are also essential because it is the European Commission that decides on the allocation of money coming from the member states. Moreover, it controls how much money will be spent on which policy areas. As much as it leads the legislative process, the European Commission deals with the proper implementation of those legislation. Furthermore, if it observes a violation of EU law, it has the right to start infringement proceedings. Lastly, the European Commission is allowed to make an external agreement with the third countries and represent the EU at other international organizations.

### **2.2.2.2 The Council of the European Union**

The Council of the EU, formerly known as the Council of Ministers, is the institution in which the interests of member states are voiced. It has three key powers: legislative, executive, and mediator (Nugent 2010). First, although it has legislative powers, it is not the only one. After the Commission proposes a law, it is up to the Council of the EU together with the EP whether the law passes or not. This specific legislation method is called the ordinary decision-making process and most decisions in the EU are taken with the procedure. Second, The Council of the EU enjoys executive powers and it helps the implementation of the EU law with the European Commission. Lastly, it acts as a mediator by coordinating different policies of member states within the Council, giving a mandate to the commission to negotiate and conduct agreements with third countries, and facilitating the relationship between other EU institutions.

The Council of the EU is a single body that meets in various configurations. Each configuration deals with specific policy matters and the meetings are at the Ministerial level. However, moving down the hierarchical structure of the Council, there are two the Committee of Permanent Representatives in the European Union (COREPER): COREPER I and COREPER II. These two bodies are under-level and they are more concerned with the technical details of the legislation. At the bottom of the structure, there are working groups. When the Commission proposes legislation, working groups are the first ones to take a look. If there is no agreement there, it reaches up to the COREPER level. When there is a disagreement again, the issues are talked about and resolved at the ministerial level. The Council of the EU is headed by a presidency and it is held by different EU member states on a rotating basis for 6 months. The Council presidency is an essential position of the member states because a country holds the presidency, it has the power to convene meetings, summits, and organize the agenda.

### **2.2.2.3 The European Parliament**

The EP is a special institution because it is the only EU body that is elected directly by the European citizens. It has three central powers: legislation, supervision of the executive, and budgetary. As mentioned above, the EP shares its legislative power with the Council of the EU. However, there are other legislation processes different than the ordinary decision-making process: consent and consultation. The consent procedure is used when the EP has to give its approval for a certain decision in the

EU. For example, when a new member state is expected to join the union, the EP has to approve. In the consultation mechanism, the parliament does not have the power to veto, yet it is free to express its opinion. As a result, it cannot have a direct impact on the decision; therefore, it is only consulted. The second power of the EP is overseeing other EU institutions and keeping them under control. The European system is designed in a way that the EP has checks and balances over institutions. Finally, similar to the Council of the EU, it has the power to decide on the annual budget. Unless the parliament approves the budget, it cannot enter into force.

#### **2.2.2.4 The European Council**

The European Council is made up of heads of states; therefore, it symbolizes the representation at the very top level. The Council aims to give the EU its general direction and break deadlocks. When the EU is faced with a major crisis, the European Council is the place where the heads of states get together and find a solution because there is the consent of the parties at the highest level. Although the European Council's role is different from that of the Council of the EU, it remains at the heart of the EU's decision-making procedure. The Council does not legislate or does day-to-day business like the other EU institutions; however, it stands in a more distant position where it centrally sets the parameters of the entire EU system. In other words, the European Council underlines the priority areas and determines what the EU should focus on in its action. The heads of states meet at least four times a year and these meetings are usually known as the EU Summits. During these summits, the rule is to take decisions by consensus. Apart from setting the agenda, the European Council discusses the treaty divisions and matters that could not be resolved by the other institutions.

#### **2.2.3 Enlargement Policy**

Deepening integration has been a part of the EU's agenda for decades. The EEC that was established with only six countries has turned into the EU with the number of member states reaching twenty-seven. Even after growing tremendously, the EU still keeps the enlargement policy on the agenda and is willing to accept new European countries that would enrich the community further. In European studies literature, enlargement is described as "a formal intergovernmental process between the governments of applicant countries and the EU's Council of Ministers, in consultation with the European Commission and European Parliament" (Glenn 2004,

5). The EU sets out four objectives for the enlargement policy:

“foster peace and stability in regions close to the EU’s borders, help improve the quality of people’s lives through integration and cooperation across borders, increase prosperity and opportunities for European businesses and citizens, guide, support and monitor changes in countries wishing to join the European Union in line with EU values, laws and standards” (European Commission n.d.).

The process of enlargement is extremely crucial for the EU; therefore, the policy is well-structured and detailed to create a win-win situation for both the EU and the candidate countries. Compliance with the EU standards is the key for membership. Candidates must show that they are ready to be member states by acting under those standards. There are specific criteria that the candidate countries have to meet before they are accepted as new member states and the purpose of these conditions is to stimulate democratic, economic and political reforms in the candidate countries until they reach the EU standards (European Commission n.d.).

Any European country that has high regard for the EU’s values and is dedicated to promoting them is eligible for membership. The official start of the accession process is by sending an application to the Council of the EU and then the Council forwards the application to the European Commission for a formal opinion whether that country is ready to be a candidate country or not (Glenn 2004). If the Commission gives positive feedback, then the Council commences the accession negotiations. The Council opens chapters of *acquis* on various policy areas and there is a bargaining process between the EU and the candidate country regarding how to adjust these policy areas into EU standards. When all chapters are complete and closed by a unanimous Council decision, the EP has to give its consent for the membership of the candidate country and approve the final agreement. In some cases, the ratification process may include additional ways such as public referendum and domestic parliamentary approval (Glenn 2004). The current candidate countries for EU membership are Turkey, Serbia, Montenegro, Albania, and the Republic of North Macedonia, and potential candidates are Kosovo and Bosnia, and Herzegovina (European Commission n.d.).

### **2.2.3.1 Accession Criteria and Accession Acquis**

Accession Criteria, also known as Copenhagen Criteria, are specific sets of conditions that were formed in the European Council's Copenhagen Summit in June 1993 and further reinforced in the Madrid Summit in 1995. By establishing these rules, the goal of the European member states was to reduce the risk of taking new members that are "politically unstable and economically burdensome to the existing EU" (Grabbe 2006, 10). Furthermore, the negotiation process does not start unless an applicant fulfills these criteria:

"stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; a functioning market economy and the ability to cope with competitive pressure and market forces within the EU; ability to take on the obligations of membership, including the capacity to effectively implement the rules, standards, and policies that make up the body of EU law (the 'acquis'), and adherence to the aims of political, economic and monetary union" (EUR-Lex n.d.a).

Once a country fulfills the Copenhagen Criteria and is found eligible to be a candidate, they have to complete the Accession Acquis. The EU defines the acquis as "the body of common rights and obligations that are binding on all EU countries, as EU Members" (EUR-Lex n.d.b). When a candidate country becomes a member state, it is obliged to follow the EU acquis from that moment on. Hence, the acquis should be incorporated into the domestic system of the candidate country beforehand. The incorporation of acquis happens during the negotiation process through the chapters opened by the Council of the EU. The responsibility of the candidate countries is to adapt their national order following the EU legislation.

### **2.2.3.2 Pre-Accession Strategy**

The pre-accession strategy was founded to prepare the candidate countries for future membership. The EU has established its formal pre-accession strategy at the Essen Summit in 1994. This strategy combined previous work regarding the pre-accession process and added extra components. The former work was the Europe Agreements and PHARE (Poland and Hungary Assistance for the Restructuring of the Economy) whereas the new elements are the Single Market White Paper and Structured Dialogue. Europe Agreements and PHARE presented a general framework to



meet the EU conditions and the new ones aspired to carry out this process through giving aid and building a forum for multilateral discussions (Grabbe 2006).

European Agreements initially aimed at regulating trade relations and it also added political and economic aspects. The objective was to establish a free trade area and to follow the rules of the single market over a decade-long period. However, when the agreements involved an agenda of political and economic cooperation together with the approximation of legislation, they launched the process of presenting the EU legislation and policy to the applicants (Grabbe 2006). The aspirations regarding the free movement of goods were later reinforced in the Single Market White paper, which was published by the Commission in 1995 (Grabbe 2006).

The key tool developed by the EU to give support to candidate countries was the PHARE programme. This programme was created in 1989 to assist the reforms in Poland and Hungary, however, the scope of PHARE was widened to involve other countries as well. PHARE projects were intended to be economic at first. When the pre-accession strategy was introduced, the PHARE programme was given another role as providing administrative and legislative support to applicants. Hence, the funds of PHARE were assigned to the institution and capacity building. Likewise, this area was included in the “structured dialogue”, which was “the first multilateral framework for discussion between the EU institutions, the Member States and candidate countries” (UNHCR 2003, 144).

The earlier pre-accession strategy instruments demonstrate that the foremost requirements of the EU from the applicants in the transition period are liberalization and regulatory harmonization (Grabbe 2006). Four years after the creation of a formal pre-accession strategy, the Council introduced an Accession Partnership (AP), which became a part of accession preparations for candidate countries. The AP can be considered as a blueprint in which main concerns are analyzed for modification of national laws and practice to the *acquis* in the short and medium-term (UNHCR 2003). Additionally, this mechanism focuses on the central instrument and economic sources available for meeting the conditions specified in the AP document. To accompany the AP, candidate countries invented a National Programme for the Adoption of the *Acquis* (NPAA) that determines a certain time period to reach the goals outlined in the AP and show the approach of the country for integration into the EU (UNHCR 2003).

### 2.2.3.3 Negotiation Process

After the Luxembourg Summit in 1997, accession negotiations were opened in March 1998 with the six applicant states: Hungary, Cyprus, Poland, Slovenia, Estonia, and the Czech Republic. In 1996 at the Helsinki Summit, the European Council agreed upon opening accession negotiations with six more countries: Malta, Romania, Latvia, Bulgaria, the Slovak Republic, and Lithuania. Moreover, this summit approved Turkey's candidacy as well. Moreover, in 1998, the Cardiff European Council accepted the confirmation of the Commission regarding progress reports that will be published at the end of the year. These reports present the assessment of the progress of each candidate country towards accession. The Commission still publishes the annual progress reports on candidates and potential candidates and they are significant in tracking the development of these countries during the accession process.

The accession negotiations take place between the EU and the candidate countries to define the circumstances under which the candidates will become a member of the EU and the provisions under which the candidates will accept, fulfill and put in force the accession acquis. The principle of these negotiations is that each candidate has to embrace all EU rules and legislation. The acquis itself is not negotiable, yet, negotiations are about how and when to implement the acquis (UNHCR 2003). While the pre-accession process is a technical phase, the accession negotiations are a political one (UNHCR 2003).

The process of negotiations is separated into two stages: a preparatory stage called "screening" and the negotiation per se. The screening phase involves multilateral and bilateral meetings. The screening in the multilateral meetings consists of a presentation of the accession acquis given to the candidate states, whereas the screening in the bilateral meetings focuses on an analytical examination of the major parts of the acquis to find out the gaps in terms of legislation and implementation capacity, along with the possible problems the candidate states would face in implementing the acquis (UNHCR 2003). The outcomes of the screening of a certain chapter of the acquis facilitate in determining if this chapter might be opened for negotiation or if more development was still needed. After the screening and negotiation, when a state is believed to be complete the required level of preparations in a particular policy area, then the chapter can be closed. However, the chapters are closed tentatively because when there are policy-based or political incidents in the EU or the candidate states, a chapter can be resurrected for additional negotiations. There are currently 35 chapters in the EU acquis:

“Chapter 1: Free movement of goods  
Chapter 2: Freedom of movement for workers  
Chapter 3: Right of establishment and freedom to provide services  
Chapter 4: Free movement of capital  
Chapter 5: Public procurement  
Chapter 6: Company law  
Chapter 7: Intellectual property law  
Chapter 8: Competition policy  
Chapter 9: Financial services  
Chapter 10: Information society and media  
Chapter 11: Agriculture and rural development  
Chapter 12: Food safety, veterinary and phytosanitary policy  
Chapter 13: Fisheries  
Chapter 14: Transport policy  
Chapter 15: Energy  
Chapter 16: Taxation  
Chapter 17: Economic and monetary policy  
Chapter 18: Statistics  
Chapter 19: Social policy and employment  
Chapter 20: Enterprise and industrial policy  
Chapter 21: Trans-European networks  
Chapter 22: Regional policy and coordination of structural instruments  
Chapter 23: Judiciary and fundamental rights  
Chapter 24: Justice, freedom and security  
Chapter 25: Science and research  
Chapter 26: Education and culture  
Chapter 27: Environment  
Chapter 28: Consumer and health protection  
Chapter 29: Customs union  
Chapter 30: External relations  
Chapter 31: Foreign, security and defense policy  
Chapter 32: Financial control  
Chapter 33: Financial and budgetary provisions  
Chapter 34 - Institutions  
Chapter 35 - Other issues” (European Commission 2019).

#### **2.2.4 The European Union and Conflict Resolution in its Neighborhood**

Maastricht Treaty is a significant agreement in the history of the EU for many aspects such as formally creating the EU and establishing the third pillar system. Apart from these developments, Maastricht Treaty also identified the foreign policy objectives of the EU for the first time in history. Preserving peace, strengthening international security, promoting international cooperation, and safeguarding fundamental values a part of the new foreign policy objectives (European Union

1992) and they have been stable ever since. In the EU Security Strategy document that was published in 2003, regional conflicts were labeled as one of the key security threats for the EU. Furthermore, the document emphasizes the importance of neighborhood and regional integration in conflict resolution. Violent or frozen conflicts near European borders can cause spill-over effects, the increase of organized crime, dysfunctional societies, or terrorism, therefore, it is a tremendous threat to regional stability (Council of the European Union 2003). To stop these possible effects of these conflicts, the EU is interested in the integration of neighboring countries as a foreign and security policy tool. The EU aims at creating a circle of well-governed countries by extending the benefits of economic and political cooperation to the neighboring countries while solving the conflict there at the same time. Tocci (2007) argues that:

“inherent in the EU’s approach is the link drawn between values such as human rights, democracy, and the rule of law on the one hand, and the prevention and resolution of conflicts and regional cooperation on the other hand. The former values, while being viewed as ends in themselves, are also considered as instrumental to achieving the latter objectives.”  
(7).

In the European studies literature, scholars present various mechanisms that the EU uses in conflict resolution in its neighborhood. Some of these scholars are Diez and Tocci (2017), and they demonstrate three approaches by examining the relationship between the regional integration into the EU and conflict behavior of the disputing parties: compulsion, social learning, and model setting. In another research, Diez, Stetter, and Albert (2006) show four pathways of the impact of the EU in the transformation of border conflicts: compulsory impact, enabling impact, connective impact, and constructive impact. In an article, Tocci (2004) introduces two categories on the relationship between Europeanization and conflict: domestic change through conditionality and domestic change through social learning. A few years later, Tocci (2007) expands these into three and adds passive enforcement as another category, yet, this time she further expands the scope of the categories and puts them under the topic of the EU’s conflict resolution efforts in its periphery. Although the book of Diez and Tocci is a more recent one, it focuses more on regional-based conflicts rather than border conflicts. The other study of Diez, Stetter, and Albert form a more comprehensive approach on the influence of the EU over the border conflicts, however, the categories are only limited to the conflict transformation. Consequently, the framework of Tocci is a better fit for the thesis

since the scope of the research is wider than the other ones and it reflects well on the correlation between the EU's integration policy and its strategies to promote peace in the neighborhood.

#### **2.2.4.1 Conditionality**

The first EU mechanism of conflict resolution of border conflicts is conditionality. As a part of the enlargement policy, the EU started focusing on the conditionality as a tool of changing the governing structures, the economic and the civil society of the candidate states (Tocci 2004). Conditionality can be described as “a strategy whereby a reward is granted or withheld depending on the fulfillment of an attached condition” (Tocci 2007, 10). It can be positive (*ex-ante*) or negative (*ex-post*). Positive conditionality involves an assurance of benefit in response to the completion of a preset condition whereas negative conditionality entails the imposing of punishment in case of the violation of an obligation (Tocci 2007). On the one hand, positive conditionality can give a good impression of the donor's credibility, as well as can diminish the credibility in the event of the donor providing the promised benefit regardless of the recipient's performance. On the other hand, negative conditionality can be ineffective if the receiver detects other providers. Moreover, it can cause the recipient to be inflexible and resistant to compromise by putting enormous pressure.

The EU usually prefers using positive conditionality and is more likely to choose negative conditionality in return for extensive security threats. Furthermore, it formed two steps of positive conditionality in enlargement policy: gatekeeping and benchmarking and monitoring (Grabbe 2001). Gatekeeping can be defined as “the process whereby the depth and speed of a third country's domestic transformation determine when and whether EU institutions give the green light either to different stages along the accession process or to the delivery of other benefits” (Tocci 2004, 12). It includes the phases from pre-accession until entering the EU, such as privileged access to a single market, signing and implementing association agreements, opening and closing of chapters of the accession *acquis*, signing and ratifying the Accession Treaty. Benchmarking and monitoring happen during the accession process and two key ways of exercising them are the APs and the Commission Progress Reports.

The impact of conditionality in promoting peace can be direct or indirect. While providing the promised benefits and offering solutions affect the process directly, indirect impact consists of changing the domestic opportunity structure in conflict and having an effect on the policy areas related to the conflict resolution plan, which

can influence the positions of the conflict parties in negotiations (Tocci 2004, 2007).

Since the EU has a narrow capacity to firmly recommend legislation and policies beyond its borders, the principle of conditionality gives the Union a chance to create an indirect impact domestically by changing the domestic opportunity structure within and between conflict parties (Tocci 2004). The EU's conditionality can do that through providing resources and legitimacy to some conflict actors; however, it also limits the capability of other actors to meet their objectives. The level of change in domestic structure relies on the overlap between the EU conditions and already existing domestic practices (Cowles, Caporaso, and Risse 2001). When there is no overlap, the effect of conditionality is at its lowest. But if some domestic actors share certain values with the EU, the conditions set by the EU can encourage these actors and pave the way for consequential policies.

#### **2.2.4.2 Social Learning**

The second mechanism that the EU uses to promote peace near its borders is social learning. According to Tocci (2007), “contractual relations can affect conflict and conflict resolution also through more diffuse mechanisms of learning and persuasion, taking place through the institutional, political, economic and wider societal contact and dialogue between EU actors and conflict parties” (15). While conditionality is based on a cost-benefit analysis, social learning creates domestic alterations and changes the perceived interests and identities of the domestic actors by guiding them to voluntarily adopt the European norms and understand the logic behind the system of the EU.

When conflict parties have a close interaction with the framework of the EU, they may alter their beliefs, perceptions, and goals. Moreover, this alteration can also be observed in the strategies of parties and they can be more prone to bargaining and compromising as a result of being exposed to the EU norms. Social learning is an indirect process because the EU does not force the domestic actors to change, instead, the contact with the new institutional frameworks slowly affects them, and therefore, the impact on the conflict resolution process is seen in the long term (Diez 2002).

Similar to the indirect conditionality, the level of overlap or goodness of fit, between the EU norms and the domestic norms is an essential factor that demonstrates the intensity of the alteration through social learning (Risse, Cowles, and Caporaso 2001). The compatibility of the domestic norms with the EU norms influences the

degree of learning because when the EU norms do not resonate with the historical, institutional, political, and socio-economic history of the domestic actors, it is more difficult for them to adapt, learn and implement new norms that they do not identify themselves with. Furthermore, another issue occurs if the domestic actors misunderstood the EU norms. In that case, there is no problem with making the learning process work, yet, the new norms are adapted and learned in the wrong way. Lastly, the amount of popular dissatisfaction with the status quo affects the scope of social learning as well. When the country is not pleased with the current leadership and the policies, it tends to be open to domestic change (Tocci 2007). In that case, the EU intervenes to delegitimize the dissatisfying leadership by juxtaposing its actions to EU values and the aim of integration. Hence, the EU can pave the way for domestic transformation by encouraging a change in governance (Tocci 2007).

Inducing domestic change through conditionality happens in short and medium terms, however, it does not alter the identities or perceived interests of the domestic actors. It is only effective in altering the behavior to transform the context of the conflict. In contrast, the social learning process makes a change in beliefs and values, which eventually results in a transformation of different layers of civil society. The impact of learning on conflict resolution is deep-rooted and occurs in the long term.

#### **2.2.4.3 Passive Enforcement**

A third mechanism that shows the EU's influence in border conflicts is 'passive enforcement', 'rule application' or 'experimental learning' (Olsen 2002). As seen earlier, the EU is resistant to practicing negative conditionality methods and it focuses on constructive engagement instead. Tocci (2008) argues that "rather than highlighting the logic of punishment, which sets in when rules are violated, this EU mode of foreign policy-making hinges on a system of rule-bound cooperation, which is expected to work through its inbuilt incentives" (883). This mechanism is called passive enforcement and it is often confused with the principle of conditionality due to its incentive nature, yet, these two mechanisms are conceptually different from each other (Tocci 2007). In conditionality, there is a system of carrots and sticks in which the parties make a cost-benefit analysis as to whether change their behavior or not. However, there is an obligatory aspect in passive enforcement. They follow a set of rules that regulate the general agenda, which makes equally favorable collaboration possible. For the mechanism to work, these sets of rules should be clear, legally defined, and embedded in the EU contacts (Tocci 2007).

If the rules are only a part of the EU's political agenda and have no legal basis,

passive enforcement is likely to fail. Moreover, passive enforcement works in cases where countries do not perceive the rules as a cost, or they look at the rules as a necessary price of their relationship with the EU. When the country does not resonate with the EU's objectives, they will see the rules as high costs. Thus, passive enforcement works at its best when the country has enough sense of belonging and willingness to integrate so that it can bow to the obligations regardless of the price.

The rationale of the social learning process is evident in the passive enforcement mechanism as well. In social learning, transformation happens by institutional interaction, dialogue, exposure to new values, and as result, learning from the other. There is still a learning process in passive enforcement; however, the difference is that the country in question learns the logic of the rule through the experience of respecting it (Tocci 2007). Over time, that country realizes that costs are not as high as they expected and the rules bring benefits in the long run, and the whole process changes the domestic actors in the end (Tocci 2008).



### **3. METHODOLOGY**

This chapter aims to demonstrate the approaches to answer the main research question for the thesis, which is “how does the accession process influence the impact of the EU’s third party role in resolving conflict in candidate countries?”. This chapter is composed of four sections: research question, research design, data collection, and limitations. The first section presents the central question of the study, along with the definitions of essential concepts. The second section shows the research method in depth and justifies the case selection. The third section explains the type of resources used and how these sources will be employed. Lastly, the fourth section discusses the possible limitations of the research.

#### **3.1 Research Question**

The research question of this study is, “How does the accession process influence the impact of the EU’s third-party role in resolving conflict in candidate countries?” The concepts here should be defined to understand the question and variables better in a more precise way. First, the accession process refers to the period in which when a country is officially declared as a candidate to join the EU until it finally becomes a member state. During the accession process, the candidate countries have to fulfill the Copenhagen Criteria and apply the EU acquis accordingly. Thus, they conduct reforms in different policy areas to meet the EU’s conditions. The EU monitors the progress of candidate countries on a regular basis. The accession negotiations are divided into two phases: screening process and negotiation of the chapters. In the screening process, EU and the candidate state conducts multilateral and bilateral meetings to determine whether the candidate’s level of compliance with the EU acquis is enough to open new chapters. When a candidate country passes the screening process and then negotiations of the opened chapter is complete, the EU closes the chapters provisionally. After all 35 chapters are closed; the EU and

the candidate state sign the accession treaty. Second, conflict means the relationship between two or more parties with incompatible goals, whereas resolving a conflict is the process in which two or more parties try to find a peaceful solution to end the incompatibility. Lastly, the EU's third-party role includes all actions contributing to the conflict resolution process.

