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THE RESUMPTION OF ACCESSION TALKS: A HESITANT IMPROVEMENT IN TURKEY – EU NEGOTIATIONS

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Abstract

After more than three-year deadlock, 2013 was marked by the attempt by Brussels and Ankara to restart the dialogue for Turkey's accession to European Union. Two developments were remarkable in this process: the release of the most favorable Progress Report on Turkey since 2009, and the opening of the community *acquis* Chapter 22 on Regional Policy and Coordination of Structural Instruments. Regarding the former development, the European Commission underlined the positive steps achieved by Turkey and the pressing need for the EU to enhance its engagement with Turkey and revitalize the accession negotiations' framework as the main way to promote EU sponsored reforms. As far as the latter development is concerned, the relevance of the opening of a new chapter cannot be overestimated as the political stumbling blocks, which led the negotiations to stagnation, have been kept untouched and are still far from solved. This policy update is intended to give account of the main issues connected with these developments and underline the reasons for why they have to be considered important steps forward but not the decisive ones.

Background

After more than three-year deadlock, 2013 was marked by the attempt by Brussels and Ankara to restart the dialogue for Turkey's accession to European Union (EU). The EU conceded to Turkey the status of candidate country in December 1999 during the Helsinki European Council (Presidency of European Council, 1999) and agreed to start the negotiations for Turkey's accession five years later in December 2004 (Presidency of European Council, 2005). The official beginning of the accession talks was celebrated in October 2005 and since then fourteen chapters have been opened and only one (Chapter 25 on Science and Research) has been provisionally closed. The Conclusions adopted by the Council (General Affairs and External Relations) on 11 December 2006, endorsed by the European Council on 14/15 December, stipulated that negotiations on eight relevant chapters (Free Movement of Goods; Right to Establishment and Freedom to Provide Services; Financial Services; Agricultural and Rural Development; Fishery; Transport Policy; Custom Union and External Relations (Presidency of European Council, 2007)) would not be opened, and that no other chapter would be provisionally closed, until Turkey fully implements the Additional Protocol to the Association Agreement by opening its ports and airports to ships and aircrafts coming from every country of the EU, including the Republic of Cyprus (Council of European Union, 2006).

Since then the accession negotiations have been in a deadlock, with the only exception being the opening of Chapter 12 on Food Safety, Veterinary and Phytosanitary Policy in June 2010, and the relations between Turkey and the EU have significantly deteriorated. Moreover, during the second half of 2012 the relations between Ankara and Brussels were frozen after the Turkish Prime Minister Recep Tayyip Erdoğan announced that he would not establish diplomatic relations with the Council for the duration of the *Republic of Cyprus'* rotating EU presidency because Turkey does not recognize the government of the Republic of Cyprus¹ (Hürriyet Daily News, 2011) summoning the serious concern of the Council of the EU and the calling for respecting the role of the Presidency (General Secretariat of the Council, 2012). As a result of this stance, during this period Turkey did not align itself with the foreign policy positions of the Union.

However, since the beginning of 2013 the relations between Turkey and the EU have gradually improved. In January, a political dialogue meeting was held at the political directors' level and the foreign policy dialogue intensified especially on the issues of counter-terrorism, non-proliferation and the civil war in Syria. Finally in June 2013, the European Council agreed upon opening the negotiations on Chapter 12 of the community *acquis* and underscored that the intergovernmental conference between Turkey and the EU would take place after the presentation of the European Commission (EC) annual Progress Report scheduled for October (Council of European Union, 2013).

