

Turkish Accession Prospects to the EU in the Current Scenario

A Policy Brief

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Introduction

The question of Turkish accession into the European Union (EU) has been a subject of wide debate in academic and policy circles for more than forty years.¹ Turkey's sizable landmass, strategic location, growing population, economic vibrancy and uniquely cultural identity presents the European Union with challenges and opportunities alike.² These factors also feature in arguments, both for and against EU accession. There are strong arguments that Turkey's growing economy would help bolster the faltering EU economy and that Turkish links to the Middle East would help Europe penetrate a region it has long desired increased involvement.³ On the other hand are equally strong arguments regarding Turkey's and Europe's different cultural and religious identities as well as existing economic and democratic disparities.⁴ Therefore, it is fair to say that the question of Turkish accession presents policy makers, world leaders and academics with a challenging conundrum to solve. The forty year long conversation regarding accession makes it a complex process in itself. This seemingly unending conversation has been handed down the years through successive generations of statesmen and policy makers. This long drawing-out, offset against changing world order, has contributed to the present situation of growing skepticism regarding Turkish accession prospects both in Turkey as well as in the EU.⁵

Key issues⁶ continue to haunt the accession negotiations and progress towards absorbing the *Acquis Communautaire* has been exceedingly slow.⁷ Given the changing economic⁸ and political climate⁹ as well as the changing tone of Turkish leadership reflecting growing *Euroskepticism* in Turkey,¹⁰ the accession process cannot stay open-ended if it is to have any chance of success. To this endeavor, both

¹ Since 1987, when Turkey made its bid for membership into the European Economic Community that later became the European Union.

² Christensen, 2009, p.1.

³ Berghaus, 2013, p.5-6.

⁴ Christensen, 2009, p.1.

⁵ According to Eurobarometer surveys, Turkish public support for EU membership has declined from 80% at the start of accession talks to 42% in 2010 see, Sadik, 2013; recent surveys show that only one third of European citizens support Turkish membership; see Gerhard & Hans, 2011 and Kavas & Kavas survey, 2012.

⁶ Including but not limited to the issues of Cyprus, human rights, political and economic reform as well as minority protection; see European Commission Progress Report on Turkey.

⁷ Of the 35 chapters of the *Acquis*, only 14 have been opened, 8 have been suspended and only 1 provisionally closed.

⁸ Turkey recovered from the 2008 financial crisis fairly swiftly as compared to the continuing effects of the crisis in the EU.

⁹ Ukraine turnaround, Russia's customs union.

¹⁰ Sadik, 2013, p. 81-82.

parties have reopened negotiations after a three year stalemate with a conference having recently taken place at Brussels on November 5th 2013.¹¹ At the conference, both negotiating sides reinforced their commitment to the accession process. This enthusiasm for accession continues to feature in official discourse but analysts simultaneously interpret Turkish forays in Eurasia and the Middle East as scouting for possible options and/or alternatives to EU membership.¹² With the Vilnius summit having concluded in Ukraine's turnaround on signing the EU association agreement, the EU needs to factor in that there are other suitors vying for partnerships with countries such as Turkey and Ukraine.¹³ It is also clear that the current approach is not working in the case of Turkey. Both countries need to confront this if they are to keep future accession and/or integration prospects viable. This policy brief shall re-evaluate the status quo, taking the most recent developments into account and will make recommendations aimed at finding a resolution.

1. Historical Overview:

THE PATH TO ACCESSION

- 1987: Turkey applies for membership of the EEC.
- 1989: The European Commission acknowledges Turkey's eligibility for membership but does not proceed with the application citing economic, political & human rights issues.
- 1995: Customs Union is established between EU and Turkey.
- 1997: The European Council denies candidate status to Turkey. Turkey suspends dialogue with the EU and cancels participation in the European Conference.
- 1999: Turkey is given candidate status at the Helsinki but with no date for the initiation of accession negotiations.
- 2001: The Council adopts the Accession Partnership for Turkey.
- 2002: Prime Minister Erdogan initiates comprehensive reforms.
- 2002: The European Council concludes that the accession negotiations will be opened by December 2004 provided Turkey meets the Copenhagen Criteria.
- 2005: Accession negotiations begin with Turkey.
- 2006: The Council suspends eight negotiation chapters due to the Turkish refusal to apply the Additional Protocol to Cyprus.
- 2006: Negotiations opened on chapters of Intellectual property and Company law.
- 2007: Five chapters are opened: Trans-European Networks, Consumer and Health Protection, Financial Control, Statistics and Enterprise and Industry.
- 2009: The EU reaffirms the freeze on the opening of the eight chapters.
- 2012: Launch of Positive Agenda to reinvigorate accession process.
- June 2013: Reopening of negotiations delayed due to Gezi Park demonstrations handling.
- November 2013: Reopening of negotiations with Chapter 22 at Brussels.

