



The EU and Turkey

Turkish membership of the EU has always been controversial. It is now becoming even more so: the accession process seems effectively stalled and concerns over the deterioration of democracy in Turkey are mounting. In particular, the launching of a corruption enquiry in December 2013 sparked a chain of events that have seemingly undermined Turkey's democratic credentials, damaging both the accession process and its relations with the EU. This brief is divided in three parts. The first will outline Turkey's EU accession process since its launch in 2005, showing how progress was hindered by a series of issues. The second will argue that the reaction of Turkish Prime Minister Recep Tayyip Erdogan to the corruption enquiry launched in December 2013 has further undermined the accession negotiations. The third part will outline prospects for the future of the accession process and for Turkey-EU relations more broadly.

Part I: The State of the Accession Process

Negotiations over Turkish accession to the EU were launched in October 2005. The framework of this open-ended process is twofold. Firstly, Turkey must adopt the relevant body of EU law, known as the 'acquis communautaire'. Secondly, Turkey must be in fulfilment of the Copenhagen criteria for EU membership, set out in 1993. The actual structure of the accession process is based on a set of intergovernmental negotiations over 33 policy areas, known as 'chapters'. Progress since the start of negotiations has been slow, with only 16 chapters opened so far. This was partly due to the freezing of relations between the EU and Turkey for the duration of Cyprus' rotating Presidency from July to December 2012. The slow pace of the accession process led the EU to launch the so-called Positive Agenda in May 2012 to complement and enhance the accession negotiations by fostering co-operation in a number of areas such as political reforms, alignment with EU law, trade and energy. In 2013 the process seemed to be gaining momentum. In June the European Council decided that negotiations on Chapter 22 (Regional policy & Coordination of Structural Instruments) would open in November. Important steps also took place in December, with the signing of a Readmission Agreement relating to persons residing without authorization, and with the decision to start a dialogue on visa liberalization. The European Commission's October 2013 Progress Report on Turkey commended Turkey for its progress in implementing the acquis, and favorably commented on a series of other steps. In particular, the Report welcomed the adoption of a judiciary reform package, the announcement of a democratization package and the start of peace talks aimed at finding a solution of the Kurdish issue.¹

Despite these successes over the course of 2013, two sets of issues impeded significant progress in the negotiations. The on-going dispute between Turkey and Cyprus remains the single biggest

obstacle to Turkey's accession, and a huge structural impediment to negotiations. In fact, in December 2006 the European Council vetoed the opening of eight chapters on the grounds that Turkey was not undertaking its obligations stemming from the 2005 Additional Protocol to the Ankara Agreement of 1963, concerning Turkish recognition of Cyprus. In fact, Turkish airports and ports remain closed to Cypriot aircraft and ships. As a result of the Council's decision these chapters cannot be opened, nor can any negotiating chapter be closed, until Turkey is in fulfilment of the Additional Protocol. In addition to the eight chapters blocked by the Council's decision, individual member states such as France and Cyprus are also blocking the opening of negotiations on other chapters.² Despite the re-opening of direct negotiations between Turkey and Cyprus in February 2014, the dispute remains a formidable stumbling block in the accession process. The second set of issues concern the EU's growing doubts over the Turkish government's commitment to democracy and over its track record on freedom of expression and assembly. While the 2013 Commission's Progress Report highlighted many positive developments, it also expressed concern over Turkey's democratic credentials, potentially raising doubts about Turkey's continuing fulfilment of the Copenhagen Criteria. It underlined that the political climate continues to be marked by polarization and that democracy continues to be understood as 'relying exclusively on parliamentary majority, rather than a participative process'. Moreover, it also highlighted how provisions in Turkey's legal framework and their application by the judiciary 'continue to hamper respect for fundamental freedoms'.³ Concerns over the state of democracy in Turkey are not new: the trials over the 2003 'Sledgehammer' alleged coup plan (2010-12) and over the 'Ergenekon' secret organization (2008-13) broke the military's influence over politics, but were characterized by over-reliance on secret witnesses and disputes over evidence. The EU's concern and that of the international community was also stirred by the violent crackdown on the countrywide protests of May/June 2013. Unrest was triggered by the planned redevelopment of Istanbul's Gezi Park in May 2013, but developed into a wider movement critical of government corruption and of increasing restrictions on freedom of speech, accompanied by concerns over the erosion of secularism. The EU condemned the government's response to the protests, in particular the heavy-handed tactics employed by the police.⁴ Protests simmered on through September, winding down in autumn and winter only to reignite in March 2014. While Turkey's perceived democratic backsliding and the on-going dispute with Cyprus undermined much of the progress made in 2013, events since December 2013 have cast the future of the accession process itself in doubt.

