

CHALLENGES ON THE PATH OF TURKEY'S EU MEMBERSHIP

The resounding rejection of the European Union's Constitution in France and the Netherlands, its consequences, and Europe's changing political landscape will have implications for Turkey's prospects of eventual EU membership and its start of negotiation talks in October. Turkey faces significant domestic challenges as several critical issues remain unresolved. Facing sizeable criticism of nationalist and Islamist fractions, the Turkish government may find little space to maneuver while pursuing further transformation.

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When the European Council decided to open negotiation talks with Turkey on 17 December 2004, Turkey's progress on EU aspirations seemed to have been met even though a certain degree of disappointment remained due to clauses emphasizing the open-endedness of negotiations. These were interpreted as discriminatory against Turkey. On 29 May and 1 June 2005 respectively, the French and the Dutch populations resoundingly rejected the European Union Constitution. Each country's rejections must be viewed in context. In the case of France, domestic politics, discontent due to a sluggish economy, a frustratingly high unemployment rate, and EU enlargement fatigue all played big parts. Regardless of Turkish Foreign Minister Abdullah Gül's and Prime Minister Recep Tayyip Erdoğan's claims that the referendum results had absolutely "nothing to do with Turkey's EU candidacy," it is widely assumed that the prospect of a Turkish entry into the EU was at least partially a reason for voting against it.¹ In order to absorb a protest vote, the French government had introduced a constitutional amendment to the French parliament in February 2005 requiring a referendum on any further EU enlargement.² In retrospect, such measures seem to be exaggerated since a recent Eurobarometer analysis on the voting patterns of the French people found merely 6 percent of the "no" votes to be directly linked with a rejection of Turkish EU membership.³

The political coordinates in Europe will be fundamentally altered not only by the failure to approve the constitutional treaty but also by the outcome of Germany's early elections on 18 September. Germany's changed political landscape after the Social Democrats' (SPD) and the Greens' foreseeable shortfall of a parliamentary majority in the elections, resulting in the slim victory of the Christian Democratic Union (CDU), will likewise affect Turkey's chances of a smooth and amicable onset of negotiations on 3 October.

Turkey had so far enjoyed Chancellor Gerhard Schröder's and Foreign Minister Joschka Fischer's support within the European Council. Their positions on the Council, which gives the Commission its negotiation mandate, may now be filled by the much more skeptical Christian Democratic Angela Merkel, who fiercely favors a "privileged partnership" for Turkey in the EU. In addition, Nicolas Sarkozy, the French minister of interior affairs who is said to be striving to be French president in the 2007 elections, shares Merkel's hostility to Turkey's full membership. Rumors abound of a Sarkozy-Merkel axis that will inevitably hinder Turkey's efforts.⁴

¹ "A severe crise d'indentité," *The Economist*, 28 May - 3 June 2005, p.25.

² This constitutional amendment bears the unofficial and unfortunate name "Turk bill" for it obviously is linked to the prospect of a Turkish EU membership.

³ http://europa.eu.int/comm/public_opinion/flash/fl171_en.pdf (September 2005), p.17.

⁴ On 27 May 2005 Mr. Sarkozy even suggested freezing EU expansion for Turkey (excluding Bulgaria and Romania of his proposal).

Turkey faces a significantly altered political landscape. Even though the beginning of negotiations in October may not be formally questioned, substantial difficulties and premature setbacks are likely to ensue, out of European cacophonous indecisiveness and also as a consequence of a possible stagnation in the Turkish reform process.

The rejection of the EU constitution in two of the founding member states has changed the entire political atmosphere in Europe. The crisis further deteriorated after the summit breakdown on 16-17 June 2005, when the 25 member states failed to agree on the union's 2007-2013 budget. French president Jacques Chirac blamed the "selfishness of two or three rich countries," alluding particularly to British Prime Minister Tony Blair, whereas Blair complained about the EU's overall spending policy, demanding a fundamental reform of EU spending. The political uncertainty and the Union's paralysis exposed the actual loss sustained by the double referendum defeats. In fact, it revealed a reality that has existed for much longer: the differing visions on what the EU should be or has yet to become -- an outward-seeking, liberal union or an inwardly orientated and protected fortress.

