

Kramer, Heinz

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Turkey's EU Accession Negotiations at the Mercy of Conflicting Interests

Heinz Kramer

On 3 October the European Union intends to launch its accession negotiations with Turkey. However, the decision to initiate talks may end up not being decided until an extraordinary meeting of the European Council on 26 September, or even until the morning of 3 October itself. For at their informal meeting in Newport on 1 and 2 September 2005, EU foreign ministers failed to reach agreement on the last few unresolved issues, and the political decision-makers' interests are too far apart for them to reach anything but a superficial, ostensible understanding. Accordingly, the Union will probably end up launching negotiations about which only a minority of its Member States have no reservations. And since the Turkish government's euphoria at being considered for accession has also evaporated, the talks could well lead to an outcome other than EU membership. Yet this turn of events should not be the Union's objective right from the outset.

From the outside, as far as the accession negotiations with Turkey are concerned, the Union gives the vaguely familiar impression of being incapable of taking effective political action with respect to a matter of some strategic importance. The main reason for such dithering is that the EU Member States have still not really reached agreement as to whether or not they actually wish to embark on what would be a long process. Interests linked to policies on integration and Europe as well as geostrategic factors and—increasingly—domestic policy considerations are creating a thorough tangle of divergent positions from which the 25 EU Member States find

themselves unable to extract a common thread. This indecisiveness is reflected in the wording of the framework for negotiations and in the differences of opinion on how to handle the Cyprus problem in the context of the talks.

The framework for negotiations: Yea or nay?

For the framework for negotiations—the document unanimously adopted by the 25 Member States setting out the basic guidelines for the negotiating process and stipulating how the talks should progress—on 29 June 2005 the European Commission

published a draft text that closely respects the decisions taken by the European Council in December 2004. The 20 points covered by the text in question extend far beyond fixing technical procedures and contain important political statements about the EU's relations with the candidate country both during the negotiation phase and beyond.

The text stresses once again that negotiations should be conducted with the shared aim of leading to accession, but that the outcome of the process in question has not been determined in advance. It also reiterates that the negotiations may be abandoned if fundamental EU values and standards are seriously and persistently violated and that Turkey's accession is intended to further the ongoing integration of the Union and its Member States by enhancing its cohesion and effectiveness. Not only is Turkey's full adoption of the Community *acquis* and efficient implementation of that body of legislation by the agreed deadline an essential prerequisite for its EU membership; the EU may also provide for lengthy transition periods, derogations, special agreements or lasting safety clauses covering various policy areas. Key issues in this connection include the freedom of movement for persons as well as structural policies and agriculture. The negotiations can only draw to a close once the Union has agreed on the financial framework for the period after 2014. This proviso is intended to allow it to implement any financial reforms that may be necessitated by Turkey's accession.

On the subject of the actual negotiations themselves, the text states that the European Commission should closely monitor the headway made by Turkey with its reforms as well as its adoption and implementation of the *acquis* and also report back on such progress. On the basis of these regular reports the European Council will then set benchmarks for the provisional conclusion of negotiations on each of the 35 chapters and in some instances decide whether or not to commence talks on individual chapters. In particular these

benchmarks are intended to ascertain the functional efficiency of the Turkish market economy, the extent of Turkey's adaptation to the legislative *acquis communautaire*, and the implementation of key elements of the *acquis*. To this end, Turkey must demonstrate the existence of appropriate administrative and judicial capacities, for example. Corresponding benchmarks will also measure the fulfilment of obligations emanating from the Association Agreement, especially those arising from the customs union between the EU and Turkey.

As long ago as December 2004, in discussions within the European Council some Member States only reluctantly accepted these guidelines for Turkey's accession negotiations. At the very least they wanted an explicit statement to the effect that the negotiations could also lead to a different outcome than EU membership. The wording duly chosen by Germany's Christian Democratic opposition to describe such a scenario was 'privileged partnership', words intended to indicate that those advocating the use of the term currently oppose Turkey's accession to the Union for the foreseeable future.

The negative outcome of the French and Dutch referenda on the Treaty establishing a Constitution for Europe (TeCE) in spring 2005 triggered a sense of general political crisis, particularly where the problem of future EU enlargement was concerned. And even though polls have shown that national motives prompted by domestic policy decisions and deep-seated concerns about the current and developing socio-economic situation were major factors behind the rejection of the Treaty, public debate insisted on blaming the 'no' votes on enlargement, and Turkey's accession in particular.

