

2007 EU Progress Report on Turkey: A Step Forward?

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The new EU progress report on Turkey largely follows the same structure as in previous years. The report briefly evaluates the relationship between Turkey and the EU, analyzes Turkey's political and economic situation in regards to the membership criteria, and reviews the capacity of Turkey to assume the obligations of membership.

Progress reports on candidate countries play an important role in preparing those countries for membership by providing guidelines for the reforms necessary to fulfil the conditions of membership. Every year the performance of each candidate country is evaluated by the officials of the European Commission. If the candidate country attaches great importance to EU membership, the progress report becomes much more important to the political and economic agenda of that country. The conditionality of the integration process provides important leverage for the bureaucrats of the EU in the candidate countries.

With the suspension of some chapters of its accession talks in December 2006 because of problems related to Cyprus, the excitement over possible EU membership declined in Turkey in 2007, and consequently, the EU's political leverage in the country is decreasing. In this regard, the stalemate in full membership decreased the importance of this year's EU progress report in Turkish public opinion. In comparison with previous years, discussions about the report, before and after its release, were without much tension. Formerly, the report had been a source of major debates in Turkey.

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Summary

The EU progress reports on candidate countries are important indicators of how EU institutions manage and monitor the accession process. The 2007 European Union progress report on Turkey's EU membership gives a comprehensive account of how EU evaluates the political developments in Turkey. While the report is overall positive and supportive of the reform agenda of the AK Party government, it contains legitimate criticisms as well as debatable assessments on the Cyprus issue. Despite the shortcomings, Turkey should continue its efforts to strengthen democratization and focus on public diplomacy in the EU member countries.

The European Commission's annual progress report on Turkey was expected to be a favourable one in order to encourage the pro-reform agenda of the AK Party government. Since, of all the branches of the EU, the Commission is the most supportive of Turkey's membership, a positive position should be accepted as only natural. In broad terms, the position of this year's report may be labelled as positive in comparison to the previous ones.

Despite the political developments in Turkey in 2007 that impaired the EU reform agenda, the Commission seems determined to not strengthen the hands of the anti-Turkish camp within the EU. In addition to this factor, both sides, Turkey and the EU, seem satisfied with the slow pace of reforms in 2007, albeit for different reasons. The EU wants to delay the decision for Turkey's membership as much as it can; while the Turkish government has been dealing with highly sensitive issues of domestic politics this year. Furthermore, it is difficult to pursue the reform agenda with the increasing anti-EU sentiment in Turkish public opinion, which followed the suspension of the opening of eight chapters of the accession negotiations on December 11, 2006.

This policy brief will analyze the progress report in terms of political criteria and focus on its evaluation of the reform process, the political process, and the elections, as well as the democratic control of the armed forces and the judicial system. These issues will be examined under the titles of *Democracy and Rule of Law*, *Human Rights and Minority Issues*, and *Harmonization of Foreign Policy and International Issues*. Besides the praises for Turkish democracy, the progress report also contained several criticisms against Turkey regarding the issues of human rights, democratic control of armed forces, impartiality of the courts, and international obligations.

Democracy and Rule of Law

Constitutional reforms and the referendum held on October 21, 2007 are discussed in the report briefly. In relation to the general elections, the report refers to the OSCE conclusion that the electoral process was plural, transparent, professional, and efficiently managed. The newly elected parliament is described as more representative than previous parliaments. The threshold issue is also included in the report, along with the decision by the European Court of Human Rights (ECtHR) that Turkey's 10 percent threshold rule does not violate the right to free elections.

The progress report touches upon the developments regarding the election of the new president and also argues that the strained relations between the former President Sezer and the current government led to some problems with the implementation of political reforms.

The report briefly analyzes the formation of the new government after the general elections and its EU-oriented reform agenda. Here, election processes, the formation of the government, and levels of participation are described in a positive manner. The report says that through free and fair parliamentary elections, Turkey resolved the political and constitutional crisis that followed the April presidential elections.

Under the subtitle of *Civilian Oversight of the Security Forces*, the report notes several shortcomings. It argues that armed forces continued to exercise significant political influence by making their comments public on issues like Cyprus, secularism, and the Kurdish issue. The memorandum of April 27, with its argument of the weakening secularism in the country, is described as having been a direct interference with the presidential election. The report also refers to attempts by senior members of the armed forces to restrict academic research and public debate; EMASYA protocol; Turkish Armed Forces Internal Service Law, which grants the military a wide margin of manoeuvrability; and shortcomings in the parliamentary oversight of the military budget as problems. Although the report notes that the tendency of the military to make public comments on issues outside its control, including the EU reform agenda, has increased in 2007, it also describes the positive outcome of the spring 2007 constitutional crisis as a reaffirmation of the primacy of the democratic process in Turkey.

