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ANOTHER EU SUMMIT IN VAIN FOR TURKEY

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Another EU Summit in Vain for Turkey

EU leaders have endorsed the decisions of the General Affairs and External Relations Council (GAERC) taken on 14 December 2010 regarding Turkey. Frankly speaking, neither the EU Summit on 16-17 December 2010, nor the preceding meeting of GAERC had been followed with a great interest in Turkey. Although the December 2010 summit of the EU was qualified as being a “critical appointment” between Turkey and the EU and the Enlargement Commissioner Štefan FÜLE warned the parties of a possible “train crash”, no one expected a significant development in Turkey. Most probably Turkey has got used to “critical appointments” and “train crashes” in recent years.

Hence it would be wrong to claim that the recent EU Summit had been expected with great enthusiasm in Turkey. Unfortunately in Turkey, nowadays the EU summits – even those which are expected to give a decision regarding Turkey- are being followed only by some EU experts and diplomats and bureaucrats who are dealing with EU. It is surprising to observe that the aforementioned EU summit went almost unnoticed in Turkish media with the exception of a few columnists. Even the Turkish government has not given a serious response to the recent EU summit.

In principle the end of 2010 EU Summit was important for Turkey since at the end of 2009 the EU leaders postponed a “critical decision “regarding Turkey’s accession negotiation process to 2010. This decision was about “further” sanctions or even a total suspension of the negotiation process as Turkey keeps its ports and airports closed to Greek Cyprus. In line with the decision it took at the end of 2006, the Union could suspend the whole accession negotiation process in case Turkey persists not to implement the additional protocol of the Ankara Agreement (keeps its ports and airports closed to Greek Cyprus).

However, as stated above at the end of last year the EU decided to postpone its aforesaid decision to the end of 2010. In our opinion , the reasons underlying this postponement was EU’s inclination not to destruct the ongoing reconciliation efforts in Cyprus and the already very slow pace of the accession negotiations which could not be deteriorated further. Eight chapters were already suspended by the EU at the end of 2006 because of the reflection of the Cyprus problem on the negotiation process in the form of “problem of closed ports and airports” and none of the chapters can be closed even provisionally in line with the same EU decision. Furthermore, since Spring 2007 Sarkozy’s France has been blocking five chapter because of their “direct bearing” on membership, whereas Greek Cyprus has been preventing the opening of five chapters due to political factors that have nothing to do with the opening benchmarks. It should also be noted that Sarkozy’s and Greek Cyprus’s stand contradict with the unanimously agreed “Negotiation Framework

Document “ that was adopted on 3rd of October 2005, the date when the negotiation process was initiated.

Consequently this year the EU was likely to take an important decision regarding Turkey's negotiation process and Turkey, most probably because of the obvious difficulty of making the current situation worse, showed almost no sign of concern. Conversely, foreign ministers of the four EU member states (Foreign Minister of Finland Alexander STUBB, Foreign Minister of Italy Franco FRATTINI, Foreign Minister of Sweden Carl BILDT and Foreign Minister of Great Britain William HAGUE) must have worried about the possibility of serious harmful developments in Turkish-EU relations that, in an op-ed article published in New York Times and International Herald Tribune on 10 December 2010, invited Europe “to look outward again”. In this article the ministers drew attention to the danger of excluding a country like Turkey which respects European values, plays an influential role in its region and has a strong economy. In this regard the ministers’ concerns are “European interests in security, trade and energy networks from the Far East to the Mediterranean. The most striking paragraph of abovementioned article is the following:

“The crucial question is not whether Turkey is turning its back on Europe, but rather if Europe is turning its back on the fundamental values and principles that have guided European integration over the last 50 years.”

Now let’s look at the actual text of the decision taken at the GAERC on 14 December 2010 and then later approved at the EU Summit on 17 December 2010. The part on Turkey is exactly in line with the 2010 Progress Report for Turkey:

The constitutional reform package was regarded as a positive step towards democratic consolidation, however the need for a broadest possible consultation that would include all relevant segments of society was emphasised. Turkey’s active regional role was underlined and the country was encouraged to develop its foreign policy as a complement to and in coordination with the EU.

Regarding the Cyprus conflict, it was stated that the failure of implementation of additional protocol would not be reflected on the negotiation process in the form of further sanctions in addition to those taken at the end of 2006. Lack of progress in normalisation of relations with Cyprus was also highlighted.

As anticipated, these statements do not introduce any change to the current status of Turkey-EU relations. It is not easy to make a positive evaluation concerning the absence of new sanctions on the negotiation process due to Cyprus problem, given the current circumstances expressed below.

