



## **TURKEY – EU RELATIONS: HAS IT BECOME A HOPELESS CASE?**

EU accession goal has been presented as a strategic objective in the Programme of the 61st Government after the parliamentary elections of June 2011. Furthermore, the establishment of an exclusive Ministry for European Union Affairs has been regarded as Turkey's determination to carry forward the EU accession process as stated by the authorities themselves. According to the 2011 "Transatlantic Trends" survey<sup>2</sup>, public support for EU accession in Turkey – those who think that Turkey's EU membership "is a good thing" - which dropped from a 74 percent in 2004 to 38 percent in 2010, rose to 48 percent in 2011. The visit of Mr. Stefan FÜLE, Commissioner responsible for enlargement and European neighbourhood policy to Turkey in July -to find a solution to the so called "ports" problem in the accession negotiations- has also been considered as a confirmation of EU's will to keep Turkey's accession process on track.

All these developments could be interpreted as usual, even belated and inadequate, for a candidate country, which has started the accession negotiations six years ago. However Turkish-EU relations are progressing on a somewhat different path.

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<sup>1</sup> <http://www.tepav.org.tr/en/ekibimiz/s/1139/Nilgun+Arisan+Eralp>

<sup>2</sup> The German Marshall Fund of the United States, Transatlantic Trends 2011, September 14, 2011, [http://www.gmfus.org/cs/publications/publication\\_view?publication.id=1913](http://www.gmfus.org/cs/publications/publication_view?publication.id=1913)

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Turkey-EU relations have been going through a very problematic period at a time when Turkey's economic power, regional importance and self-confidence are increasing, whereas the EU has been trying to overcome the most significant financial crisis in its history. It is a well-known fact that the relationship between the parties has always exhibited a fluctuating trend, however the Turkey-EU relationship provides a unique case in the history of the enlargement of the EU in which a negative turn in the relationship took place after the initiation of the negotiations. In principle, the initiation of accession negotiations constitutes the beginning of an irreversible process in which the candidate country's membership perspective becomes clearer gradually. This has not been the case for Turkey.

EU and Turkey-EU relations have become almost a non-issue in Turkey's current agenda. It is also difficult to say that Turkey's accession process is discussed about much in the EU. The problems of the accession process, the blockage of nearly half of the negotiation chapters for political reasons and the slowdown of the reform process in Turkey have not been on the EU's agenda either. It is therefore no longer possible to appraise the EU accession process as a catalyst for reforms in Turkey. None of the political parties referred to EU in the last election campaign. More significantly, EU does not seem to have any place in the current constitution making process. In short, the EU no longer has any leverage in Turkey. It is also not clear whether the EU wants to have such leverage. Regardless of the rhetoric favouring the accession process on both sides, Turkey and the EU seem to disregard this process at the time of critical decisions.

The discussions on Turkey-EU relations are still dominated by the 2005 accession negotiations. A brief look at the negotiation process reveals the hopeless situation it is in. It is stalling mainly due to the unresolved Cyprus issue and the French unilateral veto on several chapters, which are claimed to prejudge membership. There are only three negotiation chapters (public procurement, competition, and social policy and employment) that can be opened in technical sense. These three chapters happen to be difficult chapters, which were left aside by the previous negotiating candidate countries until membership perspective becomes clear. Although Turkey does not have any other chapters to work on for the moment, it is very unlikely that these can be opened soon. The country has not been able to open any chapters during two consecutive presidencies (the Belgian presidency of the second half of 2010 and the Hungarian presidency of the first half of 2011). Any concrete development in the current Polish presidency is also unlikely.

The "Cyprus talks" which have a great potential to play a significant role in breaking the deadlock in the negotiations, do not seem to go anywhere. With the Cyprus reunification negotiations under way since 2008 at an impasse, dramatic steps are needed. A mutual absence of trust between Ankara and Nicosia is the single biggest obstacle to reunification of the island. There have been some positive developments recently. The most significant one being the tri-partite meeting of the parties in Geneva on 7 July with Secretary-General Ban Ki-moon, where they agreed on a series of all-day intensive meetings that will begin on 25 July and proceed through to 21 October.