## **3.2 Research Design**

### **3.2.1 The Method of the Research**

The main methodology for this master's thesis is historical process tracing. The objective is to analyze the cases based on causal mechanisms by tracing the linkages between the accession process and the EU's conflict resolution tools. Process tracing is a qualitative research method that is widely used in social sciences. Collier (2011) defines it as "the systematic examination of diagnostic evidence selected and analyzed in light of research questions and hypotheses posed by the investigator" (823). Since the answer to the research question is about seeking the influence of the EU's third party role in the conflicts in its periphery, this requires building a causal relationship between specific actions and events in a selected time frame. Hence, the research will focus on discovering reasons for outcomes that have already happened, and using historical process tracing will reveal how "sequences of events or causal chains in which factors located at different points in time contribute to an outcome" (Mahoney 2015, 202).

In process tracing, the method is built upon the assumption that X is the cause of Y. X in this example is the necessary condition; however, in historical process tracing, there might be contributing conditions as well (Mahoney 2015). When X is removed, Y would still happen; therefore, X is not a necessary condition, but it plays a part in the result. The research of this study includes both the necessary conditions and the contributing conditions. Accordingly, historical process tracing presents a casual chain on examining what the EU requested from candidate countries regarding their unresolved conflicts, how these countries reacted to the conditions of the EU and whether the actions of the EU contributed to the conflict resolution process or not. Thus, this sequence reveals how the EU's accession process impacts resolving the conflicts by observing the actions of the EU and the candidate countries.

### 3.2.2 Case Selection

Two cases are selected for the thesis; Turkey-Cyprus and Serbia-Kosovo conflicts. Cyprus conflict is initially a dispute between the Greek and Turkish Cypriots. However, Turkey occupied the Northern part of the island in 1974 and claimed that it had the right to do so as a guarantor state. When Turkey refused to withdraw its troops from the Northern Cyprus, the international community perceived Turkey's presence in the island as illegal. As a result, Turkey's involvement externalized the conflict and made Turkey one of the main actors. Later, Turkish Cypriots declared their independence, yet no other country recognizes Northern Cyprus other than Turkish government. The Republic of Cyprus, which is controlled by the Greek Cypriots, is acknowledged as the representative of the whole island albeit Turkey declines to recognize it. To this day, Cyprus conflict remains unresolved and Turkey is a key player that determines the course of the conflict due to its ties with Turkish Cypriots and its strong position against the Republic of Cyprus.

On the other hand, Kosovo conflict goes back to the incompatibility between the Kosovo Albanians, the Kosovo Serbs, and the former Republic of Yugoslavia. The status of Kosovo has been one of the main reasons that fuel the conflict. Kosovo was a province of Serbia and later demanded independence, yet it did not receive recognition from international community. This situation caused the formation of the radical groups and the tensions eventually turned into a war. After the war ended, the UN administration took over the governance of Kosovo. However, Kosovo declared independence in 2008. The presence of Serbian parallel structures in the Northern Kosovo together with Serbia's refusal of Kosovo's independence created an obstacle for the settlement of the conflict. Although the efforts of the EU on the normalization of relations between conflict parties resulted in dissolution of the Serbian structure, the dispute between Serbia and Kosovo is still active, due to Serbia's rejection of any status of Kosovo other than autonomy within Serbia.

To compare these two cases, the timeline for historical process tracing for Turkey is limited to 1998 and 2006, while it is between 2011 and 2018 for Serbia. These years of 1998 and 2006 are chosen for Turkey's case because 1998 marks the year before the EU has granted Turkey a candidacy status whereas in 2006, multiple chapters were suspended for negotiations due to the Cyprus issue. The years of 2011 and 2018 are important for the Serbia case because 2011 is the year in which the EU accepted Serbia's application and selected it as a candidate country in 2012, and the tensions between Serbia and Kosovo re-escalated in 2018. The time frame of the cases was limited to these years because events in between are the interest of this study.

The cases of Serbia-Kosovo and Turkey-Cyprus were selected based on the most similar systems design (MSSD). According to Anckar (2008), “when applying the Most Similar Systems Design (MSSD), we choose as objects of research systems that are as similar as possible, except with regard to the phenomenon, the effects of which we are interested in assessing” (389). Thus, while choosing the cases, the aim was to keep the characteristics of these cases as similar as possible.

Turkey and Serbia were preferred as the leading cases in the research for three reasons. The first and the most apparent one is that they are both currently candidate countries and are negotiating for the EU membership. The second one is that both of them have an ongoing conflict situation. Serbia’s dispute is with Kosovo, a province of Greater Serbia that seceded whereas Turkey’s conflict is with a current EU member state and is not about secession. Cyprus and Kosovo conflicts are frozen conflicts. According to Smetana and Ludvík (2019), “the label frozen was supposed to highlight the fact that although the full-scale fighting had already stopped in the particular case, the conflict was not fully resolved, and the situation could easily slip back into violence”. Hence, both conflicts are still unresolved and they are intransigent; therefore they affect the course of the accession process and their relationship with the EU. This leads to the third reason for the resemblance of the selected cases. Their unresolved conflicts are tremendous barriers on the way of being a member state. However, apart from their similarities, there is a clear difference between Turkey and Serbia, which is the key element of this research: how the EU treated these conflicts in potential member states as a third party during their accession process and how the actions of the EU affected the situation of the intransigent conflicts.

As in Serbia and Turkey, the dynamics of Kosovo and Cyprus conflicts are similar as well. Accordingly, Kosovo and Cyprus resemble each other in three ways. First, both conflicts are consequences of an ethnic division. While Muslim Turks and Orthodox Greeks reside in Cyprus, Muslim Albanians and Orthodox Serbs live in Kosovo. The second resemblance is related to the establishment of the state. Both Kosovo and Cyprus were established as a single state despite having different nationalities and religions within one state format. Kosovo was declared an autonomous region of Serbia in 1946, whereas Cyprus was established in 1960 by London and Zurich Agreements. Although both were established as unitary states on the paper, the ethnic divisions were visible in the segregation between different communities. People from different ethnic groups do not live together in both countries. The final similarity is that the international community interfered in both of these conflicts. Therefore the conflicts were externalized to a large extent with the involvement of multiple players. In Cyprus, Turkey, Greece, Britain, the UN, and the EU were

involved, while Serbia, Albania, NATO, the UN, and the EU were active in Kosovo.

### **3.2.3 Data Collection**

The data for the research will be collected from primary sources. Any source that provides direct information about events, people, or concepts can be classified as a primary source. Since the process-tracing method will be a historical one, primary data is necessary to make the analysis.

Most of the empirical data will come from various EU documents to trace the cases and build the causal mechanism. The summits in the EU are crucial in deciding on new policies and evolving the organization each time. Furthermore, member states decide on demands and preconditions from candidate countries in these summits. Therefore, the decisions of summits will have a significant impact on the analysis. Another type of EU document that will be taken into consideration is reports. There are two types of reports that will determine the context of the thesis: commission reports and progress reports. Both are highly significant in determining the relationship between the EU, the candidate countries, and how the EU handles the conflicts in those countries. The EU Presidency declarations and EU leader statements are also vital in tracing the EU's third party role.

## **3.3 Limitations**

There are several possible limitations to this study, and this section examines them further. The first limitation of this research is regarding the number of cases. Since there are only two cases, the research falls under the category of small-n analysis. Small-n analysis and large-n analysis differ in terms of internal and external validity. In studies with small-n analyses such as this one, internal validity is high and external validity is low. High internal validity is good for the analysis since it keeps the integrity of the study. However, external validity threatens generalizability. When research is not generalizable, it does not apply to all other cases; therefore, the results may not be applicable in actual words. Since this study centers on two cases, whether the outcome would be similar to other cases is questionable.

The second limitation to this study is regarding the selection of cases. The research uses the MSSD, and justifications for the case selection were explained above. Still, the cases of Serbia-Kosovo and Turkey-Cyprus are not identical. These cases have

differences as much as they have similarities. However, the similarities outweigh the differences, and they are the ones that are essential for this research.

To start with, Kosovo and Cyprus are similar in some ways; however, the approach of homelands and reactions of the international community are not the same, and these aspects shaped their current situation. Another significant difference is about being a member state in the EU. Kosovo is not a member of the EU, but Cyprus is. Moreover, Greece is also a member, whereas no other homelands in the conflict, namely Serbia, Albania, and Turkey, are member states. According to Anckar (2008), there are two MSSD applications: strict application and loose application. On the one hand, in a strict application, the researcher keeps all the variables the same except for the independent variable (Anckar 2008). On the other hand, in a loose application, the researcher keeps the variables as similar as possible yet does not necessarily match all of them identically (Anckar 2008). Consequently, this study uses the loose application of MSSD. Nevertheless, this decreases the reliability; therefore, it is also a limitation to the research.

## 4. THE CASE OF TURKEY

### 4.1 History of the Cyprus Issue

Nugent (1997) identified the core of the Cyprus problem as:

“an inability or unwillingness on the part of those who have a direct interest in the island to devise and agree upon constitutional, territorial and security arrangements that will enable the majority Greek Cypriot and the minority Turkish Cypriot communities to live at peace with one another within the borders of a single state” (54).

The history of Cyprus can be linked to both Greeks and Turks. In the ancient Greek remnants, Cyprus was mentioned as the island of Aphrodite. Later, it became an Ottoman territory under the reign of Selim the II, who is the son of the Great Suleiman (Baştürk 2011). The island's location was crucial because it is in a strategic zone in the middle of the Mediterranean Sea, therefore, in the middle of the trade routes. When the Ottoman Empire was struggling with territorial losses and war, the British seized the opportunity to get a hold of this strategic zone since the empire was not as powerful as it used to be. Britain indicated that the Ottoman Empire needed support to protect Cyprus. The underlying reason for the British interest was that the island's location was too good to be left in the hands of a falling empire. In the place of the Ottoman Empire, Britain was responsible for the protection of Cyprus during World War I, and when the Ottomans lost the war, the independence of Cyprus was declared by the British. In the decolonization process that took over the world in the 1950s and 60s, the Greek and Turkish Cypriots demanded their sovereignty from British rule.

Cyprus gained independence from Britain with The London-Zurich Accords of 1960. To protect the Republic of Cyprus and the constitution, Turkey, Greece, and Britain

signed three agreements:

“The Treaty of Establishment which established a quasi-federal Republic of Cyprus, the Treaty of Guarantee which made Turkey, Britain, and Greece the guarantors of the Republic and the Constitution, that recognized the right of military intervention by the guarantors should the status of Cyprus be threatened, and the Treaty of Alliance which provided for the stationing of troops by Greece and Turkey” (Müftüler-Bac and Güney 2005, 282).

With this set of agreements, Britain, Turkey, and Greece aimed to impose a constitutional structure “of the consociational variety which gives the preservation of the ethnic balance higher priority than majority rule” (Kyle 1984, 8). The primary parties of the conflict, namely Turkish and Greek Cypriots, were not dissatisfied with their newly established state. Nevertheless, in particular, Greek Cypriots were unhappier than the Turks because they believed that these treaties were too much in favor of the Turkish side by granting them certain rights in decision-making procedures and administrative matters. The Greek Cypriot President of Cyprus, Archbishop Makarios, wanted to change the constitution to alter the decision-making instruments. However, the change in the decision-making instruments did not show effective results; therefore, the Turkish Cypriots perceived this alteration as an excuse for limiting their constitutional rights. As a consequence, the Turkish Cypriots became isolated from the political sphere. This move of the president paved the way for “widespread ethnic violence, the withdrawal of Turkish Cypriots from the government and the legislature, and considerable tensions between Greece and Turkey” (Nugent 1997, 54) in the next decade until the crisis of 1974.

In 1974, the tension between the two communities increased swiftly when the military junta of Greece organized a coup against President Makarios, intending to include Cyprus into Greek territory. Since Turkey was one of the three guarantors of the island, it reacted to the coup by occupying the northern part to rebuild the constitutional order “at the risk of alienating its allies” (Nugent 1997) (Baştürk 2011, 16). However, the international community did not perceive the mission as an intervention for peacekeeping and rights protecting, instead called it an invasion (Baştürk 2011).

Even though the group who conducted the coup was arrested soon after, and Makarios seized the powers again, Turkey did not withdraw its troops and expanded the occupied territory. A year later, Turkish Cypriots established the Turkish Federated State of Cyprus. However, the international community strongly opposed creating



an independent Turkish-controlled state; therefore, no other country recognized the newly-established Turkish state apart from Turkey. The political crisis of 1974 and the island's division resulting from this crisis have brought "significant external dimensions" to the Cyprus issue (Nugent 1997, 55).

As Turkey did not withdraw and Greek-Cypriots did not find the action legal, neither of the governments could resolve the conflict, such as forming a federation or a confederation. As Dodd (2010) explains, "1977, and the renewed 1979, guidelines served to usher in a long period of frustrating negotiations led by the UN during which the Turkish Cypriots argued for a near confederal, and the Greek Cypriots for a near unified state" (273). After decade-long negotiations, the two sides almost agreed in 1989; however, the Greek side pulled out at the last minute due to the impact of Greece. The UN conducted the talks of this agreement under the leadership of the Secretary-General Kofi Annan. The latest version of the agreement induced the territory of the Turkish Cypriots to 29 percent; yet, important matters such as property rights and settlement were left to be discussed later. The Turkish Cypriot leader Denktas believed that the left out topics could create problems in the future. During the negotiations, Greek Cypriots imposed sanctions on the Turks, which further frustrated the Turkish side. As a result, Turkish Cypriots declared an independent state and changed the former name to the Turkish Republic of Northern Cyprus. The establishment of the new state meant that Turks were not devoted to the idea of reunification, although they were okay with trying to achieve it (Dodd 2010).

The 1989 agreement failed to get acceptance by all Cypriots; however, efforts of the UN for a solution would satisfy both parties of the conflict. On the one hand, the matters that were not touched upon in the agreement were revised and proposed to the Turkish side; however, the presented terms were unacceptable. On the other hand, even though the offers regarding the constitutional affairs were adequate for them, it was not sufficient for Greek Cypriots because the proposal of the UN was similar to the nature of the 1960 constitution, which gave Turkish Cypriots veto power in decision-making.

While no efficient progress has been made for both sides, the involvement of the EU was seen as a new opportunity to solve the Cyprus issue. When Greece became a member of the EU in 1981, it started influencing the Cyprus problem to benefit the Greek side. The EU interfered with the conflict in two ways: "the very successful move by Greece to gain entry into the EU for the Republic of Cyprus" (Dodd 2010, 273) and "the desire of Turkey to become a member of the EU" (Dodd 2010, 274).

The first one caused tremendous international pressure on the Turkish Cypriots

to join the process with Greek Cypriots. The underlying reason for this was the hope that the Turks would notice the benefit of the EU membership; therefore, the political issues with the Greeks would seem irrelevant to them. However, Turkish Cypriots chose to stay away from the process since they assumed that if Cyprus became a member of the EU, the Greeks would be highly advantageous due to being the only recognized state on the island.

The second one was more complex because Turkey had two major requirements for membership: fulfilling the Copenhagen Criteria's political condition and taking effective action on the Cyprus issue. Turkish recognition of the Turkish Republic of Northern Cyprus was not helpful since the EU only recognized the Greek Cypriot-controlled Republic of Cyprus. This situation put Turkey on the spot for encouraging the Turkish Cypriots to take a step towards resolving the conflict. Furthermore, it endangered the possible membership of Turkey because Greece obstructed the Turkish candidacy until the EU has officially accepted Cyprus as a member. According to Dodd (2010), "this made a solution more, not less difficult" (274).

Without a proper solution for the conflict on the island, the Republic of Cyprus unilaterally signed the Accession Treaty with the EU in 2003. It officially became a member state on 1 May 2004, next to nine other countries. One week before the official accession date, there was a referendum on the Annan Plan. The international community expected the plan to pass; therefore, a new state would enter the EU. The Annan Plan was initially a proposal of the UN under the leadership of the Secretary-general Kofi Annan to establish a federation of the Republic of Cyprus and reunite the communities. It was different from the previous proposals and draft agreements because the Annan plan solved the property right as Turkish Cypriots wish and the veto powers of the Turkish Cypriots were limited as the Greek Cypriots have requested. Nevertheless, the result of the referendum did not result positively and failed to fulfill the expectations. Whereas Turkish Cypriots voted yes to the Annan Plan, most Greek Cypriots voted no, and consequently, the Cyprus issue was once again left without a resolution.

Although the whole island is considered a member state of the EU, the EU *acquis* has been suspended in the Turkish Republic of Northern Cyprus. The international community welcomed the yes vote of Turkish Cypriots, and even the EU assisted the Turks to boost economic development since they were in an economic regression. At the same time, the United States, the United Kingdom, the UN, and the EU put tremendous pressure on Turkey to solve the Cyprus issue as soon as possible. Eventually, the accession of Turkey to the EU became linked to the Cyprus problem.

Today, "the Cyprus problem is still weighing heavily on Turkey in its desire to

proceed with its EU accession negotiations” (Dodd 2010, 275). Greece was already an essential player in the conflict dynamics for decades until the accession of the Republic of Cyprus, and now, it also joined Greece and secured “a strong position to hinder, and even stop, Turkey’s progress to EU membership” (Dodd 2010, 275). After the Republic of Cyprus became a EU member, the negotiations between the two communities were renewed periodically in 2008-2012, 2014, 2015-2017, and 2018. However, no significant progress on the core issues that could change the fate of the conflict has been made to this day.

## **4.2 The Relationship between Turkey and the European Union**

Turkey and the EU have an enduring relationship. The most outstanding feature of this relationship is the “up and down character from the very beginning, and the determination of the parties to continue the relationship within the framework of membership perspective despite occasional crises” (Directorate for EU Affairs 2019). Despite the various challenges that come with the international developments, both Turkey and the EU still perceive each other as strategic partners.

Historically, joining international organizations has been a part of Turkey’s foreign policy objectives. Turkey became an active member of organizations such as the UN, NATO, and Organization for Economic Co-operation and Development (EUoecd) and applied for membership of the EEC in 1959.

After Turkey applied for EEC, the parties signed the Ankara Agreement, which formed an association between Turkey and EEC until Turkey was ready for the accession process. This agreement was an essential step since it established the legal foundation of the relationship between Turkey and the EU. In the agreement, economic cooperation was emphasized, and it is stated that the prospect of the relationship between Turkey and the EEC is full membership. In line with this goal, preparation, transition, and final phases were envisioned on the road to Turkey’s acceptance in the community. Moreover, the agreement also constituted the Turkey-EU Association Council. It was an important development for the relations because it allows parties to gather and discuss their issues on a mutual platform. The Association Council meetings are still held today. A follow-up for the Ankara Agreement was the Additional Protocol which was signed in 1970. With this protocol, the foreseen preparation phase was finished, and conditions for the next period were set.

Furthermore, several limitations regarding the imports were eliminated, and a 22-year timetable was set for the launch of the Customs Union (Directorate for EU Affairs 2020). However, due to the economic and political environment, the relationship between Turkey and EEC became unsteady. It eventually was suspended due to the military coup in Turkey in 1980.

Following the reconstruction of civil authority and the re-normalization of the economy, the relationship between Turkey and EEC was back on track. Even so, Turkey applied for full membership in 1987. Nevertheless, although Turkey was found eligible for membership, EEC did not go through with the accession by indicating that the community needed more internal integration before accepting new members. EEC decided to remain in the framework of the Ankara Agreement and advised Turkey further to improve political, economic, and social conditions. Following this decision, Turkey kept improving on these terms, and in 1995, the Customs Union was completed as mentioned in the Additional Protocol. According to the Directorate for EU Affairs (2020) of Turkey, “customs Union is one of the most important stages towards Turkey’s goal of integration with the EU and brought a new dimension to the Turkey-EU relations”.

After establishing the Customs Union, The Helsinki Summit in 1999 remarked another significant step in Turkey-EU relations. In this summit, the European Council decided that from that moment forward, Turkey was officially a candidate without any preconditions, which put Turkey on the same level as other candidate countries. Two years after the Helsinki Summit conclusions, the AP, a road map for the accession process of Turkey, was finally accepted (Delegation of the European Union to Turkey n.d.). In the following days of the approval of the AP by the Council, Turkey announced its NPAA. The AP document and the NPAA of Turkey have been revised and updated several times. During that process, Turkey made significant reforms to fulfill the EU’s criteria for membership. The EU has followed Turkey’s progress and documented the process by publishing progress reports each year.

The European Council meeting in Brussels in 2004 set another milestone for Turkey-EU relations. The conclusions of this summit declared that Turkey finally fulfilled the political conditions of the Copenhagen criteria, therefore, was eligible to start accession negotiations next year. In October 2005, the accession negotiations started, and the Negotiation Framework Document was announced. Up to the present day, sixteen chapters are opened, and one chapter is provisionally closed. The EU suspended eight chapters in 2006 due to the deadlock created by Turkey’s restrictions on the Republic of Cyprus, which is a member of the EU. Hence, The Cyprus issue has brought the accession process to a deadlock. The negotiations later proceeded

for other chapters that have no political blockages. Yet, no efficient process has been made in any open chapters that would bring Turkey closer to the full membership.

Apart from the meetings for the accession process, Turkey and the EU continue to grow their relationship through other platforms such as holding Association Council meetings and organizing Turkey-EU Summits. Moreover, the situation with Turkey is often discussed in the high-level EU meetings as well.

The latest Turkey-EU Summits can be tracked back to 2015, when the migration crisis became the heart of Turkey-EU relations. This meeting accelerated the stagnated relationship between Turkey and the EU and simultaneously solved the migration crisis (General Secretariat of the Council 2021a). One of the highlights of the summit was the decision on the revival of Turkey's accession process. As a result, more regular and organized talks have strengthened high-level communication between the two sides. At the 7 March 2016 Summit, the EU heads of state and government met with Turkish counterparts to reinforce coordination on the migrant and refugee crisis. Another meeting was held soon after on the 17-16 March 2016 Summit. EU leaders and Turkey decided to speed the implementation of the visa liberalization roadmap, intending to lift visa conditions for Turkish residents by the end of June 2016 at the latest, when all requirements are completed (General Secretariat of the Council 2021a). Moreover, they reaffirmed their determination to reactivate the accession process indicated in the previous summit conclusions.

One of the most critical developments in normalizing the relations was the Varna Summit in 2018 (Directorate for EU Affairs 2019). The EU was represented by Donald Tusk, President of European Council; Jean-Claude Juncker, President of European Commission; and Boyko Borisov, Prime Minister of Bulgaria. They hosted Turkish President Erdoğan in Varna (General Secretariat of the Council 2021a). The Varna Summit was constructive in terms of restoring confidence in the relationship. The officials reaffirmed the prominence of Turkey-EU cooperation, and Turkey's candidacy was emphasized at the highest level (Directorate for EU Affairs 2019). The leaders discussed "cooperation on the management of migration flows, the shared interest in combating terrorism, the rule of law in Turkey, Turkey's recent actions in the Eastern Mediterranean and the Aegean Sea, Turkey's involvement in Syria" (General Secretariat of the Council 2021a). At the Summit, President Erdoğan emphasized Turkey's expectations about full membership status, visa liberalization, and upgrading of Customs Union and Cyprus Issue (Directorate for EU Affairs 2019).

