

Breathing life into the EU-Turkey partnership

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Turk-Ita Forum 2011

Istanbul 25 November 2011

In cooperation with

Persistent clouds and glimmers of hope

Since the opening of Turkey's accession negotiations in 2005, storm clouds have darkened EU-Turkey skies. To all extents and purposes, Turkey's accession negotiations have ground to an almost complete halt. Alongside this, the greatest thorn in the side of Turkey's accession process – the Cyprus conflict – remains irredeemably stuck. So much so that in 2012, not only do the bi-communal negotiations on the island risk reaching a dead-end, but EU-Turkey accession talks may follow suit. Indeed, relations between Turkey and the Greek Cypriot Republic of Cyprus have soured further as a result of the dispute over exploration rights in the Eastern Mediterranean. Against this backdrop, Turkey has threatened to suspend political dialogue with the EU unless a solution to the conflict on the island is found before the Republic of Cyprus' EU presidency in 2012.

For the logjam to be broken, trust must be restored between Turkey and the EU. To do so, cooperation between the parties should be deepened in three policy areas – foreign, visa and trade policy –, in a manner that is supportive of rather than alternative to the formal accession process.

On the positive side, the European Commission and Turkey have agreed to move precisely in this direction.. Their objective is to work on a "positive agenda" aimed at stepping up cooperation in the fields of travel visas

and trade, despite the deadlock over Ankara's bid to join the European Union. This agenda would run parallel to and not replace the country's accession process. It would complement the accession process, providing new momentum to EU-Turkey relations.

The state of play

To date, Turkey has opened thirteen out of thirty-five chapters in its negotiations, and has provisionally closed only one. In 2006, eight chapters were "frozen" by the EU on the grounds of Turkey's non-implementation of the Additional Protocol to its customs union agreement, which foresees the opening of Turkish ports and airports to Cypriot-flagged vessels and flights. The EU also declared that unless Turkey implements the Additional Protocol, no chapter would be provisionally closed. In 2007, France blocked the opening of a further five chapters on the grounds that they were too evidently related to full EU membership. In 2009, in view of Turkey's persisting non-implementation of the Protocol, the Republic of Cyprus vetoed a further five chapters (one of which overlaps with the five chapters blocked by France), in addition to its veto of the energy chapter due to the above-mentioned dispute with Turkey over oil exploration rights. All in all, no less than eighteen out of thirty-five chapters are in the deep-freeze and only three are the chapters that can possibly be opened. Meanwhile and in this context, the Turkish

government is unlikely to pass the tricky reforms – e.g. on trade unions – which are necessary to open the few remaining chapters available for negotiation. To all extents and purposes, Turkey’s accession negotiations have reached a complete halt.

The Cyprus stumbling block

Alongside this, the greatest thorn in the side of Turkey’s accession process – the Cyprus conflict – remains stuck. Following the 2004 debacle over the Annan Plan, bi-communal negotiations in Cyprus resumed after the elections of Demetris Christofias in February 2008. For the first time in history, the political stars in Cyprus appeared to align. With moderate Mehmet Ali Tatlat in the north and his former comrade Christofias in the south, a solution for Cyprus and by Cypriots seemed possible. Yet months passed and despite some progress on EU matters, economy and governance, no breakthrough was in the offing. Talat’s mandate came to an end in April 2010, and, with little to show for to his electorate, he was replaced by nationalist Dervis Erođlu. Erođlu’s election has not brought with it the much-feared collapse of the peace process. Negotiations have continued. Yet the distance between the parties has widened and the space for compromise has reduced. With the faltering momentum in the negotiations, the UN Secretary General invited the two leaders to successive summits over 2011 in order to re-instil life in the moribund process. A further summit

with the UNSG is expected in January 2012. More time has been bought for the negotiations. But to date, the prospects remain dim. Unless a breakthrough is reached in the weeks ahead, the bi-communal talks are set to collapse in 2012.

