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The EU and Turkey, Turkey and the EU: where to go from here?

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Before the European Council actually met on 14 and 15 December 2006, the Commission communicated rather frequently to the outside world that this meeting would not be a “Turkey-summit”. But of course all attention was drawn to the agenda item that was called euphemistically “enlargement”, containing the sensitive issue if and under which conditions the accession negotiations with Turkey could be continued. Before the meeting actually took place, there were two (European) scenario’s circulating about the continuation of the accession negotiations with Turkey.

The first scenario about which was speculated, was that the accession negotiations regarding a number of chapters (particularly trade and free traffic of goods) will not be started for the time being. It was known at forehand that this would be in any case the minimum scenario if Turkey would not meet the European requirements, especially the demands concerning Cyprus.

The second, further reaching scenario was the total postponement of the negotiations. This option also seemed plausible, since Cyprus, backed by France and Austria, has repeatedly threatened to hit the start of each new chapter with a veto. The door will then be locked for Turkey for the time being, even though the Commission at forehand has let it shimmer through that this option is not preferred: to continue talking is the motto.

As is known right now, the European Council has chosen for the first scenario, by (at least temporarily) putting eight out of 35 chapters in the refrigerator. This decision was perceived by the European leaders as a good deal, since at one hand the open door to Turkey was not completely slammed, but on the other hand it gave a strong signal to Ankara to speed up the (required) reforms. But not opening of all or a number of new chapters will, however, at least for the time being, have a negative reflection on the chapters about which the negotiations will be continued.

The extra ordinary decision of the European Council came not by total surprise. Already on Wednesday 8 November a highly critical report was published by the European Commission on the progress that Turkey has booked on the road towards the membership of the European Union. That the tone of the report would be critical was not surprising. From the moment that it was decided under the Dutch Presidency in December 2004 to open the accession negotiations with Turkey in the short term, this process time and again threatened to derail. This already became clear from the press release that Turkey published immediately following the reaching of the agreement, in which it was announced that the opening of the negotiations with the EU of 25 member states would absolutely not mean recognition, not even an implicit or an indirect recognition, of the member state Cyprus.

From the moment the report was published until the meeting of the European Council, the Finnish Presidency worked hard behind the scenes to arrive at a deal in which the economic isolation of the Turkish Cypriots would be ended and in which Ankara would recognize the Free Trade Protocol with Cyprus in exchange for that. But this compromise could not be reached in this extremely short period and by not opening eight chapters, the European Union increased the pressure sky-high in the direction of Ankara.

Cyprus a stumbling block?

Since the actual opening of the accession-negotiations in October 2005, the Cyprus question dominated the negotiations every time. Also a last minute initiative of the present Finnish Presidency to (as yet) achieve a breakthrough in this dossier shortly before the reporting by the Commission was to no avail. The additional special meeting on 4 and 5 November, to which the most important players (Turkey, Greece, Greek Cyprus, Northern Cyprus and the Commission) were invited, had to be cancelled, since no agreement could be reached on the (political) level of the delegations. This is an illustration of how the Cyprus question has meanwhile become fully deadlocked.

So it is not surprising that the Cyprus question is dominant present in the report by the Commission. In particular the Turkish refusal to also implement the free trade protocol on Cyprus, which would mean the opening up of the Turkish harbours and airports to ships and air traffic of Greek Cypriot origin and that they could visit Turkey by way of Cyprus, is something that heavily counted against the country where the Commission was concerned. Besides that, the report lists the painful areas that were already known ever since the opening of the negotiations. The pace of the reforms in Turkey that was too low. The fact that hardly any progress was booked in the protection of the rights of the (religious) minorities and still there is mention of violations of the human rights. The army is still playing too prominent a role in political life and there is of course the famous article 301 of the Penal Code, which forbids offering insult to the Turkish identity. Amongst others it was the Nobel Prize winner Orhan Pamuk who fell victim to this restriction on the freedom of expression this year. Despite the fact that the report is also positive about that which has been introduced with regard to (more technical) reforms, the tone is highly critical. The report by the Commission has resulted in a number of hectic weeks of intensive commuter-diplomacy, in which Turkey will need to exhibit the, in European eyes, required progression. The conclusion of the European Council was clear: Turkey has not made sufficient progress and therefore there was no other option for the Council then to choose for the first scenario, the accession negotiations regarding eight chapters will not be opened for the time being. With that the European view is (once again) known, but is it also justified?

