

## TURKEY AND THE EUROPEAN UNION THE IMPLICATIONS OF A SPECIFIC ENLARGEMENT

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Turkey has been an associate member of the EU since 1963 and an official candidate to EU membership since 1999. The European Council of December 2004 finally scheduled to open negotiations in view of Turkish accession to the EU on 3rd October 2005<sup>2</sup>. The December decision provoked intense reactions all across political forces as well as among European citizens. The debate over Turkey's accession has been a far more intense one than that which surrounded the start of negotiations with the accession countries of Central and Eastern Europe (CEECs) in 1998. Irrational reactions from the public opinion in EU Members States – or real response to the specificities of the Turkish enlargement?

After presenting a brief history of the EU-Turkish relationship (§1) and examining whether the Turkish enlargement bears either political, economic, geopolitical or cultural particularities (§ 2), this paper explores the grounds on which the European Commission recommended the opening of the negotiations (§ 3). Finally, in light of the specificities of the Turkish enlargement highlighted in part 2, the implications of the Council Decision to open negotiations in view of Turkey's accession to the EU are discussed (§ 4).

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<sup>2</sup> Presidency Conclusions of the Brussels European Council, 16/17 December 2004.

## **1. HISTORY OF EU-TURKISH RELATIONS**

The decision to open negotiations in view of Turkey's accession to the EU followed a nearly 50 years long history of various forms of "partnerships" between Turkey and the EU. The major phases of this relationship, essentially based on increased economic and trade relations between the EU and Turkey, are presented here.

### **1.1. The Association Agreement**

Ever since its foundation in 1923, the Republic of Turkey has remained closely aligned with the West. It adhered to the Council of Europe in 1949, became a full member of the North Atlantic Treaty Organisation (NATO) in 1952 and an associate member of the Western European Union (WEU) in 1992. Turkey's relationship with the European Economic Community (EEC) began in 1959, with Turkey's application for associate membership of the EEC. An Agreement establishing an Association between the EEC and Turkey, the so-called "Ankara Agreement"<sup>3</sup>, was signed in 1963 and came into force in 1964. The Association Agreement envisaged a "stage by stage" integration process culminating, providing the successful completion of the preparatory and transitional stages, in the establishment of a customs union between the parties, with consideration of eventual Turkish membership of the EEC<sup>4</sup>. In order to achieve the objectives of the Association Agreement, three Financial Protocols allocating funds for the economic development of Turkey were signed in 1964, 1973 and 1977 respectively.

The Association did not gain any substantial form before 1970, when the EEC and Turkey signed an Additional Protocol<sup>5</sup>, which came into force in 1973. The Additional Protocol established a timetable of technical measures to be taken in order to attain the objective of the Customs Union within a period of 22 years<sup>6</sup>.

### **1.2. The Turkish military regime: the freezing of the EU-Turkish relationship**

Following the military coup in Turkey in 1980, the Community decided to freeze its relations with Turkey and block the signing of the fourth Financial Protocol. The collapse of the democratic regime meant that there was no further chance for Turkey to be accepted as a candidate for full-membership status in the foreseeable future. Relations were gradually normalised after the restoration of a civilian government in 1983.

### **1.3. The Customs Union**

In 1987, Turkey applied for full membership to the EEC. The Commission rejected Turkey's application in 1989, on the basis of its economic instability and its human rights record. However, the Commission explicitly endorsed Turkey's eligibility for membership.

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<sup>3</sup> OJ 1964, L 217.

<sup>4</sup> The Association Council was set up by the Agreement in order to take decisions on developing the relationship and settle disputes.

<sup>5</sup> OJ 1972, L 293.

<sup>6</sup> The EC immediately dropped all tariffs and quotas on Turkish industrial goods, with a couple of exceptions, and granted Turkey a long list of agricultural concessions.

Further progress was achieved in 1995, when the Association Council adopted the agreement creating the EC-Turkey Customs Union<sup>7</sup>, which entered into force in 1996. The EC-Turkey Customs Union was the EC's first substantial functioning customs union with a third state. A consultation body, the Customs Union Joint Committee, was set. The launch of the Customs Union, which allowed Turkey preferential access to the single market, was an important step in Turkey's progress towards becoming a more competitive economy.

#### **1.4. The Helsinki decision**

After EU Heads of the State declined again to grant candidate status to Turkey at the Luxembourg Summit of 1997, the Helsinki European Council of 1999 finally agreed on the candidate status of Turkey<sup>8</sup>. Turkey was accepted in principle as a candidate State for membership, whose application was to be assessed on the basis of the same criteria as other candidate States. These criteria are the "political" criteria set at the Copenhagen European Council in June 1993<sup>9</sup> – namely that the candidate country achieve "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities". Compliance with the political criteria is a prerequisite for the opening of the accession negotiations<sup>10</sup>, while compliance with all the Copenhagen criteria, including economic ones, is necessary for accession to the Union<sup>11</sup>.

On the basis of the proposals already laid down by the Commission in March 1998<sup>12</sup>, the Helsinki Council adopted the "European Strategy for Turkey", designed to stimulate and support reforms in Turkey during the pre-accession phase<sup>13</sup>. The Programme was welcomed by the Turkish government.

#### **1.5. The Accession Partnership**

In March 2001, the Council of the EU adopted the EU-Turkey Accession Partnership as a key element of the existing "European Strategy for Turkey"<sup>14</sup>. The purpose of the Accession Partnership was to assist the Turkish authorities in their efforts to meet the accession criteria, with particular emphasis on the political criteria and the issue of human rights. It fixed the priorities on which accession preparations had to concentrate in light of the Copenhagen political and economic criteria and the implementation of the *acquis communautaire*. Turkey's Accession Partnership was complemented by Turkey's own National Programme for the Adoption of the Acquis (NPAA), giving details of Turkey's commitments with regard to achieving the Copenhagen criteria and adopting the *acquis*.

