

The case of Turkey

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Turkey represents a special case in the process of European Union enlargement, and the decision to open accession negotiations with it has met with reservations.

It is true that Turkey has been seeking closer links with the West since the end of the Second World War. It became a member of the Organisation for European Economic Cooperation (OEEC) that was set up for the distribution of American aid in 1948, of the Council of Europe following its establishment in 1949 and of NATO in 1952. After Greece's 1961 signature, Turkey signed an Association Agreement, known as the Ankara Agreement, with the European Economic Community (EEC) on 12 September 1963. That provided for the gradual establishment of a customs union in industrial and agricultural products, freedom of movement and establishment for workers, freedom of movement for services and the application of the Community's rules on competition.

However, the Agreement provided only for the possible accession of Turkey to the European Community if that option were to be reviewed by the signatories.

From the outset, France was not in favour of the signing of such an agreement with Turkey. General de Gaulle, President of the French Republic, hoped to establish a Union of States for a common foreign policy which would consist of the six Member States of the Community. Once this political plan failed, he saw fewer drawbacks to Turkey's association with the Common Market, hoping particularly to strengthen political relations between Turkey and France. But the turnaround in France's position was also part of a 'deal' with Germany. France declared that it would be ready to accept the agreement with Turkey if Germany accepted the Association Agreement with the African States and Madagascar. This Agreement was signed in Yaoundé on 20 July 1963. Barely two months later, France was ready to sign the trade agreement between Turkey and the EEC.

Since then, relations between the Community and Turkey have become considerably closer with the signing of an additional protocol to the trade agreement and a financial protocol on 23 November 1970. This was followed by the establishment of the customs union between the Community and Turkey on 1 January 1996. In fact, Turkey conducted over half of its foreign trade with the Community, and its economy was enjoying strong growth. In the political area, on the other hand, there were many problems. Despite the existence of representative institutions, the democratic tradition never really took root in Turkey, and the army had to intervene periodically against successive governments in order to uphold the principle of a secular state as it had been established in 1928 by Mustafa Kemal Atatürk. There have been many violations of human rights. The Council of Europe criticised them heavily in 1982, after which the European Community suspended relations with Ankara. The Turkish Government did not recognise the reality of the 12 million-strong Kurdish minority (20 % of the population) until 1991, and, even then, it did not grant it any rights, confining its action to the military repression of the campaign of terrorism conducted by the Kurdistan Workers' Party (PKK). Finally, Turkey did not hesitate to invade the northern part of Cyprus in order to protect the Turkish minority when Greek nationalists in Nicosia staged a military coup in 1974, and also to establish settlers from Anatolia on the island and proclaim the Turkish Republic of Northern Cyprus, which Turkey is the only country to recognise legally.

The issue of Turkish accession to the EEC has been on the table since 14 April 1987, when it applied for accession. At that time, the Commission of the European Communities, in its report of 18 December 1989, did not question the eligibility of Turkey for accession but considered its application premature. It pointed out in 1997, in Agenda 2000, that Turkey had to continue its process of democratisation and protection of human rights, establish relations of good neighbourliness with Greece and seek a just settlement of the Cyprus problem.

When the European Union's major enlargement process to include the countries of Central and Eastern Europe got under way, the Helsinki European Council (10–11 December 1999) decided to extend the accession negotiation procedure to the 12 applicant countries but put the Turkish case on hold. Even so, giving way to the insistent demands of the Ankara Government and the urging of certain countries such as

France and Germany, and taking account of the more flexible attitude of Greece, which no longer threatened to veto Turkish accession given that negotiations had been launched in Cyprus, the Helsinki European Council granted Turkey the status of 'candidate State' with the financial advantages of pre-accession but without a date being set for the opening of negotiations. This decision, which was taken without any real public debate on the problem, was a key event since it established the right of Turkey to accede to the European Union; its actual accession being simply dependent on its ability, like the other applicant countries, to meet the 1993 'Copenhagen criteria' on respect for human rights, the democratic functioning of institutions and the opening of the economy to the market. The issue of the frontiers of Europe was not raised, nor that of the cohesion of the Union, although one of the conditions set out in the Copenhagen document was 'the Union's capacity to absorb new members, while maintaining the momentum of European integration'.

