

Turkey's EU Journey: What Next?

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ABSTRACT

Since EU membership negotiations began in 2005, Turkey has faced a range of obstacles, which have led to an impasse in the talks. As a consequence, domestic reforms have slowed, support in the country has dropped as Turks have become increasingly disillusioned with the process, and trust between the two partners has been eroded. Moreover, all this has happened at a time when Turkey has become increasingly self-confident and the EU is suffering from an economic and political malaise. With an economy much stronger than a number of EU member states, and with Ankara playing an increasingly important role on the global stage, many Turks believe that Turkey is better off staying outside the EU. In an effort to rebuild trust the EU has launched a "new positive agenda" that includes taking steps to implement visa liberalization, and a change in leadership in France has also increased hope in a improvement in relations.

While there is no "easy" route to the EU, Turkey's road has been the most complicated and difficult so far. Beginning over 50 years ago, when Francisco Franco was at the head of a totalitarian regime in Spain and the Berlin Wall had not yet been built, the journey can be described as a story of misperceptions, misunderstandings, prejudices, and irrational expectations. Whether Turkey will eventually join, or whether Ankara is even interested any more, remains an open question.

Since membership negotiations began in October 2005, there has been a gradual deterioration in the process and for the last three years, to all intents and purposes, negotiations have been frozen. While both sides have contributed to this stalemate, it is the EU that must shoulder most of the blame. Opposition from a number of member states, including France and Germany, has led

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to the process becoming highly politicized with numerous negotiating chap-

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ters unnecessarily blocked. The lack of strategy and vision of EU leaders has been compounded by the hurdle of the decades-old Cyprus problem, almost totally deadlocking the process. Turkey's refusal to adhere to its obligations, opting to "play the game" by its own rules, has also been counterproductive.

Thirteen of the 35 chapters have been opened, with just one (science and research) provisionally closed. Eighteen chapters are frozen because of vetoes by Cyprus, France, Germany or the European Council as a whole, with only three chapters remaining—competition policy, social policy and employment, and public procurement—all difficult chapters with tough opening benchmarks. The competition chapter, for example, is usually left until the very end of the negotiating process because it is both challenging and costly. The majority of the those chapters have been blocked by a Cyprus veto because of Turkey's failure to fulfill its obligation of full, non-discriminatory implementation of the Association Agreement towards all member states: Turkey refuses to open its harbors and airspace to vessels and airplanes from the Republic

of Cyprus, continuing to link it to the EU delivering on commitments made to the Turkish Cypriots in the aftermath of the failed 2004 Annan Plan referendum to reunite the island. Today the Direct Trade Regulation, one of three regulations aimed at lifting the economic isolation of Turkish Cypriots, remains unimplemented due to Greek Cypriot opposition.

Turkey's Frustration

With frustration growing in Ankara, EU-related reforms have slowed and become patchy as Turkey has increasingly "cherry-picked" reforms. More worrying is that in certain areas, such as fundamental rights and freedoms, there has been visible backsliding. Media freedom is of particular concern with around 100 journalists in prison at the beginning of this year.

While it is well-known that support for Turkish membership in the EU has always been thin on the ground, and that the growth in far-right political parties is also far from conducive, the once enthusiastic support coming from Turkey has significantly shrunk and is now less than 40 percent. This is a consequence of a loss of trust in the EU, with many people questioning the EU's credibility as a fair partner as well as a result of the increasingly important role Turkey is playing in its region and elsewhere, and the country's vibrant economy. Turks have acquired a new sense of confidence

in contrast to the malaise plaguing the debt-ridden EU. The leverage the EU had in the early days over Turkey is no longer there; rather the men in Ankara feel the EU should listen to them. This often somewhat arrogant approach has not been welcomed by many in the EU. Moreover, it is also important to remember that Turkey's relationship with the EU is increasingly one of interdependence, including economically. While Turkey may be exploring new markets, the EU remains by far and away Turkey's largest trading partner, and therefore if the EU is "sick" Turkey will also feel some of the symptoms. A shrinking EU economy has a direct impact on Turkey.