The meeting of the General Affairs Council in June 2018 resulted in a negative way for Turkey-EU relations. The conclusions of this meeting stated that Turkey has

been distancing itself from the EU, and as a result, Turkey's accession talks have essentially come to a halt. Thus, no new chapters could be considered for opening or closing, and no further progress on revising the EU-Turkey Customs Union is planned (Directorate for EU Affairs 2019). Despite the fact that Turkey's candidacy was highlighted in the preamble, this assertion hurt Turkey-EU ties. Furthermore, the Foreign Affairs Council in July 2019 voted to take several steps in response to Turkey's actions in the Eastern Mediterranean, which also harmed Turkey-EU relations.

In accordance with the up and down nature of the Turkey-EU relations, the dialogue between the two parties continues despite the latest adverse developments. In a time when the number of threats, uncertainties, and crises on the international stage is on the rise, it is more vital than ever for the EU and Turkey to build new and deep relationships and reinforce the existing partnership. Hence, the cooperation between the two sides and Turkey's membership in the EU will remain relevant and essential.

### **4.3 The Relationship between Cyprus and the European Union**

The EU's relationship with Cyprus dates back to the early 1970s, when the Republic of Cyprus, under the control of Greek-Cypriots, concluded a customs union deal with the European Community (EC) (Tsardanidis 1984). The driving force of Cyprus for pursuing closer ties with the EC was more economical than political because the EC was a financial triumph, and the United Kingdom, Cyprus's leading trade partner, became a member of EC in 1973. Economic factors kept playing a significant role in Cyprus's assessments of its national priorities because an Association Agreement was signed in the same year. EC also has created several assistance programmes for Cyprus. Hence, a close relationship with the EC would increase this investment (Nugent 1997). The Association Agreement allowed for the gradual removal of trade barriers and establishing an EC-Cyprus customs union in two phases. The second phase was supposed to start in 1977, but it was repeatedly delayed due to the unpredictability of the island's political environment and expectations that the crisis would be resolved (Nugent 1997).

Although the signing of the Association Agreement was purely economic, the EC has miscalculated the political results in the two conflicting communities in Cyprus. The Republic of Cyprus was in the hands of Greek Cypriots, whereas the independence of the Turkish Cypriots was not recognized; therefore, the Turkish side did not get

equal treatment despite the non-discriminatory clause in the agreement. As a result, Turkish Cypriots were further marginalized, and the EC unknowingly admitted that the Greek Cypriots represent the whole island.

The European Political Cooperation announced a declaration as a reaction to the Greek coup in Cyprus in 1974. The EC called for the territorial integrity and independence of the island, yet, it failed at stopping a Turkish intervention. Although this coup and the Turkish intervention were not the first crisis Cyprus experienced, it was a trial for the EC since the United Kingdom, the newest member states, had a national interest in the island. Before the membership of the United Kingdom, the EC was inattentive in the Cyprus issue because no member state was interested in the island's situation.

The temporary stagnation of relations due to the crisis of 1974 ended with signing financial protocols in 1978 and 1983 to aid the island's economic growth. It was agreed in 1987 to go forward with the second phase of the customs union and a protocol to the previously signed Association Agreement. However, after the coup and the involvement of Turkey militarily, the political and security concerns of the Republic of Cyprus have come to the surface. Hence, the idea of resolving the Cyprus issue and having a sense of security against the Turkish side pushed the Greek Cypriot-controlled Republic to send an application for membership in the EC (Nugent 1997). This move was welcomed by the international community as well since it was believed that the EU could give necessary incentives to both the Greek and Turkish side to encourage them to sit at the table for discussing reunification (Barkey and Gordon 2001). Moreover, the accession to the EU was seen as a platform that could create necessary political and legal institutions for creating a state where two communities coexist (Diez 2002).

The accession process of Cyprus to the EU did not fulfill the expectations. The Turkish Cypriots were not happy with the Republic of Cyprus applying for membership unilaterally; therefore, they opposed this decision and hardened their stance on the conflict. Furthermore, the presidency conclusions of the Corfu Summit in 1994 announced that Cyprus would be accepted as a member in the subsequent enlargement around along with Malta (Corfu European Council 1994). Although the EU repeated that the resolution of the conflict in the island was a precondition for the accession, this statement at Corfu indicated that the Greek Cypriot-controlled Republic of Cyprus would become a member, whether the issue was resolved or not. Thus, the presence of the Turkish side would depend on finding a solution in the meantime and creating a new bi-communal country (Kyris 2012). The EU's change of heart is a result of Greece's policy against Turkey. As an EU member

state, Greece has vetoed the Commission's proposals regarding the customs union negotiations with Turkey and declared that it would lift the veto if the accession negotiations with Cyprus are opened. Hence, the Cyprus issue has been a significant EU foreign policy concern because of its consequences for the EU's relationship with Turkey and the overall EU enlargement process (Müftüler-Bac and Güney 2005). Once the EU guaranteed Cyprus's accession, Greece finally lifted its veto, and Turkey signed the Customs Union agreement in 1995. Cyprus was an important issue after the membership of the United Kingdom; however, the accession of Greece in 1981 further intensified the European involvement in the island. In 1997, the Luxembourg Summit adopted the Commission's Agenda 2000 for enlargement. According to the new agenda, Turkey stayed as an applicant country. However, it was found eligible for membership, whereas Cyprus became a candidate officially and the start of negotiations was due in 1998. This decision left the EU in the middle of "the Greek-Turkish-Cyprus triangle" (Müftüler-Bac and Güney 2005, 289). Based on Zurich and London Agreements of 1959 and Treaty of Guarantee of 1960, Turkey reacted to the situation by stating that Cyprus is not allowed to become a part of any international organization or political and economic union unless both Greece and Turkey are member states, therefore the candidacy of Cyprus had no legal foundation (Müftüler-Bac and Güney 2005).

Even though Greece did not let Turkey be labeled as an official candidate in the Luxembourg Summit, Greece softened its position when a clause about no requirement for a political settlement in the island for Cyprus to become a member was in the Helsinki Summit conclusions. Consequently, Greece gave its consent for Turkey's candidacy after the EU changed its position on the accession conditions of the Republic of Cyprus. Some member states were not in favor of having a divided country join the EU, and "a united Cyprus would have been a more desirable alternative for the EU, but it did not become a necessary condition for Cyprus's membership" (Müftüler-Bac and Güney 2005, 289). The accession negotiations between Cyprus and the EU have ended in the Copenhagen Summit of 2002, and Cyprus became an official member of the EU in 2004. According to Kyris (2012), the EU membership of Cyprus is based on three main reasons: "the diplomatic success of the Greek government" (Brewin 1999, 151 as cited in Kyris 2012, 89), "the impressive progress of the RoC in meeting accession conditionality" (Nugent 1997, 72 as cited in Kyris 2012, 89) and "the continuous intransigence of the then Turkish Cypriot leadership with regard to the Cyprus problem which could hold the Greek Cypriots hostage in the accession process" (Kyris 2012, 89).

Turkish Cypriot community was already marginalized since apart from Turkey, no other European Member or candidate recognizes the sovereignty of the Turkish



Republic of Northern Cyprus. The accession of the Republic of Cyprus to the EU and the failure of the Annan Plan of 2004, which the Greek Cypriots rejected although most Turkish Cypriots voted yes, intensified the marginalization of Turkish Cypriots even more. Thus, after 2004, the EU's policy started focusing more on assisting the Turkish side out of isolation (Christou 2006). First, the EU Foreign Affairs could approve the Commission's proposal on taking measures for Turkish Cypriots to support their economic growth and their rapprochement with the EU. This decision raised expectations among pro-European Turkish Cypriots that they would get equal treatment from the Europeans after being neglected for a long time, as a return for saying yes to the Annan Plan. For the Turkish side, they viewed the EU's decision as an opportunity to "gain 'equal' political recognition in the European and international realm" (Christou 2006, 24). The EU's positive agenda towards Turkish Cyprus was followed by several institutional and policy propositions. Despite the fact that the *acquis* is not valid in the Turkish Republic of Northern Cyprus, the Green Line Regulation in 2004 formed specific intra-state commerce procedures to ensure EU residency rights to the Turkish side.

Another change that came with the accession of Cyprus was the power balance in the decision-making mechanism. What once was a foreign policy issue for the EU has turned into a domestic problem, and Cyprus could veto any decision that does not match with their interest in cases where unanimity is required to take action. Even though the Greek Cypriots did not oppose the idea of sharing economic benefits of the EU with the Turkish side, their stance on the sharing sovereignty was certain: "power cannot be shared with the Turkish Cypriots on the basis of political equality" (Christou 2006, 25). As a result, the Greeks did not accept any policy or instrument that might strengthen the international involvement of the Turkish Republic since only the Greek Republic is the globally recognized state. In the following years of the accession, the reunification talks have resumed from time to time, yet, no adequate progress has been made. The Greek Cypriot-controlled Cyprus has followed a strict policy against Turkey and Turkish Cypriots in the EU. In contrast, Turks accused the EU of allowing a discriminatory and threatening policy undertaken by the Greek side.

#### **4.4 European Union's Third Party Role during the Accession Process**

The EU was involved in the Cyprus conflict particularly after the accession of Greece. Similar to Turkey, Greece was a guarantor state to the island, therefore, one of the

parties of the conflict. The application of Turkey to the EU together with the Greek accession made the EU a central actor in the Cyprus issue. However, the EU did not take a direct role in solving the conflict since the negotiations were conducted by the UN. The EU's sphere of influence was indirect due to its relation to Greece, Turkey, and Cyprus on basis of membership.

The accession process of the EU came with certain conditions and the EU used these conditions in guiding the candidates and potential candidates. Even though conflict resolution was a policy area that was set to be improved, the EU saw the conditionality of the accession process to create an impact over the Cyprus conflict. But its impact was first challenged by Greece in terms of blocking Turkey's candidacy and paving the way for the accession of Cyprus since it had the veto power. After Cyprus also became a member, the EU's credibility as a third party was questioned since the Republic of Cyprus was the primary actor of the conflict and it gained the veto power with the EU membership. This veto power was significant because Turkey's candidacy and the EU's Cyprus policy were tied to the decisions of the Republic of Cyprus.

Overall, the EU's third party role in the case of Turkey comes from the fact that it was able to influence the course of conflict through using incentives over Turkey as a part of the accession process. The EU did not take on the role of the third party by aiming at transforming the relationship between the conflict parties; rather it had the objective of making a structural change through using conditions and rules. The accession process is the perfect fit for pushing conflict parties to change their behavior through structural incentives since the process is based on following the EU conditions and exposes the candidates to the EU norms and rules. Furthermore, in order to move to the next stages of the accession process, the candidate countries have to abide by these conditions, norms, and rules. Hence, the EU aims at contributing to the peaceful solution of the conflict by making the candidate countries meet the EU framework. In the case of Turkey, the EU uses the structural intervention method to play a role in the peaceful settlement of the Cyprus issue. In this section, the EU documents, namely the presidency conclusions and the progress reports regarding Turkey's accession process, are summarized to create path for the EU's third party role in Cyprus conflict.

#### **4.4.1 From 1998 until the Accession of Cyprus**

##### **4.4.1.1 Presidency Conclusions**

###### **European Council, Cardiff, 15-16 June 1998**

The European Council Summit in Cardiff put out some introductory statements for the future of enlargement of the EU and how this relates to Turkey. The Council welcomed the enlargement strategy formed by the European Commission and further asked the Commission to “carry forward this strategy, including the tabling of any proposals necessary for its effective implementation” (Cardiff European Council 1998, 24). In this regard, the leaders urged the presidency, the Commission, and Turkish bureaucrats to “pursue the objective of harmonizing Turkey’s legislation and practice with the *acquis*” (Cardiff European Council 1998, 24). Moreover, for the enlargement strategy goals to be met, the financial aspects of carrying out the enlargement strategy are emphasized by the Council.

###### **European Council, Vienna, 11-12 December 1998**

At the summit, the European Council focused on developing the EU-Turkey relations and improving the European enlargement strategy to prepare Turkey for membership. This summit took place after the Commission published the first progress reports on the candidates and possible candidates. The European Council welcomed these reports and highlighted the importance of the progress of the candidate states and their efforts to be members.

On Turkey’s candidacy, the European Council agreed with the Commission’s opinions in the progress report and pointed out “the need for the rhythm of legislative approximation to be accelerated and matched by the development of corresponding implementation capacity” (Vienna European Council 1998). Additionally, the Council stressed that:

“the transposition of the *acquis* is not sufficient in itself but must be followed by effective implementation and enforcement. Therefore the development of administrative and judicial capacities is a crucial aspect of preparation for accession and the existence of credible and functioning structures and institutions an indispensable precondition for future membership” (Vienna European Council 1998).

Cyprus was a candidate during this summit; therefore, the Council regularly pre-

sented its views on the progress. However, this time, the Cyprus issue was mentioned in the presidency conclusions under the section about external issues. The European heads of state and government underlined their support for the hard work of the Secretary-General of the UN on reaching an all-embracing resolution in the island and the efforts of "...his Deputy Special Representative with the goal of reducing tensions and promoting progress towards a just and lasting settlement based on the relevant UNSC decisions" (Vienna European Council 1998).

### **European Council, Helsinki, 10-11 December 1999**

The presidency conclusions of the European Council's Helsinki Summit are one of the milestones for the relationship between Turkey and the EU because Turkey was officially declared as a candidate country for the first time. The Council decided that Turkey was finally eligible for a candidate status was the positive developments in Turkey as stated in the Commission's regular progress report. The leaders took these positive developments to move towards complying with the Copenhagen criteria and the EU acquis. Under the accession process, Turkey and the EU were set to meet on different levels. Moreover, the Council decided that an AP within the framework of the previous summits is required for NPAA. In Helsinki conclusions, a specific emphasis of the Council was on enhancing the political dialogue, particularly on human rights issues and the Cyprus problem as a pre-accession strategy for Turkey (Helsinki European Council 1999).

Similar to the Vienna Summit of 1998, the leaders once again expressed their support for the efforts of the UN Secretary-General to resolve the Cyprus issue and launching settlement negotiations on that front. These talks led by the UN also had importance for Turkey since it was a part of the pre-accession strategy that the Council stated. Another major decision regarding the Cyprus problem was that the European Council decided that no settlement is required for Cyprus to become a EU member. Therefore, the island's membership precondition was officially lifted in Helsinki Summit (Helsinki European Council 1999).

### **European Council, Santa Maria Da Feira, 19-20 June 2000**

Santa Maria Da Feira Summit reinforced vital points that were made in the previous European Council Meetings as follows:

"the European Council looks forward to concrete progress, in particular on human rights, the rule of law and the judiciary. The Commission should report to the Council on progress in preparing the analytical examination of the acquis with Turkey. In light of the above, the Commis-

sion is also invited to present as soon as possible proposals for the single financial framework for assistance to Turkey as well as for the Accession Partnership” (Santa Maria Da Feira European Council 2000).

Furthermore, the leaders appreciated the Association Council meeting due to its ability to efficiently incorporate Turkey into the pre-accession process, as previously pointed in Helsinki. A difference of this summit from the others was the cooperation between the EU and Turkey on military capabilities. Although Turkey is a non-member state, it was seen as a strong NATO ally. Hence, the Council’s decision regarding inviting third parties to be a part of the collective military also involved Turkey.

### **European Council, Nice, 7-8-9 December 2000**

The Nice Summit celebrated the signing of the AP with Turkey since this partnership was central in carrying through the roadmap drawn by the Helsinki summit conclusions. However, the Council asked Turkey to establish its national programme for adoption of the acquis, along the lines of the newly-signed AP. The Cyprus issue was discussed under the part of the external relations. The European heads of state of government expressed their gratitude for UN Secretary-General who worked hard to reach a settlement in the island by the UNSC resolution and the processed that was launched in 1998, together with “all the parties concerned to contribute to the efforts made to this effect” (Nice European Council 2000).

### **European Council, Göteborg, 15-16 June 2001**

The European Council meeting in Göteborg presented important points in Turkey’s progress on the road to full membership. The leaders acknowledged that Turkey’s formation of a national programme for adopting the acquis and enhancing the political dialogue highly improved as the Council requested in the previous summits. For further development of the Turkey-EU relations, on the one hand, the Council asked Turkey to take more concrete steps for implementing the requirements of the AP and reach a certain level of advancement in human rights issues. On the other hand, the leaders set a target for the EU to “adopt the single financial framework for pre-accession assistance to Turkey” (Göteborg European Council 2001, 2).

### **European Council, Laeken, 14 December 2001**

The Laeken Summit repeated that Turkey is yet to fulfill the political criteria; however, the latest change of the Turkish constitutions was perceived as a tremendous improvement in aligning with it. According to the presidency conclusions, “this has brought forward the prospect of the opening of accession negotiations with Turkey”

(Laeken European Council 2001, 3). Another vital thing to note from this European Council meeting is that “the pre-accession strategy for Turkey should mark a new stage in analyzing its preparedness for alignment on the *acquis*” (Laeken European Council 2001, 3).

### **European Council, Seville, 21-22 June 2002**

The European Council expressed their good wishes for the settlement of the Cyprus problem as in creating a united island. In the Seville Summit, the European Council called upon “the leaders of the Greek Cypriot and Turkish Cypriot communities to intensify and expedite their talks in order to seize this unique window of opportunity for a comprehensive settlement” (Seville European Council 2002, 6). In addition, the presidency conclusions asserted that they want the talks to end positively before the accession process of Cyprus is complete since they expected Cyprus “to speak with a single voice and ensure proper application of European Union law” (Seville European Council 2002, 6). Another progressive statement from the EU leaders was that they promised to assist the Northern part of the island if the settlement is through and two communities are reunited.

On Turkey’s ongoing accession process, the European Council expressed its contentment regarding the efforts of Turkey for implementing the responsibilities identified in the AP. Moreover, Turkey’s political and economic reforms were welcome by the Council, and it was acknowledged that if Turkey were on track for the whole year, the candidacy status would be taken to the next level in the next Copenhagen summit.

### **European Council, Copenhagen, 12-13 December 2002**

In the Copenhagen Summit, the EU leaders stated that they appreciate the following:

“the determination of the new Turkish government to take further steps on the path of reform and urges, in particular, the government to address swiftly all remaining shortcomings in the field of the political criteria, not only with regard to legislation but also in particular with regard to implementation” (Copenhagen European Council 2002, 5).

On that note, the European Council encouraged Turkey to keep up the consistent work on the reforms because when Turkey fulfills the political conditions of the Copenhagen Criteria, the EU promised to move on with the opening of the negotiations without further delay. Since the official start of the negotiations was expected

to be soon, the European Council invited the Commission to propose a renewed version of the current AP document with Turkey. As a result of these positive developments, the EU also raised the amount of pre-accession financial assistance for Turkey.

The presidency conclusions declared an important development for Cyprus: the island was finally accepted as a new EU member state. However, the European leaders still urged the conflict parties to find a solution and reunify the island. Furthermore, they indicated that the proposals of the UN Secretary-General “offer a unique opportunity to reach a settlement in the coming weeks” (Copenhagen European Council 2002, 3); therefore, Greek Cypriots and Turkish Cypriots should not miss on this great opportunity. European Council also concluded that in case of no resolution was reached at the talks between two communities, “the application of the *acquis* to the northern part of the island shall be suspended, until the Council decides unanimously otherwise, on the basis of a proposal by the Commission” (Copenhagen European Council 2002, 3). Nevertheless, the Council asked the Commission to look for methods to boost the economic well-being of the Northern part of the island and bring it closer to the EU.

### **European Council, Brussels, 20-21 March 2003**

In the time after the last summit, the plan of the UN Secretary-General failed. On that matter, the EU leaders stated their regret on the failure of the plan, and they mentioned that there is a need for “the continuation of the Secretary General’s mission of good offices and of negotiations on the basis of his proposals” (Brussels European Council 2003a, 37). Likewise, the Council advises conflict parties “to spare no effort towards a just, viable and functional settlement and, in particular, the Turkish Cypriot leadership to reconsider its position” (Brussels European Council 2003a, 37).

### **European Council, Thessaloniki, 19-20 June 2003**

The presidency conclusions of the Thessaloniki Summit declared that Turkey had made a significant amount of progress regarding the political criteria yet, still does not fulfill the conditions. Hence, the EU leaders requested the Turkish government to carry on with the reforms because “in accordance with the Helsinki conclusions, fulfillment of these priorities will assist Turkey towards EU membership” (Thessaloniki European Council 2003, 11). Furthermore, the European Council confirmed that it adopted the new AP document and emphasized that this document is vital for Turkey-EU relations and the future of Turkey’s accession process.

According to the presidency conclusions, the heads of state and government of the

EU member states perceived the accession of Cyprus to the EU as an event that is “creating favorable conditions for the two communities to reach a comprehensive settlement of the Cyprus problem” (Thessaloniki European Council 2003, 12). Besides, the Council considered eliminating barriers and raising communication between the two communities as a positive development for reunification in the island since it shows that Turkish and Greek Cypriots can manage to live together. In this context, the EU leaders invited all conflict parties, especially Turkey and the leadership of Turkish Cypriots, to acknowledge the proposals of the UN Secretary-General on reviving the settlement negotiations. On that account, the European Council reminded its preparedness “to accommodate the terms of a settlement in line with the principles on which the EU is founded” (Thessaloniki European Council 2003, 12). Also, it approved the efforts of the Commission to reach a swift solution within the outline of the EU acquis, together with preparing a proposal on the financial assistance to the Northern part of the island by consulting the government of the Republic of Cyprus.

### **European Council, Brussels, 12-13 December 2003**

The European Council in Brussels acknowledged the latest political, legal, and economic reforms of Turkey to meet the Copenhagen criteria. Progress in different areas and following the AP priorities were essential aspects that brought Turkey closer to the EU. However, according to the EU leaders, Turkey still has more work to do for fulfilling the conditions correctly, such as;

“strengthening the independence and functioning of the judiciary, the overall framework for the exercise of fundamental freedoms (association, expression, and religion), the further alignment of civil-military relations with European practice, the situation in the Southeast of the country and cultural rights” (Brussels European Council 2003b, 11).

In economic terms, presidency conclusions stated that Turkey must solve the macro-economic imbalances and structural shortcomings (Brussels European Council 2003b).

Regarding the Cyprus issue, “Turkey’s expression of political will” (Brussels European Council 2003b, 11) to resolve the conflict was welcomed. Additionally, the Council indicated that the settlement of the Cyprus issue “would greatly facilitate Turkey’s membership aspirations” (Brussels European Council 2003b, 11). Once again, the European heads of state and governments declared their wish for a reunited Cyprus with a comprehensive settlement of the conflict. They asked all sides



of the conflict, particularly the Turkish government and Turkish Cypriot leadership, to keep the efforts to that goal. A significant decision made by the Council was to call upon the European Commission for lifting the suspension of the EU acquis in the Northern part of the island, next to the previously announced financial assistance plans.

#### **European Council, Brussels, 25-26 March 2004**

The European Council in Brussels called the ongoing efforts of the UN Secretary-General Kofi Annan “a historic opportunity to bring about a comprehensive settlement of the Cyprus problem” (Brussels European Council 2004a, 14) and expressed their support of its finalization. Furthermore, the European leaders noted that all disputing parties ought to preserve a solid dedication to the negotiation process in the company of the Greek and Turkish governments. As requested in the previous summits, the Council appreciated the Commission for taking swift action on implementing the EU acquis in the island and proposing to launch a donors conference.