In December 2002 the Copenhagen European Council concluded that "if the European Council in December 2004, on the basis of a report and a recommendation from the Commission, [decided] that Turkey fulfils the Copenhagen political criteria, the EU would

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<sup>7</sup> OJ 1996, L 35.

<sup>8</sup> Presidency Conclusions of the Helsinki European Council, 10/11 December 1999.

<sup>9</sup> Presidency Conclusions of the Copenhagen European Council, 21/22 June 1993.

<sup>10</sup> § 4 of the Presidency Conclusions of the Helsinki European Council states that "the European Council recalls that compliance with the political criteria laid down at the Copenhagen European Council is a prerequisite for the opening of accession negotiations and that compliance with all the Copenhagen criteria is the basis for the accession to the Union".

<sup>11</sup> See § 3 for a more detailed presentation of the Copenhagen criteria.

<sup>12</sup> See the Commission Communication "European strategy for Turkey, COM(98) 124 final.

<sup>13</sup> See § 12 of the Presidency Conclusions of the Helsinki European Council, *ibidem*.

<sup>14</sup> OJ 2001, L 85.

open accession negotiations with Turkey without delay”<sup>15</sup>. In the meantime, EU leaders agreed to extend and deepen co-operation within the framework of the EC-Turkey Customs Union and provide Turkey with increased pre-accession financial assistance. In May 2003, the Council of the EU revised the priorities of the Accession Partnership with Turkey<sup>16</sup>.

In October 2004, the Commission presented the 2004 regular report on Turkey’s progress towards accession, in which it recommended the opening of accession negotiations with Turkey<sup>17</sup>.

## **2. SPECIFICITIES OF THE TURKISH ENLARGEMENT**

The long-lasting debate over Turkey’s accession has been a far more intense one than that which surrounded the start of the negotiations with the accession countries of CEECs in 1998. At first sight, the Turkish enlargement looks as somewhat similar to the current “big” enlargement towards the East. Turkey is about the same size as the ten new Member States taken together in population and approximately the size of Poland, in economic terms. But Turkey is only one country, not ten, and the political impact of its accession would therefore be quite different (§2.2). Turkey is also characterised by its difficulties to comply with the democratic and human rights standards as defined in the Copenhagen criteria (§2.3) and by an unstable economic situation (§2.4). And finally, Turkey has a predominantly Muslim population. For the first time, the EU has been discussing the accession of a country that has different religious and cultural characteristics (§2.5). The way towards Turkish accession is peppered with hurdles that were not experienced by the EU with other enlargements. Conversely, the advantages that were brought to the fore by policy-makers and the media with regard to the Turkish enlargement are also unprecedented: Turkish membership has been analysed essentially in geopolitical strategic terms (§2.1).

### **2.1. A Strategic Enlargement**

Turkey’s EU membership has been justified by a nearly exclusive reference to strategic considerations. If the Eastern European enlargement also raised foreign policy considerations, economic or identity arguments remained dominant in the debate. By contrast, the potential of economic or identity related advantages that may be tied to the Turkish enlargement have been barely discussed by EU (and US) policy makers.

In its October 2004 Report focusing on the issues arising from Turkey’s membership perspective”<sup>18</sup>, the Commission points to Turkey’s capacity “to contribute to regional and international stability”. In consideration of the new political objectives and security concerns of the EU, Turkey’s role can indeed be significant in terms of providing stability in the regions of the Eastern-Mediterranean, the Middle East and the Caucasus<sup>19</sup>. The EU could have a pacifying influence in Southern Caucasus, where difficult historical ties between Turkey and Armenia and the conflict over the Nagorno-Karabakh enclave between Armenia and

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<sup>15</sup> Presidency Conclusions of the Copenhagen European Council, 12/13 December 2002.

<sup>16</sup> OJ 2003, L 145.

<sup>17</sup> COM (2004) 656.

<sup>18</sup> Commission staff working document, *Issues arising from Turkey’s membership perspective*, SEC(2004) 1202.

<sup>19</sup> In a speech on ‘The Enlargement process and Turkey’s place in this Process’, European Commissioner Verheugen argued: “The European Union and Turkey are linked in a strategic partnership. The Union wants to further integrate Turkey into the European structures. We need Turkey as a reliable partner in foreign and security policy. We want Turkey to be a stable democracy, respecting the rule of law and human rights. Our interest is that Turkey plays a constructive role in our common efforts to contribute to peace and stability in the region”. Bogazici University, Turkey - 9 March 2000.

Azerbaijan are still a factor of instability in the region. Turkish accession will also increase the EU's interests in the Black Sea region, though the prior accession of Bulgaria and Romania will already have given the Union borders with Black Sea countries. However, extending the EU's borders to Armenia, Azerbaijan and Georgia, Iraq, Iran and Syria also means that the EU will be drawn closer to several regions of continuing political instability.

Some policy makers and commentators have also argued that the future Common Foreign and Security Policy (CFSP) would be crippled without the South Eastern flank of Europe. Turkey has emerged as a regional power in the Eastern Mediterranean and its importance has increased in recent years. In order to realize the CFSP and for the EU to maintain the security of its adjoining regions, Turkey's membership is seen as indispensable. The development of a common European security policy would definitely be facilitated if Turkey did not sit between the transatlantic chairs as a NATO-member without EU affiliation. Turkey's integration to the EU would primarily mean a fortification of the European position in the transatlantic pact.