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Furthermore, the Turkish Cypriot side for the first time proposed to negotiate the “territory” issue in principle. Most important than all is that it became clear to all parties that UN this time has set a concrete deadline for intensifying reunification talks as being October 2011 when there would be an intergovernmental conference. Despite all these positive developments, the plans of Cyprus for natural gas exploration in potentially vast natural gas fields below the Mediterranean Sea in collaboration with Israel and Turkish government's severe reaction to this have made a settlement nearly impossible, at least for the time being.

The most serious risk is the continuity of the unresolved nature of the Cyprus problem until the second half of 2012 when Cyprus Republic would assume EU presidency. Turkish Prime Minister, deputy Prime minister in charge of Cyprus affairs and Foreign Minister have separately stated Turkey's decisiveness to freeze its relations with the EU, during the presidency of Cyprus Republic without a settlement to the problem in the second half of 2012. All these developments indicate that Turkey's EU accession process has been taken hostage by the Cyprus problem.

Consequently, as referred above, although Turkey has been a negotiating country for the past six years, the EU is currently not on Turkey's agenda. The EU accession process has a very limited impact on Turkey's economic, political and social transformation.

The situation does not look different from the EU's perspective. The EU does not seem to react when Turkey takes some decisions that are not in line with the requirements of the accession process and hence with some EU norms. The first example of EU's inertia is the limitation of the independence of the regulatory institutions with a government decree dated 17th of August 2011. Although, almost all the progress reports emphasized the importance of the regulatory and monitoring agencies, replacing state regulation for a rule based free market economy and hence for the fulfilment of Copenhagen criteria, surprisingly EU has not shown any reaction when the independence of these bodies was seriously hampered as their decisions and actions made subject to the supervision of related government ministries by the aforementioned decree. A second example is the discussions of direct state aid to the iron and steel sector as a preventive measure against the current account deficit. The possibility of such an action is not only in contradiction with the opening benchmarks of the competition chapter, but also violates the provisions of a free trade agreement between Turkey and the EU covering iron and steel products. However the EU has not shown any response to this, not even a request for consultation.

It would be fair to assert that the main responsibility regarding the current state of EU-Turkey relations lie on the EU side. As mentioned above, two factors have had a seriously deteriorating impact on Turkey-EU relations. The first is the imposition of “opening ports and airports to Cyprus” as a precondition for the continuation of the accession negotiations. The second factor is related with the fact that “in everything

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but name, a solution in Cyprus has become a condition for Turkey's EU membership"<sup>3</sup>, although Turkey has supported the Annan plan –rejected by Greek Cypriots- which represented the best possible comprehensive solution to the Cyprus problem.

Furthermore, violation of pacta sunt servanda principle by some member states worsened the situation. Germany, making it vocal its special interest in the "privileged partnership" formula at every opportunity and French unilateral veto on several chapters which are claimed to prejudge membership - which is in clear contradiction with the negotiation framework adopted on 3rd of October 2005 with a unanimous vote of EU Council of Ministers- have turned Turkish public opinion against the EU. The reason of this negative attitude mainly in the powerful founding member states of the EU is enlargement being made the scapegoat for the institutional and then economic crises of the EU. Under these circumstances "Turkey became an easy target, since it was one of the remaining two countries and the more problematic one at the negotiation table"<sup>4</sup>.

The main flaws of the EU in this sense stem from its perspective: the way it looks at the issue from an identity viewpoint, which results in the evaluation of the European vocation from a cultural angle. The EU used to express itself less through identity and more through common projects (the single market, the Euro, enlargement, peace, social justice, gender equality, sustainable development, etc.)<sup>5</sup>. However, unfortunately, in time "a community of identity" has started to replace the enthusiasm over such projects. This stance, combined with the pressure of immigration, resulted in discrimination towards Turkey based on cultural and religious factors that have nothing to do with the accession process.