#### **4.4.1.2 Annual Progress Reports**

##### **Progress Report 1998**

The political matters of the general evolution in the annual progress report of 1998, the Commission’s observation revealed that there are particular inconsistencies in the working of the public figures, continuing human rights abuses, and inadequacies in the behavior against the minority groups. Moreover, the presence of military authority over the politics of Turkey was labeled as concerning. The Commission welcomed the dedication of Turkey to overcome the human rights abuses, yet there has been no practical work. On top of these issues, it was advised that the Turkish government “must make a constructive contribution to the settlement of all disputes with various neighboring countries by peaceful means in accordance with international law” (The Commission 1998, 21).

The Commission presented a separate section in the report regarding the issue of Cyprus, and it indicated that Turkey’s actions regarding the conflict in the island are incompatible with international law as enshrined in relevant UN resolutions, to which the EU pledges (The Commission 1998). Besides, the Commission remained convinced that the UN Secretary-General’s good office mission, backed by the UNSC and the EU, requires practical assistance from all sides of the conflict. The Commission stated that Turkey, as the guarantor of the Turkish Cypriot community, has a duty to use its distinctive connection to find a fair solution to the Cyprus problem in

line with relevant UN resolutions, particularly those that aim at creating a bi-zonal and bi-community federation ((The Commission 1998). Apart from the political matters, marine transport was also seen as problematic. The Commission expressed their concerns regarding “the treatment in Turkish ports of vessels traveling from ports in Cyprus” (The Commission 1998, 42).

The Commission emphasized that although there are some problems such as “the Cyprus question and the disputes with a Member State and the situation in south-eastern Turkey” (The Commission 1998, 52), the EU and Turkey have similar opinions on many other foreign policy matters. But Turkey refused to take part in the CFSP plans of the EU. According to the Commission, doing so would be a stronger signal of its intent to participate in the pre-accession process (The Commission 1998).

### **Progress Report 1999**

From the time when the Commission published its last annual report, the UN Secretary-General and his representative in Cyprus held separate talks with the leadership of Turkish and Greeks Cypriots to make grounds for a resurrection of face-to-face negotiations. The Commission suggested that “Turkey as a guarantor country should show strong commitment to bring the two sides together under the UN process launched at the invitation of the G8” (The Commission 1999, 15) and “Turkey could have an active and constructive role in this framework in order to reach a comprehensive solution that addresses the legitimate concerns of all parties” (The Commission 1999, 15).

In 1996 and later in 1998, the European Court of Human Rights ruled provided a verdict against Turkey in the case of a Greek-Cypriot woman who did not have her property right in the island’s Northern part. However, Turkey argued that the land belongs to the Turkish Republic of Northern Cyprus and refused to pay the compensation; therefore, it did not comply with the Court’s ruling. The President of the Committee of Ministers of the Council of Europe reminded the responsibility of Turkey to make the payment as decided by the Court (The Commission 1999). Since the last report, the situation in the maritime safety due to the treatment in Turkish ports of vessels coming from Cyprus or of vessels registered under the name of Cyprus has not been resolved. Hence, the Commission noted that “considering the very high detention rate of Turkish vessels in foreign ports, maritime safety should be a priority issue” (The Commission 1999, 34).

The Turkish government and the leadership of the Turkish Cypriots rejected the statement declared by the G8 Summit in 1999, and a month later, a high-level

Turkish delegation went to the Turkish Republic of Northern Cyprus to celebrate the 25th anniversary of the 1974 intervention and to reinforce political and economic relations between them. According to the Commission, Turkey's position regarding the Cyprus issue was contradictory with the resolution of the UN and the stance of the EU, as well as damaging the Euro-Mediterranean Partnership. Furthermore, Turkey still did not request to join the CFSP initiative of the EU.

### **Progress Report 2000**

The first round of the proximity talks between the two communities in Cyprus was launched in December 1999 and was followed by three more rounds. The main objective of these talks was to achieve substantial discussions between the conflict parties. After the latest round of talks, UN Secretary-General's Special Adviser for Cyprus identified four critical problems for the Cyprus question: "territory, property, security and constitution" (The Commission 2000, 20); however, he also noted that there were not any official settlement plans yet. In June 2000, there were disagreements between the conflict parties regarding the reinforcement of the mandate of the UN Peacekeeping Force in Cyprus UNFICYP. Whereas the Turkish Cypriots leadership increased the restricting conditions on the presence of the UNFICYP, Turkish troops moved into the buffer zone created by the UN. The actions of Turkish Cypriots and Turkey have received an adverse reaction, especially from the UN Secretary-General. The Commission encouraged the Turkish government by stating that "Turkey, as a guarantor country, should continue to deploy every effort to reach a comprehensive solution to the Cyprus issue under the auspices of the United Nations" (The Commission 2000, 20).

As to the verdict of the European Court of Human Rights that Turkey was found guilty, the Committee of Ministers of the Council of Europe adopted a resolution and underlined that Turkey's unwillingness to carry out the Court's decision displays disrespect for its international duties; therefore, Turkey should pay the compensation immediately. According to the Commission's report, "there are estimated to be around 150-200 similar cases brought by Cypriots against Turkey now pending before the Court of Human Rights" (The Commission 2000, 20).

The annual progress report concluded that Turkey's position regarding the Cyprus issue is still incompatible with the resolutions of the UN and the stance of the EU. But the Commission assessed that "the designation of candidate status to Turkey has provided new impetus to the political process for the settlement of the Cyprus issue" (The Commission 2000, 67). Since the Helsinki Summit, the Commission reported that Turkey consistently associated its stances with the EU and took part in the Union's joint CFSP activities in cases where it was encouraged to do so.

Regarding the transport policy, the Commission observed that there had not been any development on easing the restriction on vessels traveling from Cyprus ports or Cyprus-registered vessels and emphasized that this issue is still a paramount concern for the Union.

### **Progress Report 2001**

The Progress Report of the year 2001 observed that the political dialogue between the EU and Turkey was reinforced as the EC-Turkey Association Council gathered in June and discussed the issues such as human rights, the situation in Cyprus, and the resolution of border conflict. Moreover, the joint parliamentary committee came together several times in the latest year, and the talks centered on the NPAA of Turkey, constitutional reforms, new economic plan, Cyprus question, the European Security and Defense policy, and financial cooperation (The Commission 2001).

Although the representatives of the Turkish government assert their support for the work of the UN Secretary-General, the delegation of the EU expressed their regret about the incompatibility between the words and the actions of Turkey in resolving the conflict in Cyprus. Significantly, the EU was disappointed in Turkey welcoming the decision of the Turkish Cypriot leadership to abandon the proximity talks led by the UN and further reject the invitation of the Secretary-General to negotiations. In the Association Council meeting, the EU delegation invited Turkey to persuade the Turkish Cypriot leadership not to miss this unique opportunity to find a solution for the dispute before the accession negotiation of Cyprus to become an EU member state is concluded. In a situation where a settlement is reached, Turkish Cypriots would be able to join the accession talks, therefore, “reflecting the concerns of the respective parties, to be included in EU accession arrangements” (The Commission 2001, 31). In May 2001, the European Court of Human Rights issued another verdict that holds Turkey responsible for human rights violations in the Northern Part of the island. Regarding the transport policy, there has been no development about Turkey’s restrictions on the vessels used for trade in Cyprus and vessels registered under the Republic of Cyprus. Furthermore, there has not been any progress in finalizing a free trade agreement between Turkey and Cyprus (The Commission 2001).

### **Progress Report 2002**

The Turkish and EU representatives met for the Association Council in April 2002. The discussions were focused on the progress of Turkey on fulfilling the Copenhagen political criteria, Cyprus question, and settlement of border conflicts, the combat against terrorism, pre-accession strategy, and the implementation of the Customs

union (The Commission 2002). The EP-Turkey Joint Parliamentary Committee meeting further enhanced the Turkey-EU political dialogue. The delegations discussed a comprehensive set of political and economic problems such as human rights, Cyprus, European Security and Defense Policy, terrorism, and economic cooperation (The Commission 2002).

The National Security Council is an advisory body in the Turkish government, yet its recommendations significantly impact the policies. Furthermore, it gathers monthly and releases a document to the public covering their latest opinions. In 2002, the Commission reported that the National Security Council published resolutions on matters such as “emergency rule in the Southeast, the fight against terrorism, political and economic reforms relating to Turkey’s compliance with the EU accession criteria, and Cyprus” (The Commission 2002, 18).

The direct talks between the leaders of the two communities in Cyprus started again in December 2001. At the Association Council, the Turkish representatives indicated their support for the ongoing talks. Moreover, Turkey expressed its gratitude to the UN Secretary-General for his initiations to resolve the conflict on the island. The EU underlined that Turkey should lead Turkish Cypriots to make more efforts on solving the dispute prior to the finalization of the accession talks. On the issue of maritime transport, the Commission declared that “no developments can be reported concerning the elimination of existing restrictions applied to Cyprus-flagged vessels and vessels serving the Cyprus trade” (The Commission 2002, 84).

The Commission concluded that Turkey made some critical developments on the way to fulfill the Copenhagen political criteria, and the reforms made for this purpose were extensive. However, it emphasized that Turkey still does not meet the political criteria for three main reasons:

“First, the reforms contain a number of significant limitations . . . on the full enjoyment of fundamental rights and freedoms. Secondly, many of the reforms require the adoption of regulations or other administrative measures, which should be in line with European standards. Thirdly, a number of important issues arising under the political criteria have yet to be adequately addressed. These include the fight against torture and ill-treatment, civilian control of the military, the situation of persons imprisoned for expressing non-violent opinions, and compliance with the decisions of the European Court of Human Rights” (The Commission 2002, 47).

The Commission welcomed Turkey’s development so far and urged the Turkish gov-

ernment to continue making reforms, particularly on democracy and human rights in law and practice. According to the annual report, the continuation of the reforms will allow Turkey to overcome the challenges in fulfilling the Copenhagen political criteria.

### **Progress Report 2003**

According to the Commission's annual report of 2003, Turkey has often stated its support for establishing a comprehensive solution to the Cyprus issue by the continuance of the UN Secretary-General's good offices mission and settlement talks based on his offers. During the intensified political interaction with Turkey and at the EC-Turkey Association Council meeting in April 2003, immediately after the failure of negotiations under the UN umbrella in The Hague, the Turkish leadership asserted that there is hope for a solution by May 2004. In the light of these developments, the Commission encouraged the Turkish government to deliver unwavering supports for the hard work to attain a wide-reaching resolution of the Cyprus issue.

In August, the Turkish government signed an agreement to create a customs union with the Northern part of the island. According to the Commission, this agreement did not have any legitimacy under international law; therefore, it was a "breach of Turkey's commitments in its customs union with the EC" (The Commission 2003, 41). However, Turkey later declared that the framework signed with the Northern side would neither be ratified nor come into practice.

In October, the Committee of Ministers of the Council of Europe issued a resolution on the requirement of Turkey to comply with the previous Court verdicts. Regarding the case of the right to property of a Greek Cypriot, the Turkish government affirmed its willingness to comply with the European Court of Human Rights ruling and pay the compensation as decided.

The Commission reported that there had been no significant progress relating to the maritime transport limitation on the Cyprus-registered vessels and vessels working for Cyprus trade; therefore, the access of coastal trade still applied only to Turkish-registered vessels. The Commission highly urged Turkey to lift the existing restrictions against Cyprus (The Commission 2003).

### **Progress Report 2004**

In 2004, the implementation of the pre-accession strategy for Turkey had resumed. Under the enhanced political dialogue, important issues such as making new reforms, human rights, and settlement of border disputes were discussed. These talks impacted Turkey's relationship with Greece, which is one of the actors in the Cyprus

issue positively. Turkey and Greece signed a set of joint agreements, and various confidence-building methods between the two countries were adopted. Moreover, a course of exploratory talks sustained.

Even though Turkey repeatedly articulated its supports for the work to find a solution to the Cyprus issue, the Commission evaluated that in 2003, this view of Turkey changed, and it was challenging to detect a well-defined stance concerning the island. However, a year later, the actions of the Turkish leadership have been effective and productive in the hopes of settling the dispute. Such that, Turkey accepted the invitation of the UN Secretary-General to take part in the negotiations next to Greece and two Cypriot communities in March 2004. Furthermore, the Turkish government expressed its support for the final plan introduced by the Secretary-General in the same month. In addition, Turkey was in favor of the referendum to approve the plan by the Cyprus citizens and invited the Turkish Cypriots to vote yes to the Secretary-General's plan.

As the Republic of Cyprus became a member in May, Turkey made a declaration extending the advantages of the Customs Union Agreement between Turkey and EC to all EU members excluding Cyprus. However, in October, the Turkish government published a new decree and added the Republic of Cyprus to the list of EU members to which the terms of the Customs Union apply (The Commission 2004). Although the European Council previously requested for the adaptation of the Ankara Agreement by including the new members and at this request, the Commission handed the draft protocol to the Turkish government, Turkey did not sign the new version of the agreement. Apart from the political matters regarding Cyprus, there was still no progress on maritime transport; therefore, the Commission once again called Turkey to lift the restrictions.

#### **4.4.2 From the Accession of Cyprus until the Suspension of Turkey's Accession Negotiations**

##### **4.4.2.1 Presidency Conclusions**

#### **European Council, Brussels, 17-18 June 2004**

In the Brussels Summit, the European leaders welcomed the growing development of Turkey on the matters of political criteria by making necessary amendments in the constitution. To that end, they asserted that the EU would keep supporting Turkey in their pre-accession process, especially in reinforcing the impartiality and

the functioning of the judicial organs of the government and the general structure for the application of core freedoms. Since Turkey was yet to fulfill the Copenhagen political criteria, if the European Council meeting decides otherwise based on the Commission's annual progress report, the accession negotiations were set to begin immediately. Also, the Council recalled their statement regarding inviting Turkey to work towards financial stabilization containing the complete application of the structural reform agenda (Brussels European Council 2004b).

Another significant inference from the presidency conclusions was that the European Council urged the Turkish government to close the negotiations with the Commission "on the adaptation of the Ankara Agreement to take account of the accession of the new Member States" (Brussels European Council 2004b, 11).

Lastly, regarding the Cyprus issue, the European Council addressed "the positive contribution of the Turkish Government to the efforts of the UN Secretary-General to achieve a comprehensive settlement of the Cyprus problem" (Brussels European Council 2004b, 11).

#### **European Council, Brussels, 16-17 December 2004**

The European Council expressed its satisfaction in Turkey making necessary changes in the six specific items of legislation determined by the European Commission. Hence, the leaders encouraged Turkey to continue to vast reform progress, particularly in fundamental freedoms and human rights. Moreover, they noted that the Commission would keep monitoring this process and give its opinions on the regular annual report, "including the implementation of the zero-tolerance policy relating to torture and ill-treatment" (Brussels European Council 2004c, 5). In the summit, the decision of Turkey to sign the protocol about the adaptation of the Ankara agreement by considering the new EU members also received a positive reaction.

Regarding the matter of border disputes,

"the European Council, while underlining the need for unequivocal commitment to good neighborly relations, welcomed the improvement in Turkey's relations with its neighbors and its readiness to continue to work with the concerned Member States towards resolution of outstanding border disputes in conformity with the principle of peaceful settlement of disputes in accordance with the United Nations Charter" (Brussels European Council 2004c, 5).

Furthermore, the presidency conclusion of the Brussels summit recalled the impact



of unresolved conflicts on the accession process of Turkey and that, if required, is brought to the attention of the International Court of Justice (ICJ) for resolution (Brussels European Council 2004c).

The most significant outcome of this summit is that based on the developments mentioned above and the regular report of the Commission, the European Council declared that Turkey fulfills the Copenhagen Criteria and set a date for the negotiations on 3 October 2005 (Brussels European Council 2004c).

### **European Council, Brussels, 15-16 June 2006**

The European Council assessed *acquis* screening progress and welcomed the commencement of formal accession talks with Turkey. The European leaders added that Turkey is expected to adhere to the treaties' ideals, aims, and legal framework. The EU has pledged to assist Turkey in meeting the EU standards and membership duties and the Copenhagen criteria. Following prior conclusions, the European Council reminded that the prevailing talks have relied on each country's circumstances. Hence each country's development would determine the speed of the talks in planning for accession as evaluated against the guidelines set upon in the Negotiating Framework. The Council urged Turkey to accelerate and completely implement reforms in order to secure their "irreversibility" (Brussels European Council 2006a, 19) and long-term viability, and also to advance into full compliance with the Copenhagen political criteria, along with a continual improvement of neighborly relations (Brussels European Council 2006a). Therefore, the European Council warned Turkey by expressing that any decision that might jeopardize the path towards conflict resolution should be avoided (Brussels European Council 2006a).

### **European Council, Brussels, 14-15 December 2006**

In the presidency conclusions of the summit, it was stated that "the European Council endorses the conclusions on Turkey adopted by the Council (GAERC) on 11 December 2006" (Brussels European Council 2006b, 3).

### **General Affairs and External Relations Council, 11 December 2006**

General Affairs and External Relations Council (GAERC) stands for General Affairs and External Relations Council, a configuration of the Council of the EU. After the Lisbon Treaty, GAERC was split into two as General Affairs Council and Foreign Affairs Council.

With the decision of the GAERC, the negotiations on eight chapters were suspended due to the restrictions of Turkey against the Republic of Cyprus. Furthermore, the Council also decided that the EU will not resume the negotiations on the remain-

ing chapters or open new ones that include the policy areas of the restrictions until Turkey fulfills its obligations under the additional protocol of the EU-Turkey Association Agreement, “which extended the EU-Turkey customs union to the ten member states, including Cyprus, that joined the EU in May 2004” (GAERC 2006, 2).

The members of GAERC welcomed the ongoing reform progress of Turkey while expressing their regret on the speed of these reforms, which slowed down in 2006. The Council mentioned that “further significant efforts are required to strengthen freedom of expression, freedom of religion, women’s rights, minority rights, trade union rights and civilian control of the military” (GAERC 2006, 7). Under the principles of the Negotiating Framework, Turkey must likewise commit to good neighborly relations and the peaceful solution of conflicts in line with the UN Charter and, if needed, the ICJ (GAERC 2006). It was expected from Turkey to accelerate the pace of reforms in these areas. GAERC (2006) noted that it will continue to observe Turkey’s progress and besides it invited the European Commission to report on the problematic matters in the subsequent annual reports. Lastly, the Council underlined that the screening process would carry on, and chapters in which technical preparations have been concluded are due to be opened in compliance with the procedures and the Negotiating Framework (GAERC 2006).

#### **4.4.2.2 Annual Progress Reports**

##### **Progress Report 2005**

As The European Council decided that Turkey fulfills the Copenhagen Criteria, the accession negotiations were opened in October 2005; therefore, a new stage started for the Turkey-EU relations (The Commission 2005). The regular process report demonstrated that “in addition to the accession negotiations, two other pillars are designed to provide assistance for Turkey in the pre-accession phase: Reinforce and support the reform process in Turkey and strengthen the political and cultural dialogue” (The Commission 2005, 9). Apart from the issues covered by the Copenhagen political criteria such as democracy, the rule of law, human rights, and protection of minorities, the Commission stated that it also evaluates other matters like regional problems along with the obligations of Turkey’s dedication to building peaceful neighborly connections and its responsibility to solve border conflicts, as well as its assistance to reach a comprehensive resolution of the Cyprus issue and normalize the bilateral relations with the Republic of Cyprus (The Commission 2005).

Regarding the case of Cyprus against Turkey, in July 2005, the Committee of Min-

isters issued a resolution, affirming that there were developments in areas of education, military, freedom of religion, and missing persons (The Commission 2005). Furthermore, the Committee concluded its investigation over the problems related to military tribunals. The restoration of rights and property to displaced Greek Cypriots has been marked as an issue waiting to be solved (The Commission 2005).

In the same month, Turkey signed the Additional Protocol in which adopts the Association Agreement to the new member states of the EU. However, Turkey later releases a statement informing that signing the Additional Protocol did not equal recognizing the Republic of Cyprus. As a response to this statement, the EU also issued a declaration stating that the statement of Turkey was one-sided, was not featured in the Additional Protocol, and did not have any legal impact on the requirements from Turkey. The statement of the EU also noted that recognizing all members of the Union was a required element for the accession process.

The Commission did not observe any developments concerning the restrictions pertain to Cyprus Airways and other Cypriot transport companies to benefit from the Turkish national airspace and the limitations on communications amongst the Turkish and Cypriot civil aviation authorities (The Commission 2005). As the situation in air travel, there has been no progress reported regarding lifting the restrictions in maritime transport that have been in effect for years. These restrictions in different areas of transport limit the free movement of goods between Turkey and Cyprus.

The undertaking of Turkey in the European Security and Defense Policy remains to create various challenges. The persistence of the Turkish government over excluding Cyprus and Malta from the EU-NATO strategic cooperation in crisis management endangered mentioned cooperation. Furthermore, Turkey also vetoed the accession of Cyprus to the Wassenaar Agreement, and this action obstructs the implementation of the single market in the areas included in such agreement.

### **Progress Report 2006**

The first stage of the accession process, the analytical examination of the acquis, was finalized in October 2006 (The Commission 2006). The chapter on science and research was opened and closed in June. The Commission reported that the enhanced political dialogue has carried on throughout the year. The trade between Turkey and the EU expanded under the framework of the Customs Union. Regarding the case of Cyprus, the Commission informed that:

“under the negotiating framework and the Accession Partnership, Turkey

is expected to ensure continued support for efforts to find a comprehensive settlement of the Cyprus problem within the UN framework and in line with the principles on which the Union is founded, whilst contributing to a better climate for a comprehensive settlement; implement fully the Protocol adapting the Ankara Agreement to the accession of the ten new EU Member States including Cyprus; and take concrete steps for the normalization of bilateral relations with all Member States, including the Republic of Cyprus, as soon as possible” (The Commission 2006, 23).

Recalling the declaration of the EU in 2005, the Commission also laid its expectations on the complete and unbiased application of the Additional Protocol to all EU member states and the elimination of all barriers affecting the free circulation of goods.

Turkish government expressed its commitment for a comprehensive settlement of the Cyprus issue and the support for establishing a technical committee between the two Cypriot communities under the supervision of the UN (The Commission 2006). Although Turkey previously signed the Additional Protocol extending the Turkey-EC Association Agreement to the new EU members, the Commission stated that the protocol had not been fully implemented. Turkish Prime Minister and the Minister of Foreign Affairs indicated that the Additional Protocol would not be fully implemented unless the isolation of the Turkish Cypriots has come to an end. As a response to this approach of the Turkish government, “EU representatives have frequently reminded the Turkish government that implementing the Protocol is a legal obligation as such, which must not be linked to the situation of the Turkish Cypriot community” (The Commission 2006, 23).

The progress report demonstrated that Turkey did not give access to its ports for Cyprus-flagged vessels or any vessels simply traveling from a port in Cyprus. These restrictions were perceived as an economic obstacle since they limit the free circulation of goods, trade, and transport. Besides, the Commission affirmed that such actions were an infringement of the Customs Union agreement. Turkey’s restrictions were not only in naval transport, yet they also applied to air transport.

Overall, the annual report presented that there has been no development on normalization of the bilateral relations between the Republic of Cyprus and Turkey. Apart from the issues mentioned above, Turkey also sustained its stance on vetoing the accession of Cyprus in specific international organizations like OECD and preventing its involvement in the Wassenaar Agreement.

## 5. THE CASE OF SERBIA

### 5.1 History of the Kosovo Conflict

Kosovo conflict traces back to the incompatibility between the Albanians, the Serbs, and the former Yugoslavian Republic. Today, the conflict is still active between Kosovo and Serbia. According to Kartsonaki (2020),

“Kosovo exhibits characteristics of a blended conflict. It has suffered identity grievances, horizontal inequalities, and grievances over the status loss. Its population is divided, not only along ethnic lines but also internally within ethnic groups. It is itself a contested state, with weak state institutions, incorporating a disputed territory in the north of Kosovo” (107).