Turkey's Case: Still Much to be Done

One political circumstance currently playing to Turkey's advantage is the British EU presidency, with Tony Blair a vociferously strong supporter of Turkey's EU aspirations. In fact, for Blair, the Turkish case will be his presidency's first test on his ability to assert himself.

Despite the adversely changed political landscape, a vast range of factors are within the scope of Turkey's influence. The energetically begun reform process under Erdoğan is still in a fledging state. As a matter of fact, after 17 December not many reforms were carried out. There was a noticeable slowdown, which most probably will be made note of in the Commission's next progress report. Further political and economic transformation and consolidation of the reforms will be necessary if the Turkish government wants to prove serious commitment. Due to questions that remain unresolved like the recognition of the Republic of Cyprus, or Turkish minority issues, the probability to hit a snag during accession talks is high, possibly resulting in a "...suspension of negotiations in a case of serious and persistent breach of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law..."⁵ The process of negotiations may stagnate if signs of "reform fatigue" should become stronger and if the following factors should evolve negatively.

⁵ See the European Commission's Report on Turkey:
http://europa.eu.int/comm/enlargement/report_2004/pdf/tr_recommendation_en.pdf (September 2005).

Slow-Down of the Reform Process in Turkey

The last three years have shown a remarkably rapid Europeanization in Turkey, both in political and economic fields. Still at the beginning of this transformation, Turkish policymakers must prove how seriously they are willing to further pursue reforms that at times collide with principles of the Turkish state. For example, more change may challenge the paramount principle of the unity of the state in favor of the rights and freedoms of individuals. The ongoing transformation has been primarily opposed by nationalist and Islamist factions that in the future might pose a threat to more reforms. They will have the most to lose from the further Europeanization of the political system. Economically, the millions of less educated, deprived urban migrants are poorly equipped to compete with the eventual exposure of the Turkish market to global competition as liberalization continues. A poll in May 2005 suggested a substantial decline in enthusiasm for joining the EU from three-quarters to two-thirds of the Turkish population.⁶ As required social and political changes could not accommodate traditionalists and nationalists' demands, the AKP government may not be in a politically advantageous position to continue to oppose these two groups. The AKP's failure to put through its proposed bills on several domestic issues of high sensitivity has upset its electorate even more: Within the realm of reforming the educational system, the government failed in its attempt to lift the ban on headscarves at Turkish universities.⁷ Its bill suggesting the equation of qualifications of state-run religious high schools (so called *Imam Hatip*-schools training imams and preachers) with those of secular curriculums in university admission has also been turned down by the Turkish judiciary. Graduates from these schools were effectively barred from higher education by law directing them only to theological faculties. Within a package of broad changes to the penal code came the proposal to criminalize adultery, making it punishable with either a fine or imprisonment.⁸ The bill has stirred up measurable scrutiny among European countries and was eventually withdrawn. Similarly, nationalist groups had to accept that highly sensitive issues such as the Armenian and Kurdish questions and the overall debate on minorities are no longer in the realm of the political elites, but have started to become a subject of public discussion.

The AKP government may find it opportunistic to be more considerate of these two groups' demands by paying closer attention to popular attitudes and political and economic services. This will be tempting because further consolidation of the market economy along the recommendations of the IMF will bear a greater political risk to the current government because its benefits will become visible in the longer term. After the EU's decision to open accession talks in December 2004, the momentum for reform has somewhat lost its drive.

⁶ "Too big to handle?" *The Economist*, 25 June - 1 July 2005, p.13.

⁷ The headscarf debate is one of Turkey's most controversial issues. Wearing the Islamic-style head covering is banned in Turkish government offices, schools, and universities. The debate has become a symbol of confrontation between secularist and pro-Islamic forces. After its electoral victory in November 2002 the AKP administration has unsuccessfully tried to lift the ban on university students first.

⁸ "Erzkonservative Regungen in der Türkei," *Neue Zürcher Zeitung* (NZZ), 11-12 September 2004, p.5.