2013 Progress Report

On 16 October 2013, the Directorate General for Enlargement released the Turkey Progress Report (TPR) 2013, in which the EC presents its assessment of what the country had achieved over the year (European Commission, 2013b). The TPR gives account of the important steps taken by Turkey, notably the adoption of the 4th judicial reform package and the efforts made by the Turkish government in ending terrorism and building a peace process in the country's southeast. The judicial reform is recognized as a sharp-cut step forward in the protection of fundamental rights, including freedom of expression and fight against impunity for cases of torture and ill treatment. Also, the starting of a peace process in the country's southeast is considered an important step for ending terrorism, and the EC warmly recommended further reforms that could pave the way for the solution to the Kurdish issue². The EC considered the accession process as the most suitable framework for promoting EU related reforms in Turkey and consistently recall the pressing need for opening the negotiations on further Chapters of the *acquis communautaire*. Finally the TPR clearly recognized the Turkey's willpower of finding a final settlement to the Cyprus issue. This was expressed by a clear support to the resumption of talks aimed at achieving a comprehensive solution under the good offices of United Nations. However, Turkey has still not complied with its obligation of full non-discriminatory implementation of the Additional Protocol of the Association Agreement, and it has yet to remove obstacles with regards to the free movement of goods (European Commission, 2013a). As far as EU legislation is concerned, the process of adopting EU

¹ Relations between Turkey and EU have been stagnated over the dispute on the island because the Republic of Cyprus (and thus only the Greek Cypriots) joined EU a week after the failed simultaneous referenda on the adoption of the Annan Plan (endorsed by the Turkish Cypriots and rejected by the Greek Cypriots) in 2004.

² With the Democratization Package presented on 30 September 2013, the Turkish government announced, among other things, that teaching in Kurdish will be allowed in private schools, the removal of the nationalist oath recited by students in school, and the establishment of an anti-discrimination commission to combat hate crimes (BBC News, 2013).

acquis is still ongoing and Turkish efforts are still continuing. The progresses are particularly noticeable in the areas of free movement of goods (1st Chapter), financial services (9th), energy (15th), and regional policy and coordination of structural instruments (22nd) (European Commission, 2013a).

On the other hand though, the TPR highlights the pressing need to develop a truly participatory democracy and the necessity to amend criminal legislation and reform its interpretation by courts to ensure the full respect of fundamental freedoms including freedom of expression and freedom of assembly (European Commission, 2013a). Moreover, the TPR affirms that the EU should enhance its engagement with Turkey especially on the fundamental rights issue, which still represents the benchmark for further reform in Turkey. Despite of the acknowledgment of the steps forward taken by Turkey, the EC notes several concerns that need to be addressed with respect to Turkey's EU accession process. First of all, the EC pointed out that the political climate is still marked by a strong polarization as an effect of the Turkish political system and interpretation of democracy as relying on parliamentary majority rather than on participatory processes involving the whole society (European Commission, 2013a). Moreover, the European Commission registered a failure in the protection of fundamental rights and freedoms. In exposing these remarks the progress report recalls the Gezi Park protests that shook the country during May and June 2013 (European Commission, 2013b).

The Gezi Park events are frequently mentioned from the beginning of the report and onwards. The police response to the events has been harshly criticized as unacceptable according to modern European democratic standards. Indeed, security forces' behavior is not considered as the only source of concern. Key provision of the Turkish legal framework is also regarded as hampering respect of fundamental rights (the TPR makes an explicit reference to Article 301 of the Penal Code³ which is considered as undermining freedom of expression) (European Commission, 2013b). In addition, the EC pointed out that cross-ownership in the media and several intimidating statements by politicians have made self-censorship widespread which was also made visible throughout the Gezi Park protests as mainstream media choose not to cover the events. (European Commission, 2013a)

For the first time since 2009 the EC's assessment of Turkey's progress is positive. The solution proposed by the EC to handle the problems still on the ground is to enhance the engagement and speed up the accession negotiations to promote EU inspired reforms and guarantee the protection of fundamental rights inside the country (European Commission, 2013b).