In the run-up to the early general election on 18 September, Germany's Christian Democrats stepped up their attempts to incorporate the objective of a 'privileged partnership' into the text of the framework for negotiations. On 29 August the respective leaders of the CDU and CSU, Angela

Merkel and Edmund Stoiber, wrote a letter to the EU's Conservative heads of state and government in a bid to ensure that corresponding measures were adopted at the meeting of EU foreign ministers in Newport. At the same time, both politicians—just like other leading Christian Democrats in their election campaigns—stressed time and again that Turkey's accession would prove damaging to the European Union. Merkel and Stoiber evidently speculated on converting the German public's scepticism about Turkey's EU membership, as repeatedly confirmed in opinion polls, into votes for their respective parties and thereby prompting a change of government. Meanwhile, representatives of the governing red-green coalition, comprising the Social Democrats and the Green Party, doggedly continued to back Turkey's accession, hoping to attract the votes of the 500,000 or so German voters of Turkish origin who had taken German citizenship especially since the legal requirements for so doing were amended on 1 January 2000. The election results of 18 September strongly suggest that neither side was justified in their expectations. The German vote definitely reflects the preponderance of socio-political domestic issues over foreign policy considerations, including the "Turkish question."

Half-hearted Austria

Yet Germany's opposition only garnered support for its view from the Austrian government, and the campaign aimed at seeing 'privileged partnership' or other alternatives explicitly stipulated as negotiating objectives at the meeting of foreign ministers in Newport failed. Just as it had done back in December 2004, Austria desisted from pressing the matter further when Foreign Minister Ursula Plassnik found there was insufficient support for her cause amongst the 24 other EU Member States. In particular, the British EU Presidency and the German government

opposed any stronger wording of the 'open outcome' clause.

This behaviour by Austria is somewhat at odds with the clearly negative rhetoric in recent months of some key members of the government in Vienna, including Chancellor Wolfgang Schüssel. So either the Austrian government wants to avoid being made the scapegoat for the failure of Turkey's attempt to join the Union, or it is putting on an almost exemplary show of loyalty to the Union by falling into line with the majority EU view. An alternative explanation though could be that Austria has persisted with its negative rhetoric on the subject of Turkey primarily in a bid to secure bargaining chips for a far more pressing concern in Vienna in the decisive phase of discussions within EU bodies, namely ending the other EU Member States' blockade of accession negotiations with Croatia. A first step in this direction was taken in Newport.

Indeed, Turkish Foreign Minister Gül's public statement just before the Newport meeting that Turkey would end the accession process "for good" of its own accord if the Union proceeded to go beyond what the European Council had decided in December 2004 should have presented a decent opportunity to press home Austria's negative viewpoint. And had the proponents of a 'privileged partnership' leapt on such a situation to demand that a clause of the type they were demanding be included in the framework for negotiations, such a move would definitely have hindered the launch of negotiations, since the EU Member States would have been unable to reach a consensus. It would then have been up to Ankara to show how seriously Gül's words were meant to be taken. Of course, this argument applies not just to Austria, but to all the other EU Member States with serious reservations about Turkey's accession to the Union, e.g. Denmark or the Netherlands. Instead, as initial commentaries in the press make clear, the impression that the EU needs Turkey and therefore cannot afford to turn down its appli-

cation for membership was consolidated in Turkey, especially amongst nationalists and in Kemalist circles of the Turkish public, who argue that as a result the Turkish government should definitely not cave in to all the Union's demands. On the contrary, where national issues are at stake, commentators have suggested that Turkey could—and should—take a tough stand in the face of disagreement within the EU, particularly where the Cyprus problem is concerned.

A weakened President Chirac 'discovers' the Cyprus card

In addition to these renewed, albeit lately vain attempts by Conservative politicians to secure support for their position, the launch of negotiations was once again jeopardised by a shift in France's position, with President Chirac withdrawing his previous, mainly geo-strategically motivated support for the accession negotiations. The main reason for this change of heart was Chirac's wish to avoid leaving the field clear too soon for the rival candidates for the French 2007 presidential election from within his political party. Both the main contender, UMP leader and former Minister of the Interior Nicolas Sarkozy, and the new Prime Minister Dominique de Villepin, installed in office by Chirac after the 'no' vote in the French referendum, are publicly stating their opposition to Turkey's accession, probably once again in the hope of turning some of the electorate's unease into votes for realising their presidential ambitions. So if Chirac wished to avoid being thoroughly sidelined and thus labelled a 'lame duck' president for his last two years in office, he had no alternative but to toe the line advocated by his prospective competitors.