The immediate consequences of further liberalization and westernization will be an unequal distribution of benefits of economic growth. It will thus become harder for policymakers to stick to the reform agenda in order to raise long-term living standards at the expense of short-term disruption. In this regard, one observation that many of the Central and Eastern European countries have made is of importance: Public approval of EU membership used to be high when negotiations had yet not started or were just beginning. Once the negotiations proceeded, however, public approval began to sink. This has to do with the constant necessity of above-average economic growth enabling these countries to catch up with western European countries.

In order to maintain political stability, impoverishment and increasing inequality must be stopped or at least slowed down. This task will be challenging for the Turkish government. It will certainly lose political support when deeper liberalization of trade will partly result in competition of imports, when the free movement of capital will create new social dimensions of migration, and economic integration might cause outsourcing. Certain segments of the Turkish population will therefore suffer economic hardship resulting in a decrease in public support of the accession process.

European ambiguity towards a Turkish EU membership will complicate further reform much in the same way. Prime Minister Erdoğan may not be strong enough to resist popular and nationalistic pressures if he wants to maintain his party's unity. Giving in to popular demands, on the other hand, would definitely harm Turkey's stand in the EU, suggesting a slow-down in the future process. Ultimately, this will be challenging to both Turkey and the EU. Both must act to prevent Turkish backsliding; the EU by showing its honest and sincere commitment to welcoming Turkey as a member and Turkey by resisting short term domestic political gains for long term progress on EU membership.⁹

*The Kurdish and Minority Question*¹⁰

Along with the broader human rights situation in Turkey, the Kurdish issue is one of the most closely monitored situations by the EU. If not handled correctly, it might emerge as Turkey's Achilles Heel. Turkey still feels this is a national issue that should not be tied to the overall reform process.

In Europe, an active Kurdish Diaspora has for a long time successfully lobbied for political support in their pursuit of a range of aims such as granting minority status or even autonomy of their main settlement area in Turkey's southeast bordering Syria, northern Iraq and Iran. As a consequence of these Kurdish activities, the European public has regarded the PKK (Kurdistan Workers' Party)

⁹ Heinz Kramer, "EU – Türkei. Vor schwierigen Beitrittsverhandlungen," SWP-Studie, Berlin, May 2005.

¹⁰ It is noteworthy that more minorities and identities distinctive in language, ethnicity or religion than the here mentioned live in Turkey. In this paper however, the Kurdish question and that of non-Muslims are focused on as international reaction shows how topical this matter is.

more as a liberalization organization and not as a terrorist group for a long time. The fighting in the country's southeastern region for over a decade has therefore been perceived to be more an uprising of an oppressed people rather than Turkey's fight against terrorism.

Turkey's Kurdish question is multi-dimensional as it features domestic, social-economic and external aspects. Ankara has long neglected the country's southeast; hence the region possesses the poorest and least developed areas. More investment and political attention are needed to further integrate the region into the national economy and make its population feel part of the ongoing transformation process. Prime Minister Erdoğan's landmark speech, held in Diyarbakır last August, seems to indicate that the current government refuses to confuse PKK terrorism with the general Kurdish question. However, it may be doubtful whether Erdoğan's bold act of admitting past mistakes and reaching for a political solution will be accepted by other parties and the military.

Another issue is that Turkish authorities refuse to enter into negotiations with PKK representatives, as their political aim of separation is unacceptable to the Turkish state. The separatist danger has increased since PKK rebels found a safe heaven in autonomous northern Iraq in the aftermath of the First Gulf War in 1990-1991. There, they established military bases and training camps from where operations against the Turkish military could be planned and attacks launched. Turkish strategists see the country's territorial integrity threatened when Kurds from Turkey join Iraqi Kurds in their demand for independence. That is why the Kurdish question within Turkey is only a fragment of a broader contextual problem and will necessitate a wider approach. The Kurds in northern Iraq and the status of northern Iraq have always been matters of great concern to Turkish policymakers. The establishment of an independent Kurdish state with Kirkuk as its economic backbone constitutes the worst-case-scenario to Turkey, as it might encourage its own Kurdish population to demand the same. Until very recently, Turkey refused to categorize Kurdish autonomy as an inner-Iraqi issue and threatened intervention, if Kurds declared independence, arguing that Turkish national interests were at stake.¹¹

European assessment of the current situation differs from Turkey's. European policymakers do not share Turkish concerns about an independent Kurdish state and its destabilizing effect on Kurds in Turkey. Thus they do not favor any Turkish military intervention. Ultimately, neither Turkey nor Europe is capable of decisively influencing further developments in Iraq. Turkey might find itself in a situation where it has to accept the reality on the ground, because of the consequences of any Turkish interference on its accession chances. The EU would very likely be unwilling to continue accession talks when its negotiation partner is fighting an arguable war in a sovereign state.