The Opening of a New Chapter

As mentioned above, at the end of October 2013 the EU officially agreed to open negotiations on Chapter 22 on Regional policy (General Secretariat of the Council, 2013). Prime Minister Erdoğan has been reported to say, "this is a positive step but it is certainly not satisfactory for us because faster steps need to be taken [by the EU] as there is a massive amount of wasted time [in the accession talks]" (Today's Zaman, 2013). The opening of the new chapter had been scheduled for June 2013 but was postponed in retaliation for the handling of the Gezi Park protests. The EU took into account the last release of TPR, defined by the then Turkish Minister on EU Affairs Egemen Bağış as "one of the most objective and motivating progress reports of the past decade", when deciding to revive the frozen accession process. Despite Bağış's declaration that Turkey does not

³ The Article 301 of the Turkish Penal Code makes it illegal to insult Turkey, the Turkish nation and Turkish Government institutions.

want just an “engagement” with EU, but a real “marriage”, the Turkish government considers a speedy opening of further chapters very unlikely (Gültaşlı, 2013a).

There are several reasons for such a cautious approach from the Turkish side. The political obstacles that contributed to the slowing down of the pace of Turkey’s integration to the EU are still in place, notably the Cyprus issue and the resistance of some key EU members, such as France and Germany, towards Turkey’s EU accession. With regards to the latter, France has already conveyed to Turkey that it would not lift its veto on four relevant chapters, which were submitted by former French President Nicolas Sarkozy in 2007, (Gültaşlı, 2013a) while the former obstacle is in a stalemate because of the lack of a deal for the settlement over Cyprus. Moreover, recent developments in Egypt and Syria could become a divisive issue for Turkey’s foreign policy. Former Minister Bağış used strong words on EU’s silence on the military coup that occurred in July 2013 in Egypt, stating that “democracy is being raped” and considered the lack of a strong and substantial action from Europe in Syria as a “very wrong message to the bloody dictator in Damascus” (Gültaşlı, 2013a).

Despite these stumbling blocks to a fast track solution of the accession talks, some positive developments have been shown through 2013. The EU and Turkey recently agreed on launching visa liberalization talks in December 2013 (Hürriyet Daily News, 2013). Both Turkey and the EU expressed shared intention to open negotiations on Chapter 23 and 24, dealing with arguably awkward issues for EU-Turkey relations such as fundamental rights and freedom, but the government of the Republic of Cyprus blocked these Chapters unilaterally in 2009. On 5 November 2013, a press release from the Turkish Foreign Ministry officially welcomed the opening of negotiations on Chapter 22, hoping that all the blockages introduced with political consideration would be removed as soon as possible (MFA, 2013).

Conclusion

One more chapter in the endless saga of Turkey’s EU accession negotiations was written in the fall of 2013. Certainly the state of the Turkey-EU relations seems more relaxed now than it was at the beginning of 2013. The stark response of Turkish police towards the protesters during the Gezi Park events has been reabsorbed and a new direct dialogue between Turkey and the EU is likely to begin (Prime Minister Erdoğan scheduled a visit to Brussels for mid-January 2014 (Demirtaş, 2013)). The EC played a leading role in this rapprochement through the TPR release and the emphasis on the accession negotiations’ framework as the main tool for promoting EU sponsored reforms inside Turkey. Nevertheless, the political obstacles have been kept untouched and the main issues on Turkey’s way to EU membership are far from solved. The European economic crisis, the Turkish disillusion about European full membership, and the Cyprus deadlock are all stumbling blocks that may hinder Turkey’s march toward Europe. Nevertheless the key factor of this stalemate can be found in the lack of political will in European member states as well as in Ankara⁴. Until the political obstacles are solved, no significant step forward will be undertaken.

⁴ As far as Turkish government is concerned, the AKP’s decision to join the Alliance of European Conservatives and Reformists (AECR), a Euro-skeptic party, could be explained as a step back in Turkey’s ruling party’s commitment to European integration as well as a retaliation to European People’s Party (EPP), whose members are mostly against Turkish membership in the EU (Gültaşlı, 2013b).

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