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Lisbon Treaty and Turkey at a First Glance

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The European Union (EU) has taken a significant step in its recent history of integration/deepening with the entry into force of Lisbon Treaty on 1st of December 2009, after a rather long and winding road. The starting point of this process was the Laeken Summit of European leaders 2001 where the major objectives of the then “Constitutional Treaty” were set as:

- simplification of the rules,
- a clearer distribution of power between the centre and national governments,
- greater transparency,
- bringing the EU closer to voters.

As can be observed, the main intention was to close the so-called “democratic-deficit” in the EU to the extent possible, and bring more efficiency to its decision making mechanism. The Constitutional Treaty intended to reach these objectives via replacing all earlier EU treaties and starting fresh. Furthermore, there would be references to symbols of the EU: the flag, the anthem and the motto.

After the consecutive negative results of the referenda in France and Netherlands in 2005, the “Constitutional Treaty” had to become more modest. It was named “Reform Treaty” and became “Lisbon Treaty” after it was signed by EU leaders in Lisbon at the end of 2007. The Lisbon Treaty ended up amending the Treaty on the European Union (Maastricht) and the Treaty Establishing the European Community (Rome), rather than replacing all earlier treaties and the reference to EU symbols had to be dropped. This result has been interpreted by some scholars that the citizens of the EU nation states are not ready yet to recognize a supranational EU identity.

Although the very long and difficult ratification and referenda process of the Treaty (including the failed referendum in Ireland in 2008) ended up a relatively modest treaty, it still preserves the main substance of the constitution. Hence it marks a very important beginning as it sets the framework for increased European democracy, better decision-making, higher levels of transparency and closer participation of European citizens. It also provides the potential to give the EU a political role in the world to match its economic weight.

What are the Treaty’s implications for Turkey? The Treaty prepares the ground for crucial reforms about the EU's future and thus reshapes the EU. Hence all the changes below, introduced by the Lisbon Treaty should be observed closely by a country that is in the process of accession negotiations:

- a legal status to the EU;
- a full-time European Council president;
- a clearer, fairer voting system (almost all decisions would be subject to qualified double majority - *defined as a double majority of 55% of states representing 65% of the population, while a minimum number of four states is needed to constitute a blocking minority* - starting from November 2014, with the exception of taxation, foreign policy, defence and social security and enlargement)
- a stronger foreign policy representative;
- legally binding charter of fundamental rights¹;
- equal legislative footing for European Parliament with the Council on most of the EU policy areas;
- stronger say of national parliaments;
- citizens' initiative to introduce legislative proposal

To mention a few impacts, an EU becoming stronger in global political arena, to extend the “European values” and to strengthen the “soft security” would be very valuable for the conflict resolving activities of Turkey in its region, if this can be achieved via the establishment of the posts of a full-time European Council president and stronger foreign policy representative. Double majority voting could alleviate -at least- some of the concerns regarding Turkey’s “potential weight” in the Council. The same can be said also for the European Parliament - whose role in the decision making mechanism would become equivalent with the Council as- national parliaments now are getting involved in this process. Increasing involvement of national parliaments in the EU decision making process would also calm down a segment of Turkish society who associates EU membership with loss of sovereignty. However, still it is not possible to make an extensive evaluation regarding the aforementioned issues, as such an effort carries the risk of ending up in hypothetical conclusions at this stage.

What about enlargement? The Lisbon Treaty does not bring that much regarding enlargement per se. There has been a fine tuning in Article 49 where membership criteria are not quoted explicitly but reference is made to them. The article states that *"any European state which respects the values referred to in Article 1a and is committed to promoting them may apply to become a member of the Union. The European Parliament and national Parliaments shall be notified of this application. The applicant State shall address its application to the Council, which shall act unanimously after consulting*

¹ Binding for all EU countries with the exception of UK, Poland and Czech Republic

the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. The conditions of eligibility agreed upon by the European Council shall be taken into account". The European values referred in article 1a are the respect of human dignity, freedom, democracy, equality, rule of law, human rights and minorities. This article also specifies that the societies of the Member States must be characterized by "pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men".

Consequently, the amendment in the Lisbon Treaty regarding enlargement is insertion of the membership criteria in the articles and hence strengthening the legal base of these and the need to inform the national parliaments regarding enlargement, although the decision on this issue is still to be given via the unanimous vote of the Council, that should be approved by the absolute majority of the European Parliament afterwards.

Furthermore, if we look at enlargement from an opposite angle, we can observe that for the first time ever a "withdrawal" clause from the European Union is included. For the withdrawal to be realized, the Council decides by qualified majority after the European Parliament's approval. If the State which has left the European Union wants to join it again it has to make a new membership request and satisfy accession conditions. "Withdrawal" is a new "right" given to member states and it has the potential to rise serious discussions in the integration process.

The Lisbon Treaty, so long in the making, has both ardent proponents and vehement critics. Definitely one needs time for a fair judgement regarding its potential to meet the new challenges ahead of Europe and to derive its implication on relations between Turkey and the European Union. As Swedish Prime Minister Fredrik REINFELT emphasized, *"the Lisbon Treaty provides "a toolbox" but is not "a solution in itself"*. It seems that wise leadership and a sense of responsibility to something higher than one's domestic political audience will be needed to make Lisbon work for both the member and candidate states.