Kosovo has been identified through a series of dominance and repression among Kosovo Serbs and Kosovo Albanians that changed hands from time to time. This situation caused the emergence of a past of discrimination and suffering in both communities through identity grievances (Kartsonaki 2020). Kosovo was a province in Serbia, and the dissolution of the former Yugoslavia was one of those times in which the power shifted from one community to another. Apart from identity issues, Kosovo faced ill-treatment in various areas such as “status loss, poor economy and political and social marginalization” (Kartsonaki 2020, 107) due to the policies of the Serbian leader Milošević. Kosovo Serbs experienced similar inequalities after the Kosovo War ended in 1999.

The status of Kosovo has been the core reason for conflicts in the times of Yugoslavia and today between Kosovo and Serbia. In 1991, The Badinter Arbitration Commission, a body set up by the EEC to give legal advice on the status of Yugoslavia, declared that once the dissolution of Yugoslavia was complete; therefore, its consti-

tutional units were free to be its successor states (Bieber 2015). Since Kosovo was not of the republics of Yugoslavia, gaining independence has been more problematic than the other republics of Yugoslavia. The first attempt of Kosovo to be independent was in 1991, following the steps of Slovenia and Croatia. However, Kosovo did not get international recognition as the other former republics did. Most arguments of the non-acceptance were based on Kosovo's lack of legitimacy and weak institutional structure.

The rejection from the international community resulted in the establishment of radical groups, and the support for these groups increased dramatically. The Kosovo Liberation Army (KLA) was founded in 1996. The protests and attacks of the KLA on Serbian police and politicians endured for the next two years (The Editors of Encyclopaedia Britannica 2020), and "by 1998 the KLA's actions could be qualified as a substantial armed uprising" (The Editors of Encyclopaedia Britannica 2020, 1). When the Serbian and Yugoslav forces counter-attacked to seize power over the province, increasing violence led to a humanitarian crisis. The Contact Group in the Balkans was an informal alliance and consisted of Russia, Italy, France, Britain, United States, and Germany. This group requested a truce between conflict parties, removing Serbian and Yugoslav forces from Kosovo, the coming back of the displaced people, and unrestricted access for international observers. Although the president of Serbia, Milošević, approved these requests, yet fell short of putting them into practice. As a result, the KLA reorganized took up arms again and began another round of attacks. The conflict escalated, and this time, the Serbian and Yugoslav forces increased the level of violence when they counter-attacked.

Under the supervision and assistance of NATO, diplomatic talks between the Republic of Yugoslavia and Kosovo began in the early months of 1999; however, the negotiations broke down due to Yugoslavia's rejection. In 1999, the NATO army intervened by launching airstrikes on Serbian infrastructure. Yet, the airstrikes led to further intensification of violence against KLA and Kosovo Albanians. The scope of the humanitarian crisis enlarged when Serbian and Yugoslav forces forced Kosovo Albanians to leave their homes and displace them in Macedonia, Albania, and Montenegro. In June 1999, Yugoslavia and NATO signed a peace agreement in which they decided on the withdrawal of forces from Kosovo and the return of the displaced Albanians. UN peacekeeping forces entered Kosovo, and "as part of UN Security Council Resolution 1244, Kosovo was placed under a UN interim administration" (Guzina and Marijan 2014, 5). The worst uprising since the Kosovo War of 1998-1999 was the unrest in 2004. The anti-Serb protests by Albanians caused violence between two communities. They led to more displacement of Kosovo Serbs, although most of them already have the region after signing the peace agreement.

In 2007, Martti Ahtisaari, who was the special envoy of UN responsible for conducting the negotiations between Serbia and Kosovo, proposed the Ahtisaari Plan to settle the conflict. Although the EU and the United States welcomed the proposal, Serbia denounced it. Following the breakdown of the Ahtisaari Plan, Kosovo declared its independence from Serbia in 2008. According to Bieber (2015), “a key obstacle (albeit not the only one) for Kosovo’s independence was Serbia’s rejection of any status for Kosovo more than autonomy within Serbia” (288). Hence, Serbia still rejects Kosovo’s independence to this day, and this view was also why the government rejected the proposal of settlement.

Kosovo was under the administration of Yugoslavia and then the international actors such as United Nations Mission in Kosovo (UNMIK) and EU Rule of Law Mission in Kosovo (EULEX). All of these actors executed their specific governance structure (Guzina and Marijan 2014). This situation created a “confusing administrative environment” in Kosovo (Guzina and Marijan 2014). Hence, Kosovo does not have an “institutional memory and the technical knowledge of how to function as a state after it declared independence” (Kartsonaki 2020, 108). Despite the outstanding efforts of international players in improving the governance and administrative structure, the institutions of Kosovo are still underdeveloped.

Serbia held powers in the administration of the Northern part of Kosovo. The weak nature of the administrative actors was also one reason why Serbia established its parallel structures and legitimized them as the sole option for Kosovo Serbs (Kartsonaki 2020). The Kosovo authorities claimed that the existing parallel structures and the majority of Kosovo Serbs in the area challenge the sovereignty of Kosovo through the eventual goal of annexing the area to Serbia. Thus, Kartsonaki (2020) asserted that North Kosovo was “a disputed territory within a disputed country” (109). With the signing of the Brussels Agreement in 2013 as a result of EU facilitated dialogue, the parallel structures of Serbia were abolished.

The view of the EU on North Kosovo was clear: elimination of parallel structure. Furthermore, the United States and Germany were also in favor of pushing Serbia to accept Kosovo’s independence. However, these strong perceptions met with the Serbian resistance and protests previously in Ahtisaari Plan; therefore, it was difficult to change the stance of Serbia during the talks. The EU initiated a dialogue on the normalization of relations between Kosovo and Serbia started in 2010. A year later, the efforts of the Kosovo government to seize power over the whole area caused strong opposition of the Kosovo Serbs. As stated above, this dialogue resulted in the signing of the Brussels Agreement, often referred to as the First Agreement of Principles Governing the Normalization of Relations. Gashi (2021) asserts that:

“such a political agreement was deemed necessary after the parties had difficulties in implementing the so-called technical agreements on freedom of movement, civil registry books, cadastral records, customs stamp, mutual acceptance of education diplomas, integrated border management, regional representation, telecommunications, and energy, which were reached between 2011 and 2013” (208).

The Brussels Agreement received various reactions. While some believed that it was a historic moment since parties of a long-lasting conflict came together and agreed on the solution of multiple areas, others argued that the agreement was too short and vague. Moreover, the role of the EU during the dialogue was also questioned. Spain, Greece, Cyprus, Slovakia, and Romania are five member states that do not recognize Kosovo’s independence. Hence, those who argued about the ambiguity of the text saw this situation as a reason since the EU had to create an agreement in which Kosovo, Serbia, and all EU member states would agree.

Another indication of the ambiguous clauses in Brussels was related to the post-agreement stage. The conflict parties interpreted the text differently, which caused an issue during the implementation process and eventually led to a stalemate of the normalization of relations. Consequently, “the success of the dialogue as an external action of the EU is, therefore, at least partially contested” (Gashi 2021, 208).

Since the Brussels Agreement of 2013, no adequate progress in resolving the conflict between Serbia and Kosovo has been noted. In 2020, the United States brought two sides together to discuss the normalization of economic relations. In September of the same year, the EU hosted the talks on displaced people, missing persons, and economic cooperation. Consequently, despite continuing the talks occasionally, Serbia still does not recognize Kosovo, and many other issues remain between the two parties. Whereas Serbia is a candidate state of the EU, Kosovo is declared a potential candidate; and the EU membership of both depends on the settlement of the dispute.

## **5.2 The Relationship between Serbia and the European Union**

The relationship between Serbia and the EU can be divided into two phases: 1991-2000 and 2001-today. The first phase of the relations started with the dissolution of former Yugoslavia, which endured until the downfall of the Serbian president Milošević in 2000. Then, the regime of President Koštunica remarks the beginning of the second phase with more progressive and more moderate policies towards



Europe. Due to a decade of conflicts in Former Yugoslavia, the interaction between the EC and Serbia was at a minimum and unsteady. The Serbian government was not interested in building ties. In contrast, the EC influenced the result of the series of conflicts in Yugoslavia and the emerging of new countries in the Balkans through accepting the independence of some of them (Bazić 2019). Besides, the EC, later EU, joined the sanctions imposed by the UN. As of 1999, many Western powers, including some EU members, played an essential role in ending the war in Kosovo (Economides and Ker-Lindsay 2015).

With the change of leadership in 2000, the Serbian government made crucial decisions on terminating its political and economic isolation from the rest of the world and taking steps for European integration similar to the other countries in the Balkans (EU Delegation to the Republic of Serbia n.d.). Since that time, the relations between Serbia and the EU had an up and down nature. From 2001, Serbian leadership began a reform process in different areas varying from economic and judiciary to military and media (EU Delegation to the Republic of Serbia n.d.).

The rapprochement of Serbia and the EU did not last very long because of the assassination of Zoran Djindić, “the modernizing Prime Minister” (Economides and Ker-Lindsay 2015, 1031) in 2003. After that, the progressive step of Serbia gained momentum again with the presentation of the National Strategy for Serbia’s EU Accession. In the document, the Serbian government gave detailed information on the guiding principles, main concerns, and the objectives of Serbia’s integration into the EU (Bazić 2019). However, even though the Council approved a European partnership with Serbia and agreed on starting the Stabilization and Association Agreement (SAA) negotiations, a set of domestic problems ranging from democratization and judiciary to criminality and minorities created an obstacle on the road of European integration (Economides and Ker-Lindsay 2015). The essential issue that brought the negotiations to suspension was the lack of cooperation of Serbia with the International War Crimes Tribunal in The Hague. “In 2007, the newly created pro-reform government took credible measures to invigorate the cooperation with the Tribunal which allowed the European Commission to reopen the Stabilization and Association Agreement (SAA) negotiations” (EU Delegation to the Republic of Serbia n.d.).

After Kosovo unilaterally declared independence from Serbia in 2008, the relations were faced with another challenge due to the willingness of the Contact Group’s Western EU members to recognize Kosovo as an independent country (Bazić 2019). Although the tensions increased amongst Serbia, Kosovo and countries that support Kosovo’s independence, the EU made a special treatment for Serbia by signing

the SAA. However, this treatment came with a condition for Serbia: normalizing the relations with Kosovo, and as a result, the SAA was quickly re-frozen. This time the implementation of the agreement was contingent on full cooperation with International War Crimes Tribunal in The Hague (Bazić 2019).

At the end of 2009, there were two other significant developments for the Serbia-EU relations. The first one was the visa liberalization that permitted Serbian citizens to move freely within the borders of the Schengen area with no requirement of a visa. The second development was that President Tadic sent Serbia's application for EU membership. In the following year, the main goal of the Serbian government was to keep pace in the process of European integration. Accordingly, in February 2012, the Interim Agreement on trade and trade-related issues went into effect, and in June, the EU unfroze the SAA. These events put Serbia back on track towards EU membership (EU Delegation to the Republic of Serbia n.d.).

The Commission published its opinion on awarding Serbia the candidate state status in 2011, and the European Council approved the recommendation by officially declaring Serbia's candidacy in March 2012. After the excellent course of normalization of relations between Serbia and Kosovo during the EU facilitated dialogue, the European Council decided to commence the accession negotiations with Serbia in 2013. The first meeting of the accession conference took place in January 2014. Until recently, "out of a total of 35 negotiation chapters, 18 chapters have now been opened for negotiations of which two chapters have already been provisionally closed" (General Secretariat of the Council 2021b).

### **5.3 The Relationship between Kosovo and the European Union**

The interest of the EU gained momentum after the end of the Kosovo War in 1999, and the relationship between the EU and Kosovo relates to different areas such as political, economic, and social. Before the war, the EU was not involved in the political conflicts in Yugoslavia; instead, it focused on international issues, most notably the waves that came with the collapse of communist regimes. Together with the UN, the EU recognized Croatia, Slovenia, Macedonia, Bosnia, and Herzegovina, all former republics of Yugoslavia. Regarding the situation of Kosovo, Badinter Arbitration Commission was uncertain about the independence, and the EU was more concerned about the humanitarian crisis there. Hence, recognition of Kosovo was not a priority on the EU's agenda. Accordingly, the actions were centered on the peaceful settlement between the Kosovo Albanians and Serbia.

When Kosovo was under the UN administration, the objective of the EU was to assist with “the economic reconstruction, rehabilitation, and development of post-war Kosovo” (Nezaj 2015, 9). Thus, a new phase between Kosovo and the EU has begun. The UN mission in Kosovo delegated the EU with the financial development, also referred to as Pillar IV. In this way, the EU became the sole prominent player in rebuilding the economy of Kosovo.

In 2000, the European Council stated its continuing goal of fully integrating Western Balkans in the EU. The states of Western Balkans were identified as future candidates to the Union. Under the agenda for the Western Balkans, Kosovo was involved as a part of the further enlargement and integration at all times. Furthermore, other EU summits such as Zagreb European Council and Thessaloniki European Council confirmed that the Union’s willingness for regional cooperation in the Western Balkans with an emphasis on the Stabilization and Association Process (SAP) (Nezaj 2015). The conclusions were significant indicators for the future Kosovo-EU relations.

Apart from the economic development, the first decade of the 2000s was focused on making progress on the internal stability and the rule law in Western Balkans. Per this purpose, the EU created the Community Assistance for Reconstruction, Development, and Stabilization (CARDS) instrument. CARDS instrument was a legal and institutional framework to support democracy, rebuilding, long-term economic growth, market-oriented reforms, and increasing collaboration in the neighborhood (Nezaj 2015). Kosovo was one of the beneficiaries of this instrument.

In 2004, establishing a European partnership and opening the first EU Liaison Office demonstrated the increasing rapprochement between Kosovo and the EU in terms of future membership. According to Nezaj (2015), “clearly, the EU presence had a substantial influence in Kosovo” (11). The European Partnership presented the agenda for the future assistance of Kosovo by defining the partnership principles and the short, medium, and long-term priorities for political and economic criteria and the European standards. In the following years, Kosovo adopted the First and Second Action Plans for the Implementation of the European Partnership. Institutional reforms were underlined in both action plans. Another partnership agreement arose from the commitment of Kosovo to create a tighter relationship with the EU. This new agreement established new goals that would be adjusted in response to Kosovo’s needs.

After progressive developments, the Instrument of Pre-Accession Assistance (IPA) replaced the CARDS in 2007. The goals of IPA are “establishment of democratic institutions, reforming the administration and economy, promotion and protection

of human rights and freedoms, improving respecting of minority rights and development of civil society (Ministry of European Integration of the Republic of Kosovo n.d.). Hence, it aims at assisting the countries on the road to EU membership. Kosovo, as one of the potential candidates, benefitted from this instrument as it did from CARDS.

As an indicator of the improving relations between the EU and Kosovo, the EU established another partnership in 2008. It set out the responsibilities of Kosovo regarding the implementation of Copenhagen political and legal criteria. These requirements had the utmost significance for the government of Kosovo to be integrated into the EU. Consequently, the cooperation between Kosovo and the EU from 2000 to 2008 was stronger since Kosovo was under the transition period from the UN administration to an independent state. Furthermore, during its transition period, Kosovo showed the dedication to become a part of the EU in the future. When Kosovo declared its independence in 2008, the course of relations went in a different direction. The government of Kosovo's commitment remained the same, and it was further emphasized in the new national documents such as the Declaration of Independence of Kosovo and the Constitution of the Republic of Kosovo (Nezaj 2015).

Under the new agenda, the EU created additional instruments and partnerships. One of the first actions of the EU was establishing the EULEX soon after the independence. EULEX is "the largest civilian mission ever launched under the European Security and Defense Policy" (Press and information team of the EU Office/EU Special Representative in Kosovo n.d.). Its main objective is to help the government of Kosovo in creating long-term and autonomous legal structures. This mission also functions under the structure provided by the UNSC Resolution 1244. According to the Press and information team of the EU Office/EU Special Representative in Kosovo (n.d.), "EULEX Mission supports relevant rule of law institutions in Kosovo on their path towards increased effectiveness, sustainability, multi-ethnicity and accountability, free from political interference and in full compliance with EU best practices". Moreover, it mainly has an observing function; therefore, the scope of exercising the executive power of the mission is narrow.

The second action taken by the EU was holding a financial meeting to boost economic growth. This meeting was crucial for the government of Kosovo because it was a donor conference organized by the European Commission to outline Kosovo's economic plan and investment goals in support of the country's socio-economic growth (Nezaj 2015).

This action was later followed by the commencement of a visa liberalization process

and the opening of negotiations for the Stabilization and Association Agreement. After years of negotiations, the SAA was finally signed in 2015. The Ministry of European Integration of the Republic of Kosovo (n.d.) refers to the agreement as it follows:

“the SAA defines mechanisms and official terms for the implementation of all reforms, which will progressively align Kosovo with EU in all policy areas until the fulfillment of all EU standards. Moreover, the SAA sets the framework of Kosovo’s relations with the EU Member States and institutions for the implementation of Stabilization and Association Process (SAP), until full EU membership”.

Today, the EU keeps supporting Kosovo with several political and economic instruments. The EU Special Representative of Kosovo (EUSR) assists the government of Kosovo on political matters and operates the presence of EU in Kosovo, whereas the Rule of Law and Legal Section of the EUSR works for the reforms and the development of the rule of law area in Kosovo (Press and information team of the EU Office/EU Special Representative in Kosovo n.d.). Regarding the economic rebuilding efforts of the EU, it is currently the only significant contributor offering assistance to Kosovo and other Western Balkan countries. Although the emergence of these efforts aimed at emergency relief actions and reconstruction, now it focuses on fostering Kosovo’s institutions, long-term economic growth, and potential European integration (Press and information team of the EU Office/EU Special Representative in Kosovo n.d.).

#### **5.4 European Union’s Third Party Role during the Accession Process**

The EU was one of the international actors that followed the developments in the Balkans closely especially since the dissolution of Yugoslavia. Together with the policies to integrate the former Yugoslavian Republics into the global stage, the EU also got involved with the resolution of the remaining conflicts between these countries, such as the situation of Serbia and Kosovo.

While the EU declared Serbia as a candidate and Kosovo as a potential candidate, it also took the role of a facilitator to find a peaceful solution to the conflict between them. Serbia’s accession process created an opportunity for the EU to contribute to the settlement of the dispute by using conditions and rules. However, the peace

process under the name of normalization of relations between Serbia and Kosovo was incorporated into the accession process of Serbia. Chapter 35, which covers the other issues, was renamed as the normalization of relations with Kosovo specifically for Serbia (Council of the European Union 2014). This expressed that the issues regarding the conflict with Kosovo will be tackled under chapter 35. The integration of the accession and normalization process was inspired by Croatia's accession negotiations. The Commission (2011a) adopted a new strategy in 2011 by bringing more conditions on difficult chapters such as Chapter 23 on the judiciary and fundamental rights and Chapter 24 on justice, freedom, and security. Later, the EU reinforced it in a new negotiation framework in 2013. According to the 2011 strategy, the success of Croatia's accession negotiations presented the following implications for the candidate states:

“The EU delivers on its commitments once the conditions are met. The criteria and conditions for accession are demanding and their implementation is monitored with increased attention. This, however, is not an obstacle, but results in the candidate state achieving a higher level of readiness which will benefit both it and the EU upon accession. Bilateral disputes with neighbors should and can be addressed through dialogue and compromise, in line with established principles” (The Commission 2011a, 4).

Consequently, the EU's third party role derives from two main factors: conditionality and facilitative mediation. The EU has the goal of making an impact on the Kosovo conflict through imposing conditions as a part of Serbia's accession progress while simultaneously conducting the peace process as a facilitator. Thus, the structural intervention method is combined with the transformative intervention. The EU uses a new strategy that merges structural changes that affect the conflict parties' behavior along with the transformative changes that act as a bridge between conflict parties and build trust among them. In this section, the EU documents regarding the accession process of Serbia are reviewed to track the evolving impact of the EU's third party role in Kosovo conflict.

## **5.4.1 From 2011 until the Signing of the Brussels Agreement**

### **5.4.1.1 The Commission Opinion on Serbia's Application for Membership of the European Union**

The focus of the Commission's opinion on Serbia's application was Serbia's capacity to meet the Copenhagen criteria and the conditionality of the SAP. In accordance with these subjects, the Commission presented its opinions on the main policy areas that are in need of attention on the road to European integration.

Although Serbia previously opened a case regarding Kosovo's unilateral declaration of independence and the ICJ decided that Kosovo's independence did not infringe the international law and the UNSC Resolution 1244/1999, Serbia still did not recognize the independence of Kosovo. However, a positive outcome was the following:

“The UN General Assembly adopted on 9 September 2010 a resolution tabled jointly by Serbia and the 27 EU Member States which acknowledged the content of the ICJ advisory opinion and welcomed the readiness of the European Union to facilitate a process of dialogue between the parties as a factor for peace, security and stability in the region and to promote cooperation, achieve progress on the path to the European Union and improve the lives of the people” (The Commission 2011b, 34).

Accordingly, the talks between Kosovo and Serbia started in 2011, and they even signed agreements on the issues of free movement of goods and persons, civil registry, and cadaster. However, due to the escalating tensions in Northern Kosovo, Serbia withdrew from the negotiations. The Commission (2011b) stated that they expect to continue the dialogue, particularly to reach solutions in EU acquis-related issues such as energy and telecommunication.

The Commission's opinion demonstrated that the government of Serbia usually complies with the actions of EULEX on areas of administration and war crimes in Kosovo. Nevertheless, there were still major issues that the Commission (2011b) asked for further improvement: “the implementation of the police protocol and exchange of information in the fight against organized crime, control, and surveillance of the administrative boundary line with Kosovo” (34). The lack of control near the borders and the rising tensions in the Northern part of Kosovo was very concerning for the EU. According to the opinion, the EU invited the authorities of Serbia and Kosovo to immediately decrease the tensions and revive the free circulation of

movement that would satisfy the living standards of citizens. Furthermore, there was an emphasis on the participation of Serbia in EULEX so that the mission could work more effectively in all parts of Kosovo.

The Serbian parallel structures in North Kosovo and the impact of the Serbian government on the Kosovo Serbs in that area remained. Some Serbian authorities discouraged Kosovo Serbs from joining the census in North Kosovo, and consequently, the census did not occur due to the adverse external effects. Moreover, the opinion showed that the illegal activities regarding the mobile operation and provision of electricity were also sustained.

The Commission (2011b) analyzed that Serbia made improvements on building good relations with the EU member states and its neighbors that supported Kosovo's independence. However, the diversity of opinions regarding the situation of Kosovo affected regional cooperation due to the obstruction of Kosovo's participation. The Commission (2011b) affirmed that "regional cooperation and good neighborly relations form an essential part of the process of Serbia's moving towards the European Union" (35) and reported that Serbia joined in the majority of regional projects. It contributed to the stabilization in Western Balkans, but an agreement on a long-term solution for Kosovo's involvement in the regional initiative has yet to be reached. A working group between Serbia and Kosovo overseen by the International Committee of the Red Cross (ICRC), which is concerned with missing persons during the Kosovo War, gathered regularly. However, the absence of enough information about burial sites has impeded efforts in resolving cases.

#### **5.4.1.2 Annual Progress Reports**

##### **Progress Report 2012**

In March 2012, the European Council declared Serbia as a candidate state to the EU based on the Commission's opinion on Serbia's membership application. Accordingly, the commencement of the accession negotiations would depend on "the necessary degree of compliance with the membership criteria, in particular the key priority of taking steps towards a visible and sustainable improvement of relations with Kosovo", in line with the conditions of the SAP (The Commission 2012, 12).

