

## **A PERIOD OF REFLECTION FOR TURKEY**

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In December 2009 the Council of the European Union is committed to evaluate the progress that Turkey made toward accession. Turkey's progress will be weighed against the criteria that are spelled out in the Negotiating Framework, on the basis of a Progress Report from the European Commission in autumn and the relevant Council decisions on Turkey from December 2004 onwards. This will be a difficult moment for the Union. It will be another summit on Turkey. Of course, any decision of the 27 member states of the Union will be a political one, and it will probably reflect a compromise between two "extreme views." On the one hand, the UK and Sweden support the continuation of Turkey's accession negotiations, irrespectively of the degree of progress that that latter made so far. On the other hand, France and Germany suggest that the ultimate goal of negotiations must be a special partnership, instead of full membership. This commentary suggests that, the EU member states must consider the option of a period of reflection for Turkey in order to give time to all relevant parties to make up their mind on how to continue with the negotiations.

### **A problematic situation**

France and Germany, on the one hand, and the UK and Sweden, on the other, are the major representatives of the two poles of the ongoing debate on the future of Turkey's accession negotiations. Recently, President Sarkozy and Chancellor Merkel stated that the EU cannot stretch its boarder to include Turkey and they thus suggested that the relevant closure of the Negotiating Framework must be evoked. Paragraph 2 of the Negotiating Framework provides that accession negotiations between the EU and Turkey "are an open-ended process" and the outcome of these negotiations "cannot be guaranteed beforehand." The fulfillment of the Copenhagen criteria is considered a vital yardstick against which the outcome of the negotiations must be weighed. Furthermore, the Negotiating

Framework states that any decision on Turkey must be examined in view of “the absorption capacity of the Union.” In addition, the same paragraph reads that “if Turkey is not in a position to assume in full all the obligations of membership it must be ensured that Turkey is fully anchored in the European structures through the strongest possible bond.” On the basis of these provisions, France and Germany suggest that, it is not only that Turkey does not fulfill the Copenhagen criteria at the moment or that the Union seems not to be in position to absorb a country like Turkey, but, first and foremost, the (potential) accession of this country to the EU entails some political, economic and social risks that the Union will find it difficult to come to terms with. In short, France and Germany seem to suggest that the ultimate goal of the EU-Turkey negotiations must be switched from full membership to a special relationship.

The UK and Sweden, on the other hand, maintain that the EU must stick to its original decision. The Negotiating Framework clearly states that “the shared objective of the negotiations is accession.” These two countries contend that, it is not only that the EU must stand to its commitments, but, first and foremost, Turkey’s accession to the Union will yield some considerable benefits for the EU and its member states. In other words, these countries stress that the EU must continue the process with Turkey. Otherwise, they argue, the credibility of the Union will be at stake, as well as the latter will waste the opportunity to reach out to areas of geostrategic importance. The UK and Sweden stress that, the suspension of Turkey’s accession negotiations or the revision of the original objective of these negotiations engenders some risks that the Union needs to avoid.

The European Commission maintains a moderate perspective on the situation, but it definitely takes sides with the countries that favor the continuation of the process toward accession. However, both the technocrats of the DG Enlargement and Commissioner Olli Rehn know that Turkey cannot keep pace with the basic needs of the negotiations. During the latest EU-Turkey Association Council in May

2009, Mr. Rehn passed a strong message to Turkey. He stressed that Turkey needs to attach a substantial effort in making the necessary reforms in fundamental sectors. According the Newsletter of the European Commission (June 26, 2009), there is a long list of obligations for Turkey that includes "judicial reform, the anti-corruption strategy, effective protection of citizens' rights, and implementation of the policy of zero tolerance of torture and ill-treatment." Moreover, Turkey needs to take the necessary measures in order to guarantee "the freedom of expression and of religion—in law and in practice—of all religious communities, respect for property rights, respect for and protection of minorities and strengthening of cultural rights, women's rights, children's rights and trade union rights, and the civilian authorities' control of the military." In other words, Turkey lacks behind in major criteria for membership and it definitely needs to take some bold steps in order to fulfill the Copenhagen criteria. Beyond these limitations, however, Commissioner Rehn reiterates on every occasion that the "European Commission is committed to the EU accession process of Turkey...on the basis of the negotiating framework that was adopted by unanimity by all member states and Turkey in October 2005."

