

**Turkey's EU Accession Negotiations:
On the Rocks**

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For Kemal Kirisci, tireless promoter of Turkey's EU membership

Summary: The first year of Turkey's negotiations to join the European Union have not gone well. The main sticking point is the deadlock over Cyprus, but there are other issues such as freedom of the press and freedom of religion. Meanwhile, there is growing opposition to Turkey's membership among the public at large in the EU-25 and Turks themselves are less keen on joining.

Contents

Introduction
Cyprus: Facing a Crunch
The Military: Grappling with the Dismantling of the Pillars of Kemalism
Headscarves: Rallying Point for Secularists
Freedom of Expression: Scoring Own Goals
Freedom of Religion: a Conundrum
Kurds: Revival of PKK terrorism
Armenia: Still Unresolved
The Economy: On the Right Track
Energy: Conduit between East and West
Turkey's Soft Power: an Emerging Force
Turkey-US Relations: a Casualty of the War in Iraq
Conclusion:
Appendices
Bibliography

Introduction

One year after the European Union finally agreed to launch accession negotiations with Turkey on 3 October 2005, both sides are becoming increasingly impatient of one another. On the one hand, the European Commission says the government of Recep Tayyip Erdogan, whose Justice and Development Party (AKP) has Islamist roots, is not doing enough to implement reforms or protect freedom of expression and religion. On the other, Ankara believes some countries, in particular France, are moving the goal posts and that the EU, in general, could do more to resolve the deadlock over Cyprus, a problem that could torpedo Turkey's more than 40-year bid to join the Union.

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Meanwhile, opinion polls show support for Turkey's EU membership declining in the EU: worries about enlargement, following the addition of 10 new members in 2004, played a major role in the French and Dutch rejection of the European constitution in 2005. According to the survey of the German Marshall Fund of the United States, published in September, those who see Turkey's membership as a good thing fell from 30% in 2004 to 21% in 2006, and those who view it as a bad thing grew from 20% to 32%. The largest increases in negative views since 2004 have been in Slovakia (+21 percentage-points), the Netherlands (+18), and Germany and Spain (+14 each).

France, which faces elections in 2007, changed its constitution to require that a referendum (as opposed to a parliamentary vote) be held to approve all future EU enlargements. Other countries, such as Austria and Germany, could well follow suit. Among the countries whose official as opposed to public support for Turkey's EU membership has not wavered is Spain, whose UN-backed 'Alliance of Civilisations' between Western and Muslim countries is co-sponsored by Turkey. Nicolas Sarkozy, a frontrunner to be the next President of France, recently came out against Turkey being an EU member because he says it is not a European country. 'We have to say who is European and who isn't. It's no longer possible to leave this question open'.¹

The EU's enlargement fatigue is matched in Turkey by declining enthusiasm for membership. In the German Marshall Fund's survey the percentage of Turks who see Turkey's membership as a good thing has fallen each year from 73% in 2004 to 54% in 2006, while the percentage of Turkish respondents who see Turkey's membership as a bad thing has increased from 9% to 22% over that same time. This is the result of a resurgence in nationalism, largely arising from the row over Cyprus, and a growing disillusionment that at the end of the day the EU will find a way to give Turkey the cold shoulder, perhaps in the form of a 'privileged partnership', as suggested by Sarkozy and Germany's Angela Merkel, and also favoured by Austria.²

An internal EU document in early June ahead of the opening of the first chapter of Turkey's accession negotiations (on science and research) fired the first warning shots across the bows of Turkey. It voiced concerns at 'reports of torture and ill-treatment' and the 'many cases pending against individual persons for non-violent expression of opinion'. It complained that 'in the area of freedom of religion no concrete progress can be reported yet in terms of addressing the difficulties faced by non-Muslim religious minorities'. On top of this, violence has flared up again in the south-east of the country where the army is again being deployed against the Kurdish separatists of the PKK.

Given that no one expects Turkey to become a full EU member until at least 2015, there would seem to be no hurry. But this is not the case. It took more than eight months to open the first chapter in June 2006. If the remaining and more difficult 34 chapters are dealt with at the same speed the whole process would take more than 20 years. In order for Turkey to join in 2015, the earliest date, accession negotiations need to be completed by 2012 at the latest so that there is enough time for all EU countries to ratify the accession and to prepare the Accession Treaty. Six years could be too short a time for a country like Turkey, which became an associate member of the then EEC in 1963 but did not gain EU candidate status until 1999.

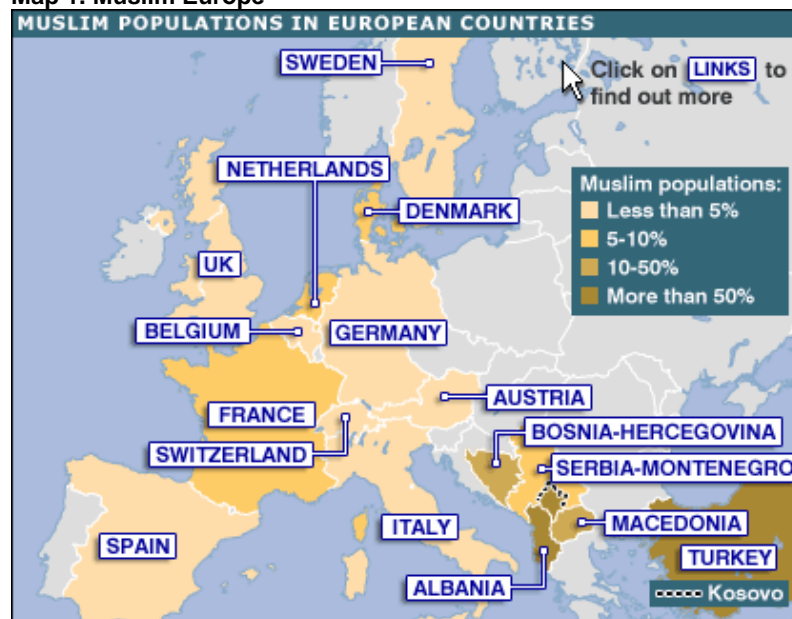
¹ In 2004, before becoming Pope Benedict XVI, Cardinal Joseph Ratzinger, then the doctrinal head of the Church, also opposed Turkey's membership on the same grounds. He said the country had always been 'in permanent contrast to Europe'. The Pope is scheduled to travel to Turkey in November, his first visit to a Muslim country.

² Turkey has had such a partnership since 1996 when it became the first and so far only non-EU country to have a Customs Union for industrial goods and processed agricultural products. Ankara will reject anything that is short of full membership.

The most immediate and urgent issue is Cyprus, a thorny issue that has dogged Ankara ever since it invaded the island in 1974 in reaction to a coup inspired by Greece's then-military government. Cyprus joined the EU in 2004, but Turkey still only recognises the Turkish Cypriot community in the north of the divided island (no other country does). Cyprus refused to countenance the start of the first chapter of the negotiations unless Turkey met EU demands to open up its ports and airports to Cypriot ships and planes, and it could still use its power of veto later this year (see below). Under the last-minute deal, which enabled the first chapter to be opened in June, Turkey was warned that 'failure to implement its obligations in full effect will affect the overall progress in the negotiations'. If Turkey does not do this it will fail a review this autumn of its compliance with the Customs Union agreement and its bilateral relations with other member states. The review was agreed by the EU under pressure from France and Cyprus.

The debate about Turkey joining the EU is also increasingly becoming a 'Eurabian' one, the disparaging term used to describe an ever-growing Muslim Europe-within-Europe (see Map 1). The community of Muslims in Europe, although it is far from homogeneous, is viewed with more and more hostility and suspicion, particularly since the 11 September 2001 terrorist attacks in New York by Islamist radicals and those on 11 March 2004 in Madrid.³ 'Eurabia' is blamed for the riots in France's *banlieues*, the furore over the Danish cartoons of the Prophet Muhammad and the murder of the Dutch film-maker Theo van Gogh. Today, the EU has up to 20 million Muslims (4% of its inhabitants) and that figure would jump to 17% if Turkey (current population 73 million) were to join.

Map 1. Muslim Europe



Source: BBC, using the latest official figures for each country.

While opponents of Turkey are against its membership on the grounds that it is Muslim (though they do not openly say this), poor and too big, those in favour view the religious element as very positive as it would prove the Union is not a Christian club and send a positive signal to the Islamic world and to the growing Muslim communities in Europe. A no to Turkey would imply a message that they will be considered as second-class citizens no matter what efforts they make to integrate into the European societies.⁴ As for the argument that Turkey is too big and that the EU cannot absorb it, it is interesting to note

³ See 'Tales from Eurabia', *The Economist*, 24 June 2006.

⁴ In my previous Working Paper in 2004 (see www.realinstitutoelcano.org/documentos/101.asp) I argued that the political, economic, religious and geo-strategic advantages to be gained from Turkey's membership outweighed the disadvantages.

that this line, assuming there is any truth in it, should have been deployed by governments more than a decade ago when the EU's eastward enlargement process started. In those days, as Ingmar Karlsson, Sweden's consul general in Istanbul, reminded an audience the main opponents of Turkey's membership, like Germany's Christian Democrat Union (CDU), now in power, were the keenest advocates of enlargement.⁵ It is hard to escape the conclusion that using the absorption capacity argument against Turkey is little more than political tactics to keep the country in the EU's waiting room indefinitely.