There is an obvious stalemate in the accession negotiation process. There are three negotiation chapters (public procurement, competition, and social policy and employment) that can be opened in technical sense. The competition chapter which was expected to be opened during the Belgian Presidency will have to be dealt with during the Hungarian presidency due to Turkey's failure to fulfil all the opening benchmarks of this chapter. Therefore, this would be the second EU presidency – after Finnish presidency in the second half of 2006- during which no chapter could be opened. The greatest obstacle in opening negotiations on this chapter is the lack of the secondary legislation that would enable the “operational independency” of the “State Aids Monitoring and Supervision Board” established via the Law on Monitoring and Supervision of State Aids promulgated on 23 October 2010. It seems that EU is giving up its recently established tradition of opening a negotiation chapter if the majority of benchmarks are met, especially if there is only one chapter that can be opened during a presidency. Now EU requires fulfilment of all opening benchmarks. In line with this new approach of the EU, it would be very difficult to open the other two chapters, namely public procurement and social policy and employment. Regarding public procurement chapter, the political conjuncture does not seem promising to take a step to repeal all exemptions to the existing procurement legislation, which is one of the opening criteria of this chapter. The number of these exemptions – which is around 70 nowadays- has a tendency to increase continuously via legal amendments. On the other hand, the main opening benchmark of the social policy and employment chapter requires full trade union rights in line with the EU norms and the relevant conventions of the International Labour Organisation (ILO), in particular as regards the right to organise, the right to strike and the right to collective bargaining both in public and private sectors. Achievement of these seems problematic as well. Social parties cannot reach an agreement on trade union rights in the private sector. Furthermore, the preliminary legal work that would grant the right to strike to public employees could not be finalised as it necessitates an amendment in public personnel regime first.

Consequently, as referred to by one of the leading figures of the European Greens, Daniel COHN-BENDIT, the accession negotiations between Turkey and the EU exhibit a surrealist state. Therefore, it would be very difficult for “an additional sanction” to deteriorate the current situation further. In addition to the eight chapters which were suspended by the EU at the end of 2006, and the five chapter blocked by France, there are five other chapters that have been blocked with political motives, again in contradiction with the Negotiation Framework Document adopted unanimously by the EU. Probably the inability of the EU to prevent the aforementioned interventions that are in contradiction with its unanimous decision also avert it from imposing further sanctions as incapability might sometimes create a kind of “guilt feeling”.

It has also become clear that the so called Belgian initiative have also failed. The Belgian foreign minister, to bring an end to the deadlock in the Turkish-EU negotiation process, tried to finalise the suspension of eight chapters via convincing Turkey to open some ports and airports to Greek Cyprus through confidential negotiations with the European Commission. Even if Turkey had accepted the Belgian proposal, Belgium would have had to submit these decisions to the EU Council where a veto from Greek Cyprus seemed almost inevitable.

Another well intended EU initiative that was prevented by open “warnings” from the Greek Cypriots had to do with the adoption of the draft “Direct Trade Regulation”. Had this Regulation been approved by the European Parliament and the EU Council, it could have been an important step towards smoothing the impasses both in the Cyprus conflict and in Turkey’s accession negotiations. However, unfortunately the EU succumbed to Greek Cypriot pressure and suspended the negotiations on the draft regulation on 18th of October 2010 by using the legal services’ views – which are not binding- as an excuse. This situation might have exacerbated the so called “guilt feeling” referred above.

As a result of all these developments, the EU was not expected to take a decision that would further deteriorate the negotiation process between Turkey-EU at its December Summit and expectations were materialised. What would happen next?

The stalemate in the process resulted in a “blame game” in EU-Turkish relations. Turkey wants the EU to alleviate the political obstacles blocking negotiations process and fulfil its promises given in the aftermath of the referenda on Annan Plan in Cyprus, regarding ending the isolation of Turkish Cypriots. The Chief Negotiator Egemen BAĞIŞ himself confirms that once the isolation the Turkish Cypriots are removed, Turkey would open its ports and airports to Greek Cyprus. This is the official stance of Turkey which was iterated in the 2006 Action Plan of Turkey that was announced by the then Turkish Foreign Minister Abdullah GÜL.

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and as observed in the article written by foreign ministers of four EU member states, Turkey's exclusion due to political factors – other than the “ports problem”- rather than failure in meeting membership conditions is a serious problem. On the other hand in the EU there is a widespread consensus regarding the slowdown of EU reform process in Turkey. Some EU officials evaluate the current state of affairs as the following: "environment in the EU is not very conducive to enlargement, and Ankara's efforts to fulfil the membership conditions are not sufficient and they have a very slow pace”.

It seems that vision and political courage are required on both sides to bring an end to the current deadlock, instead of various fruitless summit meetings. There is a need of constructive and creative cooperation of those from both sides who support the continuation of Turkey's accession negotiations on fair grounds and who want a sustainable and comprehensive solution for Cyprus conflict.