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Turkey's Accession Process to the EU

The Agenda behind the Agenda

Heinz Kramer

The “Progress Report” on Turkey’s efforts on its way to accession, published by the European Commission on October 14, is mostly a routine step in a highly ritualized political process. It deals with the obvious and hardly touches upon the issues of the “agenda behind the agenda.” These are political factors such as an almost total breakdown of the functioning of the mechanism of “conditionality-compliance” that is central to any granting of accession; or the intricacies of the Cyprus issue beyond the question of the application of the Additional Protocol; or a far-reaching reconceptualization of Turkish foreign policy, including accession policy, under the AKP government. All of them are as crucial for the final outcome of the accession process as the ongoing “technical” negotiations about the adoption of the *acquis communautaire* or the fulfillment of the Copenhagen criteria. The vicious circle that these negotiations are in can only be broken if more attention is paid to this “second agenda” by both sides.

On October 14, the European Commission published its latest “Progress Report” on Turkey, in which it evaluates Turkey’s progress on its way to accession in the European Union as well as mentioning the remaining flaws and deficits for a successful conclusion of the country’s accession process. This year, the report shows mixed results: It acknowledges that some important positive steps having been taken but it stresses that a number of severe deficits still have not been overcome.

However, all this cannot alter the perception that the publication of the Progress Report has become yet another element of a ritualized process that hides more of the real problems in EU-Turkey relations rather

than giving a politically relevant account of the accession process. There are other political elements and factors that impact on Turkey’s way to EU membership that are not at all, or only insufficiently, dealt with in the report because most of them lie outside or transcend the sphere of Copenhagen criteria and *acquis communautaire*. This kind of “second agenda” is, however, no less important for the development and outcome of the process than the “official” one that is dealt with in the Progress Reports. Beyond that, it is a clear indication that Turkey’s accession process is singular in the history of the EU’s enlargement.

Turkey's image, European public opinion, and political support

Turkey's process of accession, in a way, had started already in 1964 with the coming into force of the Ankara Agreement, which, in its famous Article 28, foresaw the theoretical possibility of Turkish membership. The Ankara Agreement is one of the rare Association Agreements concluded by the European Community/Union that can be regarded as a preparatory agreement for membership.

It took, however, 35 years for the abstract prospect of accession to be transformed into a real political eventuality with the granting of candidate status to Turkey in December 1999. And it took almost six more years for this eventuality to become reality with the opening of accession negotiations in October 2005. No other country with the prospect of membership had to wait such a long time for its realization.

The main reason for this was a special peculiarity of Turkey's process of accession: Turkey is the first candidate for membership that is not regarded as a genuinely European country by the majority of Europe's population and a large part of its political elite. This was already the view of some diplomats of the then EEC member states who conducted the negotiations of the Ankara Agreement in the early 1960s. The famous dictum of then president of the Commission, Walter Hallstein, at the signing ceremony of the Ankara Agreement ("Turkey is a part of Europe") was not a contradiction of this view but the expression of the bicephalous meaning of the notion of "Europe." Hallstein spoke of a political Europe that was identical with "free Europe" in contrast to "communist Europe." This notion was clearly embedded in the broader political frame of the Cold War era. The diplomats, however, who doubted Turkey's Europeanness were led by a cultural-historical perception of Europe to which Turkey had never belonged. It is this bicephalous character of the notion of Europe that has accompanied discussions about Turkey's eventual membership to the

present day. Today, we find the problem of Europe's "double face" in the characterization of the European Union as either predominantly a "union of values" or as predominantly a "union of identity."

In a less abstract manner, we find this situation reflected in public opinion about and political support for Turkey's accession to the EU. As a general background, we have to realize that today a relative majority of 46 percent of the EU population is against any further enlargement, with a clear split between "old" and "new" member states. As regards Turkish membership, according to the latest EU-wide poll, 55 percent of Europeans are against and only 31 percent are for accession. If we look at the national responses, a slight majority of the 27 Member State populations are in favor (14 states for vs. 13 states against). Generally speaking, the EU's population is rather reluctant in accepting Turkey as a member.

This picture is quite different if one looks at the official political side. Here, we have a large majority of member state governments that support or are not openly against Turkey's accession. A clear opposition has been voiced only by France and, in a somewhat circumscribed way, by Austria, with Germany, Denmark, and the Netherlands being rather reluctant. The United Kingdom, Italy, Spain, Sweden, Portugal, and the current Belgian government lead the pack of supporters, to which all of the "new" member states' governments also belong.