The normalization of relations between Serbia and Kosovo was determined as a significant priority of the EU in the Commission's last progress report and the Commission's Opinion on Serbia's membership application. In the report of 2012, the Commission (2012) observed that Serbia made a considerable amount of progress



in the direction of “a visible and sustainable improvement in relations with Kosovo” (19). Serbia perseveres to disagree with Kosovo’s proclamation of independence and strongly rejects any third-party acceptance but has been in talks with Pristina since March 2011. In addition, Kosovo and Serbia reached supplementary agreements on regional cooperation, representation of Kosovo in international meetings and joined supervision of border crossing points, namely Integrated Border Management (IBM). However, these accords have been in waiting for implementation for a long time. Other agreements signed previously in 2011 were finally put into practice.

Serbia first issued a particular criterion on the participation of Serbian delegates in regional meetings and the requirements that must be followed for the approval of Kosovo’s participation. With the establishment of a new government, the Serbian criterion was revised and altered more inclusively. Serbia’s assistance to EULEX has also improved, and direct, high-level interactions enhanced operational collaboration. Furthermore, it was reported that cooperation in fighting against organized crime has increased, although specific instances require additional development.

Serbia accepted the monitoring of Organization for Security and Co-operation in Europe (OSCE) in managing electoral procedures during its parliamentary and presidential elections in Kosovo. The Anti-Corruption Agency has begun enforcing the 2011 laws on funding political parties and observing the electoral campaigns. As a result, elections were held in a free, fair, and peaceful manner. Serbia continued to support and maintain its infrastructure, notably in northern Kosovo, which included local administrations, security agencies, and judicial structures, in addition to hospitals and schools (The Commission 2012). Accordingly in the report, the Commission (2012) advised that “following the elections and a new leadership in Serbia taking up office, Serbia needs to continue to engage constructively in the next phase of the dialogue to achieve further progress towards a visible and sustainable improvement of relations with Kosovo” (19) and “fulfillment of this commitment is key to moving to the next phase of Serbia’s EU integration (22).

The paucity of updates on newly discovered burial sites and the challenges of detecting excavated human remains continue to be major roadblocks in investigating the remaining missing persons’ cases. Working Group chaired by the ICRC constituted a framework under which the governments of Serbia and Kosovo continued further discussions and shared information on individuals gone missing in the 1998–1999 events in Kosovo. Since September 2011, it has convened twice and given two briefing sessions for the relatives of the missing people, despite the fact that only 45 cases have been solved. In spite of its small size, the information supplied by Serbian authorities and collected from foreign archives increased the level of progress.

## **Progress Report 2013**

The annual report on Serbia informed that:

“In April 2013, finding that Serbia had met the key priority of taking steps towards visible and sustainable improvement of relations with Kosovo, as set out in its 2011 opinion on Serbia’s membership application, the Commission recommended to the Council that accession negotiations be opened. The European Council decided on opening accession negotiations with Serbia on 28 June 2013” (The Commission 2013, 3).

The Commission (2013) confirmed that the authorities of Serbia and Kosovo have effectively and regularly taken part in the EU-facilitated dialogue. After the elections of 2012 in Serbia, this dialogue advanced into a high-level political process with facilitation by the High Representative of the Union for Foreign Affairs and Security Policy. After several high-level meetings and long discussions between Belgrade and Pristina, the First agreement on principles governing the normalization of relations, also called the Brussels Agreement, was signed. Moreover, Serbia and Kosovo also reached an agreement on energy, telecommunications, and the implementation of IBM. According to the Commission (2013), “this landmark achievement represents a fundamental change in relations between the two sides” (5). The implementation of previous agreements about the civil registry, cadaster, customs stamps, education, and representation of Kosovo has continued. Remarkably, the overall execution of the agreement regarding Kosovo’s representation resulted in the government of Kosovo joining the Regional Cooperation Council (RCC).

The report demonstrated that the government of Serbia pursued its policy of dedication to EU integration and EU-facilitated dialogue with Kosovo. The Commission (2013) indicated that “continued visible and sustainable progress in the normalization of relations with Kosovo, including the implementation of agreements reached so far, will remain essential. Serbia needs to maintain its commitment to regional cooperation and reconciliation” (4).

### **5.4.1.3 Presidency Conclusions**

#### **European Council, Brussels, 9 December 2011**

According to the presidency conclusions, the Brussels European Council (2011) acknowledged that Serbia has achieved significant progress in meeting the Copen-

hagen European Council's political criteria as well as standards of the SAP, and has reached an utterly satisfactory level of cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY). Furthermore, Serbia has re-engaged in the Belgrade-Pristina conversation and proceeded with applying agreements in good faith. Therefore, due to the prospect of granting the candidacy status to Serbia, the European Council gave the Council the responsibility of observing and inform whether Serbia has continued to demonstrate credible commitment and made further progress in moving forward with the implementation of agreements reached in the dialogue, including on IBM, has reached an agreement on inclusive regional cooperation, and has actively cooperated to enable EULEX and Kosovo Force (KFOR) to carry out their mandates Brussels European Council (2011). Following its review, the Council was set to decide in February 2012 on awarding Serbia the candidate status, which the European Council would approve in March.

### **European Council, Brussels, 1-2 March 2012**

The presidency conclusions showed that “the European Council endorses the Council conclusions of 28 February 2012 on Enlargement and the Stabilization and Association Process, and agrees to grant Serbia the status of candidate country” (Brussels European Council 2012, 12).

### **European Council, Brussels, 27-28 June 2013**

The European Council adopted the Council's findings and proposals on enlargement from June 2013, and it decided to begin accession talks with Serbia (Brussels European Council 2013). According to the presidency conclusions, the first intergovernmental meeting was planned to occur no later than January 2014. Before that, the Council would approve the negotiation framework, and then this framework was planned to be endorsed by the European Council in its regular enlargement session.

## **5.4.2 From the Signing of the Brussels Agreement until the Escalation of the conflict**

### **5.4.2.1 Annual Progress Reports**

#### **Progress Report 2014**

The Commission's annual report showed that although Belgrade and Pristina stayed in touch through the EU-facilitated dialogue, there have been no significant developments since March 2014. Furthermore, both countries held early elections: Serbia

in March and Kosovo in June. The normalization of relations was still on track by the reporting process at the technical level.

At the beginning of the reporting process, the implementation of the Brussels Agreement was the main focus. Regarding the situation in North Kosovo after signing the agreement, the Commission (2014) pointed out that “for the first time, local elections were held Kosovo wide with the facilitation of the OSCE in November 2013 ...and, again for the first time, municipalities in the north of Kosovo were inaugurated in conformity with Kosovo law” (5). Moreover, the early elections of June 2014 took place with the participation of Kosovo Serbs from both North and South. The dissolution of the parallel structures of Serbia in the north has been in progress. Whereas the integration of police forces has been complete, the integration of Serbian Ministry of Interior staff was still on hold. Even though the agreement also covered the integration of judiciary and civil protection staff, there is no finalization or implementation in those areas. The agreement on free movement permitted the citizens of both countries to enter and exist only with ID cards. Nevertheless, building new barriers on the Northside of the central Mitrovica Bridge in June 2014 escalated the conflict. Although conflict parties agreed that there is a need for a mutual solution, the barriers remained, and there has been no progress for their destruction.

At the Bucharest Summit in June 2014, Serbia made a tremendous impact in guaranteeing Kosovo’s participation in the South East European Cooperation Process (SEECP). Despite the fact that the Commission (2014) considered this an essential step, it also criticized the lack of implementation of the agreement on the representation and partaking of Kosovo in regional meetings. Another constructive step from both sides was signing an inter-TSO (transmission system operators) agreement and the approval of an Action Plan of the 2013 agreement, all while the implementation of the energy and telecoms agreements continued smoothly.

Implementing the IBM agreements about the six mutual temporary crossing points has also continued, but it was slower than the others. Furthermore, EULEX observed that illegal traffic, especially in North Kosovo, continues to be frequently used to smuggle large amounts of goods (The Commission 2014). Hence, the Commission (2014) suggested that Serbia needs to take measures against the illegal traffic at the crossing points. However, the crossing points at North Kosovo have also led to a constructive outcome. The development fund that has been created to save money from the northern crossing points received almost 3 million euros in 2014, yet how the collected money will be allocated remains to be decided.

Regarding the issue of cadaster, the report revealed that Serbia continues to im-

plement the pilot project, and the replication of Kosovo civil registration records in Serbia has been appropriately conducted. On the other hand, implementing the agreement on education was problematic due to the complications of approving university diplomas on each side.

A vital issue regarding the implementation of the agreements was the verdicts of the Serbia Constitutional Court that declared some agreements of the EU-facilitated dialogue were unconstitutional. Accordingly, the Commission (2014) stated that “Serbia needs to find legal solutions for the implementation of agreements that are sustainable over time and not vulnerable to legal challenges” (6).

The Commission (2014) asserted that Serbia had maintained its collaboration with EULEX, particularly in the battle against war crimes. However, legal cooperation in the combat against organized crime has to increase considerably. Furthermore, complaints of EULEX’s ability to handle many criminal proceedings involving Kosovo Serbs were perceived as detrimental. Therefore, the Commission (2014) advised the Serbian authorities to avoid making statements that challenge the rule of law in any way.

The unclear condition of missing people from the 1990s wars continued to be a humanitarian issue in the Western Balkans. The report emphasized that finding out what happened to the missing people was critical for regional healing and stability. However, more political commitment and additional efforts were required (The Commission 2014).

In terms of bilateral ties with other candidate states, Serbia criticized Turkey’s prime minister’s remarks on his visit to Kosovo, prompting Serbia’s President to decide not participating in the Serbia-Turkey-Bosnia-Herzegovina summit. Nevertheless, political engagement between countries’ authorities began in April, and bilateral ties strengthened further with the Turkish Minister of Foreign Affairs’ visit to Belgrade in June. Although refuted by Turkish officials, the Turkish prime minister’s alleged remarks threatening people in the region caused strong reactions from Serbian officials in July.

Overall in the annual progress report, the Commission (2014) concluded that:

“regional cooperation and good neighborly relations form an essential part of Serbia’s process of moving towards the EU. New momentum needs to be generated to tackle key outstanding issues and open a new phase in normalizing the relations. Progress in this area remains essential for advancing the European future of both Serbia and Kosovo” (6).

## Progress Report 2015

Until the publishing of the report, there were three critical developments in Serbia's accession process: the start of negotiations in January 2014, the finalization of the screening process in March 2015, and the SAA's entry into force. In addition, the Commission (2015) pointed out that the Serbian government exhibited a high degree of readiness and professionalism in the screening process, thanks to political guidance from the Minister for EU Integration, leadership from its Chief Negotiator, and excellent assistance from the Serbian European Integration Office.

Serbia was dedicated to its strategic objective of EU membership and demonstrates compliance with the requirements of the SAA. It was carrying out an intensive political and economic reform program, and it has managed to complete the action plans necessary for opening the rule of law negotiation chapters. Furthermore, Serbia has had a positive influence in the area. It remained dedicated to normalizing ties with Kosovo and reached significant agreements with Kosovo as part of that effort. It has also played an important part in resolving the migration issue.

Serbia and Kosovo have stayed committed to implementing the agreements during the dialogue process, particularly the Brussels Agreement. During the reporting period, work on the EU-facilitated dialogue has proceeded at the technical level. In February 2015, the high-level dialogue restarted with the participation of prime ministers of both countries.

After reaching an agreement in February 2015, the dissolution of the Serbian justice systems in the North of Kosovo is well underway. Serbia made it easier for Kosovo Serb judges and prosecutors to apply for positions in the Kosovo judiciary. The Commission (2015) reported that the appropriate administration of cases in the Mitrovica Basic Court, where comments of the Serbian authorities have occasionally interfered with the proceedings, needs an unbiased surrounding.

In the previous progress report, it was mentioned that the Serbian Constitutional Court found some agreements of the dialogue unconstitutional. However, in 2015, excluding the freedom of movement, the Serbian government had modified its regulatory structure according to these accords. Nevertheless, the decisions of the Constitutional Court on the energy and telecommunications deals were still pending. Therefore, the Commission (2015) affirmed that "Serbia must establish legal solutions for the long-term execution of agreements that can survive legal challenges" (22).

In August 2015, Belgrade and Pristina reached agreements on the issues that were pending. First, the main principles of creating the Association of Serb majority mu-

nicipalities in Kosovo were finalized. The Commission (2015) mentioned that “the text defines the legal framework of the Association/Community, its objectives, organizational structure, relations with central authorities, legal capacity, budget and financial support” (22). Moreover, the agreement identifies the following stages for its formation. Secondly, two Serbian energy companies were established in Kosovo, and they would apply for their licenses right after they complete the formation of their internal structure. Thirdly, in the area of telecommunication, an action plan regarding the implementation period of the Telecoms agreement was also accepted. Fourthly, the governments of Serbia and Kosovo decided to request the revitalization of the Mitrovica bridge from the EU, with the object of reopening all traffic in June 2016. In accordance with that information, Serbia and Kosovo also decided that the municipality of North Mitrovica will renew its main road (King Peter Street) by transforming it into a downtown area.

Both governments of Serbia and Kosovo continued to implement previous agreements, but at a lesser speed. In addition to the six interim facilities on IBM, two more permanent crossing sites were established since Serbia has attempted to expropriate the area. Yet, unauthorized crossing roads, especially in the north of Kosovo, were still frequently utilized to transport large amounts of commodities. The Commission (2015) reminded that Serbia should take more actions to eliminate illegal traffic.

The handling of cases under the 2013 approved guidelines for Mutual Legal Assistance was halted by Serbian authorities between October 2014 and August 2015. In September 2015, the processing of over 600 ongoing cases was restarted. In terms of regional collaboration, Kosovo became a part of the Migration, Asylum, Refugees Regional Initiative (MARRI) and was selected as a full member of the Centre for Security Cooperation (RACVIAC). Furthermore, the officials from Serbia and Kosovo conducted meetings in order to discuss how to increase their cooperation in treating the flow of migrants from Kosovo this year. The Commission (2015) asked Serbia to keep its dedication to the implementation of the agreement on representation and participation of Kosovo in the regional initiative.

Other positive developments regarding the previous technical agreements are as follows. A June 2015 agreement on vehicle insurance was being implemented. This agreement provided the recognition of Serbia and Kosovo’s respective vehicle insurance under each other’s jurisdiction. Customs agreements regarding the import of restricted commodities into Kosovo, including pharmaceuticals, were achieved. A considerable amount of development has also been made in cadaster. A new archives facility opened in Belgrade, and the scanning of records related to Kosovo

was expected to be finished by June 2016.

Regarding the Brussels Agreement in 2013, the integration of Kosovo Serb police and civil protection staff was nearly complete. Liaison Officers immediately scheduled all official visits of the latest year based on the liaison arrangements, including the agreement signed in November 2014.

The uncertain status of missing people from the 1990s wars continues to be a humanitarian concern in the Western Balkans. Exhumation efforts in Rudnica-Raska during the Kosovo War led to the identification of 52 fatalities. At the end of October, the Serbian administration had delivered all human remains discovered in this area to EULEX. In addition, Serbian authorities organized evaluations of two places suspected of being potential gravesites linked to the Kosovo conflict and supplied the first collection of papers sought from its archives in March, following decisions taken in the Working Group on Missing Persons chaired by ICRC.

The report of 2015 showed that Serbia and Kosovo have stayed active during the continuing EU-facilitated dialogue; both governments were determined to fulfill the requirements of the Brussels Agreement together with the other dialogue agreements (The Commission 2015). The actions taken provided new impetus to the normalization of ties with Kosovo and should have a beneficial and tangible influence on residents' daily lives in both countries. Furthermore, according to the Commission (2015), the Serbian administration has increased its efficiency in implementing its agenda on essential reform. It remained entirely devoted to EU membership and the EU-facilitated talks with Kosovo.

### **Progress Report 2016**

The accession talks began in January 2014. During the reporting period of the talks, the first four negotiating chapters were opened, including Chapter 35 on the normalization of ties between Serbia and Kosovo, as well as Chapters 23 and 24 on the rule of law. According to the annual report of 2016, "Serbia remained committed to its strategic goal of EU accession" (The Commission 2016, 4). It proceeded to implement the SAA, despite a couple of compliance problems. It was enacting a bold political and economic reform program. Furthermore, Serbia has had a positive influence in the area. It was strongly dedicated to normalizing relations with Kosovo, and it has also been incredibly effective in maintaining mixed migrant flows.

During the reporting period, engagement in the EU-facilitated dialogue has proceeded. However, progress in implementing the deal made in August 2015 has been minimal. This situation is partially attributable to the respective internal circumstances, with parliamentary elections in Serbia followed by a protracted cabinet



formation process and the domestic situation in Kosovo (The Commission 2016). In the course of the most recent high-level meeting in January 2016, both parties requested political space under which to work, solve internal problems, and solidify government and governance. The regular bilateral interactions and conversations of the EU with both parties contributed to maintaining the highest degree of political involvement and re-engaging both sides to continue their efforts to enforce previous agreements.

Since the establishment of the new Serbian government in August, both parties have accelerated adopting the August 2015 Agreements. The execution of the agreement on the Mitrovica Bridge started in August. The construction on and around the bridge, notably transforming the main street of North Mitrovica municipality into a downtown area, was scheduled to be finished until January 2017. Some work has been conducted concerning the diverse perspectives about telecommunications structure; however, the final result was still pending. Significantly, the Association of Serb Majority Municipalities in Kosovo has made little progress. Following the official formation of the management team, Kosovo was expected to assign the team to draft the Association's statute.

According to the report, Serbia and Kosovo made more progress in implementing the 2013 Brussels Agreement. Kosovo Serb police and civil protection staff have now been wholly incorporated into the Kosovo system. The Commission (2016) informed that the dissolution of Serbian court systems proceeded as planned, and all former Serbian judicial staff was anticipated to be integrated into the Kosovo system by fall 2016. As regards the Liaison arrangements, Liaison officers continued arranging the official visits under the framework of the related agreement.

The majority of the Technical Dialogue agreements signed in 2011 and 2012 have already been in effect and implemented. The report presented positive updates in university diplomas, mutual legal assistance, freedom of movement, and Kosovo's regional involvement. In the sphere of cadaster, the scanning of papers related to Kosovo was finished on time in June; nonetheless, the records were not provided to the EUSR in Kosovo as decided in the cadaster agreement. As in the last year, the comments of several Serbian government officials have occasionally conflicted with the EULEX-led legal system. Serbia has failed to address the problem of re-located Serbian administrative customs institutions with Kosovo denomination operating from within Serbia and to stop issuing paperwork or affixing stamps with denominations that violate the relevant agreement (The Commission 2016). While the temporary crossing points were completely functioning, little progress has been made in constructing the three permanent crossing sites that Serbia will host. Illegal

border crossing roads, particularly in the north of Kosovo, were still frequently used to smuggle vast amounts of goods; therefore, the Commission (2016) once again invited Serbia to take more steps to stop illicit border crossings.

In regard to the missing people during the conflicts of the 1990s, Starting from November 2015, three meetings of the EU-chaired Working Group on Missing Persons in Kosovo have been conducted, following a brief halt. This meeting was a positive step, especially given the fact that the four cases resolved in 2015 were the least number since the conflict ended.

Concerning the migration crisis, the Serbian government has established a plan to address the issues of refugees and internally displaced persons. However, since they have a registered address at their place of origin, Kosovo, many internally displaced people (IDPs) from Roma residing in informal settlements could not register their present address, denying their access to fundamental rights (The Commission 2016).

The Commission (2016) concluded that:

“Serbia has remained engaged in the dialogue and committed to implementing the agreements reached. However, Serbia needs to make further efforts and contribute to establishing circumstances conducive to the normalization of relations with Kosovo. Further progress in this area remains essential for advancing the European future of Serbia” (24).

## **Progress Report 2018**

Since the start of Serbia’s accession talks in January 2014, 12 of 35 chapters have been opened, with two of them temporarily concluded. The Commission (2018) indicated that the general speed of discussions would be determined by Serbia’s progress in reforms, particularly on the rule of law and the normalization of ties with Kosovo.

Throughout the reporting period, work on the EU-facilitated dialogue has continued. The High Representative of the Union for Foreign Affairs and Security Policy (HRVP) Mogherini facilitated four formal high-level meetings in July, August, September 2017, and March 2018. As a result, Serbian President Vučić and President of Kosovo Thaçi decided to launch a new dialogue phase to achieve full normalization of relations between Serbia and Kosovo. The Commission (2018) reported that this work was underway and should be expedited. Technical meetings resumed in early 2018. Furthermore, in Serbia, President Vučić has also initiated an internal dialogue about Kosovo in July 2017.

In January 2017, an attempt was made to send a train from Belgrade to the northern part of Kosovo, branded with Serbian nationalist slogans. The train did not reach northern Kosovo due to the intense pressure from the EU and other international actors. However, the event heightened tensions.

The implementation of the agreements signed in August 2015 has been delayed. The Association of Serb Majority Municipalities in Kosovo has achieved progress. On April 4, 2018, Kosovo directed the Management Team to begin writing the Association's statute. The Commission (2018) urged Serbia and Kosovo to implement the deal on energy as soon as possible to prevent severe implications for energy stability and security in Serbia, Kosovo, and nations throughout Europe. In late 2018, these repercussions have grown more apparent and evident.

Furthermore, Serbia was expected to immediately register and authorize the two Serbian energy firms to launch in Kosovo. In December 2016, an unauthorized wall was built alongside the bridge in North Mitrovica. It has subsequently been demolished. The Mitrovica bridge, on which construction began in August 2016, should be completed without additional delay or impediment.

The implementation of Brussels proceeded. In October 2017, Kosovo President Thaçi issued a proclamation appointing 40 Kosovo Serb judges, 13 prosecutors, and their corresponding support staff, completing the recruitment of judicial professionals for the north. Hence, the implementation process of the justice agreement was finally complete. All past Serbian judicial employees and Kosovo Serb police and civil protection officers have become wholly incorporated into the Kosovo system. Liaison officers directly organized official visits under the requirements of the liaison arrangements; however, there was often a lack of compliance. Incidents in March 2018 regarding entrance procedures and the treatment of Serbian government official Marko Djuric increased tensions between the two parties.

The annual report demonstrated that some Technical Dialogue Agreements of 2011 and 2012 were yet to be executed. First, the Commission (2018) emphasized that both parties must stay dedicated to the ongoing execution of the agreement on Kosovo's representation and participation in regional forums. Secondly, university diploma recognition and the license plate-related aspects of the agreement on freedom of movement remain unresolved. Thirdly, Serbia has failed to address the problem of re-located Serbian administrative customs institutions with Kosovo denomination operating from within Serbia and stop issuing paperwork or affixing stamps with denominations that violate the relevant agreement. Fourthly, while the temporary crossing sites were completely functioning, Serbia has stymied the development on four of the six permanent common crossing points in Tabavije/Brnjak,

Jarinje/Jarinj, Konculj/Konqul, and Mucibabe/Muçibabë; therefore, the Commission (2018) invited Serbia to take necessary measures to stop illicit border crossings. Fifthly and sixthly, mutual legal aid requests were still being processed, and Serbia continued helping the judicial process under the administration of EULEX.

There were more than two hundred thousand IDPs in Serbia as of July 2017, with one-third of them still in a perilous position. The Serbian administration has adopted some actions and established a plan to address the challenges of refugees and internally displaced persons. However, progress was gradual and restricted, and more financing was required.