Turkey also has a strategic location with respect to Europe's future energy supplies from the Middle East and more importantly, from the Caspian region<sup>20</sup>. Ultimately the countries surrounding Turkey supply 60 percent of the natural gas and petroleum demand of Europe. Turkish accession could help secure access to these resources and their safe transportation into the EU single market. It would diversify possible EU supply lines offering alternative export outlets both for Russia, the Middle East and the countries around the Caspian. Turkey is expected to develop further as a major oil transit country for, in addition to Turkey's control of the vital Bosphorus route from the Black Sea Mediterranean, Turkey is also a transit country for important energy networks including the northern Iraq-Ceyhan pipeline and the Baku-Ceyhan pipeline. For gas, Turkey will become an increasingly important transit country between the enlarged EU and the Caspian producers as well as the Middle East.

Last but not least, Turkey, as a secular and "partly free"<sup>21</sup> Islamic country, has also been presented to the European public as a potential "bridge" to the Islamic world. Turkish membership could in this respect represent a chance for the EU to play a role in the reconciliation of Islam, democracy and the West.

## **2.2. A Politically Sensitive Enlargement**

EU Member States' concerns over Turkey's human rights record has been a key factor behind Turkey's prolonged application process. In the Freedom House organisation's 2003/2004 evaluations of political rights and civil freedoms, Turkey is considered as a "partly free country", with a worse grading than new EU members, as well as Bulgaria and Romania<sup>22</sup>.

However, in its October 2004 Report, the Commission emphasises Turkey's considerable progress concerning political criteria<sup>23</sup>. In the past three years Turkey has indeed achieved a notable level of legislative and practical progress. Since October 2001, 8 reform packages have been passed, with the 4 later major ones under the Erdogan government. They included measures to eliminate regulations and practices that had contributed to impunity for torture and ill-treatment. The death penalty has been abolished, laws on the forming of

<sup>20</sup> For an analysis of Turkish and EU's energy policies, see: Y. Isik, Turkey Energy's Prospects in the EU-Turkey Context, *CEPS EU-Turkey Working Papers* 9, 2004.

<sup>21</sup> See Freedom in the World country ratings for 2004, website of the Freedom House Organisation, <http://www.freedomhouse.org/>

<sup>22</sup> See Freedom in the World country ratings for 2004, *ibidem*.

<sup>23</sup> See the Commission 2004 Regular Report on Turkey's progress towards accession, COM(2004) 656.

associations and the right to assemble have been liberalised, and religious and ethnic minorities have acquired greater legal rights (in particular the ban of Kurdish and other languages has been lifted)<sup>24</sup>. After heated controversies with the EU over the criminal status of adultery, a new penal code was passed (which has however not entered into force so far). So are current reforms sufficient for Turkey to be considered as a free democratic country?

Despite these promising developments allegations of torture are still recurring. In 2003 the European Court of Human Rights laid 76 charges of human rights violations against Turkey. Shortcomings in the legal area also remain. Freedom of expression is sometimes restrained (disproportional force used against demonstrators) as well as freedom of religious belief (restricted property rights for non-Muslims).

Most importantly, Turkey's secular character has so far been ensured by the military. Its influence has however been reduced. In August 2004 the first civilian was appointed as head of the powerful military Council in Turkey. Yet, the crucial question of whether the retreat of the military from supervision of the political process will lead to a sustainable democracy remains.

### **2.3. A "Difficult-To-Manage" Enlargement: Turkey's Demographic Situation**

One commonly raised point is that, when it joins the EU, Turkey will become the EU's most populated Member State. Turkey's current population is 71 million, and demographers project it to increase to 80-85 million in the next 20 years. This compares with the largest current EU Member State, Germany, which has 83 million people today, but whose population is projected to decrease to around 80 million by 2020<sup>25</sup>. Turkey's political weight would be comparable to that of Germany, based on voting weight by population share. Opponents to Turkish accession therefore argue that Turkey will be a too powerful member for the EU<sup>26</sup>.

There is further concern that Turkish membership may seriously impede further development of the Union<sup>27</sup>. This fear is boosted by the fact that Turkey's economy is characterised by major regional inequalities, partly reflecting its rural/urban divide. Many fear that it will be too difficult for the EU to digest the Eastern enlargement and then engage in another enlargement of almost the same dimension at the same time.

### **2.4. A Costly Enlargement ?**

Turkey's economic situation, if still very fragile, does not constitute a distinctive impediment to its accession compared with former (or planned) rounds of enlargements. Turkey's economic situation is comparable to that of Bulgaria and Romania, which are part of the second round of CEECs. Turkey's *per capita* income level was 12, 3% of the EU-15 in 2003. The *per capita* GDP of Romania and Bulgaria reach only 10% of EU-15 levels. Structural indicators like the contribution of agriculture to employment (Turkey 34%, Romania 34%, Bulgaria 27%) and to the national economy (all around 11% to 13%) are also similar<sup>28</sup>.

<sup>24</sup> See § 3.1 for more details on the reforms that were initiated by the Turkish government since 1998.

<sup>25</sup> See dossier on EU-Turkey relations, Euractiv website, <http://www.euractiv.com/Article?tcmuri=tcm:29-129678-16&type=LinksDossier>.

<sup>26</sup> See § 4.3.1 for an analysis of the institutional impact of Turkish membership.

<sup>27</sup> See H. Kramer, *Whither Turkey's EU Accession? Perspectives and Problems After December 2004*, Paper presented at the AICGS Conference, 20 September 2004, Berlin.

<sup>28</sup> K. Hughes, *Turkey and the European Union: Just another Enlargement? Exploring the Implications of Turkish Accession*, A Friends of Europe Working Paper, 2004.

Moreover, unlike other new EU members, Turkey does not have to radically restructure its economic system. Rather, the basic structures of a market economy are secured.

Turkey's main problem lies in the macro-economic imbalances that characterise the country. Periodic crises and lapses in growth (1999 and 2001) have been a prominent feature in recent years. Furthermore, high state influence and recurring internal and external disequilibria (high debt and inflation) still typify the Turkish economy. However, after the crisis of 2001, the economy has returned to a growth path, inflation has reduced, the currency has stabilised and debt indicators have improved. If it cannot be established whether this is the beginning of a sustainable higher medium and long term growth path, it seems, however, that Turkey's economic situation does not constitute a major obstacle – if compared to that of first round CEECs and second round CEECs – to its membership.