It should be noted, however, that none of these governments advocate Turkish membership because of the country's European-ness. All of them have some specific political reasons for their support, not the least being the argument that the EU has to keep its commitments. And it is also noteworthy that none of these supporters have waged an EU internal campaign for accelerating the process of Turkey's accession. As a consequence, we have the somewhat paradoxical situation that the strongest opponent, French president Nicolas Sarkozy, domi-

nates the public perception of Turkey's acceptance among EU member states' governments.

We must also note that not all opponents of Turkey's accession take this position because of an identity-related perspective. Many of them have substantial concerns with regard to overburdening the EU with Turkish membership, be it in terms of material/financial burdens or in terms of political-institutional burdens. These concerns are, in principle, more open to rational debate than identity-related arguments, which tend to be presented in an essentialist manner.

Conditionality and compliance

The less than lukewarm response of the European public to Turkey's EU ambitions and the outspoken opposition in some important European political circles have negatively impacted on the basic mechanism of any EU accession process: the interplay of conditionality and compliance.

As long as political support for Turkey's accession was expressed by important EU governments and politicians – such as the leaders of the German “red-green” coalition, French president Jacques Chirac, or British prime minister Tony Blair – and as long as opposition mainly remained in the sphere of civil society or within member states' opposition parties, this interplay functioned fairly well. After a somewhat reluctant start, Turkey courageously passed a bulk of important political reform legislation between 2001 and the end of 2004.

Then, the German Christian Democrats and Nicolas Sarkozy came to power and the “Constitutional Treaty” failed in the French and Dutch referenda, which were somehow connected with the opposition to Turkey's eventual membership in the public perception. In the aftermath of these events, the already weak support in the EU states for Turkey's accession rapidly faded away: Whereas 35 percent of citizens in the EU-25 were in favor of Turkish membership in spring 2005, this figure dropped to 28 per-

cent by autumn 2006. Opponents also got the upper hand in the EU internal political process.

The Austrian government, which had already in vain tried to establish the goal of a “Privileged Partnership” as a possible alternative outcome of accession negotiations, made the issue of the EU's “absorption capacity” a focal point of EU internal debates during its Presidency in the first half of 2006, with the declared aim of slowing down the process of further EU enlargement, not least Turkey's ongoing accession process. Although Austria's endeavor had few concrete results, it heavily influenced the general mood toward further enlargement in the EU public.

France went even one step further. As a consequence of President Sarkozy's total rejection of Turkish membership, the French government openly violated the EU's common position with regard to the ongoing accession negotiations when it refused to open negotiation chapters – the substance of which would only be applicable to full members of the EU, such as “economic and monetary matters.” Such behavior is in clear contradiction to the commonly agreed framework for negotiations of October 2005, in which it is unmistakably stated that the goal of the negotiations is membership. The damage done to the EU's credibility by that behavior has been further exacerbated by the silent acceptance by the governments of all other EU member states of France's breaking of the principle of internal EU political solidarity.

Mainly as a reaction to this, Turkey's policy of compliance with EU conditionality came to an almost complete halt after the summer of 2005. This development is an indicator of the role of credibility being an important variable for the functioning of the interplay of conditionality and compliance. The very moment the Turkish political leadership lost trust in the readiness of the EU to stand by its commitments, it started to change its policy.

Parallel to this, public support for EU membership also started to deteriorate in Turkey. In spring 2009 only 48 percent of Turks thought membership of their country in the EU to be “a good thing” and only 46 percent had a positive overall image of the Union. In spring 2005, membership was seen to be “a good thing” by 59 percent, and 61 percent had a positive overall image of the EU.

The process of accession negotiations has almost completely lost its momentum. This will hardly be regained unless the EU brings again greater credibility to its formally still-existing commitment for Turkey’s accession in case of a successful closure of negotiations. However, European opponents to Turkish membership see their opposition justified by Turkey’s almost complete halting of reform policy as well as its considerably diminished drive in its attempts at adapting Turkish legislation to the *acquis communautaire*.

This Turkish standstill also continued after the governing AKP (Justice and Development Party) had overcome the various attempts by Kemalist circles to oust it from power since May 2007. Prime Minister Tayyip Erdoğan’s visit to Brussels in January 2009 and the establishment of a state ministry for EU affairs – including the nomination of Egemen Bağış as chief negotiator – turned out to be symbolic acts rather than steps of substantial progress. In many EU circles, the opinion has taken hold that the AKP government has undertaken a fundamental change of its foreign policy priorities, relegating accession to the EU as being less important, public declarations to the contrary notwithstanding.