Nevertheless, at the exact moment when Western leadership is being questioned, Turkey is rolling in successes and emerging as a global winner, representing an example of a Muslim-majority, secular and democratic country. Interestingly, at no time since the Ottoman era have the Turks been as involved in the Middle East as they are today. This makes Turkey a vital partner and interlocutor for the EU when devising a strategy for this part of the world. Therefore it is important that a constructive and dynamic dialogue is able to take place outside of the framework of the negotiation process. However, while EU foreign policy chief Catherine Ashton may describe Turkey as a "conduit" for the EU in the Middle East, and Turkish Foreign Minister Ahmet Davutoglu

has been part of discussions on regional issues, particularly those related to the Arab Spring, there can also be little doubt that the malaise in Turkey's accession talks has spilled over into other areas of cooperation.

The Challenges of 2012

The year 2012 was always going to be challenging, not least because of the Republic of Cyprus (which Turkey does not recognize) taking up the EU's rotating presidency. However, the change of leadership in France and the launch of a "New Positive Agenda" by the European Commission have been positive developments.

Since François Hollande was elected as French president in May, expectations have grown that Paris would have a more pragmatic policy towards Turkish membership. The former president, Nicolas Sarkozy, always rejected the very notion of Turkish membership, arguing that Turkey was not part of

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Europe, that it was culturally incompatible, and instead should accept a special partnership with the EU. Turkey's leadership has always rejected this. As a consequence of Sarkozy's anti-Turkish populism, relations nosedived, reaching a crisis point when a Sarkozy-backed bill criminalizing denial of the Armenian genocide was passed by the lower



Members of the European Parliament hold placards in favor of the opening of membership talks with Turkey.

and upper houses of the French parliament earlier this year.

Hollande’s election has brought an end to the hostile rhetoric, opening a new page in French-Turkish relations. While Hollande has been rather tight-lipped overall on his foreign policy

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agenda, he nevertheless seems to have a good understanding of the importance of Turkey both economically and strategically. He was very critical of Sarkozy on several occasions; for instance, in his 2011 book *Le Reve Fran-*

cais he states that negotiations between Turkey and the EU must be “fairly” pursued until their conclusion. The fact that Hollande’s Socialists also won a majority in the recent parliamentary elections, and that both prime minister and foreign minister are pragmatic men should also prove to be a positive factor in resetting French-Turkish relations. Because of Turkey’s refusal to deal with the Cypriot president, no chapters will be able to be opened during the second part of this year, but it is hoped that during the Irish presidency of the EU (in the first part of 2013) Paris will lift its veto on a number of chapters.

However, there still remains a question over whether or not Hollande will follow through on his election promise to revive the law criminalizing denial of the Armenian genocide, in spite of the French Constitutional Court overturning it.

A New Positive Agenda

At the same time a “New Positive Agenda” has been launched in an attempt to add new zest into relations. This initiative was the brainchild of European Commissioner for Enlargement and Neighbourhood Policy Stefan Füle, and it was launched in Ankara on May 17, 2012 by Füle and Turkey’s Minister for EU Integration Egemen Bagis. The agenda introduces new mechanisms for communication, including specific working groups, intended to accelerate Turkey’s compliance in eight chapters of the *acquis communautaire*. Positive agenda is not supposed to replace the accession process but to complement it.

In the last few weeks, for example, Turkey and the EU have agreed to intensify their relations in the field of energy, announcing a number of key areas where the two sides have common interests. The EU has also promised to take steps to modernize and update its somewhat problematic Customs Union with Turkey, as well as to make greater efforts to support Turkey in its fight against the terrorist organization Kurdistan Workers Party (PKK). It is hoped that by taking a step-by-step approach to deeper integration and cooperation in

each of these key areas, it will facilitate the eventual integration of Turkey into the EU as well as help increase public support both in Turkey and the EU.

Visa Liberalization

Without doubt, one of the most important elements of the new agenda that will be crucial for rebuilding trust and credibility will be steps towards the lifting of visa requirements for Turkish citizens. Turkey remains the only EU candidate country that does not have a visa-free regime with the EU. Moreover, the fact that countries such as Ukraine, Moldova and, very shortly, Russia are already negotiating the lifting of visa requirements has left Turks’ feeling bitter.