## **2.5. An Unprecedented Issue: Is Turkey “European” and what is the “European Union”?**

The question of Turkish membership has elicited a debate on “whether Turkey is European”. Christian Democrats, as well as some sections among Social Democrats and European Federalists, have argued that Turkey has a different culture, is Asian (the explicit argument), or is Muslim (the more or less implicit argument)<sup>29</sup>.

Geography has been one of the major arguments in this debate. Turkey entertains relations with its neighbours on the Black Sea, Central Asia as well as the Middle East. It is, by many, seen as being “outside” Europe's natural boundaries. Yet others argue that its belonging to the European sphere was recognized as early as the 1950s, due to its participation in the Council of Europe, NATO and the European Conference on Security and Cooperation (ECSP).

The second argument relates to Turkey's history. Some argue that Turkey was not of Europe: it does not share Europe's Judeo-Christian heritage and rationalist tradition, seen as the roots on which European identity is founded. Well rooted, if sometimes irrational, resentments and even fears go back to Muslim invasions of Europe in the 8<sup>th</sup> century, Ottoman occupations of the Balkan from the 14<sup>th</sup> Century, and the empire's defeat before Vienna in 1683. The contemporary manifestation is fear of massive migration from Turkey to Europe. However, others point to the fact that these very Byzantine and Ottoman empires have also shaped Europe<sup>30</sup>. Moreover, with the advent of Kemal Atatürk's modernist agenda in the 1920s, Turkey chose Europe, its political institutions and the idea of a secular state.

There remains the argument over “Islam and the West”. The EU is identified by some as a “Christian club” where non Christians may only form minorities. The issue is whether, against the background of a largely Islamic society and a state whose secular character is guaranteed by the military, European values can be anchored and sustained. Thus, Turkish membership is seen as having an important political cultural dimension, which did not emerge with previous enlargements. At the heart of this debate lies the core issue of what is Europe, and more fundamentally, what is the nature of the European Union project itself.

The Turkish enlargement bears specificities. EU Heads of the State have nevertheless decided in 1999 to assess Turkey's application for membership on the basis of the same

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<sup>29</sup> For an analysis against Turkish accession on cultural grounds, see: J-L. Bourlanges, *Ankara et l'UE, les raisons du “non”*, CEPS Turkey in Europe Monitor 10, 2004.

<sup>30</sup> See for instance K. Nicolaidis, Turkey is European ... for Europe's sake, in: *Turkey and the European Union: From Association to Accession?* Ministry of Foreign Affairs, The Netherlands, January 2004.

criteria applied to other states. It is in the conditions applied upon the negotiations process in view of Turkey's accession that the EU leaders' concerns over the particularities of the Turkish enlargement are reflected<sup>31</sup>.

### **3. THE POSITION OF THE COMMISSION CONCERNING TURKEY'S ACCESSION**

Since 1998, the Commission has published annual reports on Turkey's progress towards accession to the EU. The reports measure, in political and economic terms, the progress made by Turkey in preparing for membership. They are carried out on the basis of the criteria set out by the Copenhagen European Council in June 1993 and the parameters of the "European Strategy for Turkey" adopted in 1999. The Copenhagen criteria are related to the stability of institutions guaranteeing democracy, the rule of law, respect of human rights and the protection of minorities (the so-called "Copenhagen political criteria"); the existence of a functioning market economy as well as the capacity to compete in the Union market (the "Copenhagen economic criteria"); and the ability to take on the obligations of EU membership. In light of these criteria, the Commission reports have consistently pointed out Turkey's economic weaknesses, but laid greater emphasis on the country's democratic deficits.

#### **3.1. The position of the Commission on the political criteria**

While acknowledging that the basic features of a democratic system existed in Turkey, the first Commission reports<sup>32</sup> (years 1998, 1999) assessed a general no compliance with the Copenhagen political criteria, stressing in particular the existence of serious deficiencies concerning the respect of human rights and the protection of minorities.

In 2000, two important steps were taken by the Turkish government in order to engage with the process of political reform required by the EU. Various international human rights instruments were signed and the Turkish government endorsed the work of the Supreme Board of Co-ordination for Human Rights. However, the situation on the ground hardly improved and the Commission's position on Turkish progress towards accession did not change<sup>33</sup>.

In October 2001, the Turkish Parliament adopted the first major constitutional reform in the field of human rights and fundamental freedoms – which, most noticeably, limited the use of capital punishment. A reform of the judicial system was also initiated, and in November 2001 a new Civil Code was adopted. The Commission welcomed these legislative changes, but reminded Turkish authorities of the need to properly implement the legislative reforms and address a series of fundamental issues, such as civilian control over the military, corruption and restrictions on the exercise of fundamental freedoms<sup>34</sup>.

In 2002, despite the adoption of reform packages concerning the death penalty, the state of emergency in the South East, and the strengthening of democracy and protection of human rights – considered to reflect the willingness of the majority of Turkey's political leaders to move towards further alignment with the Union's values and standards, the Commission reiterated that the Copenhagen political criteria were not met<sup>35</sup>. Firstly, the reforms contained

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<sup>31</sup> See § 4.

<sup>32</sup> 1998 Regular Report from the Commission on Turkey's progress towards accession, COM(1998) 771.

1999 Regular Report from the Commission on Turkey's progress towards accession, COM(1999) 513.

<sup>33</sup> See the 2000 Regular Report from the Commission on Turkey's progress towards accession, COM(2000) 713.

<sup>34</sup> See the 2001 Regular Report from the Commission on Turkey's progress towards accession, SEC(2001) 1756.