The Helsinki decision satisfied Turkey's westernised elites. But a new element appeared following the elections of 3 November 2002 when the Justice and Development Party (AKP — *Adalet ve Kalkınma Partisi*) came to power, a party with Islamic influences whose leader, Recep Tayyip Erdoğan, nevertheless affirmed that he intended to respect the principle of secularism and to speed up democratic reforms in order to place Turkey in a position where it could join the Union. But uncertainty led the Copenhagen European Council (12–13 December 2002), which was to take a decision on the accession to the Union of 12 new Member States in 2004 and 2007, to postpone its decision on Turkish accession until December 2004, to the bitter disappointment of Erdoğan. After that, Turkish pressure became increasingly intense, especially given Erdoğan's claim to have implemented the reforms demanded by the European Union.

However, the Turkish issue had begun to arouse debate in Europe. The advocates of accession stressed the value of helping moderate Muslims in the face of Islamist threats, in order to avoid a 'war of civilisations', and of giving a European Union with Turkey a role in the Middle East, thereby strengthening its international influence in the settlement of conflicts. This would be a major geopolitical advantage. But the opponents of accession countered with the argument that, while it was necessary to aid Turkey, that should be done as part of a strengthened partnership, because its inclusion in the European Union could heighten mistrust in the Arab countries towards the former Ottoman occupier that had now become a Western democracy. Also, its inclusion in Europe would be no guarantee of Turkey's immunity to fundamentalism. Finally, the Union would have common borders with a number of sensitive areas — Georgia, Armenia, Iran, Iraq, Syria — which would pose neighbourhood problems. The presumed gain of enlargement to include Turkey might prove illusory.

Furthermore, Turkey's accession would certainly have major consequences for the European Union in financial terms (aid to Turkey would be added to that earmarked for the new Member States in Central and Eastern Europe) and, especially, in political terms where a population in 2020 of 86 million Turks would weigh heavily against 82 million Germans, 63 million Frenchmen, 58 million Britons and 54 million Italians. Given that the majority rule in the draft European Constitution and, more recently, the Treaty of Lisbon, is based on size of population, the Turks would represent a decisive factor in the adoption of laws and in the decision-making process. Some considered that the identity of Europe and the homogeneity of the Union were at stake, and these were essential conditions for its very existence.

On 6 October 2004, the Commission published its report on Turkey's progress towards accession. The picture was a mixed one. The reforms introduced at a rapid rate by the Erdoğan Government from 2002 onwards had become law, but their practical application was inadequate. Torture had been abolished, but it was still practised, despite the increase in the number of complaints. The death penalty had been abolished, as had the State Security Courts. A new Civil Code had been adopted and the Penal Code had been reformed, but prosecutors interpreted the reforms restrictively. Practice on the ground was changing only slowly. The situation of minorities had improved, but there were still considerable restrictions on the exercise of cultural rights. The state of emergency had been abolished in Turkish regions with a majority Kurdish population. The Kurds could now use their language in education and radio broadcasts under certain conditions. The rights of non-Muslim religious communities, which were, in principle, guaranteed by the Constitution, were far from guaranteed. Progress had been made in the field of civil liberties, but journalists were often the subject of judicial proceedings. Discrimination remained. Finally, domestic violence towards

women, such as forced marriages, polygamy and honour killings, was still a major problem.

Overall, the Commission concluded that the implementation of the reforms needed to be further consolidated and that the irreversibility of the process would need to be confirmed over a longer period of time. To this end, the Commission recommended that the EU should continue to monitor the progress of the reforms closely with an option open to the Council of suspending negotiations in the event of violation or disregard of the criteria relating to freedoms and respect for human rights. 'We must stress that the outcome is not a foregone conclusion,' said Prodi, President of the Commission from 1999 to 2004. As regards the date of accession, the Commission believed that this could not be incorporated into the 2007–2013 financial perspective. The implications for the Community budget could be assessed more accurately in the following period. Aid to Turkey would be considerable, since its GNP per head of population did not currently exceed 28 % of that of Europe after enlargement.