Part II: The EU and Turkish domestic politics since December 2013

The latest phase of EU-Turkey relations should be seen in the context of developments in Turkish domestic politics since December 2013. The launching of a judicial probe on a series of real-estate deals in mid-December, culminating in the arrests of over 50 officials and businessmen close to the ruling Justice and Development Party (JDP), marked the starting point of the government's woes. Three ministers, whose sons had been implicated, resigned: one of them, Environment Minister Bayraktar, publicly called on Erdogan to step down as well. Erdogan reacted on the 25th of December by announcing the reshuffle of seven other members of his cabinet, including the Minister for European Affairs, who was implicated in the ongoing investigation. But this did not stem the tide: in January and February the government was rocked by the release of recordings and videos contributing to continuing allegations of high level

corruption, leading to increasingly loud calls for Erdogan himself to be investigated. Indeed, the circle seemed to be gradually closing in on the Prime Minister, with the release of a recording in which he purportedly told his son to hide millions of dollars. The whole episode has been depicted by the government as part of a broader power struggle between Erdogan and his former ally Fetullah Gülen, Turkey's most influential cleric and leader of the worldwide Gülen movement. Erdogan has accused Gülen and his followers of concocting the graft investigation to undermine the JDP, and has pressed for the cleric's extradition from the US. According to Erdogan, who at one point alleged the involvement of the US Ambassador, Gülen wields great influence on what he terms Turkey's 'parallel state', the upper echelons of the bureaucracy, police and judiciary. However, the preacher forcefully denies any involvement.

The government's reaction to the ongoing investigation has led to a series of measures blurring the separation of powers and curtailing civil liberties. In the aftermath of the arrests in December the government relocated nearly a hundred judges and prosecutors, and dismissed or reassigned hundreds of officers and police chiefs, including Istanbul's chief of police. Censorship was stepped up with the passing of highly criticized amendments to law 5651 on the 'Regulation of Publications on the Internet and Suppression of Crimes Committed by means of Such Publication', allowing authorities to block webpages and collect extensive browsing data from users.¹ The government has also attempted to shut down access to Twitter and YouTube, where the leaked conversations and videos appeared; legislation banning the two was passed on March 20th and 27th respectively. However, these attempts have partly been rebuffed both by President Abdullah Gül, who protested against the ban on Twitter, and by the Constitutional Court, which decreed it to be illegal on April 2nd. On April 11th, the Court also ruled against a highly controversial package of measures passed in February, granting the Minister of Justice increased authority over appointments of judges and prosecutors. These rulings do not however appear to have deterred the government from pursuing the crackdown: on April 17th it passed a law expanding the powers of the National Intelligence Organization, allowing it to access information without obtaining a court order. The government's popularity does not seem to have been dented: in the local elections held throughout Turkey at the end of March the JDP gained 45.6% of the vote, increasing its share over the 39% it had obtained in 2009. The result was particularly significant seeing as Erdogan had cast the elections as a referendum on his own leadership.

The dynamics of Turkish domestic politics since December 2013 have sparked concerns in the EU: already in January Commissioner for Enlargement Stefan Füle and Commission President José Barroso expressed concerns about recent events and regarding the independence and impartiality of the judiciary more generally.⁵ As the government escalated the crackdown, EU condemnations became sharper, with the European Parliament passing a resolution in March expressing 'deep concern'.⁶ Along with the US, the EU also sharply condemned the blocking of Twitter, stating it cast doubt on 'Turkey's stated commitment to European values and standards'.⁷ Member states have been somewhat sharper in their criticism: German Foreign Minister Frank-Walter Steinmeier stating that Erdogan's recent actions had put the accession process at risk,²

¹OSCE 'Briefing on Proposed Amendments to Law No. 5651' <http://www.osce.org/fom/110823>

² 'Germany criticizes Turkey PM ahead of EU visit', 21 January 2014, <http://euobserver.com/foreign/122806>

while French President François Hollande made clear his opposition to opening new negotiating chapters during his visit to Turkey in January.³ Most recently, German President Joachim Gauck also heavily criticized the Turkish government's moves.⁸