¹¹ "Ankara gegen kurdische Hoheit in Kirkuk," *NZZ*, 10 February 2005, p.4.

In a region in which mistrust prevails, explicit guidelines on the political setup of the Middle East should be set up both by European policymakers and security strategists in cooperation with their Turkish counterparts. In such a document mutually assigned tasks and measures could be drawn. In doing so, both the EU and Turkey would give consideration to the regional context of the Kurdish question and facilitate cooperation in foreign and security policy in a region that might sometime turn out to be in Europe's neighborhood. It would also be a first move towards institutionalizing cooperation in foreign and security policy.

Non-Muslim Minorities

The question of minorities is not only about ethnic minorities, but also about the religious freedom of non-Muslims. Turkey's policy on the minority rights of non-Muslims is outlined in the Lausanne Peace Treaty of 1923, which gives Greek, Jewish and Armenian communities autonomous legal status. Turkey has made a good start in legalizing the restoration of Christian churches and the acquisition of land by non-Muslim religious foundations. But statements such as those by Mehmet Aydın, Minister for Religious Affairs, calling missionary activities "separatist and destructive"¹² will encourage nationalist sentiments. If Prime Minister Erdoğan fails to suppress inter-religious tension, it will strengthen detractors of Turkey's EU ambitions in Europe.

Also of current importance is an announced abrogation of a previous law, enacted in July 2003 by the Constitutional Court, which had facilitated foreign ownership of real estates in Turkey on conditions of reciprocity. The previous law has been suspended until adoption of a new version, drafted by a joint committee formed of representatives of the finance, justice, and internal affairs ministries and officials of the Chief of National Staff and the National Intelligence Organization (MIT). In the meantime, areas of strategic importance for security, energy, irrigation, agriculture, and public use have been designated not purchasable for foreigners. The legal amendment is meant to narrow and limit real estate purchase by foreigners.

Equally important is the issue of Armenian genocide. Politicians, businessmen, and non-governmental organizations are backing the Turkish government's official stance that recognizing the events that took place in 1915 as genocide is out of the question. Interestingly enough, even Mesrob II, patriarch of Turkish Armenians, is deeply skeptical of demanding recognition of genocide, implying that it would damage relations between Turks and their Armenian fellow citizens instead of harmonizing them.¹³ An official apology of the Turkish government for the massacres on Armenians in 1915 may result in court cases, compensation demands, or territorial claims threatening national unity.

¹² "Turkey and its Christians," *The Economist*, 23 June 2005, online version: http://www.economist.com/displaystory.cfm?story_id=4112336 (September 2005).

¹³ Nigar Karimova and Edward Devereil, "Minorities in Turkey," *Occasional Papers No. 19* (Stockholm: The Swedish Institute of International Affairs, 2001), p.19.

Nonetheless, the Armenian genocide issue has become part of a broader public discussion, resulting in the realization of an international conference of both Turkish and Armenian scholars in late September that originally was supposed to take place in May. This convention followed a conference on the same issue on 22 September, hosted by the European Parliament and organized by the European Armenian Federation for Justice and Democracy (EAFJD). The Armenian issue bears the risk of remaining a stumbling block for Turkey during negotiations. Steady accusations of European countries such as France with a considerable Armenian population and (recently) of the German parliament might disturb the negotiation process and irritate its Turkish negotiation partner.