Turkey was led to believe that its membership would be treated in the same way as that of any other country, but as the Negotiating Framework shows (see Appendix II) this is not the case.⁶ Ankara's fears about second-class membership are to some extent confirmed by the EU guidelines for accession negotiations as they mention the possibility of permanent safeguards against Turkey on freedom of movement of people and regional aid.⁷ The negotiations are open-ended and their outcome cannot be guaranteed; only when it is proved that the content of one chapter is satisfactorily implemented will the negotiations on another chapter start, something that did not apply to other countries. Furthermore, Ankara was upset when France tried to add new conditions to the already agreed framework. The French tried to link negotiations on education and culture, normally one of the least contentious parts of talks, to human rights criteria in order, for example, to ensure that Turkish textbooks treat minorities appropriately, but the European Commission and countries such as the UK felt that this horizontal linkage was unfair. It was agreed not to make any reference to this concept in the letter sent to Turkey inviting it to draft its negotiating position, but there is no guarantee the issue will not be raised again.

Cyprus: Facing a Crunch

The wrangling over Cyprus (see Map 2) threatens to slow down the already sluggish pace of Turkey's accession negotiations and in the worst-case scenario trigger their suspension.

Map 2. Cyprus



Source: The BBC.

⁵ Paper given at a conference on Turkey held at the Jesuit University in Antwerp on 8-10 June 2006.

⁶ The Helsinki European Council in December 1999 decided that 'Turkey is a candidate country destined to join the Union on the basis of the same criteria as applied to the other candidate states'.

⁷ Turkey's EU bid will not be helped by the possibility that restrictions will be placed on the rights of immigrants from Romania and Bulgaria, much smaller countries than Turkey, to work in the UK when those countries join the EU in 2007. The idea of restrictions is gaining strength following the release of official figures in August 2006 which showed that 447,000 eastern Europeans had registered to work in Britain between May 2004, when Poland and seven other mainly former communist states joined the EU, and June 2006. The figure far exceeded the government's initial estimate of annual applications of no more than 5,000 to 13,000 and is hardening public opinion on immigration. The statistics do not cover self-employed east Europeans which probably brought the total to around 600,000. Many of these immigrants are thought to have returned home and not stayed permanently. Figures also showed that net migration to Britain has risen sharply in recent years and reached 222,600 more migrants coming in than leaving in 2004. As a result of migrants and longevity, the British population is now more than 60 million and is growing at its fastest pace since the 1960s despite residents leaving the UK at a record rate.

Ankara has to remove existing obstacles to the free movement of goods including restrictions on means of transport, which are in breach of its obligations under the Association Agreement. This means it has to open its ports and airports to the Republic of Cyprus. The negotiating framework makes it clear that the opening of accession negotiations on the relevant chapters depends on Turkey's implementation of its obligations. The difficult discussions in June on closure of the negotiations on the science and research chapter –the least contentious of the 34 chapters– showed that the Cyprus issue is omnipresent in the accession process. An immediate crisis was averted, but the crunch could come when EU negotiations reach issues linked to ports, transport or free movement of goods and Turkey has still not complied with its obligations. 'If we want to avoid a major problem in the autumn, Turkey needs to stick to its word', said Olli Rehn, the EU Enlargement Commissioner.⁸

Turkey feels that the Greek-Cypriot government is at fault for rejecting a UN-brokered plan in April 2004 to reunite the island. Ankara won a lot of sympathy from the international community for overturning 40 years of policy and pressing the Turkish-Cypriots in the northern part to endorse the reunification plan in a referendum, which they did with a 65% majority. But more than three-quarters of Greek-Cypriots in the south – guaranteed EU membership regardless of how they voted– rejected it. This was a huge blow to the international community, since the UN, the EU and Turkey had put a considerable effort into winning support for the plan. One week later only the southern part joined the EU as both sides had to approve the plan. Recep Tayyip Erdogan, Turkey's Prime Minister, who took a big domestic political risk by pressing for a 'yes' vote, described the accession of the divided island as 'a big mistake', a view which is increasingly shared by other countries but which it is far too late to do anything about.

Erdogan feels, with some justification, that Turkey has been betrayed as it acted in good faith and has received nothing for it. The Council of Ministers in Brussels agreed to end the isolation of northern Cyprus on the eve of EU enlargement on 1 May 2004, when Cyprus joined the Union. Since then, however, little has happened. Opening the ports and airports before next year's general election in Turkey would probably be an act of political suicide for Erdogan unless the trade embargo is lifted.

Ankara signed a protocol in July 2005, before the European Commission gave the green light to starting accession negotiations, which extended its Customs Union deal to the 10 new member states including Cyprus, but it inflamed the situation by issuing a declaration saying this did not mean it recognised the Greek-Cypriot administration as the government of the whole of Cyprus. Erdogan, however, did not implement the protocol; he is not prepared to open Turkey's ports and airports to one part of Cyprus, while the other is under a trade embargo. Yet Cyprus insists the Customs Union commits Ankara to do this regardless and that it is not an issue open to bargaining. Turkey would like to see northern Cyprus allowed to trade directly with the EU, and so end its decades-long isolation, but for the Greek-Cypriots in the south of the island this would implicitly mean recognising the self-declared Turkish Republic of Northern Cyprus. As a first step towards putting an end to the isolation, the EU agreed in February 2006 an aid package of €139 million to the Turkish-Cypriot community but implementation was blocked, as of July 2006, by the Greek-Cypriots in a European Technical Committee.

The problem for Turkey is that Cyprus has much greater bargaining power as it is an EU member state and is in a position to veto Turkish membership. Other EU member states have little leverage over it. How can the stalemate be broken? One way to push the

⁸ See *Turkey: State of Play of the Accession process*, European Parliament, 20 June 2006 (<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/06/392&format=HTML&aged=0&language=EN&quiLanguage=en>).

Greek-Cypriot side back to the negotiating table would be by threatening to formally recognise the north, although this tactic is considered unlikely. The International Crisis Group suggested, among other steps, that including the north in the EU-Turkey Customs Union rather than just regularising trade could smooth the path. Turkish-Cypriots are inhabitants of the EU but they are blocked from the benefits of being in the EU.⁹ The Group said the ‘blockage of an agreement is now the policy and attitude of the Greek-Cypriot leadership and in particular of President Tassos Papadopoulos. They should realise that if they persist in their refusal to engage with the United Nations and with Cyprus’s other international partners, the island will slip by default toward permanent partition and the independence of the north, whether formally recognised or not. The idea that Turkish Cypriots will instead accept minority status in a centralised Greek Cypriot state is a pipe dream.’

The best way forward would be to make another effort to reunify Cyprus within the framework of a variation of the UN plan rejected in 2004. Papadopoulos and Turkish-Cypriot leader Mehmet Ali Talat met in July 2006 and agreed in a UN-hosted move to open technical talks, but they are unlikely to yield any significant results.

Meanwhile, promotion of the Cyprus cause in Turkey has even entered the sporting world, to the anger of the Greek-Cypriots. Talat handed the winner’s prize to Ferrari driver Felipe Massa at this year’s Turkish Grand Prix. The organisers bent the FIA rules on prize-giving by not notifying the race’s governing body the day before the race on who would be handing the prizes, as required.

The Military: Grappling with the Dismantling of the Pillars of Kemalism

One of the great ironies of Turkey is that while full EU membership is the logical culmination of the modernisation process started by Mustafa Kemal Atatürk, founder of the Republic of Turkey in 1923, achieving this goal requires burying or, at least, substantially reforming the six principles that have come to be known as Kemalism and have served as the country’s bedrock. Yet the assertive military, the second-biggest in Nato after the United States and the country’s pioneer of modernisation, is the ultimate guardian of these principles and in the past has not shirked from defending them even if it meant staging a coup. Today’s military have been in their barracks since returning power to civilians in 1983 after their 1980 coup. In 1997, the military, backed by the secularist establishment, mounted what was termed a ‘soft coup’ (it did not seize power) and forced the Islamic Welfare Party out of office. Today’s ruling AKP grew out of the Welfare Party and its successor, the Virtue Party, outlawed in 2001. Another coup is unthinkable, other than in exceptionally extreme circumstances and only if it has widespread civilian support as in the past, if for no other reason than it would dash Turkey’s EU membership which the military firmly supports.

The six principles of Kemalism are: republicanism, populism, secularism, reformism, nationalism and statism. The two that worry the military are nationalism (ensuring the continuation of the nation state and, in particular, contain Kurdish separatism) and secularism (the officer corps is suspicious of the mildly Islamist government’s commitment to *laïcité*). No one questions that Turkey should remain a republic; populism, defined as a social revolution (for example, women received the right to vote in 1934, before France, Italy, Switzerland and Belgium), and reformism (replacing traditional institutions with modern ones) present no problems and statism has been buried with the opening up of the economy to the Turkish private sector and foreign investment.

⁹ See *The Cyprus Stalemate: What Next?*, 28 March 2006 (http://www.crisisgroup.org/library/documents/europe/171_the_cyprus_stalemate_what_next.pdf).

The military, still the most popular institution in Turkey, has gone along with the reforms needed to join the EU because it believes membership could provide solutions to some of Turkey's main problems including the Kurdish question, Islamism –that is gaining ground– and economic difficulties.¹⁰ Particularly challenging is the EU's demand that the country's many layers of diversity be accommodated, threatening the cohesion which the military has enforced in the country as a whole and, particularly, in its own ranks.

The military has shown itself to be much more flexible and pragmatic than it is generally given credit for abroad and has been able to constantly reshape Kemalism. The National Security Council, which in the past acted as a kind of shadow government, is under civilian control and the military no longer has a representative on the Higher Education Board (YÖK) or the Radio and Television High Council. The Kurds have also been granted broadcasting rights. But the military's influence in the judiciary and in the political agenda is still felt. One example of this is the Semdinli case when a prosecutor was sacked in December 2005 because he accused General Yasar Buyukanit, Commander of the Land Forces, of organising an illegal group to plan a bombing aimed at stirring up unrest in the south-east. The bombing triggered riots in the region. Olli Rehn, the EU Enlargement Commissioner, said the case raised 'doubts not only about the methods of the military to fight against the PKK, but also about the independence of the judiciary'.¹¹ In all fairness to the Turkish judiciary, the perpetrators of the Semdinli bombing received hefty jail sentences after a swift trial.