Sources: Christensen, 2009; Archick, 2013

¹¹ Opening of the 22nd chapter of the *Acquis Communautaire*.

¹² Sadik, 2013, p. 79-85.

¹³ Populous and large countries with important geopolitical strategic potential.

2. *The EU Accession Process: An Overview*¹⁴

The Treaty on the European Union states that any European country that demonstrates respect and commitment towards the promotion of the democratic values of the EU may apply for membership. The key criteria for accession are known as the '**Copenhagen criteria**¹⁵ which candidate countries are necessitated to possess prior to accession. These are;

1. **stable institutions guaranteeing democracy**, the rule of law, human rights and respect for and protection of minorities.
2. **a functioning market economy** and the capacity to cope with competition and market forces in the EU.
3. **the ability to take on and implement effectively the obligations of membership**, including adherence to the aims of political, economic and monetary union.

Additional accession principles such as the **principle of differentiation**¹⁶ and **absorption capacity**¹⁷ were added in 1999 and 2006 respectively.

The member states of the EU need to reach a unanimous consensus while admitting new member states and it has been claimed that member states and their interests play a crucial role in the admittance of new members.¹⁸ The **European Commission plays the role of gate keeper and agenda-setter** in the enlargement process. Country specific progress reports, prepared by the commission each year, inform the Council and the European Parliament regarding the progress made by the candidate country towards fulfilling the Copenhagen criteria. The "relatively vague formulation of the criteria" has been claimed to elicit flexible interpretations and has thus from time to time been criticized for applying dual standards while assessing progress made by candidate countries.¹⁹

The first step is the "**screening**" of each of the 35 chapters of the *acquis*. This preliminary assessment checks the readiness of the Candidate Country. Each chapter contains a specific part of EU

¹⁴ See, <http://www.avrupa.info.tr/en/turkey-the-eu/accession-negotiations/how-does-it-work.html>.

¹⁵ See, http://ec.europa.eu/enlargement/policy/conditions-membership/index_en.htm.

¹⁶ Work at your own pace strategy which enabled Turkey to get candidate status but also enabled the EU to not commit to a specific date of entry.

¹⁷ Controlling mechanism for member states to delay membership, favoring deepening rather than widening of the EU according to the situation.

¹⁸ Christensen, 2009, p. 4.

¹⁹ Ibid.

legislation. **Two meetings are held for each chapter in this phase.** An initial meeting is held with the candidate country where the Commission's main objectives and requirements of EU policy are set out. In the second meeting the candidate country states its degree of preparedness and elaborates on its plans for alignment. A **screening report is prepared by the Commission**, which recommends that the candidate country, is either sufficiently prepared to open negotiations on the chapter or is not in the position to do so. In case of insufficiencies, the Commission can propose **“opening benchmarks”**, which are specific requirements that the candidate needs to achieve in order for the chapter to be opened.

With regards to the opening and closing of chapters, **the member states, through the Council, examine the findings in the screening report of the Commission.** Based on unanimity, the Council decides to accept the recommendations of the Commission or not. If the Council decides to open the chapter for negotiation, it invites the candidate country to present its Negotiating Position (NP). Upon its receipt, the Commission prepares a Draft Common Position (DCP) for the Council. The Council deliberates on the DCP and (on the basis of unanimity) adopts the European Union Common Position (EUCP). With this accomplished, **the Council and the Candidate Country at the Accession Conference can proceed to formally open the chapter for negotiation.**

“Closing benchmarks” may be included in the EUCP (requirements that the Candidate Country needs to fulfill before a chapter can be provisionally closed). Several rounds of papers are usually exchanged until clarity is achieved. The *acquis* is not negotiable and the Candidate Country (as per the principle of accession) is expected to align fully with all EU legislation. However, **transitional arrangements can be utilized** where necessary, taking into account the interests of the Union as well as those of the candidate country. Each chapter is provisionally closed as agreements are reached; **but nothing is agreed until everything is agreed.** Chapters of the evolving *acquis* may be reopened if necessary.