To tackle the status issue of non-Muslims, a dialogue on these political and cultural matters should be employed. This is also a tool the European Commission encourages in the third pillar of its negotiation strategy. With the involvement of civil society, this dialogue should encompass cultural diversity, religion, and concerns about minority rights. Therefore determining a *modus operandi* between European and Turkish authorities in order to set up benchmarks and mutual standards in regard of reforming the minority issue should be an urgent task. This would ease tensions and the potential of misunderstanding in this highly sensitive issue that is too often exploited by nationalist, anti-European segments on one side. On the other, it might prove that demanding extensive changes and far-ranging reforms, as outside observers mostly do, may turn out to be counter-productive in respect of the general social cohesion in Turkey. Just as important, it would debunk populist statements by both Turkish and European politicians that are only aimed at short-term vote-catching.

The Unresolved Cyprus Question and Bilateral Issues with Greece

A major obstacle in negotiations will undoubtedly be the unsettled question of Cyprus. After the failure of the referendum on the reunification of the island along the lines of the so called Annan-Plan in April 2004, Cyprus remains divided into Turkish and Greek sectors for the foreseeable future.¹⁴ The problem has become much more complicated after the admission of the Republic of Cyprus representing the whole island into the EU on 1 May 2004, providing it the chance to bargain for a solution on the status of the island on its own terms. In this awkward situation, the EU's ability to function as a mediator has been severely hampered. Turkey also regards the EU as biased and partisan in this regard.¹⁵

However, in the end of July, Turkey signed a protocol extending the customs union to the ten new EU members. Yet Prime Minister Erdoğan emphasized that this move did not imply any recognition of the Republic of Cyprus. Even though

¹⁴ The so called Annan-Plan was a proposal on the reunification of Cyprus as a loose confederation of two constituent states, the Greek and the Turkish Cypriot State. These were to be joined together by a minimal federal government apparatus, resembling the Swiss confederation model.

¹⁵ "Missstimmung zwischen der Europäischen Union und der Türkei," *NZZ*, 8 March 2005, p.4.

an official recognition of the Republic of Cyprus by Turkey is not included in the expansion of the Customs Union to Cyprus, it still precipitates a factual recognition of the political realities on the island. Turkish approval of the additional protocol for the expansion of the Ankara Agreement, however, does not imply an official or legal (*de jure*) recognition of the Republic of Cyprus. Thus signing the protocol was a political and not a legal measure. Olli Rehn, EU commissioner on enlargement, and Prime Minister Blair have recently affirmed that Turkish recognition of Cyprus was not a pre-condition for negotiations to start. On their meeting on 19 September the member states' permanent representatives, however, agreed to a compromise that requires Turkey to recognize the Republic of Cyprus as part of its accession process; a proposal that was tabled by the Greek delegation and that circumvented a firm deadline for recognizing the Greek Cypriot government as Nicosia had demanded.

The current situation will become even more problematic in the implementation of the *acquis communautaire* when Turkey will be asked to open Turkish harbors and airspace to Cypriot vessels. This has caused a lively debate in Turkey with bureaucrats often sending conflicting messages. And even if the Turkish government were to establish commercial relations with the Republic of Cyprus, it would just shed light on the current reality in which the Greek-Cypriot government is representing the island's southern part only.

Lastly, the pressure on the Republic of Cyprus to abandon its logjam on trade facilitation, as suggested by the European Commission after the failed referendum in April 2004, might increase. In this sense the Commission could follow through with its promised financial help, allocate the proposed package of 259 million Euros to the government of northern Cyprus, and finally gain credibility as a sincere mediator between the conflicting parties.

Greece's new defense doctrine, published in March 2005, bears one striking novelty: For the first time since 1974 Turkey is not mentioned as a threat to Greek national security. In fact, the document explicitly backs Turkey's EU aspirations.¹⁶ The visit to Greece of Turkish Deputy Chief of Staff Yaflar Büyükanıt in late June can also be seen as a warming of bilateral relations. Nevertheless, conflicting issues concerning the Aegean Sea, such as the question of sovereignty of many islands, airspace violation and naval exercises, remain unsolved. Procrastinating on reaching an overall binding agreement for both parties can eventually lead to reform gridlock when more complicated chapters of the *acquis* are negotiated. Because opening and closure of chapters are to be decided on unanimously, EU member states might well use their signature as a bargaining chip. Turkey may find itself in an unfavorable negotiation position if, for instance, a combination of both the Cyprus problem and bilateral issues with Greece remain unresolved. It is thus in Turkey's best interest for these problems to be resolved as early as