It is becoming increasingly clear that the EU not only has serious doubts on whether Turkey currently fulfils the Copenhagen Criteria, but also on its commitment to fulfilling them in the near future. The Union faces a dilemma: by more firmly condemning developments in Turkey, or by threatening to suspend accession negotiations, there is the risk of undermining co-operation on issues of mutual concern and of losing all remaining leverage over the political process within the country. The degree of leverage possessed by the EU has already declined significantly since the start of negotiations, as the prospect of Turkish membership was pushed further and further into the future. These considerations mean that, despite its concerns, the EU will continue to push ahead with the accession process. In particular, the Commission is likely to attempt to deepen dialogue and engagement with Turkey in the framework of Chapter 23 on judiciary and fundamental rights, without actually opening negotiations on the chapter.⁹ In the meantime there might also be attempts to build consensus among member states to actually open negotiations on Chapter 23 and also on 24, concerning justice and home affairs. However, even if negotiations on these chapters were to open in the near future, this might not be enough to re-engage Turkey and comprehensively reboot the accession process.

Part III: Prospects

After Erdogan's clear victory in the March elections, Turkey's political future looks uncertain. Erdogan can no longer stand as Prime Minister, seeing as the JDP's statute imposes a three-term limit on its deputies. It is likely that he will use his recent victory to push forward his bid to become President in Turkey's first direct election for the post in August. Erdogan will also be looking for a pliable Prime Minister to take over his current position. It is unclear who would stand for the role, but it seems increasingly likely that current foreign minister Ahmet Davutoğlu might fill that role. If Erdogan wins the Presidency only to continue on his recent trajectory, his relationship with the EU is likely to sour further.

The future of the accession process and of EU's relationship with Turkey more broadly depends not only on developments in Turkish domestic politics, but also on the evolution of European attitudes to Turkish membership of the Union, and on Turkish enthusiasm for membership. At the moment, it is unclear whether many member states are genuinely open to the prospect of Turkish membership. Chancellor Merkel's position is well known: Turkey should have a privileged partnership with the EU, but should not be a full member. Attitudes towards the issue seem to transcend the political spectrum: France was opposed when President Sarkozy was in power, and its attitude has not significantly changed during the Hollande Presidency. Indeed, France still blocks the opening of four negotiating chapters, and Hollande ruled out opening any more in a recent visit to Turkey. With Britain's disengagement from the EU in the past years, the camp in favor of Turkish membership has been significantly undermined. Government policies can change, but dramatic changes are made unlikely by opposition to Turkish membership on part of European publics. This opposition has always been present, and does not seem to have

significantly decreased over time. The 2013 Transatlantic Trends Poll of the German Marshall Fund found that support for Turkish membership across eleven EU countries stood at 20%, with 33% of respondents actively opposed.¹⁰ Even in Britain, a poll in February 2014 put passport for membership at 25%.¹¹ Opposition to Turkish accession seems to have strengthened since the economic crisis has hit Europe: within nine core EU countries it stood at 35% in 2013, up from 20% in 2004.¹² Popular opposition to the EU's policies, including enlargement, is fuelling the rise of populist parties across the EU. The exact strength of these parties will only become clear with the European elections in May 2014, but it is likely that they will become a permanent fixture in European politics for the foreseeable future. Their rise does not bode well either for further integration within the Union or for its further enlargement. Popular opposition is also important in view of the stated intention of several European countries to hold referendums once the accession negotiations are complete. In particular, President Hollande has stated that France will hold a referendum even though the constitutional requirement to do so was removed in 2008. Austria is also likely to hold a referendum.¹³

European states have repeatedly stressed the open-ended nature of the accession process, maintaining a degree of studied ambiguity about its endpoint. This has enabled them to promote Turkey's political development in alignment with European values and practices. But, as the accession negotiations drag on with no immediate prospects of a breakthrough, Turkey seems to be losing interest in obtaining full membership: the poll found that only 44% of the Turkish public was in favor of EU membership, down from 48% in 2012 and 73% in 2004.¹⁴ Apart from the unenthusiastic attitude to membership, the poll also found that only 60% of Turks had a favorable view of the EU. More broadly, it appears that in the past few years Turkey has been somewhat shifting away from the EU and the US. The main focus of Turkish foreign policy since 2011 has shifted to its neighborhood, as Turkey has striven to pursue a more independent approach in international affairs, but only with mixed success: its support of the Muslim Brotherhood in Egypt even after the ousting of President Morsi, has soured its relations with Egypt and Saudi Arabia. However, it is important not to exaggerate this trend: developments in the past few months suggest that Erdogan may be trying to restore Turkey's relationship with Europe. In particular the symbolic offering of condolences to descendants of Armenians killed by the Ottoman Army in 1915 was an unprecedented step towards reconciliation, greeted positively throughout Europe. Davutoglu's possible appointment as next Prime Minister would also point to the increasing prominence of foreign policy in the government's agenda. The reason behind this shift is primarily economic: with instability across the Black Sea and in its southern neighborhood, Turkey depends more than ever on its unfettered access to the European market. There are signs that Turkish business is pressuring Erdogan to deepen that access, by pushing for active engagement in dialogue with the EU and US over the TTIP. The enduring economic importance of relations with the EU softens the negative repercussions of the stalled accession process. However, should the opening of new chapters not prove enough to reboot the accession process, it is possible that Turkey will become increasingly tempted to pull the plug on accession negotiations and propose a new agenda for relations with the EU.¹⁵