The evaluations of the report under the subtitle of *Judicial System* describe mostly negative developments. After referring to the progress in the Turkish Criminal Code and Criminal Procedure Code and the modernization of the judiciary through the use of technology, the report touches upon the decisions of Constitutional Court concerning the election of the President in April and the dismissal of the prosecutor by the High Council of Judges and Prosecutors (Şemdinli case). The decision of the Constitutional Court is described as having led to strong political reactions and allegations that the Court had not been impartial. The tension between the government and the judiciary is mentioned as an obstacle to the smooth and effective functioning of the system in Turkey.

Human Rights and Minority Issues

Human rights and minority issues within the progress reports always attract attention. The Commission generally analyzes the conditions of Muslim and non-Muslim minorities in detail. There is always a tension between the EU and Turkey regarding these issues since the two sides do not agree on the definition of minorities. Turkey does not accept the existence of Muslim minorities (in cultural and religious terms) within its borders and tries to deal with these issues (the rights of Muslim and non-Muslim minorities) within the framework of human rights. The European side, however, insists on the existence of Muslim minorities and their cultural and religious rights.

Under the title of "Human Rights," this year's report argues that there is a considerable number of ECtHR judgements awaiting enforcement and mentions the issue of property rights of Greek Cypriots in northern Cyprus, giving the example of Xenidis Arestis.

The progress report says that, despite the positive effect of the Turkish government's zero tolerance policy on torture, there are still cases of torture and ill treatment especially during arrest and outside detention centres.

This year Article 301 of the Turkish Criminal Code was hotly debated, and there were strong expectations that the EU would refer to this issue in its annual report. These expectations

came true as the report argues that the number of people prosecuted under certain provisions of Turkish Criminal Code for the expression of non-violent opinions has increased since 2005. The report urges the government to bring this article in line with the relevant EU standards. It is also mentioned that the potential impact of the anti-terror law on freedom of expression is a concern of the Commission.

The report allocates a paragraph to the murder of Hrant Dink and the ongoing judicial investigation. It argues that these judicial proceedings and the threats against journalists are leading to self-censorship in the country, including in the academic field. Here the progress report mentions the closure of the weekly newspaper *Nokta* by its owner after publishing several articles on issues relating to military. Besides *Nokta*, the report also touches upon the accreditation issue for the first time and argues that journalistic freedom is restricted by an internal memorandum of General Staff that establishes that journalists most critical of the army are to be denied permission to military receptions and briefings.

Regarding minority rights, the report says that freedom of worship generally continues to be guaranteed, but it also refers to several problem areas like the existence of the religion entry on IDs. The killing of three Protestants in Malatya and attacks against clergy in places of non-Muslim communities are also included in the report, and it is argued that use of language that might incite hatred against non-Muslim minorities has been left unpunished.

The problem of non-Muslim communities having to register their places of worship is discussed briefly in the report. In relation to the Alevi community, besides the *cemevi* issue, the report also touches upon the unanimous decision by the ECtHR regarding compulsory religion classes.

Similar to the previous reports, the situation of the Heybeliada Greek Orthodox Seminary is included in the report, and it is argued that restrictions on the training of clergy remain in effect. Whether or not the ecclesiastical title of the Patriarchate is ecumenical and the decision of the Court of Cassation that the Patriarchate is a religious institution with no legal personality are also included in the report.

Under the title of "Minority Rights, Cultural Rights, and Protection of Minorities," the report argues that Turkey has made no progress in ensuring cultural diversity and promoting respect for and protection of minorities in accordance with European standards. While the report touches upon the developments regarding broadcasting in languages other than Turkish and the use of other languages in political life, it says that Turkey has made no progress in the area of cultural rights.

The report also notes the increasing terrorist activities of the PKK and other terrorist organizations, which have led to the deterioration of the situation in the southeast region of the country.

Harmonization of Foreign Policy and International Issues

The criticisms under this title include the issues related to Cyprus and Greece. The report notes that Turkey has made no progress towards fully implementing the additional protocol based on the decision of the Council in December 2006, which says that accession negotiations will not be opened on eight chapters relevant to Turkey's restrictions regarding the Republic of Cyprus and that no chapter will be provisionally closed until the Commission confirms that Turkey has fulfilled its commitments. The report also refers to Turkey's veto of Cyprus's membership to NATO, Turkey's protests against the agreements between Cyprus and Lebanon regarding oil drilling in the exclusive economic zone, and Cyprus's defence cooperation agreement with France. Relations between Greece and Turkey are discussed in the report from a predominantly Greek perspective. The report notes the *casus belli* stance of Turkey regarding the territorial waters problem between Turkey and Greece.

From a more positive perspective, the report notes that Turkey aligned itself with forty-five of forty-six Common Foreign and Security Policy declarations and supported attempts for a peaceful solution to the problems in Iraq, Iran, Afghanistan, Lebanon, and the Sudan, as well as the Middle East Peace Process. Turkey's active participation in different UN and EU peacekeeping and police missions in different parts of the world is described in a positive manner and as an important asset for Turkey in its foreign policy.