¹⁶ "Neue griechische Verteidigungsdoktrin," *NZZ*, 3 March 2005, p.3.

possible. The noticeable warming of relations and intensified bilateral cooperation in combating organized crime, drug smuggling, illegal migration, and terrorism have tremendously improved the political environment for further talks on the Aegean issue. In addition, confidence-building measures (CBM) between the respective military staffs in the Aegean Sea have initiated close collaboration in security matters. These improvements display a mutual will to promote cooperation and dialogue as means of conflict resolution. Turkey has always pushed for bilateral negotiations to solve the Aegean issue, while Greece wanted the matter to be referred to the International Court of Justice (ICJ). According to the Helsinki European Council conclusions of December 1999, disputes of this matter need to be brought to the ICJ if not solved bilaterally “within a reasonable time.”¹⁷

The EU should stress the importance for the explanatory talks between Greece and Turkey to reach a definite agreement. However, a serious delay or blockade of negotiations caused by the Greek side is not very verisimilar as it would contradict the center-right Karamanlis-administration’s general backing of Turkey’s desire to join the EU.

Europe’s Credibility at Stake

As much as Turkey still needs to continue and enforce its reform process in order to meet the accession criteria, there remains much to be done by the EU itself. So far, Turkey’s will to join the EU seems to be greater than the EU’s will to accept a Turkish member state. This is due to two reasons: First, after having embraced ten new members and after the failure to adopt the EU constitution, deeper consolidation of the political system is urgently needed. Disagreement among European heads of state and government on finance, subsidies and foreign and security policy is hindering the creation of a strong and coherent European voice. As much as the need for political and economic consolidation will occupy most of the EU’s attention, it nevertheless will need to prove its honest commitment to eventually accepting Turkey as a member if the latter fulfills the criteria. The EU’s failure to adopt a common position on Turkey is perceived as delaying tactics both by Turkey’s political establishment as well as by its population, feeling strung along and without a tangible prospect of eventual membership. Only when the EU is sensed as a trustworthy negotiator can any Turkish administration pursue its reform path, as politicians will be able to use the accession process as an alibi for unpopular reform. Equivocal stances on behalf of the EU will only support the nationalist and Islamist groups’ conviction that reforms have been bared in vain and make it harder for any Turkish government to gather support for further reforms.

Second, the Turkish case evokes extreme controversy within the European population, alluding to the increasing resistance to further enlargement in European

¹⁷ Helsinki European Council, Presidency Conclusions, 10-11 December 1999, Preparing for Enlargement: http://europa.eu.int/council/off/conclu/dec99/dec99_en.htm (September 2005).

countries. A recent EU wide poll, published by the Commission on 18 July 2005, exposed that a mere 35 percent of the respondents are in favor of a Turkish membership. Because the former enlargement took place without any considerable public discussion in the member states, governments and European institutions missed the chance to neutralize many of the prejudices people have when they think about future enlargement rounds. This is why in the future, one major task politicians will have is to convince the deeply skeptical public opinion of the benefits of expansion and clarify its eventual advantages for the EU. This will mainly require marketing the Turkish case. It will have to include a comprehensive dialogue of civil societies to counter fears and prejudices that are mainly generated by a lack of information. The third pillar of the Commission's negotiation strategy enhancing a political and cultural dialogue bringing together people from EU member states and Turkey is most appropriate in this regard.

As the Commission set out its negotiation framework on 29 June EU Commissioner Rehn stressed the paper's rigor on the fact that, unlike former enlargement rounds, the EU will judge Turkey based on achievements rather than on entered commitments. If regular monitoring on Turkey's practical progress should detect any serious breach either the Commission or one-third of the EU member states may file for a suspension.

However, the Commission has explicitly adhered to the final goal of a Turkish membership. This assurance will restore some of Erdoğan's lost political capital in an atmosphere of increasing anti-European mood. The pace and success of negotiations will therefore primarily depend on the Prime Minister's ability to counter widespread resistance in both political institutions and the Turkish population. If the EU wants to assist in this task, the best strategy is keeping the prospect of fair negotiations followed by a Turkish membership alive.