In December 2009, the EU member state will evaluate Turkey's progress not only in terms of the formal criteria for accession, but also on the basis of the progress that Turkey made in fulfilling some contractual obligations that it obtained voluntarily as a precondition for opening accession negotiations. In particular, the Council will assess the progress of Turkey in fulfilling its obligations that derive from the signature of the Additional Protocol to the Ankara Agreement. This Protocol spells out the conditions under which Turkey must extend its Customs Union Agreement with the EU in order to cover all new member states of the EU, including the Republic of Cyprus. The Council will also examine whether Turkey began a process for normalizing its relations with Cyprus. This obligation is part and parcel of the political criteria for accession. Three years ago, the Council decided to freeze negotiations over 8 chapters of the acquis as a result of Turkey's failure to fulfill its contractual obligations. The Council also decided to

consider further punitive measures in case that Turkey does not make any progress on the relevant issues that are spelled out in the Declaration of the EU (September 21, 2005). According to the Council decision of December 2006, these measures will affect the overall process of accession negotiations.

The analysis shows that there is a lot of friction over the progress of Turkey and it seems that the 27 member states of the EU will find it difficult to reach a unanimous decision on the future of accession negotiations.

### **Why consensus is difficult to reach**

There is no doubt that things will not be easy in the December meeting. It is in the best interest of the EU, however, to have a unanimous decision on Turkey that will bridge the views and interests of all parties concerned. On the one hand, the Swedish Presidency of the Union, the Enlargement Commissioner and the UK argue that there is no other option but the continuation of the negotiations. In particular these parties contend that, the unanimous decision to open accession negotiations with Turkey can be altered only with an equivalent decision. France and Germany, on the other hand, argue that, according to the Negotiating Framework, the negotiations with Turkey take place within an intergovernmental conference and this implies that the continuation of these negotiations require the consent of all EU member states. In other words, even a member state is in position to block Turkey's accession negotiations on the basis of national interest or an interpretation of the Union's interest. As things stand, France and Germany argue, the best interest of the EU is to switch the objective of Turkey's negotiations from accession to a special relationship. These two countries, however, did not make clear their intentions about the December meeting. Furthermore, Nicosia insists that Turkey must fulfill its contractual obligations that derive from the signature of the Additional Protocol to the Ankara Agreement and normalize its relations with the Republic of Cyprus. The government of Cyprus, however, seems to be reluctant to go it alone in the December meeting.

Last but not least, Greece, one of the fervent supporters of Turkey's accession negotiations, is gradually becoming skeptical about the results of the ongoing process. Recently the government of Mr. Karamanlis expressed its disappointment for Ankara's failure to live up to some basic expectations, such as to stick to its bilateral agreements with Greece on illegal immigration, become committed to good neighborly relations and avoid tension in the Aegean Sea. The Greek government deals with some serious domestic affairs and, on the basis of past experience, we should not rule out the possibility of a harder position on Turkey.

The issue of Cyprus, however, is a likely candidate for igniting tension in the December summit. Some argue that there is a possibility that France and Germany may use this issue as an excuse for blocking Turkey's negotiations. A similar view was expressed by Philip Gordon some weeks before the summit of October 2005 (*International Herald Tribune*, August 15, 2005). But this scenario was merely based on rumors with no practical implications. It is thus very difficult to see how such a scenario will be materialized in December 2009.

Nevertheless, so long as the Cyprus problem is not settled there is always the possibility that, at some point in the future, this issue may spark a political tension that will ultimately affect Turkey's negotiations. Bearing this in mind, the Swedish Presidency and the UK push for the acceleration of the process of bi-communal negotiations in Nicosia so that a settlement of the Cyprus problem is reached before the end of 2009 or in the first semester of 2010. The Commission is also supportive of this idea because it deems that such a development will remove an important obstacle to Turkey's accession negotiations.

But even if the Cyprus problem is settled, it is difficult to see how the concerns of France and Germany will be eased. Their objections to Turkey's accession to the Union are not based on the Cyprus problem. These countries are primarily concerned with the political, economic and social ramifications of such a

development and these concerns will not disappear with the settlement of the Cyprus issue. There is no doubt that the solution of the Cyprus problem will likely have a positive impact on the situation in Cyprus and Greco-Turkey relations. The impact of such a development on EU-Turkey relations, however, will be evanescent. It will probably take several years before the political situation in Cyprus is ameliorated and we should expect that the period of transformation will be a difficult one. In short, there is no guarantee that a settlement of the Cyprus problem will lead to the acceleration of Turkey's accession negotiations.