According to the report of the Commission (2018), the legislation on permanent and temporary residency, which permitted individuals to apply for housing at social assistance centers, had to be more regularly implemented. Five communal centers, which became a shelter for more than a hundred IDPs, were phased out. IDPs from Roma continued to be the most disadvantaged and vulnerable. Moreover, Serbia is taking part in a regional debate on long-term solutions for Kosovo's displaced people.

As concerns to the missing people from the wars in the 1990s, the Commission (2018) underlined that the efforts must continue to discover information on possible gravesites and determine the fate and whereabouts of individuals still missing. In 2017, the ICRC hosted two sessions of the Belgrade-Pristina Working Group on Missing Persons. Additionally, an extraordinary session was held at the ICRC headquarters in Geneva as part of a round table organized by the UNMIK under the auspices of the Office of the UN High Commissioner for Human Rights (OHCHR) to help clarify the fate of missing people in Kosovo (The Commission 2018).

Serbian officials formally closed the site in June 2017 after more than 18 months of excavation operations at a suspected cemetery in Kizevak mine and Raska municipality. However, there has been no discovery of any fatalities. Furthermore, the Serbian Ministry of Interior has helped give information from their archives to ICRC on those who went missing in Kosovo between 1998 and 1999. Yet, The Ministry of Defense has offered no information.

Consequently, the Commission (2018) analyzed the latest situation on the normalization of relations with Kosovo as follows:

“Serbia has remained engaged in the dialogue. However, Serbia needs to make further substantial efforts and contribute to the establishment of circumstances conducive to a comprehensive normalization of relations

with Kosovo. A legally binding agreement is urgent and crucial so that Serbia and Kosovo can advance on their respective European paths” (53).

After the Commission published its progress report in October 2018, the conflict between Serbia and Kosovo re-escalated. A month later, Kosovo imposed additional customs duties on goods coming from Serbia and raised it up to a hundred percent, as a response to Serbia’s blockage of its participation in the International Criminal Police Organization (INTERPOL) (Russell 2019). Furthermore, in December 2018, Kosovo decided to transform its security force into an army. Despite the fact that the army of Kosovo would be modest due to its small number of troops, Serbia considered the move as a provocation and has warned that it might trigger a military reaction (Russell 2019).

#### **5.4.2.2 Other Documents**

##### **Press Release from the 3287th Council meeting, Brussels, 17 December 2013**

The Council reinforced the statement made at the Thessaloniki Summit of 2003, in which the EU expressed “its unequivocal support to the European perspective of the Western Balkan countries” (Council of the European Union 2013, 13). Furthermore, the Council stated that the agreement reached by the government of Serbia and Kosovo in 2013, called the Brussels Agreement, was “strong and visible testimony of the transformative and stabilizing effect of the enlargement and the SAP (Council of the European Union 2013, 13).

The press release affirmed that the Council would continue to keep a close watch on Serbia’s progress in achieving a concrete and long-term normalization of relations with Kosovo, together with the fulfillment of previous agreements, so that Serbia and Kosovo may continue on their different European paths, without obstructing the efforts of the other, and with the hope of both being able to fully execute their rights and duties (Council of the European Union 2013). Moreover, the Council advised that Serbia should continue participating actively in regional cooperation and developing good relations with its neighbors. Furthermore, it also invited Serbia to “cooperate effectively with EULEX and contribute actively to a full and unhindered execution by EULEX of its mandate” (Council of the European Union 2013, 18).

##### **Conference on Serbia’s Accession to the European Union, 9 January 2014**

As part of the SAP, Serbia has become a close partner of the EU. On February 1, 2010, the Interim Agreement on Trade and Trade-Related Matters, which was agreed in April 2008, came into force. Moreover, on September 1, 2013, the SAA went into effect.

Beforehand, the Commission had been in constant contact with Serbian officials, intending to monitor the implementation of the EU reform agenda and critical priorities outlined in the Commission's opinion on Serbia's application for membership in October 2011 (Council of the European Union 2014).

Serbia has attained the required level of conformity with the membership requirements, including the vital priority of strengthening ties with Kosovo in a visible and long-term manner. Moreover, Serbia has met the political criteria and conditions of the SAP to a sufficient degree and has taken significant efforts toward building a functional market economy.

The European Council agreed to a renewed consensus on enlargement in December 2006. Later, the Council adopted a broad Negotiating Framework in 2011 and then in December 2013, in line with this new strategy of enlargement combined with previously established procedure. It contained the Commission's innovative approach to the chapters on the judiciary and fundamental rights and justice, freedom, and security. The Negotiating Framework also accounted for Serbia's continuing involvement and measures toward a visible and lasting improvement in ties with Kosovo.

In detail, the EU invited Serbia to:

“implement in good faith all agreements reached in the dialogue with Kosovo; fully respect the principles of inclusive regional cooperation; resolve through dialogue and spirit of compromise other outstanding issues, based on practical and sustainable solutions and cooperate on the necessary technical and legal matters with Kosovo; cooperate effectively with EULEX and contribute actively to a full and unhindered execution by EULEX of its mandate throughout Kosovo” (Council of the European Union 2014, 10).

Serbia's commitment to resolving any border issues in line with the UN Charter's principles of peaceful resolution of disputes, including, if required, the compulsory jurisdiction or arbitration procedures of the ICJ, was a significant aspect for the EU during the conference (Council of the European Union 2014).

Under the title of negotiating procedures, the EU identified its position as follows:

“In all areas of the acquis, Serbia must ensure that its position on the status of Kosovo does not create any obstacle nor interfere with Serbia’s implementation of the acquis. Any such obstacles will be addressed in the course of the negotiations in the context of the chapter of the acquis concerned. As part of its efforts to align with the EU acquis, Serbia shall, in particular, ensure that adopted legislation, including its geographical scope, does not run counter to the comprehensive normalization of relations with Kosovo” (Council of the European Union 2014, 16).

## 6. ANALYSIS AND DISCUSSION

In this chapter, I will analyze the actions of the EU and the results of these actions during the accession process based on the third-party role framework of Beriker (2008) and the conflict resolution mechanism framework of Tocci (2007).

### 6.1 The Analysis of Turkey's Accession Process

According to the typology of Beriker (2008) on third parties, the EU's third party role during Turkey's accession process involves structural intervention. Out of six categories that Beriker (2008) presents under structural intervention, the EU used only two: positive and negative incentives. Whereas the positive incentives refer to the economic and political rewards to change Turkey's behavior since it is one of the main actors of the Cyprus conflict, the negative incentives use punishment or withdrawal of rewards for the same purpose.

Creating any change in Turkey's behavior affects the course of the conflict for several reasons. First, the Turkish troops are still on the island, therefore, Turkey's presence in the conflict is political, but it is also militarily. A military involvement of a conflict actor means that that actor is highly involved and influential in the conflict. Second, as a dominant actor in the conflict, Turkey supports the independence of Turkish Cypriots and does not accept the Republic of Cyprus as a legitimate state. Furthermore, it is one of the three guarantor states of Cyprus. While any decision that Turkey takes affects the actions of Turkish Cypriots directly, the lack of relations with the Republic of Cyprus creates an obstacle to the settlement on the island. Thus, transforming Turkey's behavior into a constructive manner would accelerate the conflict resolution process.

Tocci (2007) presented three main mechanisms as the EU's conflict resolution tools of the enlargement policy: conditionality, social learning, and passive enforcement. In



the case of Turkey, the most common mechanism that the EU used was conditionality. Furthermore, the EU frequently chose positive conditionality over negative conditionality during Turkey's accession process. The principle of conditionality shows itself in different shapes in this case: the rewards, the punishments, the encouraging and intimating statements, and how Turkey reacted to all of these. Hence, the documents demonstrated that the EU could explicitly mention the reward, the punishment, or imply it. Then, whether the conditionality works depends on Turkey's reaction to the actions of the EU.

The other conflict resolution mechanism that the EU exercised over Turkey was passive enforcement; however, this tool was not used as often as the conditionality. The cause-and-effect relationship that the passive enforcement mechanism creates resembles conditionality. The only difference is that the EU does not state or imply any rewards or punishment to get the result. Instead, the EU pursues Turkey to follow the instructions that are rules or legally binding obligations that might take a step towards conflict resolution. Thus, when there is passive enforcement, Turkey does not have to do a cost-benefit analysis over their policy choice but simply decides to take any action or not. The correlation between the EU's actions and Turkey's response explains the relationship between the course of the accession process and the impact of the EU on the resolution of the Cyprus conflict.

Although the other two tools were exercised, I found that the EU did not use any social learning mechanism in the case of Turkey since this mechanism becomes visible through long-term domestic changes and there is no such change regarding the Cyprus conflict in Turkey. Since Turkish authorities did not follow the EU's conditionality and passive enforcement on a regular basis, the deep transformation in identities, values, or interests of the domestic actors did not occur.

Giving the candidacy status to Turkey in the Helsinki Summit of 1999 was a prize from the EU for Turkey's development on the road to European integration. From that moment on, Turkey aimed to make the necessary reforms to fulfill the Copenhagen criteria to open accession negotiations. In the Commission's progress report of 1999 and 2000, the EU emphasized the duty of Turkey as a guarantor state to Cyprus and how Turkey should have a more enforcing role in the resolution of the conflict (The Commission 1999, 2000). Furthermore, in both reports, the EU labeled Turkey's position in the Cyprus conflict as contradictory with the EU's stance and a negative factor to the Euro-Mediterranean partnership.

Throughout the years, the EU has similarly and repeatedly asked for the settlement of the Cyprus issue from all parties. Turkey is one of the main actors of the conflict; therefore, this statement also applies to Turkey. The EU calling all parties to solve

the issue does not directly create a conditionality situation. However, this is one of the implied versions of the EU's conditionality since Turkey is a candidate country, and solving the Cyprus conflict is one way to be closer to the EU membership. In that sense, the covered reward here is the full membership of the EU. In the simplest form, the road to Turkey's EU membership is as follows: fulfilling the Copenhagen criteria, the opening of the accession negotiations, and concluding all chapters. Any contribution towards the solution of the Cyprus issue counts towards full membership, whereas any action that hurts the process of resolution can make Turkey fall behind. As a result, the EU's incentive to emphasize the role of conflict parties and remind Turkey of its responsibility as a guarantor state is a positive conditionality of the EU.

The move that the Turkish troops made in the buffer zone, according to the progress report of 2000, is a result of the Turkish government's cost and benefits analysis. The EU's stance on the Cyprus issue and its relation to Turkey's membership was clear; therefore, Turkey's actions that would harm the accession process are made after the decision that keeping its position in the conflict is more important than a possible EU membership. When Turkey perceives a situation like this, it is more likely that the EU's conditionality fails.

In the progress reports of 1999, 2000, 2001, 2003, and 2005, the EU emphasized the rulings of the European Court of Human Rights Turkey regarding the cases between Greek Cypriots and Turkey on human rights violations (The Commission 1999, 2000, 2001, 2003, 2005). Turkey refused to pay the compensation, therefore, did not comply with the Court's verdicts. The EU viewed Turkey's unwillingness to follow the decisions as disrespectful and urged the government to comply immediately. This comment was the first example of the passive enforcement mechanism of the EU. There is no indicated reward or punishment as the conditionality principle would; instead, there is a verdict that Turkey has to oblige to, and the EU pursued Turkey to do so. Although passive enforcement has an obligatory nature, it is still up to the candidate country to follow the rules. In this incident, Turkey did not pay the compensations; therefore, the EU failed to make the Turkish government take responsibility for the human rights violations. Turkey taking the responsibility would have a positive effect by creating a bond between Turkey and Greek Cypriots. Any productive interaction between conflict parties can create a good image of each other; therefore, the parties would be more willing to negotiate and find a solution.

In the Commission's report of 2001, the EU indicates an incompatibility between the words and the actions of Turkey regarding the Cyprus issue together with Turkey's support for the decision of Turkish Cypriots' to withdraw from the UN-led nego-

tiations (The Commission 2001). The unstable nature of Turkey's policy towards the Cyprus conflict is against Copenhagen's political criteria. Hence, this is another example that the conditionality of the EU does not work smoothly at all times.

A year later, the Turkish authorities expressed their support for the UN-led talks and the efforts of the UN Secretary-General in settling the Cyprus conflict. This policy shift demonstrates that Turkey was back on track with its European integration process. To motivate Turkey further, the EU highlighted Turkey's role in leading Turkish Cypriots to contribute more to the resolution of the conflict before the Republic of Cyprus becomes a member state. This assertion proves that the EU perceives Turkey as a leading actor that would affect the settlement of the dispute both independently and through its impact on the Turkish Cypriot community.

The raised pre-accession financial assistance as decided in the Copenhagen Summit of 2002 is another implied conditionality that is not directly tied to the settlement of the Cyprus conflict (Copenhagen European Council 2002). Financial assistance to the candidate countries is a tool that the EU uses as a reward. As the EU assists Turkey financially, Turkey is more likely to follow the EU criteria, including the settlement of conflicts, and move towards the EU integration for economic purposes. At the same summit, the European Council asked Turkey to continue the reforms for political criteria, which means that it will be one step closer to membership as long as Turkey complies with the EU *acquis* (Copenhagen European Council 2002).

According to the progress report of 2003, the Turkish government and the EU were still in line with each other's policy on Cyprus (The Commission 2003). As the EU underlined the need for Turkey's support to settle the dispute, Turkey repeated its commitment to finding a comprehensive solution. This situation would initially mean that Turkey kept responding to the EU's conditionality progressively. However, Turkey decided to sign an agreement to create a customs union with the Northern part of Cyprus. As a response, the Commission called this move was not legitimate under international law and reminded Turkey that it is a breach of the Customs Union Agreement with the EU (The Commission 2003). The highlight on the legal aspects puts this under the category of the EU's passive enforcement mechanism. Since the Turkish government later declared that the agreement with the Turkish Cypriots would not be ratified or implemented in any way, it means that Turkey perceived withdrawing as a necessary cost for the progress of the accession process.

Similar to the earlier years, the actions and words of Turkish authorities did not add up to each other as the EU previously criticized, and this situation created a reputation for a government with unstable policies. The government was eager

to move on with the accession process but also to pursue its existing policy in the Cyprus conflict. However, this led to an incompatibility in which the EU's conditionality works and fails simultaneously. Brussels European Council (2003b) noted that the settlement of the Cyprus conflict would accelerate the accession process of Turkey, therefore, enhance the membership aspirations. This statement is essential since the EU identifies the relationship between the accession process and conflict resolution and categorizes this as a condition for Turkey's membership.

In the Brussels Summit of June 2004, the European leaders stated that they would keep supporting Turkey during its pre-accession process (Brussels European Council 2004b). This statement can be categorized as gatekeeping, which is one of the EU's positive conditionality tools. The decision to further support Turkey comes from the fact that Turkey has been progressive in various areas, including border disputes. Hence, the support from the EU is the reward for Turkey's improvement. Nevertheless, also, Turkey comprehends that so long as it is on the right lane, it will be able to enjoy certain benefits.

This summit took place after the accession process of the Republic of Cyprus was complete, and the referendum of the Annan Plan failed. As Turkey and the Turkish Cypriot community favored this plan, the EU welcomed the Turkish government's positive contribution during this process. Turkey's ongoing support for the UN Secretary-General's efforts was the consequence of the EU's previous statements and incentives reminding the duty of Turkey as a guarantor state regarding the settlement in the island and its importance for the future EU membership.

The annual progress report of 2004 indicated that the unbalanced nature of Turkey's policy in the Cyprus conflict has finally changed, and it has been effective and productive in the latest year (The Commission 2004). The efforts of Turkey for the acceptance of the Annan Plan were the most significant achievement. What changed from the end of 2003 to the end of 2004 was the 2003 Brussels European Council, as mentioned earlier. The leaders openly pointed out the link between Turkey's accession process and the settlement of the Cyprus issue. This incentive reminded Turkey that its inconsistency of Cyprus policy would damage the accession process.

Since the EU had ten new member states, Turkey was legally expected to extend the Customs Union Agreement to all members. However, Turkey does not recognize the Republic of Cyprus because of the conflict. As a solution, the Turkish government agreed on extending the agreement yet intentionally excluded the Republic of Cyprus. Although this situation showed that Turkey was still not entirely consistent, the Turkish government published a new document adding the Republic of Cyprus to the list of EU member states to which the Customs Union terms apply.

This incident clearly shows how the passive enforcement mechanism works. There are no carrots and sticks like the conditionality principle practices, but there are rules that Turkey has to oblige to. Similar to this situation, the EU also invited Turkey to adopt a new Ankara Agreement protocol and include all member states. However, the Turkish government refused to sign this document. After publishing the Commission's 2004 report, the Brussels Summit took place in December 2004, in which the European leaders welcomed the signing of the protocol of the Ankara Agreement. Even though Turkey hesitated to sign the protocol, the outcome shows the EU's passive enforcement impact through rules and legally binding documents.

The gatekeeping process continued with the decision of the European Council in the December 2004 summit on Turkey's fulfillment of the Copenhagen political criteria (Brussels European Council 2004c). The development of Turkey politically to meet the specific Copenhagen criteria, especially in increasing good neighborly relations, as a consequence of the EU's earlier conditionality and passive enforcement. On the other hand, moving to the next phase of the accession process was the reward of Turkey's development and part of the EU's gatekeeping process. Although this was a significant update of Turkey's accession process, the European leaders emphasized the impact of unresolved conflict on the accession process (Brussels European Council 2004c). This statement was another example of the EU's conditionality since it reminds Turkey that as long as there are unresolved conflicts, the progress of the accession process is at risk.

The progress reports of the Commission are one of the ways of the EU's benchmarking and monitoring as a part of the positive conditionality principle. In the progress report of 2005, the Commission indicates explicitly that it observes Turkey's commitment to building good neighborly relations, its duty to solve the border conflicts, and its support for reaching a comprehensive settlement of the Cyprus conflict, as well as normalizing the relations with the Republic of Cyprus (The Commission 2005). This detailed explanation of the Commission's monitoring confirms the EU's positive conditionality.

Regarding the issue of the Ankara Agreement's additional protocol on extending the agreement to the new member states, the Turkish government later issued a press release declaring that although it signed the protocol, it does not show that Turkey recognizes the Republic of Cyprus. The EU reacted to this action by issuing a statement that emphasized that the recognition of all EU member states was an obligatory aspect of the accession process. The EU's response was a clear example of its passive enforcement mechanism.

Another important issue is related transportation between Turkey and Cyprus. The

transport problem has continued since 1999 and is evident in all progress reports. With the accession of Cyprus, this problem extended and became a part of the EU-Turkey relations. However, with the opening of the accession negotiations, transport restrictions limited the free movement of goods between Turkey and Cyprus, which is against the Customs Union obligations. Furthermore, in 2005, Turkey blocked the participation of the Republic of Cyprus in various international organizations despite the positive conditionality and passive enforcement mechanisms of the EU. Particularly, the veto of Turkey on the accession of Cyprus to the Wassenaar Agreement also limits the implementation of the single market areas included in that agreement. Since the single market is one of the most critical elements of the EU structure, this was a major obstruct in Turkey's accession process and the EU's passive enforcement failure due to Turkey's disobedience to the EU obligations.

In the Brussels European Council of June 2006, the European Council welcomed the start of the accession negotiations with Turkey, which are also part of the gate-keeping process (Brussels European Council 2006a). A solid statement to note from this meeting is the emphasis on the expectation from Turkey to follow the legal framework and comply with the EU norms ((Brussels European Council 2006a). Furthermore, the EU pointed out that each state's development is the determinant factor for the speed of the negotiations. Whereas the first one is an example of passive enforcement, the second one is conditionality since the EU uses passive enforcement as rule-bound cooperation and conditionality as a passage to the following stages of the accession process. While the European leaders asked for full compliance with the Copenhagen political criteria with further improvement of neighborly relations, there is a change in their tone. Because this time, rather than implying the need for conflict resolution positively, the EU advised against any decision that might jeopardize the conflict resolution process. This warning is essential since this is the first time that the EU warns Turkey about taking action rather than pursuing and inviting Turkey to act constructively. Due to the EU's implication on possible punishment in case of Turkey's non-compliance, it is the first and only negative conditionality that the EU practices during Turkey's accession process until 2006, and that is about conflict resolution.

According to the Commission's annual report of 2006, the expectations from Turkey were listed out clearly than all previous reports. Together with the usual call for the settlement, the EU also asked Turkey to fully implement the additional protocol adapting the Ankara Agreement to the new member states, including the Republic of Cyprus (The Commission 2006). Furthermore, the EU demanded Turkey to immediately normalize the relations with Cyprus and take tangible actions to fulfill this request (The Commission 2006). Hence, the focus was on the full and fair imple-

mentation of the Additional Protocol along with removing all restrictions that affect the free movement of goods. It shows how the EU relies on its passive enforcement mechanism in the accession process because if Turkey complied with these demands, the bilateral relations with Cyprus would take a turn and start getting normalized. The normalization of relations between Turkey and the Republic of Cyprus would significantly impact conflict resolution since the disconnection among them is an obstacle to finding a mutual solution to the conflict.

Even though the Turkish government expressed its support for the negotiations between Greek and Turkish Cypriots under the leadership of the UN, the additional protocol was not being implemented. The persistence of Turkey in not responding to the EU's conditionality or passive enforcement was later explained by Turkish authorities: Turkey would implement the protocol if the isolation of Turkish Cypriots comes to an end. Moreover, Turkey continued its position on blocking the accession of Cyprus in several international organizations or taking part in international agreements. This action demonstrates that Turkey does not perceive moving further with the accession process as beneficial enough to degrade its policy on Cyprus; therefore, the cost of lifting the restrictions, implementing the protocol, and letting Cyprus be a part of the international community is too high.

Apart from the EU's conditionality, some requests of the EU had a legal basis since Turkey is bound to comply with both Ankara Agreement and the Customs Union agreement. While not implementing the protocol is against the provisions of the Ankara Agreement, the restrictions of transport are an infringement of the Customs Union Agreement. Hence, the decision of Turkey to not comply with the requirements of these agreements illustrates that it does not resonate with the EU's objectives on the Cyprus issue. In other words, the price of applying the rules is too high for Turkey to do so. Turkey's earlier compliance with the rules and the requests of the EU was an indicator of how Turkey perceives EU membership. Moving on with the subsequent phases of the accession process was beneficial enough for the Turkish government until the integration cost was higher than the benefits. Taking steps that would normalize the relations with the Republic of Cyprus was the bottom line that cannot be crossed.

The outcome of increasing tensions between Turkey and the EU became the suspension of chapters that did not have the chance to progress due to Turkey's persistence on Cyprus policy. Furthermore, the EU decided that there would be no opening of new chapters until Turkey fulfills its obligations under the additional protocol of the Ankara Agreement and lifts the restrictions. The suspension of the chapters and not moving on with the new ones is the punishment of the EU as promised in the only

negative conditionality. Hence, this means that the EU perceived Turkey's actions as threats to the conflict resolution process on the island. Furthermore, Turkey's commitment to its own foreign policy indicated that no EU mechanism during the accession process worked well enough to make Turkey contribute to the settlement of the conflict, and the EU had no chance but to use negative conditionality, then use punishment and hope to normalize relations between Turkey and the Republic of Cyprus.