The EU's discriminatory attitude led to the weakening of the pro-EU coalition in Turkey. Defending the virtues of EU accession process has almost become politically risky and the process itself has started to suffer from lack of domestic ownership. Accordingly Turkey has slowed down the reform process, which would have improved the lives of its citizens. There has been a lack of progress in the fields of transparency, accountability, the fight against corruption, gender equality (women's participation in public life,) the freedom of expression, freedom of the press and labour unions. While the EU is rightly being criticized for its unfair treatment of Turkey, universal EU values have also very unfortunately shared their part of this criticism.

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<sup>3</sup> Tocci, N, 2011 " Turkey's Neighbourhood Policy : A European Perspective", German Marshall Fund of the United States on Turkey 5 April

<sup>4</sup> Eralp, A, 2011 "Turkey-EU Relationship at Crossroads", Europe's World (forthcoming article)

<sup>5</sup> Nicolaidis, C, "We, the peoples of Europe....." Foreign Affairs, 83/6, November-December 2004,

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Popular sentiment in the EU has meanwhile also turned against the enlargement process with a special emphasis on Turkey. Unfortunately this sentiment has further been exploited further by populist politicians.

All these developments indicate a very critical juncture for Turkish-EU relations without any doubt. However, it is still not possible to state that there is no hope regarding the future of the relations. For the accession negotiations to come to a complete halt either Turkey should withdraw from the negotiations or EU should suspend the process. Is this possible?

Withdrawing from EU negotiations would require a serious policy change in Turkey. EU accession goal, despite being on the rhetorical level, has become state policy. Still nearly half of the Turkish public believe that EU accession, which was the anchor of the political, economic and social transformation of the country, is a good thing. Turkey's attractiveness in its own region owes a lot to its EU accession process which plays a significant role in rendering the country as a source of inspiration for the Arab world. There are approximately four million Turks living in Europe, EU is still Turkey's main trading partner, it is a major market for Turkey's high value added, high-technology products, mainly two-thirds of Turkey's foreign investment comes from EU member states and the majority of tourists to Turkey come from Europe.

Some segments of Turkish society and some politicians believe that the financial crisis, with its effects on the Euro system, signals the end of the EU. The EU is indeed going through the most serious financial crisis in its history, but the EU is still the biggest economy in the world. It has the institutional structure for crisis management, led by Germany and France. The renewal of the European Stability and Growth Pact, established in order to ensure stability and harmony in the monetary policies of member states, as the "Euro Pact" has been gradually establishing a new governance mechanism for the oversight of macroeconomic policy. In the area of foreign policy, the EU has significant soft power tools at its disposal, which it has not made full use of yet. Throughout its history, the European integration process has evolved; the EU has leapt to further stages of integration via solving the crises it has faced with a method reminiscent to "improvisation". In this context, it is not too unrealistic to state that the Euro crisis might end up being a new opportunity for the EU.

For the EU, the initiation of the suspension of the negotiation requires a proposal either from the European Commission or from one third of the member states and necessitates an approval based on qualified majority from the Council of Ministers. It would be very difficult for the Council to take such a decision, given the current distribution of voting power. As it would necessitate 255 votes<sup>6</sup>.

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<sup>6</sup> The combined votes of Germany, France, Greece, Cyprus, the Netherlands, Austria – 97 in total – would fall far short of the 255 needed to suspend the negotiating process.

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The political and economic costs of abandoning the accession process thus are high for both parties. On the other hand, reinvigorating the negotiation process – despite the European Commission's well-intentioned initiatives such as opening the energy chapter – does not seem possible. Apart from many other things, mutual trust between the parties before the process can again gain pace. Therefore there is a need for a new impetus that would revive the relationship.