One has to realize that with the fundamental disruption of the logic of conditionality–compliance mainly brought about by the EU’s credibility gap, Turkey’s accession process has entered a vicious circle, with negative factors and opposing forces on each side reinforcing each other. In light of this background, statements by opponents to Turkish membership that the criticisms expressed in the latest Progress

Report are proof of Turkey’s structural inability to meet the criteria for EU membership sound rather hypocritical.

The Cyprus factor

This negative development is enforced by developments regarding the Cyprus issue. The unresolved Cyprus problem has always been a stumbling bloc in Turkey-EU relations. This became very obvious during the decision process of the European Council in Helsinki in December 1999 to grant Turkey candidate status. The process almost collapsed due to Prime Minister Bülent Ecevit’s initial denial to accept the text of the decision because of the more than implicitly stated link with the Cyprus problem.

The accession of the divided island to the EU in May 2004 after the failed referendum on the Annan Plan made the situation even worse. Now, the (Greek-Cypriot) government of the Republic of Cyprus is in a position to veto Turkey’s membership – which it will most certainly do – unless a solution is reached on the island that favors its interest. Besides such important issues as the distribution of power in the “united” executive, the division of competencies between the federal and the Greek and Turkish Cypriot constituent states’ authorities, the sharing of the island’s territory between the “constituent states,” the resettlement or compensation of people who were expelled from their land and houses in 1974, or the return of Anatolian “settlers” who came on the island after 1974, the overarching Greek Cypriot interest in an eventual solution is to effectively end any direct Turkish influence over the future fate of a reunited Cyprus.

Its realization, however, would lead to a factual preponderance of the Greek-Cypriot majority over the Turkish-Cypriot minority in any type of “bi-zonal, bi-communal federation.” Therefore, it is practically unacceptable for Turkey and would also run against the fundamental interests of the Turkish Cypriots to be, in a certain way,

protected against such a situation. Thus, if Turkey were to be induced to totally retreat from Cyprus, its role as an active factor in Turkish-Cypriot security would have to be guaranteed in some other way. Turkish membership in the EU would be the most suitable way to achieve this. Granting Greek Cypriots an advantageous position over Turkish Cypriots on the island will only be acceptable for the Turkish side if Turkey, as a “full” EU member state, could be in a balancing position.

Thus, it seems almost impossible to solve the Cyprus problem without simultaneously granting Turkey accession to the EU. Even if a Cyprus solution is reached prior to that, it would only be acceptable for Turkey if its final and complete coming into effect would be made contingent on Turkish membership. This linkage also clearly shows that – contrary to what is continuously claimed by the negotiators on the island – a final solution will not solely depend on an agreement between Greek and Turkish Cypriots. Finally, it will depend on a guarantee for Turkey’s accession to the EU unless the Greek Cypriot side is ready to accept Turkey’s unlimited role as a guarantee power and also to accept an unlimited, though considerably reduced, presence of Turkish troops in the north. As long as the EU’s commitment to accept Turkey as a member remains as ambiguous as at present, and as long as Greek Cypriots insist on a total Turkish retreat from the island, chances for a final and complete solution of the Cyprus problem in the ongoing negotiations between Greek and Turkish Cypriots remain dim.

A continuing stalemate over Cyprus will also lead to a continuation of another failure of the conditionality-compliance mechanism. Turkey will uphold its rejection to ratify the Additional Protocol to the Ankara Agreement for the extension of the Turkey-EU Customs Union to all new member states that joined the EU in 2004 and 2007. In a more popular way of expressing the problem, media and politicians have spoken of Turkey’s refusal to

open its ports and airports to traffic from the Republic of Cyprus. Ankara had undertaken the commitment to comply to this condition set by the EU for the opening of accession negotiations. Therefore, it signed a respective protocol in summer 2005 but later refrained from having it ratified by parliament, thus leaving its application in limbo.

Turkey’s position was a direct result of its disappointment with the EU’s policy toward the Turkish-Cypriot state in the north of the island. After the failed referendum on the Annan Plan for a solution to the Cyprus problem – because of the overwhelming Greek-Cypriot rejection of that plan and in light of the accession of the Republic to the EU only one week after the referendum in which the people of the north were excluded from all benefits connected with membership – the Council of the EU, on April 26, 2004, decided upon a “compensation program” for the Turkish Cypriots by granting them generous financial aid and by offering the possibility of establishing direct trade with EU member states.