Unlike Sarkozy, who persists in bluntly rejecting Turkey's accession, de Villepin and Chirac have justified their reservations about the launch of negotiations by invoking Turkey's treatment of the EU Member State the Republic of Cyprus. At

the European Council in Brussels, after a long and at times acrimonious run-in with the EU Member States, the Turkish government declared its willingness to sign a protocol extending the Association Agreement between the EU and Turkey to all the 10 new Member States who joined the Union on 1 May 2004. And although this step by Ankara did not quite tally with what the government of the Republic of Cyprus really wanted, namely actual recognition by Turkey, the selected procedure could be interpreted as an indirect form of de facto recognition and definitely as an indirect expression of the acceptance of the Greek Cypriot government as a legitimate party to the accession negotiations. When Cypriot President Papadopoulos sought to raise further questions about this compromise so arduously wrought from the Turks, Chirac told him there was nothing further to be eked out and that he had to fall into line in the interests of the general consensus. Then, at the final plenary meeting to the annoyance of a number of EU Member States, Turkish Prime Minister Erdoğan once again reiterated that in Turkey's view its signature of the agreement did not in any way signal its recognition of the government in Nicosia.

The Turkish government systematically held to this line when, on 29 July, after lengthy negotiations with the European Commission and the British Presidency, it signed the Additional Protocol to the Association Agreement accompanied by an official written declaration stating that "the signature, ratification and implementation of this Protocol neither amount to any form of recognition of the Republic of Cyprus referred to in the Protocol, nor prejudice Turkey's rights and obligations" deriving from the documents signed when the Republic of Cyprus was founded in 1960. The French leadership pounced on this step to issue several statements, emanating from both the president and the prime minister, calling into question the start of negotiations and even querying whether Turkey's accession makes sense.

France's view is that it is inconceivable that negotiations with Turkey will be launched if Turkey fails to recognise one of the negotiating partners.

The astounding thing about this attitude is that in the wake of the European Council meeting in December 2004 the French president should have been more aware than most of the special political importance for Turkey of the Cyprus problem. Ankara's intransigence over this issue may have been irritating, but it was not in the least bit surprising, especially since the EU had proved incapable of trading the assurances of comprehensive aid that it had given the Turkish northern part of the island last spring against the resistance of the Greek Cypriot government. The only way of explaining why Chirac only protested at Turkey's reservations when Turkey had done what it said it would do is in terms of the turn of events in France in the meantime, i.e. the clear 'no' vote in the referendum and the associated implications for the president's domestic status and party political standing. Another hypothesis being bandied around, namely that Chirac wanted to make life difficult for Tony Blair, an energetic advocate of Turkey's accession, in the British prime minister's capacity as president-in-office of the Union, and in so doing take vengeance for the failure of the EU budget compromise at the latest European Council meeting, is probably mere speculation.

EU policy on Cyprus 'by default' is playing into the hands of President Tassos Papadopoulos

Nonetheless, Chirac's volte face is grist to the mill of the government of the Republic of Cyprus, which felt seriously stung by Turkey's declaration. Since the spring, President Papadopoulos and Foreign Minister Iacovou had been trying—as they had previously done in December, but failed—to link the launch of negotiations to Ankara's recognition of the government in Nicosia. In this connection it suited

them fine that Turkey, strictly pursuing its policy of non-recognition, had also made it clear that even after signing the Additional Protocol to the Association Agreement it would refuse to allow ships or aircraft from the Republic of Cyprus (the 'Greek Cypriot administration' as Turkey regards it) to use Turkish ports or airports. The view taken by the European Commission and many of the Member States is that such behaviour would be incompatible with the obligations emanating from the customs union. Consequently, the attitude taken by Ankara helped to create a more favourable backdrop for the Greek Cypriots' arguments amongst the EU Member States, whereas last year Papadopoulos had rather been treated as an unwelcome outsider following the rejection of the Annan Plan.

In this way Ankara's intransigence, the general EU crisis closely linked to the issue of Turkey's accession in the public debate, and also the search by some Member States for a watertight, objective reason to oppose the launch of accession negotiations all helped to propel the Cyprus issue into the foreground, giving it a prominence it never attained in the run-up to the decision taken in Brussels, despite the fact that the situation has not changed since then.