The more hard-line Buyukanit took over as the new Chief of the General Staff at the end of August, replacing the outgoing General Hilmi Ozkok, who was considered a moderate. He is expected to take a tougher stance towards Kurdish rebels in northern Iraq (see the section below on the Kurds) and towards any straying from the fiercely secular constitution.

If the military is fully convinced that the EU can replace it as a sufficient guardian of Turkey's stability, which is not yet the case, then it will take a back seat, but if, along the road to accession, the terrorism of Kurdish separatists intensifies or Islamists gain too many positions in state institutions then the Turkish General Staff might be reluctant to relinquish all its powers.

Headscarves: Rallying Point for Secularists

The killing in May 2006 by an Islamist fanatic of a judge and the wounding of four others, one of whom was linked to a court ruling barring a teacher from promotion because she wore a Muslim headscarf, catapulted Turkey's staunchly secularist establishment into Ankara's streets. President Ahmet Necdet Sezer, himself a former judge, who described the killing as an 'attack on the secular republic', joined the march to defend the constitution as did many military officers, bureaucrats and citizens. One columnist referred to the shooting as 'Turkey's September 11th'. Symbolically, the demonstration ended at the imposing mausoleum of Mustafa Kemal Ataturk, the founder of Turkey in 1923. Noticeably absent from the demonstration was Prime Minister Recip Tayyip Erdogan, who had condemned the court's decision on headscarves.

The wounded judge, Mustafa Birden, made headlines earlier in the year when he ruled that schoolteachers, who are banned from wearing the Islamic headscarf, could not cover their heads even on their way to school. Turkey is overwhelmingly Muslim, but secularism,

¹⁰ For a full and stimulating explanation of the military's standpoint, see 'The Turkish Military's March Toward Europe' by Ersel Aydinli, Nihat Ali Özcan and Dogan Akyaz, *Foreign Affairs*, September 2006.

¹¹ See the statement by Olli Rehn

(http://ec.europa.eu/commission_barroso/rehn/speeches/pdf/060712_espresso_OR_statement_hrant_dink.pdf).

very much modelled on France's *laïcité*, is a cornerstone of its republic. Headscarf policy is far from consistent across the EU; in the UK, for example, such a ban would not be allowed, while France is becoming almost as rigid in these matters as Turkey.¹²

In Turkey, the headscarf is banned in state schools, universities, government buildings and at public ceremonies. In November 2005 the European Court of Human Rights rejected an appeal by Leyla Sahin who had brought the case in 1998 after being excluded from class at Istanbul University for wearing the headscarf. The ruling on the grounds that it is necessary to 'preserve the secular character of educational institutions' came as a bitter disappointment for Erdogan who was hoping for EU support in easing the headscarf restrictions, something particularly desired by the grassroots of his Justice and Development Party (AKP) which has an Islamist background. Indeed one reason for Erdogan's commitment to the EU process is to achieve greater expression of religious freedom. Although Erdogan insists that the AKP does not have a hidden agenda, the secularist establishment –the courts, the bureaucracy, the military and many ordinary Turks– fear it wants to put religion more into government and society.¹³ But the slightest loosening of the constitutional restrictions on the wearing of headscarves is anathema to the secularists and would be fiercely resisted. Sezer, the President, boycotted a meeting with the King of Sweden in June 2006 because politicians' wives wore headscarves and he did not want to be photographed with them.

Emine, Erdogan's wife, has worn her headscarf in the White House but she cannot do so in the presidential palace in Ankara. What would happen if her husband decided to become President, as is possible? The next election for President is May 2007. The President is elected by an absolute majority of the parliament, which the AKP comfortably has. National elections are not due until November 2007.

The complex, divisive and emotive headscarf issue ranks very low in the table of voters' concerns –well below unemployment, the cost of living and law and order–. Yet the issue will not go away.

Freedom of Expression: Scoring Own Goals

The prosecution of several writers in high profile freedom of expression cases during 2006 seriously dented Turkey's image abroad and played right into the hands of those who have deep reservations about whether the country should be a fully fledged member of the EU. Article 301 of the new penal code, enacted in May 2005, which replaced Article 159 of the previous code, still makes it illegal to insult 'Turkish identity' and state institutions and gives prosecutors wide latitude to pursue cases. A guilty verdict can carry a prison sentence of up to three years. The controversial article as it stands at the moment is out of place in the EU.¹⁴

The most damaging and highest profile case was that of Turkey's best-known novelist, Orhan Pamuk, the recipient of major international awards, who appeared before a court in Istanbul in December 2005 on charges of 'publicly denigrating Turkish identity' after he told a Swiss publication that 'Thirty thousand Kurds and a million Armenians were killed in these lands and nobody but me dares to talk about it'. He was referring to the war

¹² The French government's strict integrationist approach, as opposed to Britain's more tolerant multiculturalism, was enforced in 2004 by a law banning the wearing of Islamic headscarves in state schools.

¹³ Erdogan, Mayor of Istanbul at the time, spent four months in jail in 1998 for reciting an Islamic poem which included the lines: 'The mosques are our barracks, the domes our helmets, the minarets our bayonets and the faithful our soldiers...'.
¹⁴ Insulting or belittling state institutions was an offence in much of Europe until the 1950 European Convention on Human Rights. See 'Europe Can Learn From Turkey's Past' by Mark Mazower, *Financial Times*, 2 October 2004.

between the army and Kurdish terrorists during the 1980s and 90s and to the massacre – for some genocide– of Ottoman Armenians in 1915, still a very sensitive subject but no longer a complete taboo.¹⁵ The case was referred to the Justice Minister and the charges dropped on a technicality.

Pamuk's case, described by Olli Rehn, EU Enlargement Commissioner, as a 'litmus test' of Turkey's commitment to the Union's membership criteria, grabbed the international headlines, but it was not the only one. In June, Perihan Magden appeared in court for 'alienating the people against military service' after she defended in a magazine article a young man's right to be a conscientious objector and refuse to do his military service. Conscription in Turkey is obligatory for men over 20, and the country does not recognise the right to conscientious objection. She was acquitted in July on the grounds that her article amounted to 'heavy criticism conveyed within the scope of freedom of expression' and did not constitute a crime.

In an even more bizarre case a court reopened in July the prosecution of the novelist Elif Shafak. The charge of 'insulting Turkishness' was based on remarks made by a fictional character of Armenian ancestry in her novel *The Bastard of Istanbul* who says, 'I am the grandchild of genocide survivors who lost all their relatives in the hands of Turkish butchers in 1915, but I myself have been brainwashed to deny the genocide'. The case was thrown out in June but following a complaint by a member of a group of right-wing lawyers known as Unity of Jurists a court overruled the decision and the first hearing of the trial was set for 21 September.

In the most worrying case, a court confirmed in July the prison sentence for Hrant Dink, the editor of the bilingual Turkish and Armenian weekly *Agos*, on the grounds that he insulted Turkishness after writing about the mass killings of Armenians. He was given a six-month suspended sentence in 2005, the Chief Prosecutor's office then studied his case and said the remarks were in no way insulting, but the Court of Cassation ignored the interpretation and confirmed the sentence. This ruling was the first final judgement by the highest jurisdiction in Turkey about the interpretation of Article 301 and set a binding precedent for other cases. Rehn called for the government to amend the article and other vaguely formulated articles that limit freedom of expression. The ruling, he said, showed that the courts 'have not succeeded in establishing a positive case law when interpreting the provisions of the new Penal Code in line with the relevant EU standards'.¹⁶

Turkey is far from complying with freedom of expression rights as they are understood in the EU, although the current situation is nowhere near as bad as it was only a couple of years ago. For example, the High Audio Visual Board has relaxed some of the restrictions on broadcasting in Kurdish. But for the degree of progress made, albeit insufficient, Istanbul would not have stood a chance of being chosen, as it was in April 2006, as the third nomination for European capital of culture for 2010. The other two chosen capitals are Pecs in Hungary and Essen in Germany.

The puzzling question is why the government is reluctant to allow unrestricted freedom of expression since it is fully aware of the damage these cases have done to its case for EU membership. After all, none of them involve advocating violence. At the core of the resistance are the hard-line, xenophobic nationalist extremes of Turkish politics and their sympathisers in the judiciary, which believe they are serving the country's best interests

¹⁵ Three Istanbul universities joined forces in September 2005 to hold the first conference of scholars open to views not tolerated by the official Turkish line. The newspaper *Radikal* in its headline the next morning declared 'the word genocide has been pronounced but the world has not come to an end'.

¹⁶ See the statement by Olli Rehn

(http://ec.europa.eu/commission_barroso/rehn/speeches/pdf/060712_espresso_OR_statement_hrant_dink.pdf).

by pursuing these 'crimes'.¹⁷ Nationalist fanatics fish around for a like-minded prosecutor who then becomes a thorn in the flesh of the government. These ultranationalists, rigid defenders of the ideology of Kemalism bequeathed by Mustafa Kemal Atatürk, the founder of Turkey in 1923 from the ruins of the Ottoman Empire, feel under attack and when an opportunity arises or a loophole is found they go on the offensive. Pamuk, in particular, was the target of hate campaigns in several newspapers, and there were public burnings of his books.¹⁸

But today's pluralistic Turkey with a vibrant and diverse media is a far cry from the period of Atatürk when the Republic had good reason to feel threatened internally and externally and had a fragile sense of national unity. This government's policy has been to allow freedom of expression cases to run their course, thereby avoiding accusations of impeding the judiciary and, in turn, showing to the world that the legal system is independent. So far the cases have been dropped, but this is not sufficient as the threat of prosecution remains as a deterrent of freedom of expression.

When Pamuk gave the inaugural PEN Arthur Miller Freedom to Write Memorial Lecture in New York in April, he said that part of a writer's task was to raise forbidden subjects 'purely because they were forbidden'.¹⁹ Turkey still has a long way to go before it reaches that situation; abolishing or amending Article 301 in the next package of political reforms would send the right signal.