Since the only formula in prospect was accession, it was all the more necessary that the criteria be met. The democratisation process would have to be brought to a successful conclusion. In the event of a serious and persistent breach of the principles of freedom and respect for human rights, the Commission would recommend the suspension of negotiations, and the Council would act by a qualified majority. This clause did not appear explicitly in the process of Union enlargement to include the countries of Central and Eastern Europe. In economic terms, Turkey would have to be able to cope with competitive pressure and market forces and would have to transpose into its national law the 80 000 pages of European legislation which make up the Community *acquis*. Even so, it was expected that lengthy transitional periods for the application of European standards would be negotiated and, in particular, that exemptions would be put in place and even permanent safeguard clauses proposed by the Commission (especially in order to guard against an influx of Turkish immigrants and to limit regional and agricultural aid).

Finally, one prior consideration had to be accepted by Turkey: recognition of the Republic of Cyprus as a Member State of the European Union. After lengthy discussions, the Turkish delegation agreed only to *de facto* recognition by signing, prior to the start of negotiations, a protocol adapting the customs union agreement between Turkey and the European Union to take account of the accession of the 10 new Member States, including Cyprus.

Taking note of Turkey's efforts, the Heads of State or Government, meeting as the European Council in Brussels on 16 and 17 December 2004, approved the opening of accession negotiations with Turkey on 3 October 2005.

In October 2005, in Luxembourg, the 'screening' process was therefore launched. This examination of the compliance of Turkish legislation with the Community *acquis* is the preparatory phase of the accession negotiations. Screening is the basis for bilateral negotiations between the European Union and each candidate country and seeks to identify the areas of the *acquis* in which progress needs to be made in order for the legislative systems of the candidate countries to be compatible with Community rules. These areas are divided into chapters which are negotiated on an individual basis.

In June 2006, the negotiations on the 'Science and Research' chapter were closed after a positive evaluation. But on 4 September of the same year, the European Parliament voted in favour of a report which stated that Turkey had not made sufficient progress in the fields of freedom of expression, minority rights, corruption and violence against women. On 8 November 2006, the Commission published a critical report on Turkey's progress towards accession. In late 2006, the progress of the negotiations was hindered even more when Turkey refused to apply the additional protocol in the July 2005 Ankara Agreement to Cyprus. The European Council decided not to open negotiations on eight chapters and maintained that the chapters on which negotiations were already being held would not be able to be closed before the application of this additional protocol.

Since this dispute regarding Cyprus, negotiations have continued with difficulty. In March 2007, negotiations on the chapter 'Enterprise and Industrial Policy' were opened, followed by the chapters on 'Statistics' and 'Financial Control' in June 2007. However, the next stages of the accession negotiations

look set to be complicated.

Some political figures have confirmed their opposition to the possible enlargement of the European Union to include the Republic of Turkey. This opposition particularly came to the fore in the run-up to the European Council of 16 and 17 December 2004 on the opening of accession negotiations with Turkey. In France, Jacques Chirac, President of the French Republic from 1995 to 2007 and very much in favour of Turkish accession, had opted for a referendum to ratify the Constitutional Treaty in preference to the parliamentary route, which would have posed no problem, since he expected a referendum to have a favourable outcome which would, in turn, strengthen his position. But it then became apparent that Turkish accession, which was rejected by half the French population, was likely to boost the anti-Constitution vote among his own followers. Hence his promise to let the French people vote in a referendum on all future accessions, including that of Turkey, once the treaty was signed in 10 or 15 years' time, i.e. once the process had been completed and a late veto would precipitate a grave crisis. He nevertheless insisted on the need for Turkey to be scrupulous in meeting the criteria, in particular in the field of human rights. Nicolas Sarkozy, who became President of the French Republic in May 2007, has expressed his reservations on the possible accession of Turkey to the European Union.