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ACCOMMODATING TURKEY IN ESDP

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1. Introduction

Can Turkey's demands for equal treatment with EU member states be reconciled with the EU's demand for *autonomous* decision capacity? This commentary analyses the Turkish position and assesses the theoretical and practical possibilities for accommodating Turkey's demands in the European Security and Defence Policy (ESDP).

Turkey is determined to participate in ESDP decision-making procedures. Having been denied participation, Turkey has vetoed the EU's assured access to NATO planning facilities for crisis management, despite pressure from the EU and the US. The EU announced it would reach Initial Operating Capability (IOC) of its Rapid Reaction Capability by December 2001. Yet finalisation hinges upon an agreement with non-EU NATO countries. Turkey's veto thus currently lies at a critical junction in the realisation of the Union's goal to develop an operational Rapid Reaction Capability by 2003. Hence, the forthcoming discussion of this crucial question during President George W. Bush's mission to Brussels on 13 June.

2. The EU's institutional arrangements

- In Nice the EU "took over" the WEU. This idea seems to be accepted as common knowledge. It is however not entirely true. It is true that the EU took over most of the WEU, but it did not take over the WEU in its entirety. The EU took over most of the WEU's *acquis* (less Article V), most of its functions (less collective defence) and most of its procedures (less the role and rights of troop-contributing nations in decision procedures).
- The future place of non-EU NATO members (Czech Republic, Hungary, Iceland, Norway, Poland and Turkey "the Six"); as well as that of the nine candidate member states that are not NATO members (Bulgaria, Cyprus, Estonia, Latvia, Lithuania, Malta, Romania, Slovakia and Slovenia "the Nine") within the ESDP decision-making framework is one of the thorniest issues in the development of the ESDP. At the Feira

Council meeting in June 2000 the heads of state concluded that the EU would seek “a single inclusive structure in which all the 15 countries concerned ... can enjoy the necessary dialogue, consultation and cooperation with the EU”.¹ The EU proposed regular meetings between the EU and the 15 non-member states (15 + 15).

- The EU can engage in military operations in three different ways: 1) as a NATO-led operation, 2) using NATO assets and 3) as an EU-only operation if “NATO as a whole is not engaged”. In 2) the six non-EU NATO members would participate automatically in preliminary discussions “if they so wish”, whereas in the latter case they would simply “be invited” to be involved if the Council saw fit to issue to such an invitation.²
- The way an EU-only operation would begin:
 1. If a potential crisis situation arises, the political consultations with all partners involved will be stepped up (15+6) engaged in “deep consultations”).
 2. In a crisis situation, the Political and Security Committee (PSC) asks the EU Military Committee (MC) to issue an Initiating Directive to the Director General of the EU Military Staff (EUMS) to draw up and present strategic military options.
 3. The EU MC evaluates the strategic military options developed by the EUMS and forwards them to the PSC together with its evaluation and military advice.
 4. With a view to launching an operation, the PSC sends the Council a recommendation based on the opinions of the Military Committee in accordance with the usual Council preparation procedures. On that basis, the Council decides on the preferred strategic option and decides to launch the operation within the framework of a joint action. (“the autonomous capacity to decide”).
 5. On the basis of the military option selected by the Council, the EUMC authorises an Initial Planning Directive for the Operation Commander.
 6. The Operation Commander prepares the Concept of Operations and drafts an Operation Plan. These are evaluated by the MS, then sent on to the EUMC, which provides advice and recommendations to the PSC.

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¹ *Presidency Conclusions*, Santa Maria da Feira, Appendix 1, Article 5.

² *Ibid.*, Article 19, also cited in Jolyon Howorth (2000), *European Integration and Defence: The Ultimate Challenge?*, Chaillot Paper, Institute for Security Studies, Paris, November.

Stages 1, 2 and 3 are considered the “decision-*shaping*” stages; stage 4 is the “decision-*making*” stage; and stages 5 and 6 are the (operational) planning stages. An additional institution that can be activated is the “Committee of (troop) Contributors”. This committee will consist of “third countries” and will play a key role in the day-to-day management of the operation and will have consultations with the Operation Commander, the EU Military Staff and the EU Military Committee.