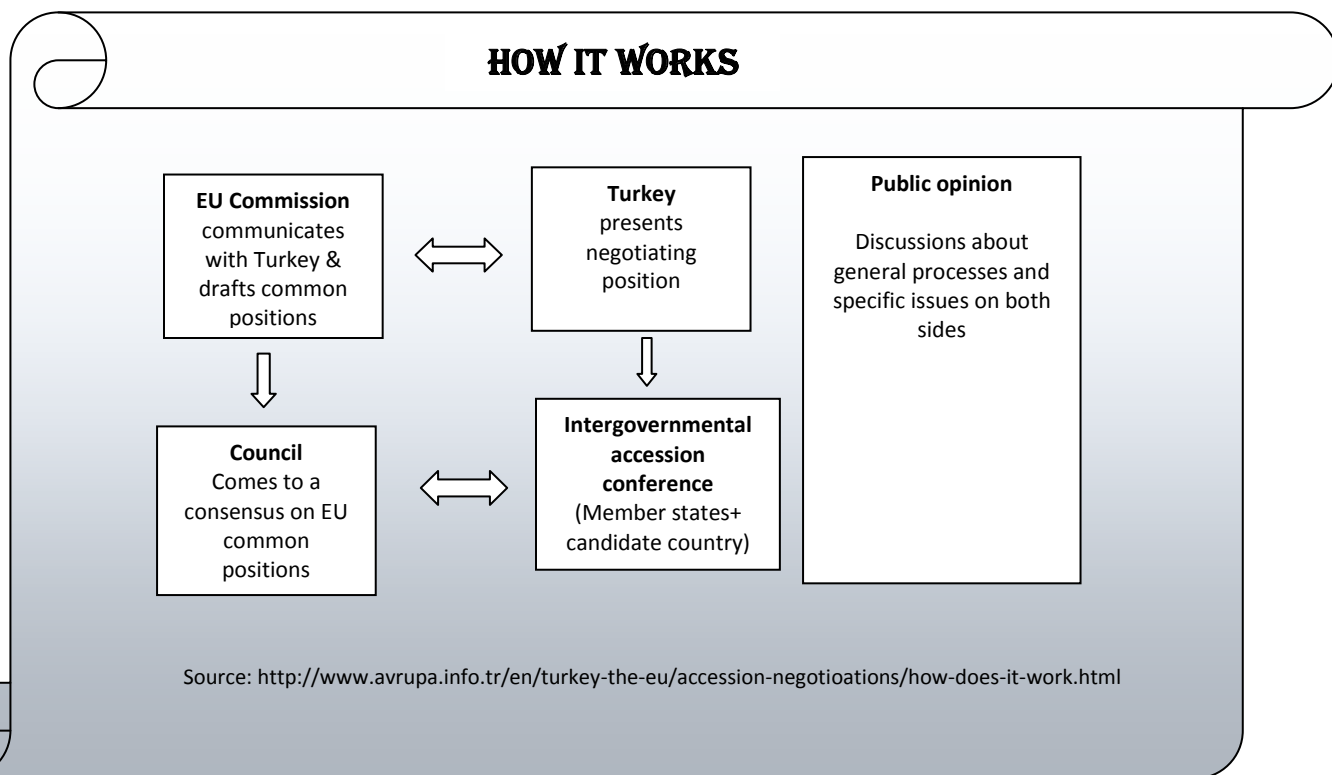
Once agreement has been reached on all chapters of the *acquis*, the **results are incorporated into an "Accession Treaty"**. This process usually takes some years. Prior to signing the Accession Treaty, the Commission gives its final opinion on the membership application. The European Parliament needs to consent and, ultimately, the European Council must reach a unanimous decision on the application. The acceding country becomes a member of the EU once the Accession Treaty has been enforced. To be enforced, the **Accession Treaty needs to be ratified** by the national parliaments of the EU Member

States and the parliament of the acceding country. In some cases, this may require a national referendum.

Enlargement in the Specific Case of Turkey:

Apart from having to conform to the above requirements for accession, there are other requirements present in the negotiating framework (set out in the accession negotiations on October 3 2005) specific to Turkey.²⁰

- Turkey's **unequivocal commitment to good neighborly relations** and its undertaking to resolve any outstanding border disputes
- Turkey's continued support for efforts to achieve a comprehensive **settlement of the Cyprus problem** within the UN framework, in line with the principles on which the Union is founded.
- Fulfillment of Turkey's obligations under the Association Agreement and **extending the Association Agreement to all new EU Member States**, in particular those pertaining to the customs union, as well as the implementation of the Accession Partnership.