<sup>35</sup> See the 2002 Regular Report from the Commission on Turkey's progress towards accession, COM(2002) 700.



a number of significant limitations concerning fundamental rights and freedoms – and most noticeably the freedom of expression. Secondly, most of the reforms were not implemented. Thirdly, a number of important issues, such as the enduring usage of torture, the power of the military, the situation of persons imprisoned for expressing non-violent opinions and the non compliance with the decisions of the European Court of Human Rights (ECHR), had yet to be adequately addressed.

From 2003 onwards, the Turkish government showed greater determination to achieve the Copenhagen political criteria and engaged in further legislative reforms. The Commission stressed the importance of these legislative efforts but at the same time concluded that a series of key issues, in particular the strengthening of the independence and the functioning of the judiciary, the overall framework for the exercise of fundamental freedoms (association, expression and religion), the further alignment of civil-military relations with European practice, the situation in the Southeast and the cultural rights, still had to be addressed together with the question of the implementation of the reforms on the ground<sup>36</sup>.

In May 2004 the second major constitutional reform took place, eradicating all remaining death penalty provisions, strengthening gender equality, broadening freedom of the press, aligning the judiciary system with European standards and establishing the supremacy of international agreements in the area of fundamental freedoms over internal legislation. In September 2004 Turkey adopted a new Penal Code, meant to improve the situation regarding, in particular, women's rights, discrimination and torture. Furthermore, a new Press Law was adopted in June 2004 and a new Law on Associations and a Law on Compensation of Losses Resulting from Terrorist Acts were approved in July 2004. A number of regulations and circulars were issued by the authorities in order to enable the implementation of legislation. In its October 2004 Report<sup>37</sup> the Commission confirmed that Turkey had achieved significant legislative progress in a considerable number of areas and stressed the efforts made in implementing the political reforms. For the first time, the Commission concluded that Turkey sufficiently fulfilled the Copenhagen political criteria – but emphasised that reforms still needed further consolidation. On the basis of the mandate received in Copenhagen in December 2002, the Commission was able to formulate its – positive – recommendation as to whether Turkey fulfilled the Copenhagen political criteria<sup>38</sup>.

### **3.2. The position of the Commission on the economic criteria**

In its first assessments of the economic situation in Turkey, the Commission concluded that although Turkey was close to becoming a market economy, major progress still had to be achieved in order to comply with the Copenhagen “economic” criteria – which refer to the existence of a functioning market economy, as well as the capacity to cope with competitive pressure and market forces within the Union.

The 2000 and 2001 Commission reports indicated that the progress attained in addressing the major imbalances of the economy had been counteracted by the financial crisis of November-December 2000. Turkey was confronted with another financial crisis in February 2001, which hampered any further economic progress. In 2002 the consequences of the two financial crises still weighted heavily on the Turkish economy. Nevertheless the 2002 Commission report welcomed the progress reached by Turkey regarding the functioning of the Turkish market.

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<sup>36</sup> See the 2003 Regular Report from the Commission on Turkey's progress towards accession (no document classification).

<sup>37</sup> See the 2004 Regular Report from the Commission on Turkey's progress towards accession, COM(2004) 656.

<sup>38</sup> Recommendation of the European Commission on Turkey's progress towards accession, COM(2004) 656.

In its 2003 report, the Commission confirmed that significant progress had been made concerning the functioning of a market economy in Turkey, but recommended that Turkey initiate further steps to improve its macroeconomic stability and launch structural reforms to enhance its capacity to cope with competitive pressure within the Union.

It was in 2004 that the Commission, for the first time, held the opinion that if the stabilisation policy was maintained and further structural reforms were initiated, Turkey should be able to cope with competitive pressure and market forces within the Union. On the basis of this assessment, the Commission concluded favourably on Turkey's compliance with the Copenhagen "economic" criteria – recommending, however, that Turkey continue the ongoing reform process. The Commission also emphasised that Turkish accession could bring positive effects to the economy of the EU, provided that the negotiations take into account the specificities of the Turkish economy.

### **3.3. The recommendation of the Commission: a "qualified yes"<sup>39</sup>**

In its Recommendation on Turkey's progress towards accession<sup>40</sup>, the Commission stated that Turkey sufficiently fulfilled the Copenhagen criteria and recommended the opening of the accession negotiations – without however fixing a concrete date.

The Commission expressed great caution in its recommendation. It recommended that the "green light" to the beginning of the accession negotiations be contingent to the fulfilment of a number of conditions. Thus, the Commission suggested that the negotiation process include specific clauses that did not appear in former accession negotiations – including a "Suspension Clause"<sup>41</sup>. In order to reiterate the conditional character of its recommendation, the Commission defined the negotiation talks as "an open-ended process whose outcome could not be guaranteed beforehand", and thus not leading automatically to accession. Furthermore, with the purpose of ensuring that reforms be properly implemented, the Commission drafted recommendations providing for a close monitoring of the situation in Turkey.

The Commission's recommendation suggested a three pillar strategy for the conduct of the negotiations: (1) strengthened cooperation to reinforce and support the reform process in Turkey; (2) negotiations adapted to the specific challenges related to Turkey's accession and (3) a substantially strengthened political dialogue bringing people together from EU Member States and Turkey.

## **4. THE EUROPEAN COUNCIL DECISION**

The European Council of December 2004 finally decided to open negotiations on 3<sup>rd</sup> October 2005 in view of Turkish accession<sup>42</sup>. The heated debates which surrounded Turkish membership before the European Council Decision were an "avant-goût" of the intense reactions provoked by the December decision all across political forces as well as among European citizens. After presenting the European Council Decision itself (§4.1), the short-term implications of the Decision – with regard to the reform process in Turkey, the evolution of Turkey's relations with Cyprus and reactions that have been provoked in Member States –

<sup>39</sup> See Romano Prodi's speech to the European Parliament on 6 October 2004.