3. What does Turkey want?

Perceptions of the Turkish demands differ greatly, not only between NATO and the EU but also in diplomatic and academic circles. The Turkish position and its ensuing veto within NATO can be explained by the cumulative effect of three factors: i) Turkey’s position in the WEU; ii) decisions taken at the NATO Summit in Washington (1999), i.e. “what promises were made by NATO”; and iii) the EU’s offer to Turkey. One has to view Turkey’s position and veto in the light of the major discrepancy between the net result of i) and ii) on the one hand and iii) on the other.

i) Turkey and the WEU

In 1992, European members of NATO were invited to become associate members of WEU in a way that would enable them to participate fully in the activities of the Organisation. Turkey, together with Iceland and Norway, became associate members at that time. According to the minutes issued in connection with the document on associate membership, signed in 1992, it was agreed that:

(...) associate members will take part on the same basis as full members in WEU military operations to which they commit forces (...). The right to speak brings with it the possibility to present proposals. Full participation will include participation in caucuses subject to the same rules as for participation in the meetings of the WEU Council and other bodies.³

What did this imply in practice? In general the agreement allowed for a well integrated role of associate and observer members into the WEU structure concerning non-Article 5 activities, although only the 10 member states had full decision-making rights in WEU. First, both observers and associate members could participate in Council meetings unless a

³ WEU Council of Ministers, Minutes agreed in connection with the document on associate membership, Rome, 20 November 1992.

majority of the full members decided otherwise. Second, associate members could participate in all working groups apart from the Security Committee. Third, associate members Turkey and Norway and Denmark as an observer could participate in Working Groups resulting from the transfer of former EUROGROUP activities of 13 European allies. Fourth, associate members could appoint officers to the Planning Cell. Fifth, associate members could participate on the same basis as full members in WEU operations. Finally, associate members had full rights and responsibilities in WEU armament activities.

In addition, associate members were also involved in side-institutions or activities of the WEU such as the Parliamentary Assembly, the Institute for Security Studies or the Satellite Centre. This prevented the creation and perception of insiders and outsiders in the overall institutional set-up of the organisation.

ii) NATO' s promises

A major NATO statement on the position of WEU member states and associated members vis-à-vis the European Union, and thus on Turkey's position was made at the NATO Washington Summit in 1999. The Heads of State and Government state in the communiqué:

We acknowledge the resolve of the European Union to have the capacity for autonomous action so that it can take decisions and approve military action where the Alliance as a whole is not engaged (...). NATO and the EU should ensure the development of effective mutual consultation, co-operation and transparency, building on the mechanisms existing between NATO and the WEU (...) We attach the utmost importance to ensuring the fullest possible involvement of non-EU European allies in EU-led crisis response operations, building on existing consultation arrangements within the WEU (...). (...) the concept of using separable but not separate NATO assets and capabilities for WEU-led operations, should be further developed.⁴

Moreover, in the Strategic Alliance the Heads of State agree that:

(...) on a case-by-case basis and by consensus, to make its assets and capabilities available for operations in which the Alliance is not engaged militarily under the political

⁴ Washington Summit Communiqué, issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, D.C., 24 April 1999.

control and strategic direction either of the WEU or as otherwise agreed, taking into account the full participation of all European Allies if they were so to choose.⁵

The Turks clearly consider both documents belonging to one package. Two salient points emerge: firstly, this is an interesting example of inter-institutional behaviour, in that NATO decisions are being made on behalf of the EU on the need for the latter to arrange the involvement of non-EU European allies based upon the “existing arrangements within the WEU”. The second point is that at the time the EU did not (could not) signal to Turkey that this format for the inclusion of non-EU states in ESDP decision-making would be problematic.

iii) The EU's offer

The EU has offered Turkey full participation in the decision-*shaping* process and the operational planning, i.e. the day-to-day management of an EU-led operation. The EU is willing to engage in “deep consultation” with Turkey during the decision-*shaping* process, although the latter’s position would not be binding. In particular the EU draws a distinction between operations using NATO-assets in which the six non-EU NATO members would participate automatically in preliminary discussions “if they so wish”, and EU-only operations when the invitation to participate would be decided by the Council of Ministers of a case-by-case basis. It is also willing to accept Turkey’s involvement in the *operational planning* stage following a decision, provided it assigns forces to the task force.

