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EU-Turkey Relations at the End of 2010

by Adam Szymański

According to the last European Commission's Progress Report, Turkey must continue democratic reforms after the constitutional referendum and implement the Additional Protocol to the Association Agreement to keep its accession process on track. However, the prospects to meet the EU's expectations are tiny because of the political polarisation in Turkey, no progress in talks on the unification of Cyprus and politicisation of the Turkish issue in some EU states. Nevertheless, the membership talks with Turkey will continue, although their pace will be even slower than nowadays.

On 9 November 2010, the European Commission (EC) adopted the annual enlargement strategy document as well as progress reports concerning the Western Balkan states, Iceland and Turkey. The critical assessment of the Turkish achievements contrasted with a much more positive appraisal of the efforts of the Balkan countries, such as in February 2010, in the case of the European Parliament's (EP) reports on Turkey, Croatia and Macedonia.¹ Commissioner for Enlargement and European Neighbourhood Policy Štefan Füle claimed that Turkey's accession process was losing its momentum. The EU gave a clear signal in the report that this is first of all Turkey's role to increase the sluggish pace of accession negotiations—since the beginning of the accession talks in October 2005, only 13 of 33 negotiated chapters have been opened and only one has been provisionally closed.

Commission's Report on Turkey. The EC pointed out clearly that the most important task for Turkey is to fulfill the political Copenhagen criteria. It assessed positively the constitutional package approved by a referendum on 12 September. Twenty-six amendments to the constitution have the effect of limiting the competences of military courts, restructuring the constitutional court, widening the composition of the high council of judges and prosecutors to make it more representative of the judiciary as a whole, establishing the institution of ombudsman, improving the protection of the rights of women and children and broadening trade union rights. However, the EC repeated the opinion of the EU authorities that this is only the first step in the right direction. Turkey must implement the package and find solutions to the most important domestic problems, in particular the Kurdish issue and violation of the freedom of speech. It seems that the adoption of the new constitution is inevitable, which would be a result of consensus reached by all main political forces in Turkey—unlike the constitutional package approved in September.

For the EC the most crucial problem that must be solved by Turkey to revive the accession negotiations is full implementation of the Additional Protocol to the Association Agreement, first of all through the lifting of restrictions on direct transport links with the Republic of Cyprus—a state not recognized by Turkey. The restrictions are the main reason behind the decision of the European Council from December 2006 to freeze the membership talks in eight negotiation chapters and not to close any further negotiated area.

Negative Determinants. Meeting the EU's expectations by Turkey might be possible only after the parliamentary elections in June 2011, which probably will be won again by the governing Justice and Development Party (AKP). Before this date no broader domestic reforms and external conces-

¹ More, see: A. Szymański, *European Parliament Resolutions on Countries Applying for EU Membership*, PISM Bulletin no. 26 (102), from 15 February 2010.

sions concerning Cyprus or Armenian issues (ratification of protocols on the establishment and development of relations) are possible. However, there will be some factors having a negative impact on the solutions of existing problems on the Turkish path to the EU. It will be difficult to achieve consensus on reforms, including the adoption of the new constitution, due to political polarization. Although the main opposition group—Republican People's Party (CHP) has changed its policy under the new leadership of Kemal Kılıçdaroğlu to be more pro-European and less nationalistic, the lack of agreement with AKP on the headscarf issue reflects the limits of possible cooperation on reforms.

France will continue to block the opening of five negotiation chapters because this will guarantee the support of the electorate, associating the case of Turkey with the socio-economic problems connected with Muslim migrants. The resumption of talks on eight frozen negotiation chapters would require either the end of the trade blockade of the northern part of Cyprus or the resolution of the Cyprus problem itself. However, both positive scenarios seem unlikely. The European Parliament's approval of the Direct Trade Regulation (DTR)—whose implementation would allow trade between the EU and northern Cyprus without the need of the Republic of Cyprus to be intermediary—could lead to the lifting of the trade blockade if the regulation gains a qualified majority in the EU Council. This would in turn enable Turkey to open its airports and harbours for Cyprus. However, the legal committee of the Parliament has not shared the opinion of the EC that the EP should decide together with the Council of the EU about the DTR. This means that it must be approved in the Council—by all EU members, including Cyprus. That is impossible because Cyprus fears that recognition of northern Cyprus as a separate entity would result from direct trade with the EU.

The possibility of resolution of the Cyprus issue through talks between the leaders of the two Cypriot communities—Demetris Christofias and Derviş Eroğlu—is drifting away. The pace of the talks is still slow and the main contentious issues (property, territory and security) remain unsolved. A more active involvement by UN Secretary General Ban Ki-moon, reflected in his invitation for Christofias and Eroğlu to New York on 18 November and the announcement of such a meeting at the beginning of 2011, cannot change much unless it is accompanied by stronger involvement of the EU and U.S. This in turn is unlikely due to the lack of any sign from Turkey to be more active in the resolution of the Cyprus issue. Turkey's frustration from the EU's position on Cyprus, including the trade blockade issue, makes it difficult for the country to press Eroğlu to be more flexible in the talks.

Prospects of EU Membership Talks with Turkey. The accession negotiations with Turkey will continue, because it is in nobody's interest to stop it now. The EC wants to keep the whole enlargement process on track. For the governing AKP, the end of talks would mean the Turkish opposition's accusations that the European course of AKP was only a cover to realize a hidden agenda and would be a danger for the democratization of Turkey—beneficial for AKP. The opposition of many EU states, led by the United Kingdom, will make it difficult for such members as France to completely stop the Turkish pre-accession process.

However, since in the short term Turkey is unlikely to solve the problems that are also the reasons for the blockade of negotiation chapters by the EU or France and Cyprus (six chapters), the pace of memberships talks in the near future will be even slower than before. One, or none, of three unblocked negotiation chapters—competition policy, public procurement and social policy and employment—can be opened during the subsequent EU Council presidency.

Turkey will implement its European agenda consisting of the accomplishment of a road map of EU adjustments for the 2007-2013 period, an active approach to talks within the opened chapters, the gradual fulfillment of the Copenhagen criteria as well as the preparation of the communication strategy in order to present the image of Turkey free of stereotypes and explain the EU to Turkish society. The EC will concentrate on winning over European and Turkish societies to the enlargement side. The EU will tend to detach the accession negotiations from the development of relations with Turkey in certain areas through such initiatives as the strategic dialogue in foreign policy. At the same time, alternative solutions to EU membership for Turkey can be further developed. These will be presented by EU countries opposing Turkish accession and disapproved by Turkey's supporters in the political debate.

Recommendation for Poland. It is important for Poland to go beyond a declaration of support within a debate whose result will be crucial for the Turkish future. A little more active approach to the efforts to maintain the membership prospects for Turkey would help Poland develop the image of a real promoter of the whole EU enlargement process. During Poland's presidency in the EU Council, Polish authorities must be objective but should not avoid the Turkish issue, sending signals that Turkey is still a candidate country, e.g., through the creation of consensus on the opening of a negotiation chapter.