Germany, Austria, Cyprus and the Netherlands in particular have been opposed to giving Turkey a visa-free regime. However, after a lengthy and politically sensitive stalemate regarding a crucial Readmission Agreement for illegal immigrants entering the EU from Turkey, a breakthrough seems to have been made on June 21 when in return for the European Commission receiving a mandate from the European Council to start drafting an action plan towards visa-free travel for Turkish citizens, Ankara agreed to initial the Readmission Agreement. The EU really needs this Readmission Agreement as Greece, destabilized by its budget crisis, is inundated by migrants who cross its border with Turkey. The situation is not likely to be any better in 2013, and it is expected that the border between Greece and

Turkey will remain a crossing point for illegal migrants with interception levels similar to those in 2011, i.e., between 40,000 and 57,000 a year. However, once the Readmission Agreement is operational, and if all sides meet their obligations, this burden should be lifted.

In theory, Turkey will need to implement the reforms outlined in the action plan by 2014-2015, which would lead

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to visa liberalization coming into force. However, Turkey has demanded simultaneous implementation of visa exemption and the Readmission Agreement. The EU would like to have visa liberalization implemented much sooner, and had hoped it could be signed before the end of the Danish Presidency which ended on 30 June. Furthermore, some of the wording used by the EU is worrying. Reading the EU conclusions, there is talk of a “gradual and long term perspective” for visa liberalization, meaning that some member states may try and delay the process. This would be serious a mistake, and damaging to the credibility of the EU.

Relaunching Reforms

There is also a need to intensify, deepen and broaden Turkey’s reform agenda

following a period of stagnation where Ankara has talked more about reforms rather than carrying them out and, crucially importantly, implementing them. For the most part Ankara seems to be following a “we will do what we want when we want to” approach. However, Turkey has moved forward with a series of new reforms, including the third judicial reform package which has key reforms related to freedom of expression and media, a new anti-terror law, and a revised code of criminal procedures in the pipeline. The recent move to offer Kurdish as an elective language in Turkish schools following reforms to

education policy is also a positive step and something that was unthinkable only a few years ago.

However, the most recent Turkey-EU Association Council report highlighted the need for further judicial reform and strengthening the rule of law. This comes following EU criticism of a recent court decision sentencing an independent Kurdish parliamentary deputy, Aysel Tugluk, to 14.5 years in prison for spreading propaganda for a terrorist organization and engaging in crimes on behalf of a terrorist organization. Turkey needs to address the serious problem of broad interpretations by courts hearing terrorism-related cases. A clear distinction needs to be made between incitement to violence and the non-violent expression of ideas. Additionally, in a recent European Parliament resolution, for the first time, the legitimacy of the

Ergenekon investigation has been questioned and there is growing concern about allegations that inconsistent evidence has been employed against the defendants. The European Parliament has called upon the European Commission to follow these cases and annex its findings in its 2012 Progress Report.

The creation of a new civilian constitution is crucial for Turkey's democratization. The concrete work launched by the Turkish parliament to move the constitutional process forward, including cooperating with the four main political parties, is a good start. The drafting of the document needs to go hand-in-hand with a constructive debate, which will maintain the inclusive spirit we have witnessed so far. Consensus through a democratic, participatory process remains essential if this new constitution is to serve all Turkish citizens. It is vital that this exercise is done in a very transparent way and not behind closed doors. Indeed the new constitution should be able to act as a catalyst and provide a basis for further progress on the respect for fundamental rights and freedoms in Turkey, finding a balance between protecting society as a whole and protecting the individual citizen, as well as consolidating and reinforcing the rule of law, in line with European standards.

The Cyprus Issue

However, even with a new agenda and a more pragmatic policy from France,

a number of hurdles still remain. While what happens in Germany's 2013 federal elections is important, it is Cyprus that remains the most significant obstacle because the EU has made a solution to the decades-old Cyprus problem a pre-condition for membership. Interestingly, the same pre-condition was not made for the entry of the Republic of Cyprus (RoC) to the EU in 2004.