Turkey, as a non-EU member, has *not* been offered participation in decision-*making*. Turkey would have no say at the critical juncture in which the EU’s General Affairs Council would decide on where, when and how to intervene. In particular, the EU has rejected Turkey’s rights that it enjoyed as a WEU associate member:

- Participation on the same basis as full members in EU military operations to which they commit forces;
- the right to speak at General Affairs Council (GAC) meetings and with it the possibility to present proposals; and
- full participation in caucuses subject to the same rules as for participation in the meetings of the GAC and other bodies, i.e. PSC.

⁵ The Alliance's Strategic Concept, approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, D.C. on 23-24 April 1999.

The discrepancy is clear. Turkey had a certain position within the WEU, allowing it to broker power. Turkey was promised at the NATO Summit in Washington in 1999 that the EU should build on existing mechanisms [consultation arrangements] between the EU and WEU. In the process of building a credible Rapid Reaction Capability, the EU stated its right to an “autonomous decision capacity” and is thus not willing to go as far as the WEU did in engaging its associated members. Turkey has pledged 4-5,000 troops to the Rapid Reaction Force and demands therefore inclusion in ESDP decision-making procedures in the way it was included in WEU decision procedures.

4. Why should Turkey be accommodated?

Four reasons can be given why Turkey’s concerns should be taken into account and the EU should deal constructively with this issue.

i) NATO countries such as Poland and the Czech Republic, whose accession to the Union should occur over the next three to four years, are in a relatively unproblematic position. They will effectively begin participating in the Union’s ESDP in its early days. However, countries like Turkey or Norway whose EU accession lies either in the distant future or is not foreseen for the time being are left in a more complex position. Hence, both Turkey and Norway as NATO members and former WEU associate states would prefer to be included in ESDP decision-*shaping* as well as decision-*making*.

Moreover, Turkey, unlike Norway, lies in a volatile and unstable geographical position. Although the future ESDP is likely to take a global view of security issues, its major theatres of operation are likely to be in problem areas in and around Europe. NATO’s work on potential scenarios point to 16 potential areas for the deployment of the RRF. Thirteen of these hot spots lie around Turkey and thus critically affect the country’s security.

In particular, Turkey fears a European defence involvement in Cyprus. Cyprus has historically been one of the top foreign policy priorities in Turkey. Furthermore, over the decades and in particular since the 1990 application of the Republic of Cyprus to the EU, Turkey and the Union have increasingly taken diverging positions on the conflict. Given opposing political positions on this question, Turkey is adamant not to transfer these political divergencies to the security domain, which could occur with the creation of an ESDP from which Turkey is excluded.

The EU's position not only presents important security concerns to Turkey. The incomplete transfer of the WEU institutional set-up to the EU also entails an effective downgrading of Turkey's status in European security affairs. Under the ESDP Turkey would not be able to participate in European military exercises and in the whole array of WEU institutions, such as the Institute for Security Studies and the Satellite Centre. Moreover, it would have to withdraw from several European security activities such as MAPE policing in Albania, to which Turkey is an active contributor. Withdrawal from such security initiatives in the Balkans, an area of considerable security interest to Turkey, would be clearly unacceptable to the latter.

ii) The Turkish accession process needs a credible complement.⁶ Turkey's rapprochement to the EU and eventual EU membership require considerable internal political transformation in Turkey. The EU anchor could provide an effective incentive for such a change. But given the ambiguity of the EU's position with respect to Turkey's future EU membership and the long-term perspective for Turkey's accession, the incentive of membership is not sufficient. Short- and medium-term EU policies of inclusion towards Turkey are required as a complement to the accession process.