Both of these measures have been severely undercut by the government of the (Greek-Cypriot) Republic of Cyprus, which used its newly gained power as an EU member state to prevent any EU steps that may imply the faintest possibility of being interpreted as a recognition of the internationally outlawed Turkish-Cypriot “state.” Consequently, more than five years after the decision of the Council of the EU, financial aid is flowing in a rather staggering and unsatisfactory way and direct trade is nowhere in the cards. The EU’s lasting inability to stand by its commitment led to the Turkish refusal of complying with its commitment regarding the application of the Additional Protocol.

The “official” argument of most EU member states is that the link between the two issues established by Ankara is not valid. Thus, without going further into the details of the respective argument about this issue, it is important to note that a

continuation of Turkey's rejectionist attitude will, in turn, fuel anti-Turkish arguments of the opponents to Turkey's accession within EU member states, thus continuing the prevailing vicious circle.

Security policy issues

A fallout from this situation will be a continuation – perhaps even sharpening – of the security policy estrangement between Turkey and the EU. A continuation of this quarrel about, on the one hand, Turkey's role regarding the EU's European Security and Defense Policy (ESDP) and, on the other hand, Turkey blocking a satisfactory strategic dialogue and cooperation between the ESDP and NATO because of the unresolved Cyprus problem, will in the longer term undermine the EU's very rationale behind Turkey's accession process.

From the very beginning of the relationship, security policy considerations have been at the heart of the European approach to relations with Turkey. And through all the ups and downs of the relationship over the past 45 years, security policy considerations have remained the driving motivation behind the development of the EU's policy toward Ankara, including the issue of eventual Turkish membership. Such a position was rather easy to uphold and to justify during the Cold War era with its rather clearly delineated antagonistic political camps. It is much more difficult to do so now in the prevalent situation of global and much more opaque insecurity that is characterized by a lack of direct, clearly defined threat to Europe's or Turkey's existence.

Nevertheless, there is still a widespread conviction in EU political circles that establishing as close a relation as possible with Turkey is favorable for the maintenance of European security in its various dimensions. This conviction is also shared by the vast majority of opponents to Turkey's accession. Therefore, a continuation of Turkey's perception as a reliant ally

and security policy partner by the politically relevant circles of the EU's public is of great importance for the continuation of the accession process, even in its current unsatisfactory condition.

The political rationale of the AKP government

At a first glance, this perception by EU member states' political class of Turkey's high relevance for European security seems to be confirmed by the recent developments in Turkish foreign policy. Under the AKP government, Turkey has established itself as an ever more important player with regard to the various Middle Eastern conflicts, from Iran to Iraq – including the Kurdish problem – to Lebanon and to the Palestinian question. Furthermore, Turkey is about to establish itself as an equally important player with regard to regional energy policies in the Caspian Basin and in the Middle East. This potential role has direct consequences for the longer-term energy security of the EU, as is demonstrated by the ongoing "Nabucco" pipeline project. Beyond that, Turkey still remains an important ally in NATO, considering its former and current contributions to stabilize the Balkans and to prevent Afghanistan from becoming a failed state.

In addition, the most recent moves by Turkey with regard to Armenia and the Kurdish question are not only of great importance for the longer-term stability in its immediate neighborhood but could also eliminate some stumbling blocks on its path to EU accession.

It would, however, be rather misleading if one were to perceive these developments primarily as Turkish foreign policy moves to ameliorate its chances for EU membership. The contrary may be more correct. Under the AKP, Turkey has embarked on a foreign policy that aims at establishing the country as an international actor in its own right, thereby building on its specific "strategic depth," that is, being a country with special historic, geographic, and

cultural bonds emanating from its historic Ottoman past. It is a mostly Turkey-centered approach with only minimal implications for Turkey's European aspirations. From this perspective, which has been developed by the current foreign minister, Ahmet Davutoğlu, in his capacity as a scholar of International Relations, Turkey is defined as a "central country ... in the midst of Afro-Eurasia's vast land masses" with multiple identities bound to follow a multidimensional foreign policy.

This approach is a clear break with Turkey's traditional foreign policy in the sense that it relinquishes the absolute political priority of "Westernization" and of relations with the West. These relations remain of high importance for Turkey's foreign relations but they are supplemented at the same level by relations with countries in the regional neighborhood and through diversification of Turkey's foreign relations in all directions – from China to India, to Africa, and even to Latin America. And all this with the main aim of establishing Turkey as an important actor on the international scene and not just in the context of the Western alliance system. It is with the goal of underlining this perspective that the AKP government has undertaken far-reaching and special efforts at gaining a temporary seat on the UN Security Council.