Some suggest that the starting point could be a close cooperation in the area of foreign policy. The international conjuncture seems convenient for such a positive development. In the turbulent international system, there is an increasing need for the EU and Turkey to bring their energies together on critical neighbourhood issues. There are new initiatives and studies to bring Turkey closer to the EU in the area of foreign policy and defence and overcome the "vicious circle" in the relationship. These proposals mainly emphasise the creation of an informal but regular and parallel track in the Turkey-EU relationship on foreign policy and defence. It seems that the leading member states such as France and Germany are also more positive in collaborating with Turkey in the aforementioned areas. Collaboration in these areas could be useful in building the much-needed trust in the relationship and could help to revitalise the relationship.

The EU is aware of the fact that it needs Turkey in order to be an effective actor in the outside world, especially since the latest developments in the Middle East and North Africa, the so called Arab awakenings. The increasingly inward-looking policies of the United States, coupled with limited military capacity of the EU heightens this need. One of the suggestions in this regard is cooperation with Turkey on making the Arab revolutions evolving towards creating economically prosperous and democratic countries. Such cooperation can be realized through projects such as a new neighbourhood policy for the region, which would include a customs union.<sup>7</sup>

In the fall of 2010, when the deadlock in accession negotiations had become obvious, in order to benefit from the increasing global economic and strategic significance of Turkey, Catherine ASHTON, High Representative of the Union for Foreign Affairs and Security Policy proposed closer relationship ("strategic dialogue") with Turkey, while leaving aside "problems associated with membership perspective for the moment". Turkish Foreign Minister Mr. Ahmet DAVUTOĞLU while voicing the first official response of Turkey to this proposal stated that given the slow pace of accession negotiations, the "strategic dialogue" between Turkey and the EU cannot be strengthened. However, in time Turkish official position regarding a "strategic dialogue" in foreign policy with the EU has changed and in May 2011 Turkish Foreign Minister made some practical proposals to make this dialogue operational. Although some of these proposals were not accepted by the EU (being invited to summits, secondment of Turkish diplomats in European External Action Service) some of them have become operational in time, like

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<sup>7</sup> Grant, M., 2011 "A New neighbourhood policy for the EU", Center for European Reform, March 2011

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the invitation of Turkish Foreign Minister to the Gymnich meeting (unofficial meetings of EU foreign ministers) in Poland in September 2011, where ways and means for a possible coordination between Turkey's foreign policy and EU's neighbourhood policy was discussed. We therefore can expect foreign policy to be an area where a new impetus can be given to the relations between Turkey and EU. A healthy cooperation in such an important area might lead to the building of mutual trust between the parties. Some EU officials also hint that this can accentuate Turkey's geostrategic importance, move it closer to the EU and in hence can be instrumental in easing the accession process.

The EU holds another opportunity for giving a new momentum to its relations with Turkey. This would be visa liberalization for Turkish citizens. Although Turkey has fulfilled most of the preconditions for such a move and committed itself to fulfil the rest (signing the readmission agreement), the EU still initiates a visa facilitation process not visa liberalisation provided to the Western Balkan countries. A credible visa liberalisation process would provide tangible evidence to ordinary citizens that the EU remains committed to a future integration perspective.

Some economists claim that one way to restore confidence and hope regarding the Turkey and EU relations is to remedy the malfunctioning parts of the customs union. In this sense, the EU can take a firm stance in enabling Turkey to conclude the free trade agreements of the EU with third countries. In the past, although concluding such agreements are a part of Turkey's obligation stemming from customs union, Turkey has not received any assistance from the European Commission and hence faced serious difficulties while trying to conclude these agreements with third countries. EU also can take a concrete step by lifting the truck quotas for Turkey that have a detrimental effect on free movement of goods.

Consequently, a courageous and visionary outlook, free from prejudices seems to be necessary to break the current deadlock in Turkey-EU relations. The relations can be given a fresh impetus, if both parties can benefit from the opportunities provided by the international conjuncture without omitting the fact that the membership perspective has been given to Turkey by the Association Agreement in 19648 and keeping in mind the mutual benefits of reinvigorating the accession process.

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<sup>8</sup> The European Commission felt the need to emphasise this fact in its "Enlargement Strategy" in 2007.