Freedom of Religion: A Conundrum

EU membership requires Turkey to allow all religions to be freely practiced, but this is still not the case. The Greek Orthodox seminary on the island of Heybeliada in the Sea of Marmara, a focal point of a tiny Christian minority in Turkey, has been closed since 1971 and its reopening is viewed in Brussels as a litmus test of the implementation of one of the EU's core principles. What would appear to be a very easy matter is in fact extraordinarily complicated because the secular status quo is fearful of granting rights to minority religions that it is unwilling to grant to the majority Muslim faith.²⁰ Islam is micro-managed in Turkey by the Directorate of Religious Affairs (the Diyanet with tens of thousands of employees) which pays the salaries of all imams (they are civil servants), writes the sermons that are preached in mosques on Fridays and keeps a tight control on their activities. Probably as a result of this, Turkey does not have the problem of radical imams that has beset some European countries. At the heart of the issue of the Halki seminary is the state's reluctance to recognise a religious authority that is not under its control: the secularist establishment fears that by fully embracing freedom of religion its capacity to control political Islam will be weakened.

There are also other restrictions in the religious sphere.²¹ Religious services may take place only in designated places of worship and only the government can designate a place of worship. And if a religion has no legal standing in the country, it may not be eligible for a designated site. Non-Muslim religious foundations are now allowed to acquire property but they cannot reclaim the hundreds of properties affiliated with foundations expropriated by the state over the years. Muslim faiths also face restrictions.

¹⁷ See 'Why the Writers Refuse to be Silenced' by Vincent Boland, *Financial Times*, 28 June 2006.

¹⁸ See 'On Trial' by Orhan Pamuk, *The New Yorker*, 19 December 2005.

¹⁹ See 'Freedom to Write' by Orhan Pamuk, *New York Review of Books*, 25 May 2006, (www.nybooks.com/articles/18991).

²⁰ See 'Faith, Hope and Parity' by Vincent Boland, *Financial Times*, 26 August 2005.

²¹ The 2005 International Religious Freedom Report (<http://www.state.gov/g/drl/rls/irf/2005/51586.htm>) published in November of that year gives the state of play. The report charged, among other things, that the Diyanet had 'initiated a public campaign against Christian missionary activity' and there was also 'an increase in anti-Christian media coverage'.

The Alevis, who number anything between 10 and 15 million, allege discrimination in the Diyanet's failure to include any of their doctrines or beliefs in religious instruction classes in public schools (the majority of Turks are Sunni Islam). One family took its case to the European Court of Human Rights, which is expected to rule in its favour.

The Greek Orthodox seminary was closed when the state nationalised all private institutions of higher learning. Under existing restrictions, religious communities other than Sunni Muslims cannot legally train new clergy in the country for eventual leadership. Coreligionists from outside the country have been permitted to assume leadership positions in some cases, but in general all religious community leaders, including Patriarchs and Chief Rabbis, must be citizens. His All Holiness the Ecumenical Patriarch Bartholomew I, the 270th occupier of the Patriarchate of Constantinople, one of the founding churches of Christendom, is a Turkish citizen (he did his military service). In Greece and the Anglo-Saxon world, but less so in Russia, which claims Alexei II of Moscow as Bartholomew's equal, Bartholomew is regarded as the leader of the world's 300 million Orthodox Christians.

The government, however, does not recognise the ecumenical status of the patriarch as a world-wide leader, acknowledging him only as the head of the country's dwindling Greek Orthodox community (around 3,000). The decline of this community in Istanbul, in general a successful and wealthy one, came on 6 September 1955 when mobs attacked ethnic Greek inhabitants who then numbered about 100,000. Thousands fled Istanbul for Greece. The attack was sparked by reports, untrue as it turned out, that the house where Mustafa Kemal Ataturk, the founder of the republic of Turkey, was born had been bombed by Greek nationalists. Today relations between Greece and Turkey, traditional enemies, are pretty well normal (in a turnaround in the late 1990s Greece began to actively support Turkey's EU candidacy, after effectively vetoing it) and some members of the community have returned to reclaim and renovate properties.²²

The Patriarchate in Istanbul, the equivalent for Orthodox Christians of the Vatican for Roman Catholics, which lies in a deeply devout Muslim part of the city, is in a sorry state. Between 1974 and 2005 many of its properties, including 153 hospitals, were confiscated by the state.

Freedom of religion is being very closely scrutinised in Brussels, and the reopening of the seminary, in particular, is an issue that President George W. Bush has also raised with Erdogan, the most openly devout Muslim Prime Minister in Turkey's recent history.

Kurds: Revival of PKK terrorism

The revival of terrorism by Kurdish separatist groups in impoverished south-eastern Turkey and in the more affluent tourist areas of the country is not in itself an obstacle to the country joining the EU, but the army's heavy handling of the problem could put the sensitive issue of human rights back on the agenda.²³ The army again has to strike a fragile balance on the thin line between human rights and security. This time, however, the problem has resurfaced when reforms have been undertaken to improve the cultural rights of Kurds, including broadcasting in Kurdish, and in the broader context of greater freedoms.

²² The two neighbours still have a long-standing territorial dispute over the Aegean. Turkey insists Greek airspace extends only 10km offshore, not 16km as Greece maintains. In May 2006, a Greek and a Turkish fighter jet collided in mid-air and the incident was calmly settled.

²³ At the time of writing Spain, which joined the EU in 1986, was holding peace talks with the Basque terrorist group Eta in a bid to end almost four decades of violence in which more than 800 people have been killed.

Between 1984 and 1999, when the Kurds called a ceasefire after Abdullah Öcalan, the leader of the Kurdistan Workers' Party, was captured the army and rebels fought a dirty war which claimed an estimated 36,000 lives and cost up to US\$150 billion in military expenditure.²⁴ The army's scorched earth policy depopulated thousands of Kurdish villages in the mountains and swelled cities like Diyarbakir (see Map 3). It is estimated that more than one million people were displaced during the war.²⁵ A state of emergency was imposed in the area in 1987 and was not entirely lifted until November 2002. The war, however, resumed in 2004, although with a comparatively lower level of violence and, worryingly, the tourist industry, a key part of the economy, began to be targeted.²⁶ More than 90 soldiers died in clashes with PKK rebels in the south-east in the first seven months of 2006, and eight people, among them six children, were killed and 16 others injured in a bomb blast in Diyarbakir on September 12.

Map 3. The Kurds



Source: The Economist.

The tinder box situation flared up in March 2006 when the worst rioting in a decade, during the funerals in Diyarbakir of 14 Kurdish rebels ambushed and killed by security forces, left 10 dead and hundreds injured. Five of the dead were teenagers, one of whom died from a cracked skull. According to a report from the Diyarbakir bar association based on witness statements and medical reports, 180 under-18s were subjected to severe abuse in detention.²⁷

Hard-line elements in the security forces and violently nationalist Kurds fighting for independence both feel threatened by Turkey's democratic transformation, and both have an interest in stirring up things in the south-east to their respective advantage. And the latter have a vast pool of disaffected youth upon which to draw for support. Unemployment is very high in the south-east, per capita income is among the lowest in the country (Turkey's average per capita income is only 32% of the EU-25 in purchasing power standards) and the population, much of which lives in appalling conditions in shanty towns on the edges of Diyarbakir, Hakkari, Sirnak and other cities, is growing at a much faster pace than the national average. This is fertile ground for the PKK. Very little public

²⁴ The brutal history of terrorism in Turkey is very well documented in Andrew Mango's *Turkey and the War on Terror*, Routledge, 2005.

²⁵ See the May 2006 report *Overcoming a Legacy of Mistrust: Towards Reconciliation between the State and the Displaced* by TESEV and published by the Norwegian Refugee Council's Internal Displacement Monitoring Centre (http://www.tesev.org.tr/eng/events/Turkey_report_1June2006.pdf).

²⁶ A wave of bomb blasts in Antalya and Marmaris by the Kurdistan Freedom Falcons on 28 August 2006 killed three people and injured dozens. The Falcons, a splinter group of the PKK, warned on its website: 'Turkey is not a safe country; tourists should not come to Turkey'.

²⁷ See 'Children of the Repression' by Ian Traynor, *The Guardian*, 5 June 2006.

or private investment has been made in a region which requires a massive injection of funds and the building of basic infrastructure. Only 14% of girls in the south-east go to secondary school.

The amended anti-terror law raises human rights' concerns. For example, suspects no longer have access to lawyers for the first 24 hours of their detention. Olli Rehn, EU Enlargement Commissioner, told the European Parliament, that 'a policy based on mere security considerations clearly does not suffice to address the problems of this region'.²⁸

Kurds number at least 14 million in Turkey (more than 5 million in Iraq, around 4 million in Iran and some 2 million in Syria) and are now able to assert their identity more –they are far from being a monolithic group– but those living in the traditional areas in the south-east (there are an estimated 3 million Kurds in Istanbul) feel excluded from the political process and the economic success many people elsewhere in Turkey are enjoying. There are, however, many MPs of Kurdish origin for mainstream parties who were not elected on specifically Kurdish platforms, and Kurds are also well represented in the civil service and the military. Nevertheless, political alienation is exacerbated by the electoral threshold of 10% of the national vote that is needed for representation in parliament (in Spain it is 5%). The Democratic Society Party (DTP), the main Kurdish nationalist party, won 45% of the vote in the south-east in the 2002 general election but failed to meet the 10% requirement.²⁹ It runs 56 town halls in the region, but power still rests with the military and the bureaucrats sent from Ankara as governors.