Such a step would act as a trigger for the EU to rethink its relationship with Turkey, attempting to find alternative frameworks along which to pursue further cooperation and integration. Many options have already been suggested, from a partnership focused on security and energy cooperation to selectively deep integration in different policy areas.¹⁶ The option of Associate

Membership, which has been proposed under several guises, seems particularly appealing: as the EU grows internally more differentiated, the outer circle of membership might look more and more suitable for Turkey. Over the course of the coming year, accession negotiations might continue to progress slowly or they might collapse, but in either case open debate about alternative frameworks of cooperation is set to grow as both the EU and Turkey seek to explore new ways out of the current impasse.

Written 7 May 2014

¹ European Commission, 'Key findings of the 2013 progress Report on Turkey', 16 October 2013

http://europa.eu/rapid/press-release_MEMO-13-895_en.htm

² France is blocking Chapter 17 on Economic and monetary policy, 33 on Financial and Budgetary provisions and 34 on Institutions. Cyprus is blocking Chapter 2 on Freedom of Movement for Workers, 15 on Energy, 23 on Judiciary and Fundamental Rights, 24 on Justice, Freedom and Security, 26 on Education and Culture, and 31 on Foreign, Security and Defence Policy.

³ See above.

⁴ Statement to the European Parliament by EU High Representative Catherine Ashton on the latest developments in Turkey, 12 June 2013, http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/137451.pdf

⁵ http://europa.eu/rapid/press-release_SPEECH-14-43_en.htm.

⁶ European Parliament resolution on the 2013 progress report on Turkey, 12 March 2014,

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bMOTION%2bB7-2014-0241%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>

⁷ http://europa.eu/rapid/press-release_STATEMENT-14-78_en.htm ;

http://turkey.usembassy.gov/statements_032714.html

⁸ <http://www.euractiv.com/sections/enlargement/german-president-criticises-erdogan-during-turkey-visit-301812>

⁹ See for example 'State of EU-Turkey relations: achievements and disappointments', Speech by Stefan Füle, European Commissioner for Enlargement and European Neighbourhood Policy, 10 April 2014,

http://europa.eu/rapid/press-release_SPEECH-14-313_en.htm

¹⁰ GMFUS, Transatlantic Trends 2013, <http://trends.gmfus.org/transatlantic-trends-2013-released/> Data refers to France, Germany, the UK, Italy, The Netherlands, Poland, Portugal, Spain, Slovakia, Romania and Sweden.

¹¹ <http://yougov.co.uk/news/2014/02/26/britain-cool-ukraine-joining-eu/>

¹² GMFUS, Transatlantic Trends 2013; the data refers to France, Germany, Italy, the Netherlands, Poland, Portugal, Slovakia, Spain and United Kingdom

¹³ <http://www.reuters.com/article/2014/01/27/us-france-turkey-idUSBREA0Q1EV20140127>

¹⁴ GMFUS, Transatlantic Trends 2013

¹⁵ 'Quo Vadis, Türkiye?', event held at the Centre for European Policy Studies in Brussels on **Thursday, 12**

September, 2013. <http://www.ceps.eu/system/files/simplenews/2013/09/CNOctweb.pdf>

¹⁶ N. Tocci and D. Bechev, 'Will Turkey Find its Place in Post-Crisis Europe?' in 'Global Turkey', Political, Economic, and Foreign Policy Dimensions of Turkey's Evolving Relationship with the EU, *IAI Research Paper*, 2013 http://www.iai.it/pdf/Quaderni/iairp_09.pdf ; See also Andrew Duff 'The case for an Associate Membership of the European Union' <http://www.spinelligroup.eu/article/case-associate-membership-european-union>