For over four decades efforts to reunify Cyprus have all failed. Unfortunately, the latest round of talks, which began in 2008, for a bi-zonal, bi-communal federation, has also recently run out of steam. It had been hoped, perhaps rather naively, that a solution could

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be found in time for a united Cyprus to take up the EU's presidency. This has not happened. While not declared "dead" the talks are expected to be frozen until after the Cypriot EU presidency and the (Greek) Cypriot presidential elections slated for the spring of 2013. This outcome has frustrated Turkish Cypriots and Turkey, which believe the Greek Cypriots have been purposefully dragging their feet, having no need for a quick solution given that they are already members of the EU and enjoy seats in international bodies around the world as they are recognized as the only legitimate government on the island. As a consequence of this frustration,

Turkey, which maintains some 40,000 troops in Northern Cyprus and has considerable influence over decision making, partly by keeping the north afloat financially with over \$1 billion in aid each year, has recently made a number of statements about a “Plan B” for Cyprus including pressing other Muslim states to recognize the “Turkish Republic of Northern Cyprus”.

Turkey has also declared it will not deal with Greek Cypriots during their presidency, with Turkish Foreign Minister Ahmet Davutoglu recently stating that “our position on the presidency of the Greek Cypriots is clear... The relations and contacts with the EU will continue, but none of the ministries, institutions of the Turkish Republic will be in contact with the EU presidency in any of the activities related to the Greek Cypriot presidency.”

The EU has been disappointed by Turkey’s approach, stating that it regrets Turkey’s decision to freeze relations with the presidency and has asked Turkey to show respect for the role of

ranean. Turkey has claimed that some areas included in the RoC’s new licensing round for further exploration extend onto Turkey’s continental shelf, something strongly denied by the Greek Cypriots, and that any revenue from the exploration and development must be shared with the Turkish Republic of Northern Cyprus. While the dispute is not likely to escalate into a military conflict, Turkey may continue with negative rhetoric and gunboat diplomacy, further intensifying tensions. Again the EU has expressed concern over Turkey’s approach, stressing the sovereign rights of member states which include being free to explore and exploit their natural resources.

What Next?

First, it is always worth remembering how important the EU accession process has been for Turkey. It has been a crucial tool in the democratization and modernization of the country. It has given Ankara benchmarks and standards and has been an undeniably crucial instrument in strengthening values and freedoms in the political, social and economic transformation of Turkey in recent

years. Without the EU tool box, I doubt Turkey would have achieved the level of economic and foreign policy success it has today. This is particularly the case when it comes to the Arab awakening and the way the populations of the countries in this region view Turkey. Ten

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the Presidency of the Council, which is a fundamental institutional feature of the EU provided for in the Treaty of Lisbon.

The situation has been further aggravated by the RoC’s exploration for hydrocarbons in the eastern Mediter-

years ago, Turkey was something of a failed state, an aid-receiving country, and on the brink of economic collapse. It was certainly no democratic role model or inspiration.

Today Turkey still has a fragile and vulnerable democracy that needs to be supported and nurtured.

The Turkish model is not a *fait accompli*; rather it is still very much in the making. Therefore, while the EU's influence on Turkey has weakened, the role that the EU plays in the country, including business ties and supporting civil society and other actors, remains important and crucial for the country.

The renewed efforts to “reset and strengthen” relations with Turkey are evidence that the EU recognizes the importance of Turkey. And while these efforts do seem to be forthcoming, these initiatives are primarily aimed at improving the broader Turkey-EU relationship, rather than actually improving the likelihood of Turkish membership. Eventual Turkish membership remains a very distant prospect. For example, even with a change of policy in France, membership would still need to be put to a public referendum. And while Turkey has reacted positively to these new initiatives, this is no guarantee that Turkey's leadership will change its some-

what arrogant approach towards the EU, or be any more likely to act on EU

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“concerns.” Today Turkey increasingly believes itself to be an indispensable and crucial partner that no longer needs to be dictated to by a union that is itself falling to bits.

While clearly a number of EU member states would probably be more than happy if Turkey simply decided to “call it a day” on its membership talks, this would seem highly unlikely at the present time. Among other things, for the ruling Justice and Development Party (AKP), dropping the EU agenda would immediately raise suspicions over the direction it were taking the country; the EU process also continues to act as something as a cover to proceed with reforms in certain areas of interest to the party; moreover, the EU reforms continue to help Turkey attract foreign investment. So even though membership is no longer the foreign policy priority that Turkey's leadership would have us believe, it is in Turkey's benefit to keep its foot in the EU door.