²⁰ Negotiating framework, Luxembourg, October 3, 2005; available at http://ec.europa.eu/enlargement/pdf/st20002_05_tr_framedoc_en.pdf.

If we look at the period post the start of the accession process (December 2005), we can perceive an increased sensitivity and skepticism towards membership prospects for Turkey. The formulation of the 2004 decision exposed the EU's internal non consensus over the question of Turkish accession. The open-endedness meant that an outcome could not be guaranteed. Although the opening of accession talks was significant, the framing of the decision sparked off Turkish claims of unfair treatment and apprehensions of second division status.²¹

In December 2006, the Council suspended part of the negotiations by freezing eight chapters due to Turkish non-recognition of the Republic of Cyprus. The handling of the Taksem Gezi Park demonstrations in June 2013 was another stumbling block for negotiations, with human rights issues occupying center stage in an already skeptical theatre of EU-Turkey relations. The launch of the Positive Agenda²² in 2012 prevented the process from stopping altogether and eventually, in spite of setbacks, negotiations were re-opened on the November 5, 2013 at Brussels. The 22nd chapter of the *acquis*: Regional Policy and Coordination of Structural Instruments was opened. Following this development, more recently, the EU and Turkey have signed a readmission agreement reciprocated by a visa regime allowing Turkish citizens visa free travel to the EU. These steps signal that the negotiation process is back on track but there are still

²¹ Christensen, 2009, p.9

²² Encompassing alignment of Turkish legislation with the EU *acquis*; political reforms and fundamental rights; visas; energy; and counterterrorism.

Current Status of Negotiation on the *Acquis*

1. Free Movement of Goods
2. Freedom of Movement of Workers
3. Right of Est. & Freedom to Provide Services
4. Free Movement of Capital
5. Public Procurement
6. Company Law
7. Intellectual Property Rights
8. Competition Policy
9. Financial Services
10. Information Society and Media
11. Agriculture and Rural Development
12. Food Safety, Vet & Phytosanitary Policy
13. Fisheries
14. Transport Policy
15. Energy
16. Taxation
17. Economic and Monetary Policy
18. Statistics
19. Social Policy and Employment
20. Enterprise and Industrial Policy
21. Trans-European Networks
22. Regional Pol. & Coord. Of Structural Instr.
23. Judiciary and Fundamental Rights
24. Justice, Freedom and Security
25. Science and Research
26. Education and Culture
27. Environment
28. Consumer and Health Protection
29. Customs Union
30. External Relations
31. Foreign, Security and Defence Policy
32. Financial Control
33. Financial and Budgetary Provisions
34. Institutions
35. Other Issues

Suspended Opened

Unopened Closed

Source: <http://www.avrupa.info.tr/en/turkey-the-eu/accesion-negotiations/what-is-the-current-status.html>

parallel debates involving larger issues that continue to haunt the question of Turkish accession into the EU.

3. Current Debates and Issues

The complicated conundrum presented by the accession status of Turkey has many complex debates that have numerous interlinked factors. Upon examining all the factors individually and as a whole, we can see why the accession of Turkey has been the most contested in the EU's history.

The Issue of Cyprus

The seemingly intractable issue of the Cyprus-Turkey conflict is high on the hotlist of current issues regarding its accession. Cyprus is already a part of the EU and Turkey's stance against extending the association partnership and protocols to Cyprus have acted as a trigger for suspension of negotiations on eight chapters, leading to a significant loss of momentum.²³ While the UN as well as Council's plans of ending the isolation of the Turkish Cypriots did not manage to get off the ground due to Greek-Cypriot resistance, the Turks have nevertheless faced continuous pressure from the EU to open its ports to Greek Cyprus in compliance with the customs union agreement. This situation has led to Turkish claims of being treated unfairly with the use of the Cyprus issue as a tool to block its accession into the EU.²⁴ At the same time, the EU claims that Turkey is not acting according to the agreements to which it is a signatory.