This excessively high threshold, a remnant of the 1980 military coup, needs to be reduced so that Kurds can be appropriately represented in parliament and participate in political dialogue. After all, political Islam in Turkey may well be moderate precisely because the movement has been incorporated into the political system, although the secular establishment did its best in the recent past to prevent it from entering parliament by outlawing the forerunners of today's ruling Justice and Development Party (AKP) on the grounds of anti-secular activities.³⁰

On a more positive note, NGOs in the south-east report some progress in freedoms of assembly, association and women's rights. The authorities are beginning to impose heavy penalties on the perpetrators of honour killings (the murder by men of female relations deemed to have besmirched the family's moral standing). Judges in the past tended to treat breaches of customary sexual ethics as attenuating circumstances in murder cases. The law has been changed to make this impossible.

The PKK's camps over the border in mountainous northern Iraq, from where raids into Turkey are made, are also raising the heat on the Kurdish issue. The Turkish military wants the PKK rebels to be dislodged from these strongholds, but the US military is loathe to open yet another front in Iraq and inflame a situation that is already anarchic. The Turkish government is coming under increasing domestic pressure to do something about these raids and if they intensify and US and Iraqi forces do not take steps to combat them there is a risk the Turkish army, frustrated by the lack of action, would go into northern Iraq. Turkey and Iran were reported in August to have dispatched tanks, artillery and thousands of troops to their frontiers with Iraq in what appeared to be a coordinated effort

²⁸ See his speech to the European Parliament on 20 June 2006 (<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/06/392&format=HTML&aged=0&language=EN&quiLanguage=en>).

²⁹ While Batasuna, the political party close to Eta, the Basque terrorist organisation, is banned, Turkey tolerates the DTP even though it does not stray far from the PKK.

³⁰ The military forced the Islamic Welfare Party out of power in 1997 in what has been termed a 'soft coup'.

to disrupt the activities of Kurdish rebel bases.³¹ Military intervention by Turkey in northern Iraq, one of the country's few stable areas, would adversely effect Ankara's relations with the EU as it could alienate Iraqi Kurds, the most pro-American group in the region. Washington, however, appears to have concluded that it has to do something to placate Ankara: in September it appointed retired Air Force General Joseph Ralston, a former NATO Supreme Allied Commander and former US Deputy Chief of Staff, as a special envoy to Turkey with the mission to 'eliminate the terrorist threat of the PKK and other terrorist groups operating in northern Iraq and across the Turkey/Iraq border'.

Armenia: Border Still Closed

An EU member state cannot close a border with another country even if it is not a member of the Union. Ankara closed Turkey's 330km border with Armenia in 1993 because of the dispute over the enclave of Nagorno-Karabakh (estimated population 200,000) between Armenia and Azerbaijan, the Turkic 'brother nation'. Less certain, however, is whether Turkey must apologise in some form or other for the 'genocide' in 1915 of hundreds of thousands of Armenians in order to obtain EU membership.

Parliaments in 15 countries, including France, where the Armenian diaspora is vociferous, have recognised the deportation of the Armenians in 1915 as an act of genocide.³² The European Parliament, one week before Brussels agreed to the start of negotiations with Ankara, called on Turkey to 'recognise the genocide of Armenians' and said this act should be a 'prerequisite' to EU accession. The event happened 91 years ago, but it is still very much a live issue. The furthest the Turkish authorities have gone has been to admit that 'there were some deaths due to a war situation', while accusing Armenians of having connived with the Russians during the earlier part of First World War.

The authorities are more tolerant about discussing the 'genocide' issue inside Turkey, after years of making it a crime to publicly talk or write about it but, at the same time, several writers were put on trial during 2006 for expressing opinions on the matter (see the section on freedom of expression).³³

The opening of the border depends on resolving the Karabakh dispute (see Map 4). The Soviet Union incorporated the predominantly Armenian region into Azerbaijan in 1923. In December 1991, as the Soviet Union was collapsing, a referendum held there and in the neighbouring district of Shahumian resulted in a declaration of independence from Azerbaijan as the Nagorno-Karabakh Republic (NKR), which is still unrecognised by any country including Armenia. In the final years before the dissolution of the Soviet Union, the region became a source of dispute between Armenia and Azerbaijan, culminating in a full-scale war in 1992 with the loss of more than 25,000 lives. Nagorno-Karabakh is legally part of Azerbaijan but has been controlled by Armenians since the war ended in 1994. The Armenians have also occupied large tracts of Azeri territory outside Nagorno-Karabakh, and there are close on a million Azeri refugees.

³¹ See 'Kurds Flee Homes as Iran Shells Iraq's Northern Frontier' by Michael Howard, *The Guardian*, 18 August 2006.

³² Dogu Perincek, leader of the Turkish Labour Party, was detained in Switzerland in July 2005, where it is an offence to deny the genocide, after declaring that 'Armenian genocide is nothing but an international lie'. He was questioned, but no charges followed.

³³ The first ever academic conference on the subject was held at Istanbul's Bilgi University in September 2005. Historians attending it were denounced as 'traitors' by protesting ultranationalists.

Map 4. The Karabakh Dispute



Source: The BBC.

Talks, the latest in a long series, hosted by France in February 2006, between Armenia's Robert Kocharyan and Azerbaijan's Ilham Aliyev over the disputed territory ended without agreement. Key unresolved issues are the removal of Armenian occupying forces from Azeri territory and the holding of a referendum by the territory's population, as a matter of self-determination. Public opinion in both countries opposes any concessions. In early September, Ankara rejected a demand by the European parliament that it recognise the mass killings of Armenians as genocide. 'Our position regarding the so-called Armenian genocide is very clear, and nobody should expect us to change it', said Erdogan.

The Economy: On the Right Track

In recognition of the progress made, the European Commission granted Turkey 'market economy status' in its last report on the country.³⁴ While its value is mainly symbolic, such a status is a prerequisite for joining the EU and has helped to boost international confidence in the Turkish economy.

Two achievements, in particular stand out. Inflation has been below 10% since 2005, for the first time since the 1960s, and the budget deficit dropped from a massive 30% of GDP to 2% last year, thereby meeting one of the Maastricht eligibility criteria for using the euro. Turkey seems to have said goodbye to its vicious boom and bust economic cycles of the past and is entering a virtuous circle of sustained, relatively non-inflationary growth. Cumulative real GDP growth topped 30% between 2002 and 2005, putting the country among the fastest-growing economies in the world, and leaving behind the 'lost decade' of the 1990s when populist governments only aggravated the problems. Some towns in central Anatolia, the conservative heartland of the ruling Justice and Development Party, are reminiscent of the East Asian tiger economies, particularly Kayseri which has emerged as Turkey's leading cluster of furniture manufacturers, while Orta Anadolu produces 1% of the world's denim. This phenomenon has been called Islamic Calvinism.³⁵

The increased foreign confidence in the economy is underscored by the surge in inward investment which reached a record US\$9.7 billion in 2005 (see Table 1).³⁶ Among the large deals in 2005 was General Electric's purchase of 25% of Garanti Bank, the country's third-largest privately owned bank, for US\$1.8 billion. The size of the investment (the same as the total in 2003) as well as the sector were significant: only four years earlier the ailing banking sector helped to trigger a financial crisis that brought the country to the

³⁴ See Turkey's 2005 Progress Report European Commission, 9 November 2005 (http://ec.europa.eu/comm/enlargement/report_2005/pdf/package/sec_1426_final_en_progress_report_tr.pdf).

³⁵ See *Islamic Calvinists: Change and Conservatism in Central Anatolia*, European Stability Initiative, 19 September 2005 (http://www.esiweb.org/pdf/esj_document_id_69.pdf).

³⁶ The start of accession negotiations was probably the deciding factor for many investments. Corruption, one of the obstacles in the past to foreign investment, has not improved, however. Transparency International's 2005 Corruption Perceptions Index ranks Turkey 65th with a score of 3.5 out of 10 (the closer to 10 the cleaner the country). In comparison, Spain ranked 23rd with a score of 10, Hungary 40th (5) and Bulgaria, which is due to join the EU in 2007, was 55th with 4.

brink of defaulting on its foreign debt. The government had to bail out the bankrupt financial system and this pushed net public debt to 90% of GDP (56% in 2005). The capital adequacy ratios of Turkish banks are now among the highest of OECD countries and banks no longer carry the extreme levels of short foreign exchange positions that plunged them into a liquidity crisis in 2001.

As a result of this new found health and the tremendous untapped scope for banking in Turkey, the sector has attracted the lion's share of foreign investment. BNP-Paribas, Fortis and ING also bought stakes in Turkish banks in 2005 and investments this year include the US\$2.9 billion acquisition by the state-controlled National Bank of Greece of a controlling stake in Finansbank, Turkey's eighth-largest bank, the first such deal between the historically hostile Aegean nations, and the purchase by Dexia, the Franco-Belgian bank, of Denizbank for US\$2.4 billion.

Table 1. Direct Investment Flows to selected OECD Countries, 2002-05

US\$ billion	2002	2003	2004	2005
France	49.1	42.5	31.4	63.5
Germany	53.6	29.2	-15.1	32.6
Italy	14.6	16.4	16.8	19.5
Spain	39.2	26.0	24.8	23.0
Turkey	1.1	1.8	2.8	9.7
UK	24.1	16.8	56.3	164.5

Source: OECD.

The Bank of Turkey consolidated its independence (granted after the 2001 crisis) in June 2006 when it raised its interest rates for the first time in more than two years in response to a spike in inflation, heavy falls in the lira and the global retreat from emerging stock markets. The bank raised its key lending rate by 600 basis points in June to 22.25%, clearly demonstrating, at a potentially vulnerable moment, that it is its own master. This was particularly important as the hike in interest rates came after the government mishandled the appointment of a new central bank Governor, which hit investor confidence. Ahmet Necdet Sezer, the archly secular President, rejected the government's first choice for Governor, an executive at an Islamic-style bank, and instead approved the nomination of Durmus Yilmaz, a veteran central banker and an architect of the bank's monetary policy.