Breaking the logjam

Neither the EU, nor Turkey are likely to unblock the impasse on the accession negotiations. The persistence of the Cyprus conflict (and a possible end of the peace process) reinforces these dynamics. However, Turkey’s accession process remains, officially, the only game in town. Neither Turkey, nor the EU are likely to officially end the process. Paradoxically, the accession process will persist but it will be emptied of any political, economic and social significance. This may lead to a progressive breakdown of trust, understanding and cooperation between Turkey and the EU in a variety of policy areas, to the detriment of the interests of both and the neighbouring regions.

For the logjam to be broken three mutually reinforcing developments would be necessary.

First, an internal EU conviction to reinvigorate Turkey’s accession process, notably through a policy shift within major Turco-sceptic member states: Germany and/or France. This scenario is not unthinkable in view of the forthcoming elections in France and Germany in 2012 and 2013 respectively. Indeed, one should not forget

that in 1997 Turkey had suspended its political dialogue with the EU in response to the Union's failure to grant Turkey candidacy status at the Luxembourg European Council meeting in December of that year. Amongst other developments, a critical government change in Germany contributed to reversing the vicious circle in EU-Turkey relations, with the relationship reaching new heights only two years later at the Helsinki European Council in December 1999, when Turkey was recognized as an EU candidate.

Second, a reconstituted consensus in Turkey to pursue vigorously the EU accession process. The beginning of this process has happened, with the opposition party CHP slowly beginning to re-appropriate the pro-EU mantle, putting on the spot again the governing AKP. We're still a long way away from the Turkish government re-committing itself strongly to the EU agenda in both words and deeds. But were the first condition above to materialize, this would not be unthinkable.

Third and most arduously, a Cyprus solution would need to be found, removing a principal cause (and shield) of the EU-Turkey stalemate.

While these developments are not impossible, they are not imminent. What is imminent instead is a possible break in EU-Turkey relations in the first half of 2012.

A three-pronged strategy

The EU accession process remains critical to transforming Turkey into an open society. Without a solid EU anchor, as has indeed been the case over the last few years, Turkey's political, economic and social transformation is bound to continue. However, its advancement is unlikely to be linear. It will be marked by stops and starts and can easily go astray. Moreover, without a solid EU chapeau, Turkey's domestic transformation may give rise to renewed domestic tensions. Indeed, the persistent political polarization in Turkey affects negatively both the content and the process of the country's transformation.

As for the EU, this is not the place to delve into the manifold strategic, economic, social and political-cultural benefits that Turkey's EU membership would accrue. Suffice it to say here that in view of the deep economic crisis that the EU finds itself in, a crisis that is impinging dramatically both on the EU's relationship with its citizens as well as on the effectiveness of its external action, the gains from Turkey's EU membership have exponentially grown.

It is therefore in the joint interest of the EU and Turkey that new life is instilled into Turkey's EU accession process. To that end new initiatives should be undertaken to deepen EU-Turkey cooperation in three critical policy domains: trade, visa and foreign policy.

Cooperation in these three fields would not be articulated as an alternative to Turkey's EU accession process, but as elements which may help reinvigorate politically this process in the medium-term. An

encouraging sign is the decision by the EU Enlargement Commissioner, Stefan Fuele and Turkey's EU affairs Minister, Egemen Bağış, to launch a "positive agenda" that will run parallel to the country's candidacy. "This positive agenda is not to replace, but to complement the accession process," the EU's executive arm said in a statement, adding that it was "the way forward to provide new momentum to EU-Turkey relations". The two sides plan to seek "intensified dialogue and cooperation on political reforms" and alignment with EU rules in the areas of visas and migration. They will also address "important trade issues".

Visas: Turkey has long complained about the EU Schengen system, and more specifically what it considers to be the EU's discrimination in the field of visa-free travel. Visa-free travel to the EU is a right enjoyed by Central and Eastern European countries since the early 1990s, and it is now being extended to the countries of the Western Balkans. Despite the long-standing EU-Turkey relationship (which back in 1963 had included the promise of visa free travel), such a prospect for Turkey remains elusive.