Economic Incompatibilities

There have been studies that give credence to fears that Turkish accession into the EU will negatively impact the economies of some EU states. Secondly, there are apprehensions that the EU would face a mass influx of migratory workers that would lessen employment opportunities for native populations that receive them.²⁵ This apprehension has been dispelled by other studies that claim that migratory flows from Turkey have already peaked. Furthermore, they claim that in estimation with current growth trends in the Turkish economy, by the time that Turkey accedes to the Union, (some say by 2020) there would be no disparity in income that would necessitate such migration. As for the effect on EU trading, studies claim that the customs union already operates in much the same way as when

²³ Audas et al; 184-185

²⁴ A. Duzgit and Keyman, 2012, p. 3

²⁵ Berghaus, 2013, p.5, 8.

Turkey would accede. Therefore, any increased negative effect on any member states economy would be negligible.²⁶

In terms of agriculture, the Turkish sector is less organized in comparison to the EU model and the subsidies that farmers would receive on EU accession would lead to higher productivity which would further lead to diversification of markets. This along with the removal of trade tariffs will allow exports to move more freely.²⁷ Turkey's status as a major agricultural exporter to the Middle East, accession will allow the EU to benefit from Turkey's penetration of these markets. Similarly, with Turkey in the EU, the Middle Eastern petroleum exporters will find it easier to interface with EU markets. In this way, it has been shown by current studies that both parties have much to gain from accession.²⁸

The 'Identity' Debate

The issue of identity is one of the most sensitive in the debate of Turkish EU accession. Turkey's dubious historical status of being "in but not of Europe"²⁹ has been part of an identity discourse that has been carried into the present. This identity discourse features prominently in the debate regarding the Turkish bid for EU membership. It is claimed that elite opinion remains divided on the issue of Turkish accession, more because of its implications on the identity and norms of European society rather than due to any costs and benefits analysis. Those who hold this opinion are concerned that its inclusion would "dilute the particularistic norms of European society rooted in its Judeo-Christian heritage."³⁰ In response, others argue that this belief stands against the multicultural and universalistic foundations of European norms. However, there is a clear subtext, increasingly articulated that, discussions on the progress of Turkey's fulfillment of membership conditions essentially remain derivative of these polarized views on identity.³¹ This discourse in the elites has mixed with intensifying public xenophobia post 9/11 with attitudes sharply polarizing against Turkish inclusion into the EU.³²

Human rights & Minority Protection

The issue of human rights has long been one that the EU has famously championed and one that has most recently stalled its negotiations with Turkey. Human rights along with minority protection

²⁶ Berghaus, 2013, p.7.

²⁷ Ibid, p.10-11.

²⁸ Berghaus,2013, p.9-11.

²⁹ Naff 1984; Rumelili; 2011.

³⁰ Rumelili, 2011, p.237.

³¹ Ibid.

³² Christensen, 2009, p.10.

(most notably the Kurdish issue and non-Muslim minorities) has been one of the areas where significant progress has been made by Turkey in the 1995- 2005 period.³³ There has been continued progress on the legislative side in the period after 2005 as well but the events in the Gezi park incident in May-June 2013 demonstrated the excessive use of force employed used by police on protestors. This reinstated the continued need for legislation regarding human rights to go towards implementation. Additionally, freedom of expression, non-Muslim and LGBT rights remain on the agenda as proverbial red herrings on the path to accession.³⁴

Institutional Reform

Constitutional and judicial reforms have been on the yearly EU Commission progress reports with respect to Turkey since their inception with significant progress reported every successive year. A number of important reforms, including the 4th Judicial Reform Package, were adopted recently and efforts were re-launched on comprehensive reform of rules and procedures which were suspended twice due to lack of cohesion among the political parties.³⁵ However, work on political reforms and parliament's ability to perform its key functions continues to be hampered by a lack of political will among parties. Therefore, reforms in this area have not delivered the expected results and the issues facing the Turkish judicial system remain problematic.³⁶

Turkish Disenchantment with EU Membership

Turkey's economic resurgence coupled with its exasperation with the state of its EU accession negotiations (featuring prominent German, Austrian and French advocacy for a alternate privileged partnership status for Turkey) are causing growing concerns amongst analysts that Turkey is shopping for alternatives.³⁷ Its overtures towards that Shanghai Cooperation Organization is raising eyebrows as to whether this is a calculated move to provoke the EU into speeding up negotiations or whether Turkey is seriously considering alternatives to EU accession. These highly public overtures amidst British calls for referendum on a redefined EU relationship, an EU still reeling from the after effects of the economic crisis, declining support for EU accession in Turkey as well as the recent Ukrainian turnaround are possible indicators of a growing lobby that believes that EU membership may not be in the best interests

³³ A. Duzgit and Keyman, 2012, p.7

³⁴ Hughes, 2012.