The central bank moved to formal inflation targeting at the beginning of 2006, with a range of two percentage points on either side of its target of 5% for the year. The bank conceded after the wobbles in June that the target would not be met. The important thing, however, is not so much the central bank's target but sending out the right message and sticking to its guns in times of uncertainty. The targets for 2007 and 2008 are 4%, not much higher than the average rate forecast for the Euro zone.

The pace of privatisation has also accelerated. Turk Telekom and the oil refiner Tupras were sold and the next step is to start the ball rolling on the sale of some state-owned banks, especially Ziraat, the largest in terms of deposits.

A start has finally been made too on completely overhauling the very costly social security system. Its deficit in 2005 reached 4.8% of GDP, the highest among OECD countries. The main reason for the ballooning and eventually unsustainable deficit is early retirement. Between 1986 and 1992 governments reduced the minimum age at which voluntary retirement was possible for women and men from 55 and 60 to 38 and 43 respectively, on the extremely tenuous grounds that it would lower unemployment. Lots of people took this option, which sent the social security deficit skyrocketing, and then found another job. In 2006, following a timid reform after 2002, the retirement age for men was still only 47 – and 60% of retired people are under 60–. The retirement age is to be gradually increased to 65 for everyone.

While the economic fundamentals are very much moving in the right direction, Turkey needs to create many more jobs, particularly for women, and improve its education system, especially at the secondary school level, if it is to achieve much greater convergence with the EU. A World Bank report in 2006 noted that Turkey lags way behind the European average on many economic and social measurements.³⁷ For example, its employment rate in 2004 was 46% for men and 24% for women, compared with EU averages of 65% and 57% respectively. And the 'black' economy is estimated to be up to 50% of Turkey's official GDP of more than US\$300 billion.

Energy: Conduit between East and West

Turkey's role as an energy conduit between east and west was clinched in July 2006 when the 1,760km pipeline from Baku, the capital of Azerbaijan, via Georgia to the Turkish Mediterranean port of Ceyhan was declared open (see Map 5). Oil is then shipped to western markets. For energy-hungry Europe the pipeline, from one of the world's biggest oil and gas deposits, is a strategically important non-Russian, non-Middle Eastern source of energy and also gives Turkey the opportunity to develop a major petrochemical industry.

Map 5. The Baku-Ceyhan Pipeline



Source: The BBC.

The US\$4 billion pipeline, first proposed in the mid-1990s and strongly supported by Washington (President Bill Clinton presided over the signing of the pipeline agreement in 1999), came on stream several months after Russia cut gas supplies to Ukraine and affected several European countries including Turkey. Russia's move underscored the major role that Turkey can play in securing greater energy security for Europe. Turkey itself produces very little oil of its own (around 40,000 barrels a day). At full capacity the pipeline will carry a million barrels of crude oil a day.

Other pipelines also criss-cross Turkey including the 1,300km Blue Stream pipeline which runs under the Black Sea from Izobilnoy in southern Russia to Samsun (see Map 6). Gas from the Azeri-Chirag-Gunashli field in the Caspian Sea was due to arrive in Turkey in September and there are plans to bring it from Egypt and Iraq when that country achieves stability.

³⁷ See *Turkey Country Economic Memorandum: Promoting Sustained Growth and Convergence with the European Union*, World Bank, February 2006 (http://siteresources.worldbank.org/INTTURKEY/Resources/361616-1141290311420/CEM2006_Main.pdf).

Map 6. The Izobilnoy-Samsun Pipeline



Source: The BBC.

Turkey's Soft Power: An Emerging Force

Just as the EU's soft power –defined by Joseph Nye, the inventor of the term, as the 'ability to shape the preferences of others'– is credited with transforming eight formerly communist Eastern and Central European countries into democracies and free market economies and for acting as a catalyst for the modernisation of Turkey, so too Turkey's own emerging soft power, arising from a gradual flourishing of its civil society, is beginning to be felt among its Arab neighbours. The carrot of EU membership, however, is not on offer for the Middle East.

Soft power has proved to be much more effective in shaping societies than American hard (military) power. Twenty years ago, when Spain joined the EU, Turkey had just about recovered from its military regime of 1980-82, the combined value of goods and services exports was not even one-tenth of today's US\$100 billion, broadcast media consisted of state television and radio (today there are more than 200 TV channels and around 1,000 radio stations, making Turkey one of Europe's most pluralistic markets) and getting a phone line installed required waiting several months (Turks today own mobile phones at rates twice the world average).³⁸ There were no non-stop flight between Istanbul and New York in 1986, as opposed to today's 20 flights a week to the US. During this period Turkey has created a sizeable middle class. Take just one indicator and compare it with Egypt, whose population is roughly the same as Turkey's. There are only two million cars in Egypt, whose petrol costs one tenth of Turkey's, compared with five million cars in Turkey, whose petrol prices are the highest in the world.

The proliferation of private wealth in Turkey, albeit with a very skewed income distribution, coupled with the greater degree of democracy is creating a more vibrant civil society which is beginning to be closely watched in the Middle East.³⁹ Turkey, despite or perhaps because it is very much a *sui generis* Muslim country (or a country of Muslims as many Turks prefer it to be called), is generally admired in the Middle East, except among Islamic fundamentalists, and exercises a certain fascination. For example, the Ankara bureau of Al Jazeera, the Arabic-language TV network, is second only to its Washington bureau among the non-Arab offices in the number of news stories filed, be they about politics or football. Popular Turkish TV shows such as *Televole*, depicting the lives of football players and models, enjoy a big following in Egypt, Iran and Syria, despite the language barrier.

³⁸ I am grateful to Hakan Altınay, executive director of the Open Society Institute in Istanbul, for sharing his views and sending me his paper, *An Unpolished Gem: Turkey's Soft Power*.

³⁹ The richest 10% own 31% of wealth and the poorest 10% 2.3%, according to the 2005 Human Development Report of the United Nations and based on figures for the year 2000. If the Turkish median is 100, incomes in the Marmara region including Istanbul are 150 and in the south east 25. This six-fold difference is probably the starkest disparity in any member or candidate state. If one looks at province-level human development indicators, one comes across a similar disparity: Istanbul (0.837) and its industrial neighbour Kocaeli (0.869) have human development indicators comparable to the Czech Republic (0.856), Portugal (0.892) and Italy (0.915), while Bitlis (0.577), Mus (0.574), Agri (0.572) and Sırnak (0.560) in eastern and south-eastern Turkey have indicators lower than India (0.579).

What is significant here is not the quality of the programme but that it captures the imagination of the average Middle Easterner about the good life.

Tourism is another area attracting Turkey's neighbours. Take the case of Iran, the number of whose visitors to Turkey more than trebled between 1997 and 2005 to around 1 million, despite Iranian President Mahmoud Ahmedinejad, a religious conservative, calling for the cancellation of Iranian flights to Turkish resorts after coming to office. Private Turkish airlines stepped in to meet the Iranian demand, itself a sign of the tremendous entrepreneurial spirit of the Turkish private sector. 2005 was a record year for Turkey's tourism sector, with close to 21 million visitors.

Some Turkish NGOs, such as Mother and Child Education Foundation, Education Reform Initiative and Civil Involvement project, are working in the region. Acik Radyo (Open Radio), owned by 90 professionals from various fields, is an impressive example of community radio.

Hakan Altınay, who heads the Open Society Institute in Istanbul, part of the Soros Foundations Network, which is particularly active in promoting civil society, likens Turkey's soft power to an unpolished gem. As progress is made in the EU accession talks, probably in fits and starts, and Turkey becomes more democratic and wealthier so the gem will increasingly sparkle.

Turkey-US Relations: A Casualty of the War in Iraq

Ankara's relations with the US are also strained. Turkey, a key US ally in the Muslim world, became a full member of Nato in 1952 and a year later US military bases were established in the country and played an important containment role during the Cold War years. Since the collapse of communism, Washington has pushed hard for Turkey's EU membership as a way to anchor the country permanently in the Western bloc and satisfy its own geo-strategic interests. The relationship, however, has become a casualty of the war in Iraq.

The rift came in 2003 when the Turkish parliament denied permission for the US to station 62,000 troops and use Turkey as a base for invading Iraq. Washington was furious. Since then, the two sides have built bridges to restore the strategic partnership but Turkish public opinion against the war in Iraq has hardened considerably and, with it, anti-Americanism. There is a deep-seated belief among Turks that the US intervention had much more to do with control of oil supplies than bringing democracy and the rule of law to Iraq. The government is thus severely constrained in how far it can reach out to Washington. In Turkey, 60% say the US military presence in Iraq is a great danger to the stability of the Middle East and world peace, the highest of the countries surveyed; only 16% regard the current government in Iran in the same way (see Table 2). And Turkey is the most anti-American of these countries (see Table 3). In this survey only 12% expressed a favourable opinion of the US in 2006, down from 23% in 2005 and 52% in 2000. Such feelings were echoed in the 2006 survey of Transatlantic Trends by the German Marshall Fund of the United States: among Europeans, Turkey has the lowest approval rating for President Bush's handling of international policies, with only 7% approving and 81% disapproving. The strongest negative feelings toward US leadership in world affairs were also found in Turkey, where 56% of respondents viewed US leadership as 'very undesirable'. And for the first time ever, less than 50% of Turks (44%) are prepared to accept the idea that 'Nato is still essential'. Asked to rate their feelings for other nations and groups of people out of 100, the most popular group are the Palestinians (47).

Table 2.
Dangers to World Peace

% saying 'great danger'	Iran	US in Iraq	North Korea	Israeli- Palestinian conflict
	%	%	%	%
U.S.	46	31	34	43
Great Britain	34	41	19	45
France	31	36	16	35
Germany	51	40	23	51
Spain	38	56	21	52
Russia	20	45	10	41
Indonesia	7	31	4	33
Egypt	14	56	14	68
Jordan	19	58	18	67
Turkey	16	60	6	42
Pakistan	4	28	8	22
Nigeria	15	25	11	27
Japan	29	29	46	40
India	8	15	6	13
China	22	31	11	27

Source: Pew Research Group 2006 survey.