Accession to the European Union is regarded by Davutoğlu and other leading AKP politicians as being fully compatible with these new approaches. It is, however, no longer regarded as a "*sine qua non*," that is, an indispensable part of Turkish politics. In this view, Turkey's identity is no longer defined exclusively as that of a "European country" but as a country that shares fundamental values with the EU as an important ingredient of its "strategic depth" and multiple identities.

One logical consequence of that conceptual approach would be that the accession process with the EU can still lead to eventual EU membership, if and insofar as such a move fits into Turkey's idea of

"strategic depth" and contributes to the stabilizing or enhancing of its role as an international actor in its own right. Being stripped of its former ideational or identity-related meaning, EU membership could, however, also be replaced by another form of relationship between Turkey and the EU if such a form would better serve the new overall aim of Turkish foreign policy.

And, indeed, one analytical question that has to be raised in this respect is how this new Turkey-centered approach can be made compatible with the necessity to subordinate national political goals to the commonly shaped policies of an integrated political union such as the EU. Even in the field of foreign and international policy, the EU strives at establishing an "ever closer union," that is, a common foreign and security policy that is intended to be more than just a cooperative effort of sovereign nation-states. Such an approach, at first glance, seems hardly compatible with the new Turkish foreign policy doctrine of the AKP government. At least some of the AKP government's past foreign policy moves – such as the establishment of continuous relations with Hamas, the invitation of the Sudanese president al-Bashir, or the very outspoken criticism of Israel's recent approach to the Palestinian conflict – would hardly have been compatible with the EU's "common" positions in that regard.

Up to now, these implications of the "strategic depth" approach in Turkish foreign policy have not been thoroughly discussed, be it in Turkish political and scholarly circles or in EU member states' circles. One could especially ask if, and to what extent, the new understanding of Turkish foreign policy under the AKP government would open a way out of the impasse in which the accession process currently finds itself. This would, first and foremost, require a more detailed elaboration of the importance and meaning of EU membership and its consequences for Turkey's new foreign policy by the very proponents of that policy, that is, the AKP

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leadership and its foreign minister.

In this respect, leading AKP politicians have made some somehow contradictory remarks during the last weeks. President Abdullah Gül and the Chief Negotiator with the EU, Minister of State Egemen Bağış, have underlined the great importance of the ongoing accession process for the continuation of Turkey's domestic reform process toward a fully functioning modern democracy. Bağış, in this context, also stated that Turkey would not accept anything but full membership, declaring the offer of a "privileged partnership" as an insult to his country. Both, however, at the same time, declared also that a successful closure of accession negotiations may not lead to membership because, in the very end, Turkey might choose the "Norwegian way," that is, refuse to enter the EU. Gül and Bağış did not elaborate further what this remark meant in a broader political perspective.

Taken together, however, these statements could lead to the conclusion that, for Gül and Bağış, the accession process with its aim of membership is mainly an instrument for the improvement of Turkey's political system and its stability but not an end in itself. If this view is correct, further questions arise: Why is Turkey not able to reform and stabilize its political system on its own? Why can the "anchor function" of the EU for Turkey's democratization only be fulfilled by a process that aims at full membership, even if Turkey's political leaders, at present, leave it open as to whether this would ever happen? What distinguishes Gül's and Bağış's position from that of European politicians who propose to further Turkish reforms by a process that is not aimed at full membership?

Conclusion

Before this backdrop of political dynamics from the EU side as well as the Turkish side with regard to the accession process, two conclusions seem to be justified: First, the

current Turkey-EU relationship with its various facets has become a prisoner of the accession process with its in-built procedural and discursive routines. These routines show little potential of ending the vicious circle that currently dominates the process. The mutual blame game – be it with regard to Cyprus, a lack of will for Turkish reform, or the EU's incredulosity – can continue unabatedly.

Second, given the various ambiguities on both sides with regard to the future of the accession process, it should not be that difficult to break out of that prison in order to explore chances for forging a more politically productive relationship than the current one. This would, however, require that both sides start a serious internal and mutual dialogue about their respective goals with regard to a functioning relationship as well as with regard to eventual accession of Turkey to the EU. However, as long as the issue of Turkey's membership in the EU is more often than not misused on both sides for domestic political purposes, the likelihood is high that path dependency will continue to prevail in the relationship.