In sum, as things stand at the moment there is little possibility for a consensus on Turkey. The latter makes relatively slow progress and is not in a position to accelerate the pace of reforms or to fulfill basic obligations. In December 2009, some countries like the UK and Sweden, as well as the Commission, will advocate the continuation of the negotiations with the aim of accession. Other countries, such as France, Germany, Cyprus and perhaps Greece will probably ask for the imposition of a new conditionality on Turkey. In such a case, the process of accession negotiations will be perplexed further. A new conditionality on Turkey may lead to a new period of tensions in the EU. Even if the Cyprus problem is settled, such a development will have an evanescent impact on EU-Turkey relations. Turkey may be rewarded for contributing to the solution of a political problem in Cyprus, but this will not suffice for entering the Union. Yet, the Cyprus problem is a complex issue and the EU must look for more practical solutions to the ongoing situation.

### **Considering a period of reflection**

On the basis of this analysis, the EU must consider an alternative option. It is common place that when the EU deals with a difficult situation that threatens the Union with a deadlock or stalemate, the best available option is to declare a period of reflection. Four years after the EU came to an agreement with Turkey in order to open accession negotiations developments have not been as expected. Turkey does not look ready to take the necessary steps for reforming its political

system, laws and institutions, neither does it appears eager to adjust to some basic European standards of behavior in domestic and foreign policy. There is no doubt that both the EU and Turkey have some common political, economic and geopolitical interests, but it seems that these interests do not suffice for the ultimate accession of Turkey to the Union. The EU has similar interests with several countries but it does not consider inviting them to enter the Union. Besides, the policy of enlargement is based on a deeper rationale that concerns, among other things, the ability of (potential) member states “to adhere to the aims of political, economic and monetary union and the administrative capacity to effectively apply and implement the *acquis*” (extract from Turkey’s Negotiating Framework). Furthermore, the EU deals with some serious political and economic problems, such as the ratification and implementation of the Lisbon Treaty—that will require a period of political and institutional adjustments—and the current economic crisis. Moreover, the outcome of European elections showed that there is a growing gap between the European citizens and the institutions of the Union. All these issues are pressing ones and the EU should deal with them in a constructive manner. In other words, the EU must concentrate on the consolidation of its project of political, economic and monetary union and this requires an extra effort.

In order to deal with these challenges and the problems that they entail, the EU needs to contain all the potential sources of dispute among its member states. The future of EU-Turkey relations is a very serious matter to deal with amid a difficult period of time like the ongoing one. It follows that it is in the best interest of the Union to call a time-out in order to deal with internal affairs. On this account, the EU must consider the option of period of reflection for enlargement in general and for Turkey in particular. Accession negotiations will not be suspended or terminated for any candidate country, but instead the process of enlargement will be halted in order to give some time to each side to focus on some vital issues of concern. In particular, Turkey will use this period of time to focus on domestic reforms and political adjustments. Some say that it is

only under the “pressure” of the EU that Turkey will pursue any types of reforms. After four years of negotiations, it seems that this view is not confirmed. In hindsight, the Turkish society can change only if it believes that this will be in its best interest; not because it is forced to do it. Besides, some actors in Turkey appeal to the “EU pressures” as an alibi for opposing change. A period of reflection will help Turkey to decide whether it really wants to commit itself to a course of reforms that will lead to its accession to the EU.

The EU will use the period of reflection in order to deal with some pressing issues and prepare itself for the next wave of enlargement. A lot of new member states, such as Bulgaria, Cyprus, the Czech Republic, Poland and Rumania—just to name some—deal with some pressing problems that the Union cannot do away with. The Union cannot go ahead with a new wave of enlargement unless it shows that it is capable of ameliorating difficult situations. More importantly, the EU needs to reclaim the political legitimacy for making crucial decisions. In other words, the Union is in need of the peoples’ support. European citizens do not feel confident about the EU and its policies. It is high time for the EU to take responsibility for its own affairs and reclaim the political legitimacy to rule.

To recapitulate, this commentary suggests that the EU must consider a period of reflection for Turkey in order to deal with some pressing problems of its own. A period of reflection will not imply the suspension of the negotiations but a temporal halt of the process of enlargement. Besides, the EU has no concrete plan on any future enlargement and this must be overtly acknowledged. The Union can avoid unnecessary frictions in the coming years if it makes a wise decision and prepare the ground to be accepted by all concerned parties. A period of reflection may reduce tensions in relation to the case of Turkey and give some time to all sides to reconsider their views and interests.