³⁵ EU Commission Progress report on Turkey, 2013, p.7.

³⁶ A. Duzgit and Keyman, 2012, p.16.

³⁷ ³⁷ *Today's Zaman*, February, 2013.

of Turkey.³⁸ However, there are still proponents that believe that both entities have much to offer each other. The EU stands to make gains economically as well as in soft power by having Turkey accede. Turkey on the other hand has opportunities for reform and free movement of its people that would close the gap between itself and the 'West'.³⁹

4.Recommendations

The reopening of negotiations and subsequent developments are positive signs of a brighter phase in accession negotiations. Whether this phase will endure is hard to say as simultaneous to the accession enthusiasm displayed in official discourse, there exists an undercurrent of skepticism in the 'off the cuff' remarks made (in public view) by representatives of both sides and especially so by PM Erdogan of Turkey.⁴⁰ Russia and China are actively looking for partners in the still nascent SCO and the EU has just been blindsided by Ukraine's turnaround towards Russia. The situation, though not as bleak as in 2006 or even June this year, necessitates decisive policy action.

- It is imperative that Turkey continues its reform process irrespective of EU accession conditionality. The EU accession process has proven to be an effective catalyst for democratic and economic reforms in Turkey and it has been made clear by more than one analyst that the process of reform goes hand in hand with better relations with the EU and also begets increased leverage internationally.⁴¹ If the planned reforms take place by 2020 then Turkey will better position not to just take on the *acquis* but also be an effective member state with a powerful voice in the council. If by some chance, accession does not take place, then it is still in a commanding position to join other partnerships and even leave the EU customs union if necessary. The EU, for its part, is recommended to support these reforms through targeted IPA incentives and reaffirm that that accession is a realistic goal at the end of the process.
- The EU needs to commit to a transparent dialogue on the Turkish identity question within the Council and the European parliament. The polarized views need to be not only articulated but tallied in order to come to a definitive common position that reflects the Union's views as a whole. This precedent shall help prevent deadlocks in future accession processes. Xenophobia and Islam-phobia,

³⁸ Hughes, 2012.

³⁹ Audas et al; 2013, 184-186.

⁴⁰ *Today's Zaman*, February, 2013.

⁴¹ Berghaus, 2013, p.12.

need to be tackled with the same decisiveness, though with an approach that informs and educates public opinion on the European principles of plurality and multiculturalism. This is crucial to achieve the principles of an "ever deepening Union" as much as it is needed for any widening of the same. Furthermore, EU member states and Turkey, need to simultaneously remind their citizens of the mutual benefits of accession to prevent a divided 'union' in the future.

- Turkey and the EU need to acknowledge that the Cyprus issue is one that needs to be solved multilaterally: through the EU, the Cypriots, Greece and Turkey. The fact that the EU allowed Cyprus to accede in its divided state has compounded the issue. Therefore, the EU has the responsibility to effect an unbiased dialogue with all the parties and facilitate a resolution. Its efforts in this direction have been laudable but it needs to make sure that the Greek and Turkish Cypriots are aligned with the proposed solution. Turkey, for its part, needs to prove its commitment to resolving the issue and has to take a clear position on its priorities vis-a-vis accession and Cyprus. After all, it is a signatory to the customs union and if it wants to stay in the path to accession, the burden of action is on Turkey and not on the Republic of Cyprus as it has already acceded.
- The current situation with Turkey may be indicative of the need for the EU to look into options that allow for a more flexible structure of membership⁴² (not amounting to the downgraded privileged partnership being talked off). Turkey is the first country of its size and population to be prospectively absorbed into the Union through the mechanism of enlargement. It is becoming clear that the same method used to absorb geographically smaller nations with lesser populations, is not working in the case of Turkey. Secondly, the EU of today finds itself in a very different and challenging economic predicament in comparison to the time of the Eastern enlargement of 2004. Nations like Russia and China are increasingly assertive in world arena and a recent example of this has been Russia and the EU going head to head in the matter of Ukraine. Taking cognizance of this, the EU needs to re-evaluate the case of Turkey and not let a similar incident (vis-a-vis Ukraine) recur. It may be the opportunity that can inspire a policy innovation that may, by extension reaffirm the EU's attractiveness in the eyes of prospective candidate countries as well as present member states.

⁴² Ozel, 2012.

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