General Evaluation of the Report

Broadly speaking, the 2007 progress report is written in a positive manner, despite the existence of some negative aspects and occasional double standards. The style of the report and the arguments in it are generally within the limits of the general expectations. In comparison to what was said in former reports, the general rhetoric of the Commission towards Turkey is quite favourable. Despite the negative political developments of 2007, the report welcomes Turkey's insistence on the democratic process. The high turnout in the elections and the more representative nature of the new parliament are praised by the Commission. The report includes criticisms against the judiciary for not being impartial in reaching its decisions. The impartiality of the judiciary is one of the most important points in the report regarding the primacy of democracy. Despite the existence of some cases, the decline in torture and ill treatment can also be regarded as positive developments.

It should be pointed out that the report includes some double standards in relation to the Cyprus issue. The report argues that Turkey did not make any progress with the implementation of additional protocol, but does not say anything about the steps that should be taken by the European side to end the isolation of Turkish Cypriots. The pages devoted to foreign policy are full of arguments for and by Greece and Greek Cypriots. The report makes references to the additional protocol and the suspension of the opening of the eight chapters because of intense pressures from Greece and Cyprus after the appearance of the draft version of the report. The tensions between Turkey and Cyprus in relation to drilling in the

Mediterranean are discussed mostly according to the arguments of the Greek Cypriots, and Turkey is criticized for contesting such agreements.

Similar to previous years' reports, the Commission pays particular attention to the problems of religious minorities, the status of the Patriarchate, the Alevi community, and the compulsory religion classes, but says nothing about the headscarf issue and the problems related to it.

Policy Recommendations

In order to fulfil the goal of EU membership, there are several areas, including domestic issues, Turkey-EU relations, and international politics, in which Turkey should concentrate its efforts.

- *Domestically*, the government should continue its reform agenda as it declared after the suspension of eight chapters at the beginning of 2007, and prepare new chapters for negotiations.
- Given the positive attitude of the Commission, the government should highlight the positive sides of the report, especially the points concerning the primacy of the democratic process.
- With a new and powerful mandate after the July 22nd elections, the AK Party government should accelerate the reform process to strengthen democratic institutions.
- In response to the criticisms of the Commission in relation to the Criminal Code, especially Article 301, the impartiality and independence of judiciary, and the civilian oversight of the armed forces, the government should carry out changes in order to bolster the democratic structures of the country.
- *Regarding relations with the EU*, domestic reforms towards democracy will provide strength to those who support Turkey's joining the EU and will help Turkey overcome some of the problems stemming from the Cyprus issue.
- To keep up the pace of the reform process, contacts with EU institutions and with the public of EU countries should be increased.
- The Turkish government should refrain from breaking relations with those EU countries that oppose Turkey's membership. Turkish-French relations is a case in point. Although the Sarkozy government continues to oppose Turkey's membership, Turkey's use of diplomatic and economic measures in bilateral relations softened Sarkozy's position and he agreed to the removal of the condition of a referendum in the French constitution for Turkey's membership.
- Cyprus remains to be the main stumbling block for Turkey's EU agenda. Greece and Cyprus are using every opportunity to gain concessions from Turkey. Turkey should increase its contact with other EU members and explain its legitimate position. Turkey should also mobilize the NGOs in Turkey and northern Cyprus to make its case.

- *Regarding international politics*, foreign policy problems with the US confirms the importance of the EU agenda for Turkey in international relations. Turkey's foreign policy initiatives are within the general purview of EU positions and this should be continued.
- Turkey's initiatives in the Middle East, Caucasia, and other regions contribute to the image and international standing of Turkey and increase its importance in international politics for the EU. Turkey should continue to develop stronger ties with its neighbours and become more active in international politics through diplomatic and economic means. In this respect, Turkey should continue its pursuit of membership in the UN Security Council and increase its presence in different parts of the world through its agencies such as the Turkish International Cooperation and Development Agency (TIKA).

The 2007 EU progress report urges the EU to continue negotiations with Turkey. It is also a positive development that two chapters in the membership talks will be ready for opening in the coming weeks. Some of the sentences in the progress report might be interpreted as examples of EU's wish to delay Turkey's membership as much as possible. Turkey can accelerate the process by continuing to carry out reforms. The strength of the government will come from its pro-democracy reform agenda.

Some of the suggestions of the EU, especially the ones related to Turkey's democratic progress, are crucial to the stability and welfare of the country even if EU membership is not admitted. The efforts to create a new constitution should include these points regarding the strengthening of democracy in the country. The criticisms concerning foreign policy are mostly the results of the demands of several member countries. Turkey should continue its efforts to increase its presence in world politics and should negotiate with the EU in order to defend its stance on foreign policy issues.