<sup>40</sup> COM(2004) 656, *ibidem*.

<sup>41</sup> The Commission recommended to suspend or even break the accession negotiations "in the case of serious and persistent breaches of the principles of liberty, democracy, respect for human rights and fundamental rights and the rule of law on which the Union is founded".

<sup>42</sup> Presidency Conclusions of the Brussels European Council, 16/17 December 2004.

will be examined (§4.2). Its long-term institutional, economic and geopolitical implications for the EU will then be analysed (§4.3).

#### **4.1. A Conditional Accession**

As recommended by the Commission, several conditions were imposed upon Turkey's road towards accession<sup>43</sup>. If the European Council welcomed "the decisive progress made by Turkey in its far-reaching reform process and expressed its confidence that Turkey will sustain that process of reform", it also pointed to the necessity for Turkey to bring into force the six specific items of legislation identified by the Commission – among which the New Penal Code and the Law on Associations<sup>44</sup>. Furthermore the European Council underlined the need to implement the zero-tolerance policy relating to torture and ill-treatment.

The Decision then defines the elements of the negotiation framework. It declares that long transition periods, derogations, specific arrangements or permanent safeguard clauses "may be considered" for areas such as freedom of movement of persons, structural policies or agriculture. The possibility for the negotiation framework to include "permanent safeguard clauses" for certain policy areas was strongly criticised by Turkey, who had already signalled its dissatisfaction with this condition ahead of the European Council. Furthermore, it is foreseen that accession negotiations with states whose accession could have a substantial financial impact on the EU budget, as it is likely to be the case for Turkey, will only be concluded after the establishment of the Financial Framework for the period from 2014. Moreover, the Council reserves itself the right to decide by qualified majority on the suspension of the negotiations in the case of "a serious and persistent breach in a candidate state of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law on which the Union is founded". Turkey is worried about the clause which allows the Council to recommend the suspension of negotiations, in the event of non compliance with political criteria.

Finally, while stating that accession is the negotiation's objective, the European Council – following the Commission's recommendation – defined negotiations as an open-ended process, with no guaranteed outcome beforehand.

#### **4.2. Short-term impact of the Decision**

##### **4.2.1. Turkey's *de facto* recognition of Cyprus**

The sticking point of the negotiations was the EU's requirement that Turkey would sign a new customs accord with Member States, involving a *de facto* recognition of Cyprus<sup>45</sup>. A compromise was finally reached, in which Turkey agreed verbally to sign up the protocol on the adaptation of the "Ankara Agreement"<sup>46</sup> – by which Turkey would recognise the 10 new Member States including Cyprus. The lack of written commitment on the Cyprus issue was a major concession granted to the Turkish government by the EU. On 29 March 2005, the Commission announced it had received a formal letter confirming Turkey's intention to sign the protocol extending its customs union with the EU to 10 new members, including Cyprus.

<sup>43</sup> See § 17-23 of the Presidency Conclusions of the Brussels European Council, *ibidem*.

<sup>44</sup> The Law on Intermediate Courts of Appeal, the Code on Criminal Procedure, the legislation establishing the judicial police and the law on execution of punishments and measures are also to be implemented.

<sup>45</sup> See § 19 of the Presidency Conclusions of the Brussels European Council, *ibidem*.

<sup>46</sup> OJ 1977, L 361.

However, it must be noted that the signing of the protocol is not a legal and formal recognition of the Republic of Cyprus<sup>47</sup>.

#### **4.2.2. Political reforms in Turkey**

Since 1999, major political reforms have been implemented in Turkey, promoting democratisation, better respect of human rights including minority rights and in the area of civilian control of the military. The objective of EU membership has certainly been a very important framework in underpinning these reforms.

Yet, these reforms came along with a loss of power for the military and other parts of the secularist establishment. While the loss of control of the military over the state is a necessary step towards full democratisation, there is a widespread fear among secularists that growing Islamic conservatism would ensue – with pressure for women to adopt the veil frequently cited. In this respect, the EU could potentially help to ensure a continued separation of state and religion, and guarantee that a weakening of the power of the military does not open the door to fundamentalism.

#### **4.2.3. Reactions in Member States**

Given the persistence of strong political opposition to Turkish accession in a number of EU states, it was likely that the decision to open negotiations with Turkey in 2005 would be received with dismay by certain political factions and the European public. Countries that have expressed the strongest reluctance included France, Austria, Denmark and the Netherlands. France is the only Member State where opposition to Turkey's EU membership predominates at both levels – government and society. French President Jacques Chirac found himself in a troublesome situation. His willingness to ride out doubts and opposition from his own party was confronted to the fact that he feared that, in the event of a referendum on the European constitution, right-wing political circles would not miss out on the opportunity to couple the public decision about the EU Constitution with the question of Turkey's accession. French President Chirac however opted for a strong back up to Turkish accession, while opponents led by Nicolas Sarkozy, head of the governing UMP party in France, continue to express their reservations. Yet, current opinion polls on voting intentions for the referendum on the EU constitutional treaty seem to prove Chirac's fears right.

But the French case is not isolated. A recent poll found that 76% of Austrians were against Turkey's accession. The Dutch public is also known to be predominantly against Turkey's membership<sup>48</sup>. Britain and Germany, which were supportive of Turkish accession at governmental levels, are also facing opposition from the public. Recent polls have shown that citizens' approval in Germany is around 30% only. Thus, one of the biggest challenge for the EU consists in preparing opinion, which in several countries is overwhelmingly hostile to Turkey's membership. Some leaders, in the Member States, will wish to protect themselves from domestic opposition by emphasising the importance of the Commission recommendation and the decision of the European Council.