## **6.2 The Analysis of Serbia's Accession Process**

The typology of Beriker (2008) divided the third party roles into two main categories: transformative intervention and structural intervention. The EU during Serbia's accession process used tools from both types of intervention. The transformative intervention tool that the EU focused on in the case of Serbia and Kosovo was facilitative mediation. By launching the dialogue for the normalization of bilateral relations between two sides, the EU took the third party role as a facilitator. It was an essential step for the conflict resolution process because Serbia does not recognize Kosovo's independence, and they did not have any formal relations before the dialogue; therefore, getting them together to negotiate was a difficult move to succeed. The EU as a facilitator did not impose any solutions or decisions on the conflict parties. Instead, it assisted them in addressing their incompatibility and solving their issues step by step. The willingness of both parties to talk to each other, sign agreements, and implement them was a process of building trust, and the EU was the glue that held it together. The structural intervention tool that the EU used was the positive incentives. Presenting rewards to transform Serbia's behavior toward Kosovo was a commonly used EU practice for the last decade. The great reward is the EU membership, and other rewards can level up to the following stages of the accession process. Since Serbia strongly rejected Kosovo's independence and had parallel structures in North Kosovo, creating a change in Serbia's behavior was critical to getting one step closer to the resolution. Hence, the EU used the accession process as an incentive to make Serbia's Kosovo policy moderate enough to take part in negotiations, approach Kosovo, and solve their problems at their own pace.

According to Tocci (2007), the EU utilizes all three conflict resolution mechanisms as a part of enlargement policy in the case of Serbia. For this case, it is not possible to say which mechanism was the most commonly used one because conditionality,



social learning, and passive enforcement were highly practiced together. They were all the reinforcing factors of each other. However, the general pattern is as follows. First, the EU statements and rewards regarding the normalization of relations with Kosovo were positive conditionality. Secondly, signing agreements as a part of the EU facilitated dialogue resulted from this conditionality, and thirdly, the obligation to implement these agreements was passive enforcement. Lastly, implementing these agreements was the result of passive enforcement as well as the conditionality; yet it was also a process of the social learning mechanism. Overall, the lines between the conflict resolution mechanisms are not sharp in Serbia's accession process.

It is possible to explain the actions of the EU and the response of Serbia to these actions in several mutually reinforcing ways. The chain starts with the EU's reward and punishment system. Serbian government responded to the EU's conditionality by taking steps to improve its relations with Kosovo. The EU-facilitated dialogue was the platform for Serbia to take these kinds of actions; therefore, signing agreements in various policy areas was the consequence of positive conditionality. After signing the agreements, a new door for the accession process opens: putting them into practice. Thus, the passive enforcement mechanism takes over from that moment on. The EU was not a signatory of these agreements; however, the agreements were signed under the facilitation of the EU; therefore, the rule-bound cooperation system still applies to these agreements. For Serbia to move to the next stage of the accession process, it has to implement the agreements smoothly. The implementation of the agreements between Serbia and Kosovo is important for the EU and normalizing the relations because although these agreements are not legally binding, their implementation is a fundamental way of solving the issues between the conflict parties. It shows that the conflict parties are willing to do their part for the conflict resolution; thus, this situation builds trust among them and leads to further negotiations.

As a result of the conditionality and passive enforcements tools, the social learning process begins. It is a mechanism that works indirectly and shows its effects in the long run. Participating in the EU-facilitated dialogue, responding to the EU's conditionality and making reforms accordingly, and most importantly, implementing the agreements are a part of the social learning process. All of them transform Serbia's perceptions of Kosovo gradually and slowly by being exposed to the EU norms and framework. Before the dialogue and the start of the accession process, there was almost no constructive communication between Serbia and Kosovo. In the last decade, the level of communication, interaction, and cooperation skyrocketed. Although there have been tensions occasionally, Serbia became more open to solving the conflict and building relations with Kosovo. Hence, every time Serbia takes

another step in normalizing relations with Kosovo, it improves the social learning process.

In the Brussels Summit of March 2012, the European Council granted Serbia the candidacy status (Brussels European Council 2012). The acceptance of Serbia's application and agreeing to declare it as a candidate was a gatekeeping tool of the EU for Serbia's previous developments. In the Commission's opinion regarding Serbia's membership application, the emphasis was on the EU's role as a facilitator and continuation of the dialogue since Serbia previously withdrew because of the increasing tensions (The Commission 2011b). In December 2011, Serbia decided to come back for further negotiations, and the Council was responsible for monitoring Serbia's development. To be accepted as a candidate state, the Serbian government remained committed to normalization the bilateral process. Hence, the positive conditionality, particularly gatekeeping, worked on Serbia, and as a reward, the EU accepted the application.

From that moment on, the progress of Serbia was even more critical since the candidacy status remarks the start of the accession process. To further enforce the conditionality principle, the Commission's progress report of 2012 highlighted the significance of improving relations with Kosovo to the next stage, namely opening the accession negotiations. The report demonstrated that the EU perceives the growing bilateral relations between Serbia and Kosovo as a priority and a condition for integration (The Commission 2012). Since the report was published after the declaration of candidacy status, Serbia made an incredible amount of progress in improving its relations by participating in the dialogue during the time in between. Furthermore, the conflict parties signed agreements on several issues, such as IBM and Kosovo's regional representation. These developments showed that the Serbian government responded constructively to the EU's conditionality. Even though Serbian parallel structures in North Kosovo, which are one of the driving forces of the conflict, remained and Serbia continued to support them, this problem was not due to the failure of the conditionality since the EU did not ask for any action regarding these structures yet.

The European Council opened the accession negotiations in June 2013 (Brussels European Council 2013). The launch of the negotiations was also a part of the EU's gatekeeping tools. As previously stated, the start of the negotiations depended on the level of Serbia's development on bilateral relations with Kosovo. The EU's positive conditionality resulted in the participation of Serbia in the dialogue progressively and regularly. Accordingly, in April 2013, Kosovo and Serbia signed the Brussels Agreement that brought solutions to many issues, especially regarding the

transition of Serbian structures in the North to the government of Kosovo. Signing this agreement was a massive step for both sides, and Serbia's commitment to the process and signing an agreement that solves a vital source of the conflict was enough for the EU to present the reward as promised. The Commission (2013) viewed this agreement as a milestone that transforms the course of relations between Kosovo and Serbia. This transformation is a part of the social learning process. Because the agreements were signed under the EU's facilitation, the terms were based on the EU norms and framework.

In a press release in 2013, the Council indicated that the Brussels Agreement was significant and noticeable evidence of the enlargement policy's transformational and stabilizing effect (Council of the European Union 2013). This statement also means that signing the agreement resulted from the EU's conditionality over Serbia during the accession process. In addition, it shows that the EU uses enlargement as a way to transform the context of the conflict. Furthermore, the Council emphasized the continuation of the benchmarking and monitoring by stating that the EU will keep observing Serbia's progress in matters related to Kosovo, particularly in the normalization of relations and implementation of the agreements (Council of the European Union 2013). Although this is a factor of the positive conditionality principle, the highlight on inviting Serbia to implement the agreement fully reveals that a passive enforcement mechanism was also present. As a result, both mechanisms were used together in the case of Serbia. Apart from observing the process, the Council also viewed the normalization process as a requirement for both countries to move further on their respective roads of European integration. This statement is a clear indicator of the EU's conditionality and passive enforcement since it directly says that these requirements must be fulfilled to complete the accession process.

In a document that summarizes the EU's position on the accession negotiations with Serbia, the government's commitment to resolving the border conflict based on the norms of the UN was underlined as an essential factor. Together with the previous statements on the requirement of normalizing the bilateral relations with Kosovo, the EU specifically asked Serbia to make sure that its stance in the Kosovo conflict does not meddle with Serbia's accession process, most importantly, with the implementation of the *acquis* (Council of the European Union 2014). Furthermore, when Serbia adopts new legislation according to the EU norms, it also should be careful not to create any incompatibility with the normalization process (Council of the European Union 2014). These requests of the EU are linked to both conditionality and passive enforcement. First, the conditionality came from the fact that Serbia must continue improving its relations with Kosovo. Hence, implementing the EU *acquis* without creating any restrictions on the process was a condition for provisionally

closing chapters once they are complete. Second, the element of passive enforcement was seen in the emphasis on the necessity to adopt the EU acquis without preventing the improvement of bilateral relations rather than this being a necessity for the following stages of the accession process. Therefore, the same request was a part of two different mechanisms depending on how you perceive it.

According to the progress report of 2014, the speed of the negotiations between Serbia and Kosovo slowed down compared to the earlier years because both countries had early elections; therefore, they were dealing with domestic issues rather than external ones (The Commission 2014). On the other hand, putting technical agreements and the Brussels Agreement into practice continued despite the implementation process of some areas were slower than the others. However, these circumstances were not due to the EU's failure. The countries simply focused on their domestic problems. The stagnation that resulted from the internal circumstances does not equal abandoning the process but rather pausing for future development. Regarding the implementation of the agreements, there are many policy areas covered in the agreements, and implementing all of them is a long process. Thus, this situation was not tied to the functioning of the EU's conflict resolution mechanism.

Although some policy areas take longer than others, and there are some issues regarding the implementation, the whole process was evidence of the EU's positive conditionality and passive enforcement. Nevertheless, Serbia Constitutional Court ruled that some agreements were not constitutional according to the Serbian legislation. This Court's verdict was the biggest obstacle in the way of implementing the agreements. Nevertheless, only a technical issue in implementing since the representatives of the Serbian government already agreed with the context of the agreements and signed them. Thus, despite being a significant obstacle, it was not a breach of any EU mechanism. However, the EU still urged the Serbian authorities to find legal solutions, and this statement created another requirement to meet.

A problem that challenged the EU's conditionality and passive enforcement was several Serbia authorities' derogatory statements regarding the rule law. These incidents indicated that all Serbian authorities did not accept the mentality for taking necessary actions for EU membership. However, the Serbian government was generally dedicated to fulfilling the EU's conditions to move further in its path for European integration.

In the same report, The Commission (2014) underlined the importance of regional cooperation and good neighborly relations in Serbia's accession to the EU. Moreover, even though Serbia's dedication in normalizing relations with Kosovo was welcomed by the EU several times, the Commission (2014) asked for more speed in solving

the fundamental problems in the conflict and taking the dialogue to a more intense level. Hence, the EU raised the bar of the conditionality since the progress of Serbia was on track. The development in bilateral relations with Kosovo was considered very important for the European future of Serbia. Statements similar to this make it straightforward for Serbian authorities to maintain good communication with Kosovo to get EU membership.

The progress report of 2015 shows that Serbia remained devoted to its requirements and accordingly raised its influence in the region, particularly by building better relations with Kosovo (The Commission 2015). The conflict parties even reached more agreements on crucial issues, a high-level dialogue started at the beginning of 2015, and Serbia's assistance to EULEX increased. Furthermore, the Serbian government made necessary reforms to regulate its legal structure according to the Serbia Constitutional Court so that the only obstacle to adopting the agreements would be removed. These developments were essential because they fulfill the EU's requirements in the previous progress reports. Moreover, it demonstrates the willingness of Serbia to become a member of the EU as it responds to the principle of conditionality quickly. The implementation of former agreements was underway despite the remaining technical issues. The Commission (2015) indicated that the accelerated progress of normalizing the relations between two parties would have a beneficial and tangible effect on the citizens of both countries. This observation is the most evident indicator of the social learning process because the effects of EU's conflict resolution tools during the accession process are slowly getting more visible in the different layers of society. Furthermore, it is a product of conditionality and passive enforcement mechanisms.

In the progress report of 2016, the Commission (2006) presented that while Serbia remained devoted to the normalization process, the implementation of the 2015 agreement has been minimal. However, the implementation fell short due to the parliamentary elections in Serbia and the domestic tensions in Kosovo. The domestic environment affected the speed of new developments, yet when the domestic atmosphere became normal again, the adoption of the 2015 agreement gained momentum. This change indicates that despite the unexpected issues that have an impact on the adoption of the agreements, Serbia does not give up on its commitment to EU integration.

According to the progress report 2018, Serbia was dedicated to the requirements of the accession process, therefore, maintained good relations with Kosovo, and adoption of the agreements continued as planned despite several technical issues, particularly in the area of energy education, IBM, and mutual legal aids(The Com-

mission 2018). There were high-level meetings between Serbia, Kosovo, and the EU in order to conclude a legally binding agreement so open a new phase in the normalization of relations. However, tensions started to rise between the two sides due to the train incident. It was further intensified by Kosovo's decision to impose hundred percent tariffs on Serbia after Serbia blocked Kosovo's accession to INTERPOL. The conflict escalated swiftly, and Kosovo decided to transform its security forces into a fully-pledge army, which was viewed as a security threat on the Serbian side.

Although there has been no significant downfall in the normalization process, the increasing tensions and the problems with implementing the agreements were concerning for the EU. The Commission (2018) emphasized the urgent need for a legally binding agreement so that Serbia and Kosovo can move on with their respective roads of EU membership. This statement indicates the growing perception that the passive enforcement and conditionality were in danger; therefore, there has to be some new incentive to accelerate the normalization of relations.

### **6.3 Findings and Discussion**

Turkey and Serbia have their respective European paths, and the EU's effect on the Cyprus and Kosovo conflict by using their accession process has both similarities and differences. The differences between these two cases demonstrate whether the EU has a significant role as a third party in resolving intransigent conflicts in the candidate countries with its accession process and conflict resolution mechanisms. I argue that the EU does not have such a role in Turkey's accession process regarding the Cyprus issue, whereas there are mixed results in the case of Serbia and Kosovo.

The influence of the EU as a third party over the Cyprus conflict by using the accession process has been unsteady in the case of Turkey. While there is no stable progress, there are many incompatibilities between the EU's requests and Turkey's actions. Looking at the process as a whole, Turkey was more prone to following the EU conditionality before the failure of the Annan Plan. The referendum was a turning point for two reasons. First, the constructive policy of Turkey resulted in the opening of the accession negotiations, and second, the rejection from the Greek Cypriots pushed Turkey's policy to be stricter. When the EU decided to open the accession negotiations, the passive enforcement mechanism reinforced the conditionality. However, rather than contributing to the solution, the obligations of the agreements created obstacles and turned the accession process into a deadlock situation. Until the suspension of the negotiations, the EU was not in favor of using

any punishments or negative conditionality. However, when the other mechanisms failed, it was left with no option.

The fact that Cyprus is a member of the EU brought both luck and misfortune for resolving the dispute. When Cyprus became a member of the EU, the obligation to include it in various documents and agreements, in other words, the activation of the passive enforcement mechanism had the potential to create a groundbreaking effect in the conflict resolution process. The unfortunate part was that Turkey's commitment to Cyprus policy was more remarkable than its commitment to the EU's negotiation process. In this case, neither passive enforcement nor conditionality worked as expected. The fact that the social learning process does not exist in Turkey is due to the fact that these two mechanisms cannot have a correct and robust effect. If Turkey had been conducting the negotiation process and the resolution phase of the conflict regularly, quickly, and willingly, as in Serbia, then we could have witnessed the beginning of the social learning process in Turkey.

On the other hand, Serbia had a firm commitment to be a member state. Even if there were minor roughness occasionally, the Serbian government wanted to fix it and prove that it is willing to do what is necessary for its membership aspirations. Hence, Serbia followed the rules of both passive enforcement and conditionality mechanisms and acted very quickly. In fact, implementing the EU structure contributed to Serbia's social learning process at a tremendous amount. These positive behaviors of the government and the continuation of the process created a more profound change by impacting the lives of state officials and citizens and their perspectives on this conflict. However, since this is a long process, it is impossible to see results immediately and bring a new perspective to all segments of society quickly. The Serbian authorities are more inclined to go back to their old practices as soon as the tension between the two countries increases since the new norms are not yet fully established. Thus, even though the impact of the EU on Serbia is often high and steady, the deep-rooted issues limit the EU's sphere of influence. When there are no legally binding agreements or all issues are not solved smoothly, the EU's mechanisms during the accession process can lose their effects in cases of escalation of conflict. From a broader perspective, it is possible to observe that the conditionality and passive enforcement work very well and effectively solve the problems between Serbia and Kosovo. The social learning process has started to show its effects gradually however it was not as much as the others.

The signing of the Brussels Agreement played a role as a critical turning point for Serbia. Although Serbia stayed committed to its European path during its accession process, the speed of applying the conditions of the agreements slowed down after

the agreement. Furthermore, more issues had to be tackled for the obligations of the agreements to be met properly. The reason why Serbia faced challenges was that as more agreements were signed, the depth and technicality of the agreements also increased, which made it more difficult for Serbia to reshape its Kosovo policy and apply the terms of the agreements. Moreover, there is still a lack of a legally binding agreement between Serbia and Kosovo. This situation demonstrates that Serbia is not ready to make a full commitment that would come with legal consequences even though it is eager to about following the EU's conditionality and passive enforcement.

As a third party, the EU uses incentives, which are the structural intervention tools in both cases. Nevertheless, facilitation as a transformative intervention tool was used to settle the conflict between Serbia and Kosovo. In both cases, the EU used conditionality and passive enforcement. However, there is a clear difference in compliance between Serbia and Turkey regarding these two mechanisms, and the social learning process is evident only in Serbia. Furthermore, the lines between the various EU conflict resolution mechanisms got blurry in the case of Serbia because all mechanisms were going hand in hand, and they were reinforcing each other. The reinforcing nature in Serbia is also why the Serbia case was more leaning towards the normalization of relations, thus the conflict resolution. Nevertheless, the lines were much sharper in the Turkish case. In other words, it was easier to distinguish the EU's third party role and place them under a particular category. Since there was a lack of harmonization like the case of Serbia, Turkey was more open to taking adverse actions unilaterally.

Accordingly, the difference between Serbia's and Turkey's progress during the accession process is also evident in their respective relations with the EU. Turkey and the EU held several meetings, conferences, and summits to discuss a wide range of issues, including the Cyprus conflict. Moreover, in the European Council Summit, there was often a section for Turkey in which the European leaders expressed their opinions regarding Turkey's integration. On the other hand, Serbia and the EU have a more limited communication sphere. There is not much information about Serbia's progress in the European Council summits, only to declare the gatekeeping mechanism such as granting the candidacy status and opening of the accession negotiations. Rather than holding separate meetings, the EU and Serbia meet for accession negotiations. This difference in relations indicates that Serbia is on the accession track in a firmer way than Turkey.

With the membership status of Cyprus, the EU's role in the conflict has also changed because as a new member, Cyprus gained the veto power on shaping the EU policy.



Furthermore, the credibility of the EU as a third party became questionable since one of the main parties of the conflict became a member state that held the power to affect the EU decisions. Thus, the EU's credibility differed for Turkey and Serbia. The fact that Cyprus was able to influence the EU policies and decisions led to a lack of trust from the Turkish point of view, in which Turkey became more resistant to following the EU's conditionality. In other words, the credibility of the EU conditions decreased as well. However, Serbia as an official candidate and Kosovo as a potential candidate state paved the way for the EU's intervention of a third party without losing its credibility.

In the case of Serbia, the EU wrote everything more clearly, in more detail and guided the government of Serbia accordingly. It tried not to leave anything open to interpretation. Furthermore, by managing the process under the name of facilitation, the EU has strengthened the bond between the accession process and conflict resolution because it is the authority at the top of both. The EU planned to take the two processes together by starting the dialogue at the beginning of the accession process of Serbia. The continuation of these two different processes simultaneously and under the same power has led to more effective and faster results. In the case of Turkey, the UN was the most influential actor in settling the dispute, in which case the EU has taken a more distant and softer attitude. Furthermore, chapter 35 on other issues is devoted to the normalization of relations with Kosovo in the case of Serbia whereas this chapter is not opened yet in Turkey. The EU also made technical changes regarding the accession negotiations starting with 2011, which was a year prior to the declaration of Serbia's candidacy. Since this research presents the accession processes from different decades, these differences in the EU's strategy show that it is as if the Union has learned from its past experiences and wants to be more active in conflict resolution.

## 7. CONCLUSION

Although the EU started as an economically oriented regional organization, it strongly influences many policy areas today. Due to the fact that conflict is an inevitable part of our lives, it is an area that has come under the policy radar of the EU by being observed in international dimensions. There are many tools and strategies to resolve the conflict; nevertheless, the EU is active in this field, particularly by assuming the role of a third party.

In this study, I aimed to investigate how the accession process influences the impact of the EU's third party role in resolving the conflicts that the candidate states are involved in. Accordingly, I have chosen two candidate countries whose conflicts are a huge part of their candidacy and thus on their way to join the EU: Turkey and Serbia. Both states would like to join the EU, but they are in conflict, though in different ways: Turkey's issue is with a present EU member state and is not about secession, while Serbia's conflict is with Kosovo, which is a section of Greater Serbia that seceded. What they have common is that both conflicts are frozen conflicts near the EU's borders.

I analyzed Turkey and Serbia's candidacy processes and whether the EU's behavior in this process has a place in resolving the Cyprus and Kosovo problem by examining various EU documents. I conducted the research through the process-tracing, which is a qualitative method based on building causal mechanisms. In order to do so, first, I summarized the main points related to the European Council Summits, the Commission progress reports, press releases, and conference statements. Then, I built a casual chain on examining what the EU demanded from Turkey and Serbia, how these countries reacted to the demands of the EU, and if the actions of the EU contributed to the conflict resolution or not. I used the typology by Beriker (2008) on identifying the EU's third party role and the framework of Tocci (2007) on conflict resolution mechanisms that the EU utilizes for regional integration.

I found that for the case of Turkey, the EU does not have a significant role as a third

party in resolving intransigent conflicts in the candidate countries with its accession process and conflict resolution mechanisms, whereas there are mixed results for Serbia. The chain of reaction between the EU's actions and Turkey has been unstable, and the influence of the EU's mechanisms was not strong enough for Turkey to change its position on the Cyprus issue. At first, Turkey was more willing to follow the EU's criteria and work to get a membership. However, the growing conditions and obligations made it challenging for Turkey to satisfy the EU and keep their stance regarding the island at the same time. Hence, the accession negotiations had to be suspended. On the other hand, Serbia was very devoted to its membership aspirations. Therefore, the government followed most of the EU's demands on the normalization of relations with Kosovo, and it was constructive at doing so.

The reason why the actions of the EU worked for one case and did not work for another is the utilization of different conflict resolution tools and third-party roles. In both cases, the EU undertook structural intervention using positive incentives and an additional negative incentive for the Turkish case. Furthermore, conditionality and passive enforcement are highly practiced in both accession processes.

The difference comes from the supplementary strategies involved in the case of Serbia. The EU as a third party acted as a facilitator in the dialogue organized for the normalization of relations between Serbia and Kosovo. Moreover, the social learning mechanism was a part of the EU's sphere of influence over Serbia's accession process, thus, the conflict between Serbia and Kosovo.

As a result, the EU used all three mechanisms mentioned by Tocci (2007), while they used only two for the case of Turkey. The social learning mechanism is a deep-rooted and long-term process. Although it is not to observe the full effects on the case of Serbia immediately, even the small amount makes a difference. Serbia reacted to the EU's actions positively because all three mechanisms were reinforcing each other. However, the mixed result comes from the fact that the social learning process is not complete. The conflict between Serbia and Kosovo is open to a re-escalation when there are increasing tensions.

For future research, the number of cases on this topic can be increased so that it would be possible to observe whether other dimensions affect the correlation between the EU's accession process and conflict resolution. Furthermore, there can be a more extensive study that also involves the documents from the governments of the candidate countries and combine the information attained from them with the EU documents. Another suggestion for future research is to analyze more countries with more documents to add more detail and depth to the EU's conflict resolution mechanisms and its third party role. Since the case of Turkey and Serbia occur

in different decades, it is clear to see how the EU evolved in time. Thus, a more comprehensive future research on this topic can potentially assist the upcoming EU policies on conflict resolution.

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