Given Turkey's pressing security concerns, Turkey's inclusion in ESDP would be an ideal element of such a strategy. This is particularly the case in so far as it would prevent an additional psychological feeling of exclusion in Turkey, which would hinder all-encompassing reform. Given the aforementioned mechanisms of inclusion under the WEU institutional framework, failing to accommodate Turkish concerns in ESDP would enhance such a feeling of rejection. If the EU is indeed serious about its accession process towards Turkey, why does it insist upon an ESDP institutional structure that moves away from the WEU framework? In Turkey's eyes the current EU position illustrates the Union's general lack of credible commitment towards this candidate country.

Accommodation into ESDP is thus not simply an ideal candidate for an upgraded European Strategy for Turkey given Turkey's pressing security concerns. It is vital in so far as a failure to accommodate Turkey would further weaken the EU's credibility in the eyes of this candidate member. Accommodation in the European security sphere is imperative for a resolution of the Union's credibility problem. This in turn would both strengthen the

⁶ See Nathalie Tocci (2001), *21st Century Kemalism: Redefining Turkey-EU Relations in the post-Helsinki Era*, forthcoming CEPS Working Document.

perceived commitment of the EU towards Turkey, and by encouraging political change in Turkey, it would speed up Turkey's full EU accession.

iii) Continued deadlock would create considerable tensions in transatlantic relations. On the other hand, the EU's ability to find a constructive solution for Turkey would strengthen the transatlantic link. Turkey has a large Army and many F-16 fighter planes, resources sorely needed by the nascent RRC. Letting the US know that the EU can count on these Turkish assets will assure Washington that the European allies are indeed capable of endorsing their share of the burden.

In addition, such an agreement might contribute to a new security deal for the Balkans or the Caucasus, that is, contribute to regional stability. Particularly in the latter region, the EU is aware of the need for its more active involvement. Yet as of today it does not have sufficient resources or time to play a substantial role. Turkey is keenly interested in the Caucasus given its strong economic, linguistic, religious and cultural ties with many of its states or regions. Yet its unilateral security involvement is impeded by its partial position and in particular its problematic relations with Armenia. The joint security involvement of the EU and Turkey in the South Caucasus thus appears an ideal combination, allowing Europe to contribute in a meaningful way to the peace and stability of this strategic region of considerable importance to all principal actors, Russia and the US naturally included.

iv) The political capital invested in both ESDI and ESDP is enormous. The geo-strategic impact of both projects will shape the strategic environment for many years to come, and time is running out. This puts enormous pressure on all stakeholders "to get it right" because the Turkish problem will not just "go away" but must be solved in a meaningful way.

5. Options

Which formula could both be acceptable to European legal principles and address Turkish concerns? It is unrealistic to expect that Turkey could be treated on a par with EU members at the decision-making stage. However, the reasons outlined above suggest it is necessary to devise a scheme to include Turkey at the decision-making stage of ESDP. Four possible options are explored: building upon the WEU framework, a conventional option, the virtual veto, and a security agreement à la Schengen.

i) Building upon the WEU

The first most evident solution would be that of accepting the WEU institutional set-up in its entirety. It was noted above that the general framework of Turkey's complaints relates to the EU's failure to endorse the WEU *acquis* and thus assign Turkey as well as the other non-members the mechanisms of inclusion of associate membership. The EU could thus accept the WEU structure and in particular enable the European NATO members and WEU associate members not only to take part on the same basis as EU members in military operations to which they commit forces and when NATO assets are used, but also to make proposals regarding future operations and to participate in other caucuses subject to the same rules as for participation in EU proper. Furthermore, Turkey could participate in all working groups apart from the Security Committee, could appoint officers to the Planning Cell and participate on the same basis as full members in EU-led operations.

ii) Conventional option

Another option would be to include Turkey and the other European non-EU NATO members at the decision-making phase, if the crisis concerns a region directly affecting the country's national interests and when a military intervention is being considered. These regions or hot spots should be put in an agreement. The point of demarcation after which Turkey would be involved in decision-making would be when the PSC considers a hard security action in the light of failure of civilian efforts in a well-defined region. However this is a problematic option because both Turkey's national security interests and the location of hot spots may change over time. Explicitly including specific regions and hot spots in Treaty-like agreements would eliminate the necessary flexibility in EU decision-making arrangements.