### **4.3. Long term impact of the decision**

Turkish membership will have institutional, economic and geopolitical implications for the EU<sup>49</sup>. It is argued here that geopolitical developments will be altered, but in a way that is

<sup>47</sup> 'Turkey confirms ready to sign key EU protocol', Reuters, 29 March 2005.

<sup>48</sup> Euractiv, 'The EU-25's view of Turkey's membership bid', 17 December 2004.

<sup>49</sup> See also, for a detailed analysis of the impact of Turkish membership ("in favour" of Turkish accession): A. Akçakoca, F. Cameron and E. Rhein, *Turkey – Ready for the EU?*, EPC Issue Paper No. 16, 2004. And for a

difficult to predict, and dependant on the EU's own capacity to develop a single voice in the area of foreign policy (§4.3.2). Economic implications will be significant but manageable (§4.3.3). Turkish membership will have a more radical impact on the EU decision-making process, for Turkey's accession will alter the current institutional equilibrium between small and big states (§4.3.1). But more than anything else, Turkish accession will have implications as to what the European project itself is (§4.3.4).

#### **4.3.1. Institutional impact**

Turkey is about the same size as the ten new Member States in population. Yet, the fact that Turkey is one country, not ten, alters the political impact dynamics of its membership.

Turkey will have an important voice in the decision making process in view of its population share which will be reflected in the Council voting system. If the European Constitution is ratified by EU Member States – and the proposal for a “double-majority” system of voting thus implemented – then Union decisions will need a majority of both countries and population. Given its population size, Turkey will be a powerful player and will add to the already complex set of alliances and blocking combinations that are possible in the Council.

Also assessed on the basis of the rules set in the European Constitution, Turkey's accession will significantly affect the allocation of European Parliament seats of current Member States, in particular the medium sized and large countries. The impact on the functioning of the Commission will be less important given the planned reduction of the members of the Commission from 2014 onwards. If the European Constitution is ratified and a Commission with equal rotation of members across countries established, Turkey will sometimes have a Commissioner and sometimes not, like all other EU Member States.

Turkey will inevitably have a considerable impact on the EU institutional arrangements. Its accession will affect the delicate equilibrium between “small states” and “big states” reached by EU leaders when negotiating the content of the European Constitution. Yet the fact that Turkey will become the largest EU country in population terms will be mitigated by the fact that Turkey will represent a small part of the EU economy. Turkey will unlikely be in a position to lead strategically in developments in the internal market or the euro, which it is unlikely to join before a number of years after accession.

#### **4.3.2. Geopolitical and foreign policy impacts**

Located at the border of the Middle East and the Caucasus, Turkey is likely to offer new opportunities for the CFSP.

By extending the EU's borders to the Southern Caucasus and to Syria, Iran and Iraq, Turkish accession will sharpen the EU's foreign policy concerns in these regions. The EU is likely to be increasingly involved in issues that were previously regarded as bilateral between Turkey and its neighbours, such as disputes over water between Turkey and Syria or Armenia's diplomatic recognition.

Building on its strong historical, cultural and economic ties with the region, a reformed Turkey could also help to stabilize Central Asia and encourage the development of democratic values in a region which, after the collapse of the Soviet Union, has been subject to political instability. In terms of foreign policy and security, Turkey's role as the leading provider of assistance in NATO's “Partnership for Peace” programme across the region will strengthen Central Asia's international defence links. However, there are possible drawbacks in the

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detailed analysis “against” full membership: W. Quaisser and S. Wood, *EU Member Turkey? Preconditions, Consequences and Integration Alternatives*, Forost Arbeitspapier, No 25, 2004.

extension of the EU's frontiers closer to the region. For instance the existence of cultural and political links between Turkey and Turkic-speaking parts of Central Asia, as well as the presence in Turkey of certain Turkic groups opposing their domestic regimes, could fuel tension in relations with countries in the region.

Finally, some have argued that Turkey as an EU member could provide the EU with a bridge to the Middle East. Yet, Turkish-Arab relations have been troublesome, not least given the strong relations between Turkey and Israel. Turkey's relations with Middle East countries are overwrought, with, as mentioned above, Turkey's continuing dispute over water with Syria and lingering fears that Iran is trying to export a fundamentalist revolution to Turkey. With the arrival of the AKP government, Turkey has however taken up a more critical stance towards Israel. The role that Turkey could play in connection to the Middle East is therefore difficult to predict.

Turkish accession will extend EU foreign policy interests in new regions. However, given that geopolitical arguments have been used both by tenants (new borders will bring new opportunities) and opponents (new borders will bring instability) of Turkish accession, it is difficult to forecast the exact direction of future foreign policy developments. Furthermore, Turkey's overall impact will depend on how much the EU itself will be able to develop as a foreign policy player in the next decade. Turkey could be in a strong position to contribute to the development of EU peacekeeping forces in the context of its developing security policy. But for Turkey, and the EU itself, to become significant foreign policy players, EU Member States need to find paths to overcome their divergences over foreign policy objectives and the means to reach them.

#### **4.3.3. Economic impact**

It is difficult to predict the economic situation of Turkey in 20-25 years time. However, Turkey is not likely to have a major impact on the EU economy, given its small economic size. Turkey's GDP today is only 2% of the EU-25 GDP<sup>50</sup>. Even assuming that Turkey's annual growth will reach 5%, Turkey's GDP on the date of its accession will not be higher than 3% of the EU-25 GDP<sup>51</sup>.

Estimating Turkey's likely impact on the EU budget is more difficult since the EU budget for 2015 is not yet known<sup>52</sup>. The EU is currently negotiating its budget for the period 2007-2013. Structural policy and the Common Agricultural Policy (CAP) are expected to change considerably in the next ten years. Turkey will also change. Yet, it is possible to forecast that Turkey's GDP will still be well below the EU average by then, making Turkey an obvious candidate for structural and regional assistance. In the same manner, it is also likely that Turkey's agricultural sector will still be large. On that basis, Turkey will be eligible for significant budget transfers from the Union, meaning that Turkish accession will have similar financial implications than that of the ten new Member States.