Table 3.
Favorable Opinions of the U.S.

	1999/ 2000	2002	2003	2004	2005	2006
	%	%	%	%	%	%
Great Britain	83	75	70	58	55	56
France	62	63	43	37	43	39
Germany	78	61	45	38	41	37
Spain	50	--	38	--	41	23
Russia	37	61	36	47	52	43
Indonesia	75	61	15	--	38	30
Egypt	--	--	--	--	--	30
Pakistan	23	10	13	21	23	27
Jordan	--	25	1	5	21	15
Turkey	52	30	15	30	23	12
Nigeria	46	--	61	--	--	62
Japan	77	72	--	--	--	63
India	--	54	--	--	71	56
China	--	--	--	--	42	47

1999/2000 survey trends provided by the Office of Research, U.S. Department of State

Source: Pew Research Group 2006 survey.

An alarming anti-Western mix of Islam and ultra nationalism is gathering strength.⁴⁰ The most popular film in Turkey's cinemas this year is the rabidly anti-American 'Valley of the Wolves – Iraq', the most expensive movie ever made in the country which is based on a real-life incident: the arrest in July 2003 of a dozen Turkish special forces troops in northern Iraq, who were hooded and held for 24 hours. Turkey took the incident as a national humiliation, and in the film the fictional hero, a Turkish intelligence agent, sets out for revenge. In one scene, trigger-happy US troops massacre civilians at a wedding party. In another they firebomb a mosque during evening prayer. There are multiple summary executions. Audiences burst into applause when the agent plunges and twists a dagger

⁴⁰ See 'Turkey vs. Turkey' by Hugh Pope, *Wall Street Journal*, 16 February 2006.

deep in the heart of the American villain, a Christian fundamentalist from the US Special Forces.

A best-selling futuristic novel, *Metal Storm*, is also riding the wave of anti-American sentiment. The novel, set in May 2007, begins when Turkish troops deployed in northern Iraq to protect the ethnic Turkish Turkmen community there, come under attack from US forces. This then develops into a full-blown Turkish-US war over Turkey's rich borax mines, which account for 60% of the world's boron production.

Conclusion

Turkey's EU accession negotiations are on the rocks largely but not exclusively because of the Cyprus issue. The Greek-Cypriots, however, are unlikely to be able to mobilise a majority in favour of suspending negotiations because countries, however wary they may be of Turkey's membership, do not want to imperil their commercial and political interests in Turkey.⁴¹ Furthermore, the present Middle East crisis, resulting from the war between Israel and the Lebanon and with Iraq moving closer to civil war than to democracy, has enhanced the strategic importance of a stable Turkey anchored in the EU.⁴² And Turkey is keen to be a more active regional player in the Middle East: in spite of strong political and public opposition and rising anti-Americanism parliament approved Erdogan's decision, by 340 to 192, to contribute up to 1,000 troops to the international force in the Lebanon. Turkey's contribution is similar to Spain's.

Ankara wants EU membership, but not at any cost. The government, which faces elections next year, has little leeway to move any further on the Cyprus problem unless the EU also delivers in some form or other on its conditional promise, made two days after the April 2004 referendum in Cyprus, to end the isolation of Turkish-Cypriots. Were the Greek-Cypriot administration to support UN efforts in good faith, then the EU could encourage Turkey to withdraw its troops from the island.

Formulas being touted to prevent a complete breakdown in the negotiations include UN supervision of trade in northern Cyprus in return for Turkish fulfilment of its Customs Union obligations (proposed by the United States) and taking the case of the ports to the European Court of Justice (not favoured by either side). The latter would have the advantage of putting the issue on ice until after next year's elections in Turkey.

In other areas, however, such as freedom of expression and religion and Armenia, where Turkey is lagging, the onus is very much on Ankara to improve the situation.

If the EU-25 cannot agree a common approach on the Cyprus impasse, which would represent a serious failure of political will, any country or group of countries can still effectively suspend negotiations by blocking the opening and closing of chapters covering the EU *acquis*. Such an outcome would not bode well for EU-Turkey relations. The immediate effect on Turkey could be a short-term economic crisis and in the long term a distancing from Europe, neither of which are in the EU's interests.

⁴¹ The Negotiating Framework allows for the negotiations to be suspended in the event of a serious breach of human rights and democracy and based on a qualified majority vote. Non-fulfilment of Customs Union obligations would not fall into this category.

⁴² General John Abizaid, head of US Central Command, which oversees the Iraq war, told the Senate armed forces committee on 3 August 2006 that the 'sectarian violence is probably as bad as I've seen it'. His comments came in response to a question about a leaked memo from William Patey, the outgoing British ambassador to Iraq, which warned that civil war was a more likely outcome in Iraq than the emergence of a stable democracy.

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Appendix 1

Table 4. Comparative Performance of Turkey's Economy, 1995 and 2005

	1995	2005
GDP (US\$ billion)	166.4	353.2
Agriculture (% of GDP)	15	11.7
Services (% of GDP)	52	58.5
Industry (% of GDP)	33	29.8
Real GDP growth (%)	5	7.3
Consumer inflation rate (%)	106	7.7
FDI inflows (US\$ million)	885	9,650
Exports (US\$ billion)	21.6	73.4
Imports (US\$ billion)	35.7	116.5
Tourism revenues (US\$ billion)	4.9	13.9
Tourism arrivals (millions)	7.7	20.2

Source: Turkish Statistical Institute.

Table 5. Turkey and Spain: Some Comparisons

	Turkey		Spain	
Per Capita GDP (2003, PPP)	6,772		22,391	
Life Expectancy at Birth (Years)	57.0 (1970-75)	68.6 (2000-05)	72.9 (1970-75)	79.5 (2000-05)
Adult Literacy Rate (% Ages 15 and Above)	88.3 (2003)		97.7 (2003)	
Annual Population Growth Rate (%)	2.0 (1975-2003)	1.2 (2003-15)	0.6 (1975-2003); 0.4 (2003-15)	
Urban Population (% of Total)	66.3 (2003)		76.5 (2003)	
Public Health Expenditure (% of GDP)	5.4 (2002)		4.3 (2002)	
Telephone Mainlines (per 1,000 People)	121 (1990)	268 (2003)	316 (1990)	429 (2003)
R&D Expenditure (% of GDP)	0.7 (2002)		1.0 (2002)	
Annual GDP Growth (%)	1.8 (1975-2003)	1.3 (1990-2003)	2.2 (1975-2003)	2.4 (1990-2003)
Trade Openness (Exports + Imports, % of GDP)	31 (1990)	59 (2003)	36 (1990)	58 (2003)
Primary Exports (% Total Merchandise Exps.)	32 (1990)	15 (2003)	24 (1990)	21 (2003)
Foreign Direct Investment (US\$bn, annual av.)	0.5 (1985-95)	0.5 (2001-04)	8.2 (1985-95)	29.7 (2001-04)
Consumer Inflation (%)	85.6 (1997)	8.1 (2005)	1.9 (1997)	3.4 (2005)
Consolidated Pub. Sector Balance (% of GDP)	-21.8 (1999)	+2.0 (2005)	-1.2 (1999)	+1.1 (2005)
General Government Debt (% of GDP)	55.6 (1997)	71.5 (2005)	66.6 (1997)	43.2 (2005)

Source: Human Development Report, 2005, UNCTAD for FDI data and Eurostat for the last three lines of the table.

Appendix 2

Turkey's Negotiating Framework

Principles Governing the Negotiations

- (1) The negotiations will be based on Turkey's own merits and the pace will depend on Turkey's progress in meeting the requirements for membership. The Presidency or the Commission as appropriate will keep the Council fully informed so that the Council can keep the situation under regular review. The Union side, for its part, will decide in due course whether the conditions for the conclusion of negotiations have been met; this will be done on the basis of a report from the Commission confirming the fulfilment by Turkey of the requirements listed in point 6.
- (2) As agreed at the European Council in December 2004, these negotiations are based on Article 49 of the Treaty on European Union. The shared objective of the negotiations is accession. These negotiations are an open-ended process, the

outcome of which cannot be guaranteed beforehand. While having full regard to all Copenhagen criteria, including the absorption capacity of the Union, if Turkey is not in a position to assume in full all the obligations of membership it must be ensured that Turkey is fully anchored in the European structures through the strongest possible bond.

- (3) Enlargement should strengthen the process of continuous creation and integration in which the Union and its Member States are engaged. Every effort should be made to protect the cohesion and effectiveness of the Union. In accordance with the conclusions of the Copenhagen European Council in 1993, the Union's capacity to absorb Turkey, while maintaining the momentum of European integration is an important consideration in the general interest of both the Union and Turkey. The Commission shall monitor this capacity during the negotiations, encompassing the whole range of issues set out in its October 2004 paper on issues arising from Turkey's membership perspective, in order to inform an assessment by the Council as to whether this condition of membership has been met.
- (4) Negotiations are opened on the basis that Turkey sufficiently meets the political criteria set by the Copenhagen European Council in 1993, for the most part later enshrined in Article 6(1) of the Treaty on European Union and proclaimed in the Charter of Fundamental Rights. The Union expects Turkey to sustain the process of reform and to work towards further improvement in the respect of the principles of liberty, democracy, the rule of law and respect for human rights and fundamental freedoms, including relevant European case law; to consolidate and broaden legislation and implementation measures specifically in relation to the zero tolerance policy in the fight against torture and ill-treatment and the implementation of provisions relating to freedom of expression, freedom of religion, women's rights, ILO standards including trade union rights, and minority rights. The Union and Turkey will continue their intensive political dialogue. To ensure the irreversibility of progress in these areas and its full and effective implementation, notably with regard to fundamental freedoms and to full respect of human rights, progress will continue to be closely monitored by the Commission, which is invited to continue to report regularly on it to the Council, addressing all points of concern identified in the Commission's 2004 report and recommendation as well as its annual regular report.
- (5) In the case of a serious and persistent breach in Turkey of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law on which the Union is founded, the Commission will, on its own initiative or on the request of one third of the Member States, recommend the suspension of negotiations and propose the conditions for eventual resumption. The Council will decide by qualified majority on such a recommendation, after having heard Turkey, whether to suspend the negotiations and on the conditions for their resumption. The Member States will act in the Intergovernmental Conference in accordance with the Council decision, without prejudice to the general requirement for unanimity in the Intergovernmental Conference. The European Parliament will be informed.