Papadopoulos' position was nonetheless initially weakened by the fact that the Greek government—also in reaction to the French argument invoking Cyprus—stated rather bluntly just before the meeting of foreign ministers that Athens still retained a strong interest in accession negotiations. For this approach, to Greece, represents the only way of ensuring the continuation of the important process of détente and rapprochement with Turkey. Nevertheless, bearing in mind the natural relationship between the island republic and its mother country and the resulting high sensitivity of the Cyprus issue in a domestic policy context, Prime Minister Karamanlis hastily added that Turkey's accession naturally went hand in hand with Ankara's full compliance with EU conventions, which of course included recognising all the EU's

Member States. Moreover, he pointed out that on no account could any discrimination against Nicosia in the customs union be tolerated.

Just like the U-turn by the French president, this ambivalent Greek position prompted Papadopoulos in Newport to couch his message in stronger terms than he could at the summit in Brussels. Pressure exerted by Papadopoulos and the French prompted the EU Member States, to the great irritation of the British EU Presidency, to decide to issue a counterstatement to Turkey's declaration on Cyprus. Just like the Turkish declaration, the one-sidedness of that counterstatement precludes it from being binding on the other party, so it will not have any legal impact on relations between the EU and Turkey, but for the Republic of Cyprus it constituted an important milestone in its policy of having its claim to sole representation of the island recognised in black and white by the Union. This is why Papadopoulos, now also with official backing from Greece, is pressing for the Union to come up with correspondingly phrased statements and incorporate them into the framework of negotiations that Nicosia is refusing to discuss until the wording of the counterstatement has been finalised.

Safe in the knowledge that the EU's adoption of an overly one-sided position would lead to further complications with Ankara, the British EU Presidency is endeavouring to word the call for recognition of Nicosia in as noncommittal terms as possible and also to emphasise the role of the UN-led process for resolving the Cyprus problem. This has earned it rebukes from Nicosia and Athens for violating two principles: the principle of EU-internal solidarity and the principle whereby Member States exercising the EU Presidency should remain non-partisan.

Neither of these criticisms is justified. EU solidarity does not mean that all the Member States or the EU Presidency have to defend the interests of individual members whatever the scenario in question. What is

more, by trying to ensure that its own position is reflected in the counterstatement, the British government is in no way falling short of the EU Presidency's obligations to remain unbiased. For since the EU Member States have failed to adopt any detailed position over the Cyprus issue with respect to Turkey's recognition of Nicosia, it is entirely legitimate for the British to try and find a considerate wording that does not jeopardise the launch of accession negotiations on 3 October, that being an objective not officially called into question by any of the Member States so far.

The British approach with respect to the more wide-ranging problems concerning Cyprus should also be welcomed by the EU, because if in its counterstatement the Union too unequivocally affirms that it will only recognise one legitimate Cypriot government, it will largely deprive itself of any opportunities to provide aid to the Turkish northern part of the island without the Greek Cypriots also having their say, including on individual issues. But since this would be broadly unacceptable to the Turkish Cypriots, the statement would merely perpetuate the current stalemate with respect to EU aid—with all the ensuing negative political fallout regarding relations with Turkey and the development of the situation in Cyprus.

The consequences for a potential resolution of the Cyprus issue would be even more serious. Every step taken by the Union that underpins the Greek Cypriots' claim to sole representation of the island will make it harder to devise a feasible solution based on both sides' political equality on the island, as still provided for in the rejected Annan Plan. Since the EU welcomed this plan without any reservations in spring 2004 and forcefully condemned its rejection by the Greek Cypriots, such a momentous change in tack effected without any in-depth debate on Cyprus amongst the 25 Member States would surely prove rather surprising. It is becoming increasingly clear that the Union has run up a political blind

alley by ratifying the accession of the divided Cyprus without first resolving the overall problem, and it now seems unable to find its own way out of this impasse. Indeed, the reasoning behind the decision on Cyprus's accession, which after all ultimately presupposes the validity of the Greek Cypriots' claim to sole representation of the island, and the thrust of the Annan Plan, which prominently stresses the political equality of both sides, are largely incompatible. Consequently, the EU would be well advised to continue leaving the quest for a solution up to the United Nations and also to make an unequivocal statement to this effect, even if this elicits an indignant response from Nicosia.