Customs union: In 1995 Turkey joined the EU customs union. Fifteen years later, the customs union functions and contributes to the €80 billion worth of trade annually between the EU and Turkey. Yet according to both, there are several ways in which the agreement and its functioning are deficient. On the EU's side, the

Commission complains that Turkey has not removed, and in some cases has increased technical barriers to trade and has maintained its ban on imports of certain agricultural products. Turkey has complained that the EU's Schengen visa system acts as a de facto non-tariff barrier. While Turkey allows EU business people to travel to Turkey freely, their counterparts see their goods entering the EU freely but are prevented from travelling to Europe to market their goods. Furthermore, the customs union requires Turkey to implement the Common External Tariff, which works to the disadvantage of Turkey when the EU signs free trade agreements with third countries.

Foreign policy: This parallel dialogue and cooperation should also enlarge to foreign policy, with a particular attention to the regions of the Middle East, North Africa, Caucasus and Central Asia.

Foreign policy has long been heralded as a prime area of cooperation between the EU and Turkey, and indeed a principal reason underpinning EU (and US) support for Turkey's EU membership. The evolution and dynamism in Turkey's foreign policy, particularly in its Caucasian, Balkan, Black Sea and Middle Eastern neighbourhoods, have strengthened further the logic of cooperation on foreign policy matters. It is precisely in this context that the EU, in September 2010, proposed to Turkey a "strategic dialogue" on foreign policy matters.

To date, such dialogue has not yet taken precise shape and form. In fact, the scope for foreign policy dialogue between the European Union and Turkey has lessened in recent years. Up until the 2009 Lisbon Treaty, Turkish officials met regularly with the EU troika (that is, the EU High Representative for Foreign and Security Policy, the current president, and the future president). When Turkey's accession negotiations were moving forward (albeit slowly), Turkey also used to meet with representatives of the 27 member states at the intergovernmental conferences that opened and closed negotiations over accession chapters. Finally, during times when optimism prevailed in EU-Turkey relations, Turkey enthusiastically aligned its foreign policy positions with the Common Foreign and Security Policy (CFSP). Today, by contrast, there are fewer opportunities for Turkey and the European Union to discuss foreign policy. Feeling snubbed by the European Union, Turkey tends to align its positions with the CSFP only when it can do so at little or no cost to itself. The stalled EU accession negotiations have also generated Turkish skepticism. Turks suspect that proposals for foreign policy dialogue are merely a ploy to trap Turkey into a "privileged partnership" with the European Union. This impasse serves no one's purposes.

However, and particularly in light of the Arab spring, the need for a strategic dialogue has become imperative. Reversing the above trends, the European Union should shape its new External Action Service so as to institutionalize, operationalize and deepen foreign

policy cooperation with Turkey in a manner that is complementary to the accession process.

This would involve, first, casting EU-Turkey strategic dialogue within the context of the accession process and opening negotiation chapters on external relations and the CFSP (chapters 30 and 31, respectively) in order to enhance Turkey's alignment with common EU foreign policy positions.

Second, the EU and Turkey should institutionalize dialogue through annual meetings at the highest level (that is, the Turkish president or prime minister and the EU president), six-monthly meetings between foreign ministers (that is, the Turkish Foreign Minister and the EU High Representative for Foreign and Security Policy), and regular meetings between Turkish diplomats and the European External Action Service and the Political and Security Committee of the Council.

Third, at the broader transatlantic level, the parties should seek regular dialogues between the European Union and NATO, aimed first and foremost at resolving the Cyprus impasse but also at ameliorating the Turkish-French strategic rivalry (which has hindered, for example, coordination over the Libya crisis).

Finally, Turkey and the European Union should operationalize dialogue by coordinating their neighborhood policies. Ideally, Turkey should be included as a virtual member state in the European Neighborhood Policy, which is currently under revision.

Just as Turkey participates in the EU research programme (the Framework Programme), it could also be included in the Neighborhood Policy as a contributor to the European Neighborhood and Partnership Instrument (Enpi) and thus as a participant, alongside other EU actors, in Technical Assistance and Information Exchange Instrument (Taiex), twinning, and other old and new (e.g. the Civil Society Facility,

SPRING) programmes aimed at strengthening the economy, societies and governance structures of neighboring countries. In this way, Turkey could share its development experience with its neighbors within an EU framework.

Last review: December 2011