Turkey's demographic profile could however play a positive economic impact on the EU, which is suffering from its aging demographic profile. Except that migration is also a sensitive political issue. There are fears within EU public opinion that freedom of movement could allow for huge migratory flows from Turkey to the rest of the EU. Before the membership of Greece, Spain and Portugal to the EU these worries also existed. However these fears did not materialize. In any case, the EU has ensured that it could preserve the right to limit the

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<sup>50</sup> *Issues arising from Turkish membership perspective*, SEC(2004) 1202, October 2004.

<sup>51</sup> K.Hughes, *ibidem*.

<sup>52</sup> For a detailed analysis of the impact of Turkish membership on the EU budget, see K. Dervis, D. Gros, F. Oztrak and Y. Isik, *Turkey and the European Budget. Prospects and Issues*. EU-Turkey CEPS Working Paper No. 6, 2004.

right to freedom of movement for Turkish labour in case of membership. If Turkish immigration would be allowed, this would not take place until 2020 at the earliest, when the EU's aging population problem would start being felt.

The beneficial economic effects of Turkey's membership in the EU are likely to be small for the EU-25 and much larger for Turkey. A possible increase in labour supply, stemming from migration from Turkey, could however contribute to some additional growth for the EU. The effects on the EU will also depend on the way the Turkish economy will be able to cope with its preparation for membership.

#### **4.3.4. What the Decision means for the European project**

The perspective of Turkish membership has raised questions concerning the nature of the European project. In an article published in the *Financial Times* in November 2004, Valéry Giscard d'Estaing, the chief architect of the European Constitution, has added his voice to those calling for a "privileged partnership" for Turkey, as opposed to full EU membership. Giscard d'Estaing argued that Turkish entry to the EU would "change the nature of the European project"<sup>53</sup>. What Turkish accession will mean for the European project has raised very different types of answers. At the heart of this debate lie very different conceptions of the European project itself and of the nature and objectives of the European Union.

For some, admitting Turkey means that the possibility of a United States of Europe – the federal dream at the heart of the European project – would be shattered. The EU would cease to be a political project and instead have to rest content with remaining a free-trade zone. After Turkish accession, the only way the original spirit of Europe would survive would be through the creation of a core Europe by the original founding members. A number of federalists argue this way, as they did already before the Eastern European enlargement.

For others, EU membership is neither predrawn nor predestined but the result of a process of social, cultural, economic and political convergence between countries and citizens, who for many different reasons are capable of thinking of themselves as Europeans. In that light, including Turkey would mean that Europe is capable of managing difference and draw strength from its diversity. It would also send a message to the rest of the world about the compatibility of Islam and democracy, that would challenge the view that we are now going towards a "clash of civilisations"<sup>54</sup>.

What Turkish accession will mean for the European project depends on the way the EU will be able to adapt its institutional system to successive rounds of enlargement. In this respect, the possible risk to drift towards a "free-trade" zone is not specifically related to the Turkish enlargement. But what Turkey's accession means for the EU will also depend on domestic developments within Turkey, namely Turkey's ability to commit to democracy while lessening the control of the military over the state.

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<sup>53</sup> *Financial Times*, 25 November 2004.

<sup>54</sup> See S. Huntington, *The Clash of Civilizations and the Remaking of the World Order*, New York, Simon and Schuster, 1996.

## CONCLUSIONS

This paper has analysed the specificities of the Turkish enlargement, the basis on which the Commission recommended the opening of the negotiations, and the implications of the European Council's Decision for the EU. Because the Turkish enlargement bears clear specificities, the impact of Turkey's accession would also have particular consequences for the EU.

The Turkish enlargement is specific. If Turkish accession could, at first sight, be compared to that of the CEECs (Turkey is about the same size as the ten new Member States taken together in population and approximately the size of Poland, in economic terms), the fact that Turkey is only one country, not ten, means that the political impact of its accession would be quite different. The EU also faces, for the first time, the challenge of negotiating the accession of a country that has different religious and cultural characteristics. Finally, unlike no other enlargement before, the Turkish one has been analysed essentially by reference to geopolitical arguments, which, ironically, are used both by tenants of Turkish accession and by its opponents.

Given the specificities of the Turkish enlargement, the impact of Turkish accession for the EU would also have unprecedented consequences:

- Economic implications will be significant, but manageable. The economic impact of the Turkish enlargement on the EU will not be heavier than that of the Eastern European enlargement.
- Turkish membership will have a more radical impact on the EU decision-making process, for Turkey's accession will modify the current institutional equilibrium between small and big states and add to the complexity of the EU decision-making process. In this respect, the *reform of the EU institutional system* towards an increased communautarisation of EU policies could provide a guarantee against the risk that the EU would drift towards being a "free-trade zone" in the wake of successive rounds of enlargements.
- Geopolitical developments will be altered, but in a way that is difficult to predict. Turkey will have an important impact on EU foreign policy interests given its borders with the Middle East, Caucasus and the Black Sea. It could also play a key role with respect to the EU's future energy supplies. Yet, the geopolitical impact of Turkish accession is dependant on *the EU's own capacity to develop a single voice in the area of foreign policy*.
- Finally, Turkish accession will leave the EU with the unprecedented challenge of *managing an enlargement that provoked strong resistance* among European citizens. Whether Turkish accession is accepted by European citizens will also depend on other parameters. The economic situation of the EU, the integration of minorities in Member States and the geopolitical state of the world – and more specifically the way the EU and international institutions will be able to fight against new security issues such as international terrorism – will all play an important role as to how Turkey's accession will be perceived by European citizens and dealt with by policy-makers.