This option is conventional in so far as it begins and ends with existing EU procedures. It would put Turkey in the cockpit as if it were a full EU member state when the considered operation would touch a geographical area in Turkey's national interests. However, Turkey would not have the right of decision or veto. Following the stages of ESDP policy-making, we would see the following Turkish involvement.

- 1) If a crisis is looming and the PSC engages in "deep consultations" (15 + 6) and is about to ask the Military Committee to issue an Initial Directive to the Military Staff, the Turkish Ambassador would be invited to the relevant PSC meeting.

- 2) Senior Turkish military officers would be seconded to the EU Military staff. They will assist and liaise in the process of drawing up the different strategic options.
- 3) The Turkish Chief of Staff would participate in the Military Committee when this makes its technical military comments and evaluations.
- 4) The Turkish Ambassador would be present again in the PSC when it makes its ultimate recommendation and forwards it to the GAC.
- 5) The President of the Council invites the Turkish Foreign Minister to the GAC that decides upon the strategic option and takes the decision to launch an operation. The Turkish FM has no vote and no veto, but is allowed to speak.
- 6) When the EU MC authorises an Initial Planning Directive the Turkish Chief of Defence Staff would be present to assist in drafting this document.
- 7) Turkish military units and commanders are an integral part of the EU chain of command, under DSACEUR's operational command.

iii) A “virtual” veto

The conventional option does not ensure that Turkey's concerns would be taken into account at the decision-making stage. However, any formal arrangement requiring Treaty changes is, for obvious reasons, not an option. Therefore a solution must be found that may alter the behaviour/decisions of the member states without legally forcing them to do so. This could be achieved through a “virtual veto”.

A virtual veto is not a real or formally accepted veto, but it has the appearance of a real one. The virtuality of the veto is that the member states in the GAC can and will not *neglect* the Turkish veto, they will act as if it were a *real* veto. This may sound artificial but it is not. The Turkish Foreign Minister would have the right to speak and the possibility to present proposals. The effect and the consequences of this spoken word are real, because they cannot be neglected. In order to ensure non-neglect, the need to take into consideration the positions of these non-members would be included in the GAC's house rules.

iv) A Security Agreement à la Schengen

The Schengen Agreement was an intergovernmental agreement concluded outside the EU framework. In the 1997 Treaty of Amsterdam, the agreement was included in the EU *acquis*.

Its purpose is to remove all controls at internal land, sea and airport frontiers. In order to maintain internal security, a variety of measures have been taken, e.g. coordination of visa controls at the external borders of the Member States through a common approach to visa policies and asylum procedures. On 26 March 2001, the five Nordic countries (Sweden, Finland, Denmark, Norway and Iceland) entered the Schengen Agreement and thus officially entered part of the EU. This will enable these countries to maintain the Nordic Passport Union, which allows their citizens to move freely across their borders. However, Norway and Iceland remain non-EU members. They are not allowed a veto within the Council of Ministers and if a decision were taken by the Council that was then rejected by their national parliaments, the agreement would collapse.

This model of an inter-governmental agreement either outside or within the EU Treaties perhaps offers the most interesting prospect. One could foresee a European intergovernmental agreement on external security. Two variants are possible: 1) EU member states engage in such an intergovernmental agreement with Turkey, or 2) the EU itself agrees upon a bilateral agreement with Turkey.

6. Conclusion

In Turkey there is a strong feeling that its veto over European defence arrangements is a “card that can and must be played” as *The Economist* reports (23 December 2000). “It is the only way of asserting Turkish interests in the face of an EU defence plan that might be harmless in the short run but could seriously damage Turkey's interests in a few years' time.” The initial question whether Turkey should be accommodated can not be answered with a simple “yes” or “no” but depends entirely upon the expectations the EU has of Turkey and the importance it assigns to this candidate country. However, what all sides must understand is the enormity of the stakes and that time is a critical factor. But there is also much to win, for both sides.

If the EU and Turkey are able to find a constructive solution possibly through an EU-Turkey Security Agreement the result could contribute to the stability of a volatile region; strengthening ESDP and ESDI; and speeding up the accession process of Turkey. Finally, a meaningful EU-Turkey Security Agreement can be an important building block in the reorientation of the transatlantic link.