(6) The advancement of the negotiations will be guided by Turkey's progress in preparing for accession, within a framework of economic and social convergence and with reference to the Commission's reports in paragraph 2. This progress will be measured in particular against the following requirements:

- The Copenhagen criteria, which set down the following requirements for membership:

The stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.

The existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union.

The ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union and the administrative capacity to effectively apply and implement the *acquis*.

- Turkey's unequivocal commitment to good neighbourly relations and its undertaking to resolve any outstanding border disputes in conformity with the principle of peaceful settlement of disputes in accordance with the United Nations Charter, including if necessary jurisdiction of the International Court of Justice.
- Turkey's continued support for efforts to achieve a comprehensive settlement of the Cyprus problem within the UN framework and in line with the principles on which the Union is founded, including steps to contribute to a favourable climate for a comprehensive settlement, and progress in the normalisation of bilateral relations between Turkey and all EU Member States, including the Republic of Cyprus.
- The fulfilment of Turkey's obligations under the Association Agreement and its Additional Protocol extending the Association Agreement to all new EU Member States, in particular those pertaining to the EU-Turkey Customs Union, as well as the implementation of the Accession Partnership, as regularly revised.

(7) In the period up to accession, Turkey will be required to progressively align its policies towards third countries and its positions within international organisations (including in relation to the membership by all EU Member States of those organisations and arrangements) with the policies and positions adopted by the Union and its Member States.

(8) Parallel to accession negotiations, the Union will engage with Turkey in an intensive political and civil society dialogue. The aim of the inclusive civil society dialogue will be to enhance mutual understanding by bringing people together in particular with a view to ensuring the support of European citizens for the accession process.

(9) Turkey must accept the results of any other accession negotiations as they stand at the moment of its accession.

Substance of the negotiations

(10) Accession implies the acceptance of the rights and obligations attached to the Union system and its institutional framework, known as the *acquis* of the Union. Turkey will have to apply this as it stands at the time of accession. Furthermore, in addition to legislative alignment, accession implies timely and effective implementation of the *acquis*. The *acquis* is constantly evolving and includes:

- The content, principles and political objectives of the Treaties on which the Union is founded.

- Legislation and decisions adopted pursuant to the Treaties, and the case law of the Court of Justice.
- Other acts, legally binding or not, adopted within the Union framework, such as interinstitutional agreements, resolutions, statements, recommendations, guidelines.
- Joint actions, common positions, declarations, conclusions and other acts within the framework of the common foreign and security policy.
- Joint actions, joint positions, conventions signed, resolutions, statements and other acts agreed within the framework of justice and home affairs.
- International agreements concluded by the Communities, the Communities jointly with their Member States, the Union, and those concluded by the Member States among themselves with regard to Union activities.

Turkey will need to produce translations of the *acquis* into Turkish in good time before accession, and will need to train a sufficient number of translators and interpreters required for the proper functioning of the EU institutions upon its accession.

- (11) The resulting rights and obligations, all of which Turkey will have to honour as a Member State, imply the termination of all existing bilateral agreements between Turkey and the Communities, and of all other international agreements concluded by Turkey which are incompatible with the obligations of membership. Any provisions of the Association Agreement which depart from the *acquis* cannot be considered as precedents in the accession negotiations.
- (12) Turkey's acceptance of the rights and obligations arising from the *acquis* may necessitate specific adaptations to the *acquis* and may, exceptionally, give rise to transitional measures which must be defined during the accession negotiations.
- (13) Where necessary, specific adaptations to the *acquis* will be agreed on the basis of the principles, criteria and parameters inherent in that *acquis* as applied by the Member States when adopting that *acquis*, and taking into consideration the specificities of Turkey.

The Union may agree to requests from Turkey for transitional measures provided they are limited in time and scope, and accompanied by a plan with clearly defined stages for application of the *acquis*. For areas linked to the extension of the internal market, regulatory measures should be implemented quickly and transition periods should be short and few; where considerable adaptations are necessary requiring substantial effort including large financial outlays, appropriate transitional arrangements can be envisaged as part of an ongoing, detailed and budgeted plan for alignment. In any case, transitional arrangements must not involve amendments to the rules or policies of the Union, disrupt their proper functioning, or lead to significant distortions of competition. In this connection, account must be taken of the interests of the Union and of Turkey.

Long transitional periods, derogations, specific arrangements or permanent safeguard clauses, i.e. clauses which are permanently available as a basis for safeguard measures, may be considered. The Commission will include these, as appropriate, in its proposals in areas such as freedom of movement of persons, structural policies or agriculture. Furthermore, the decision-taking process regarding the eventual establishment of freedom of movement of persons should allow for a maximum role of individual Member States. Transitional arrangements or safeguards should be reviewed regarding their impact on competition or the functioning of the internal market.

Detailed technical adaptations to the *acquis* will not need to be fixed during the accession negotiations. They will be prepared in cooperation with Turkey and adopted by the Union institutions in good time with a view to their entry into force on the date of accession.

- (14) The financial aspects of the accession of Turkey must be allowed for in the applicable Financial Framework. Hence, as Turkey's accession could have substantial financial consequences, the negotiations can only be concluded after the establishment of the Financial Framework for the period from 2014 together with possible consequential financial reforms. Any arrangements should ensure that the financial burdens are fairly shared between all Member States.
- (15) Turkey will participate in economic and monetary union from accession as a Member State with a derogation and shall adopt the euro as its national currency following a Council decision to this effect on the basis of an evaluation of its fulfilment of the necessary conditions. The remaining *acquis* in this area fully applies from accession.
- (16) With regard to the area of freedom, justice and security, membership of the European Union implies that Turkey accepts in full on accession the entire *acquis* in this area, including the Schengen *acquis*. However, part of this *acquis* will only apply in Turkey following a Council decision to lift controls on persons at internal borders taken on the basis of the applicable Schengen evaluation of Turkey's readiness.
- (17) The EU points out the importance of a high level of environmental protection, including all aspects of nuclear safety.
- (18) In all areas of the *acquis*, Turkey must bring its institutions, management capacity and administrative and judicial systems up to Union standards, both at national and regional level, with a view to implementing the *acquis* effectively or, as the case may be, being able to implement it effectively in good time before accession. At the general level, this requires a well-functioning and stable public administration built on an efficient and impartial civil service, and an independent and efficient judicial system.

Negotiating Procedures

- (19) The substance of negotiations will be conducted in an Intergovernmental Conference with the participation of all Member States on the one hand and the candidate State on the other.
- (20) The Commission will undertake a formal process of examination of the *acquis*, called screening, in order to explain it to the Turkish authorities, to assess the state of preparation of Turkey for opening negotiations in specific areas and to obtain preliminary indications of the issues that will most likely come up in the negotiations.
- (21) For the purposes of screening and the subsequent negotiations, the *acquis* will be broken down into a number of chapters, each covering a specific policy area. A list of these chapters is provided in the Annex. Any view expressed by either Turkey or the EU on a specific chapter of the negotiations will in no way prejudice the position which may be taken on other chapters. Also, agreements reached in the course of negotiations on specific chapters, even partial ones, may not be considered as final until an overall agreement has been reached for all chapters.
- (22) Building on the Commission's Regular Reports on Turkey's progress towards accession and in particular on information obtained by the Commission during screening, the Council, acting by unanimity on a proposal by the Commission, will lay down benchmarks for the provisional closure and, where appropriate, for the opening of each chapter. The Union will communicate such benchmarks to Turkey. Depending on the chapter, precise benchmarks will refer in particular to the existence of a functioning market economy, to legislative alignment with the *acquis* and to a satisfactory track record in implementation of key elements of the *acquis*

demonstrating the existence of an adequate administrative and judicial capacity. Where relevant, benchmarks will also include the fulfilment of commitments under the Association Agreement, in particular those pertaining to the EU-Turkey Customs Union and those that mirror requirements under the *acquis*. Where negotiations cover a considerable period of time, or where a chapter is revisited at a later date to incorporate new elements such as new *acquis*, the existing benchmarks may be updated.

- (23) Turkey will be requested to indicate its position in relation to the *acquis* and to report on its progress in meeting the benchmarks. Turkey's correct transposition and implementation of the *acquis*, including effective and efficient application through appropriate administrative and judicial structures, will determine the pace of negotiations.
- (24) To this end, the Commission will closely monitor Turkey's progress in all areas, making use of all available instruments, including on-site expert reviews by or on behalf of the Commission. The Commission will inform the Council of Turkey's progress in any given area when presenting draft EU Common Positions. The Council will take this assessment into account when deciding on further steps relating to the negotiations on that chapter. In addition to the information the EU may require for the negotiations on each chapter and which is to be provided by Turkey to the Conference, Turkey will be required to continue to provide regularly detailed, written information on progress in the alignment with and implementation of the *acquis*, even after provisional closure of a chapter. In the case of provisionally closed chapters, the Commission may recommend the re-opening of negotiations, in particular where Turkey has failed to meet important benchmarks or to implement its commitments.

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