It is especially unfortunate that the EU should currently—and quite openly—be treating an issue of such importance to the development of security policy in the Eastern Mediterranean and hence also the EU's overall security policy, as both a technical problem to do with the implementation of the customs union and a by-product of the political interests of its Member States vis-à-vis Turkey. In so doing it is neither doing justice to the complexity of the problems involved, nor taking seriously its great political significance for Turkey. The Union should restrict itself to telling Turkey clearly that unless it recognises the Republic of Cyprus it will not gain EU membership. Turkey must be made aware that such recognition would have to be forthcoming at some stage during the accession process, so ideally a solution to the Cyprus problem that is acceptable to all parties needs to be found earlier. At the same time, Turkey ought to be asked to ensure the smooth implementation of the Additional Protocol. After all, the opening of Turkish ports and airports and the signature of the protocol would not be synonymous with recognition of the Republic of Cyprus, even though there can be no denying that both (in spite of all Turkey's declarations on the subject) would necessitate a de facto shift in Ankara's policy on Cyprus up to now. Having said

that, Turkey would have to take steps of this kind if it wanted to see the accession negotiations brought to a successful conclusion.

Turkey's growing scepticism about EU accession

Yet it is questionable whether the EU's arguments are still getting through at all to the leading political decision-makers in Ankara. There are many indications that Prime Minister Erdoğan and perhaps also Foreign Minister Gül have written off Turkey's accession (for the time being). Both men have been fully aware of the deep divisions and widespread scepticism in the Member States regarding Turkey's accession at least since the European Council meeting in Brussels in December 2004. They know full well that even if Turkey makes concessions on important issues like Cyprus and the Kurds and/or the treatment of minorities, such measures may well not end up being rewarded by the Member States in the form of rosier prospects for accession, let alone an assurance of EU membership. This situation increases the risks faced on the home front by the governing Justice and Development Party (AKP) of being publicly denounced by its political opponents both within and outside Parliament for 'selling out Turkey's national interests'.

The EU Member States are doing nothing to take the wind out of the Turkish opposition's sails. On the contrary, to nationally inclined factions amongst Turkey's political elite, the debate on Armenia taken to Turkey by Germany, amongst other countries, the tacit acceptance in many Member States of activities by the Kurdish Workers' Party (PKK), and the new line taken by the Union in its policy on Cyprus are all unmistakable signs that the EU Member States' main aim in admitting Turkey to the Union would be to diminish its potential leverage. The 'national revival' witnessed in Turkey for some months now that is threatening to spark off conflict

between Kurdish and Turkish nationalists and which the government is doing nothing major to prevent, clearly suggests that such reservations and conspiracy theories will find a fruitful breeding ground in the prevailing political attitudes of the masses. Where this trend is concerned, Erdoğan and the AKP leaders, who intend to secure the presidency in 2007 and defend an absolute majority in Turkey's National Assembly, will have no option but to tread carefully if Turkey's prospects for accession to the EU are increasingly called into question by the Union's behaviour.

However, Turkey's prime minister can hardly dispense with the launch of accession negotiations, because his personal political standing is still tied to his success in steering his country towards EU membership. As a result, if the negotiations collapsed right at the start without the European Union being undeniably to blame, this would constitute a severe personal political setback for him. Moreover, it is as true today as it has always been that, being a religion-based party, when consolidating its political power base in the clash with secular hardliners among the Kemalist 'state class' the AKP would benefit from any continuing liberalisation of Turkey induced by the EU. Finally, we must also not forget that the Kemalist faction amongst the country's nationalists, including its military leaders, also has its sights set on EU membership, albeit only if accession is achieved 'under honourable conditions' from Turkey's point of view. For this reason they cannot approve of any fundamental rift with the Union. So Erdoğan has various, mainly domestic policy reasons for continuing to work towards the launch of negotiations on 3 October, without making any concessions on issues in Turkey's national interest.

uled, since leading figures in the AKP will initially deem the associated threat to Turkey to be controllable, and because no EU Member State will want to be made responsible for exacerbating the crisis afflicting European integration. Indeed, open disagreement over the issue of Turkey's accession might make the handling of other major internal conflicts (like the European Constitutional Treaty, the next financial framework of the European Union, and the Union's fundamental economic and social orientation) even more difficult than is already the case. Yet negotiations with such an inauspicious start could very well lead to a result other than accession, in which case the EU should take the situation as it comes, rather than aiming for such an outcome right from the beginning. Only then can the Union hope that even if Turkey does not become a Member State it will be "fully anchored in the European structures through the strongest possible bond," to quote the European Union's wish as formulated in the framework for negotiations. Otherwise, the ensuing break with Turkey may well prove rather difficult to mend.

Conclusion

The above analysis would seem to suggest that the negotiations on Turkey's accession will most probably be launched as sched-

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SWP
Stiftung Wissenschaft und Politik
German Institute for International and Security Affairs

Ludwigkirchplatz 3-4
10719 Berlin
Telephone +49 30 880 07-0
Fax +49 30 880 07-100
www.swp-berlin.org
swp@swp-berlin.org

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