The Turkish perception

Not entirely without justification is the perception in Ankara that Brussels is continually asking for reforms, but does not offer anything herself. What is more, the EU and some member states seem to be coming out, time and again, with extra, additional demands: “you say jump and we are expected to ask how high” is the predominant feeling of people on the Turkish side, in which it also seems as if the EU is making use of a double standard. With regard to the Cypriot question, for instance, it should not be forgotten that it was the Turkish Cypriots who en masse voted in favour of the plan for reunion by Kofi Annan in April 2004. At the advice of the own government the Greek part of Cyprus, however, three out of every four voters voted against this plan. Ever since Greek Cyprus, with the support of France, Austria and Greece, has been blocking the direct air- and sea-connections from within the EU with Northern Cyprus, while at the same time she demand that Turkey would open up her (air) ports. This year even, in January, the Turkish Minister of Foreign Affairs Abdullah Gül presented an ‘action plan’, in which, under the auspices of the United Nations, a reunion of Cyprus could be achieved, including the recognition of Cyprus and the opening up of the Turkish harbours and airports. Shortly before the European Council would take place, PM Erdogan came out with the unilateral offer to open one airport and one harbour at Turkish side, without asking anything in return. This initiative was immediately struck by a Greek Cypriot veto, although the Greek Cypriot government had promised at the moment they joined the European Union, that they never would use their veto right concerning the ongoing negotiations with Turkey.

From the Turkish point of view it seems as if people are making use of a double standard in this. After all, Ankara reasons, was the conflict over Gibraltar an obstacle to both the British and the Spanish membership?

Did the Northern Ireland question stand in the way of an Irish and once again a British accession? This comparison is off to the degree that the existence of Gibraltar and Northern Ireland were not contested by the international community, whereas the only country to recognize Northern Cyprus is Turkey herself. With the Turkish population of Cyprus, however, this perceived sense of injustice did result in the fact that they have abandoned all the highly strung expectations with regard to the EU, also because the EU, as a result of repeated veto's by Greek Cyprus, has not been able to make good on the promised financial aid and the restoration of the direct connections with Northern Cyprus.

A declining platform for EU membership?

The result of this is that certain defeatism seems to have mastered the majority of the Turkish people. Whereas in December 2004 PM Erdogan was still received as a national hero in Ankara and over 67% of the population fully subscribed to the Turkish EU-ambitions, now only a poor 32% of the people supports the argument that 'Turkey should absolutely be in the European Union'. In the general sense the Turkish population is very much aware of the expansion-fatigue that is prevalent in the EU at present and more specifically of the opposition that a possible Turkish membership evokes in some member states. In the Netherlands for example, the No against a Turkish membership is even one of the central elements on the political agenda of the Partij Voor de Vrijheid ("Freedom Party") of Geert Wilders. In Turkey the people know only too well that the CDU of Angela Merkel does not wish to go beyond a privileged partnership, which is also the position of the French presidential candidate Nicolas Sarkozy and of Austria. Besides that, France furthermore has the intention to subject every further expansion of the Union (read Turkey) to a referendum. Not by accident it happens to be these three EU-member states that have the biggest Turkish minority. The image of the modern and as of recently in all aspects quickly reforming Turkey seems to have been pushed aside here by that of the unschooled (labour) immigrants from the sixties with the standards and values from that period.

Thus, the platform in the Union for a Turkish membership is not undisputed, something that is also realized in Ankara. There is still separate from the present discussion in the Union of whether the EU (herself) is ready for further expansion, let alone that she could even take in a country as large as Turkey: the absorption-capacity would (now) not be sufficient.

The feeling that Europe does not want Turkey anyway, however, has also resulted in it that also the Turkish population is 'tired of the EU'. On top of that there is the fact that Erdogan's popularity, for domestic political reasons, finds itself at a historic low. The economic situation has deteriorated and many Turks blame Erdogan in particular for neglecting to express himself in sharp terms when a couple of months ago, a Judge was murdered who was known as a defender of the secular state. Finally, the part of the population that does still support the Turkish EU-membership doubt whether Erdogan shares their ambitions: quite rightly they are wondering why Erdogan neglected to push back the role of the military in social- and political life the last two years, this while it its known that this happens to be one of the main points of pain for the EU. The military, on the other hand, are fighting their reduced role tooth and nail, since they, as has been laid down in the Constitution, are the guardians of the secular state. With the prospect of new (parliamentary- and presidential-) elections in spring, Erdogan thus has no or hardly any political room in which to manoeuvre at home. It is a situation in which a grand gesture in the direction of the EU happens to be impossible from within the Turkish perspective. In a last attempt to put the Commission in a more favourable mood Erdogan, despite the domestic problems, made it public shortly before the report by the Commission was to come out that the reform of Article 301 was open to discussion. And shortly before the meeting of the European Council would take place, Erdogan even went one step further by declaring unilaterally that one harbour and one airport could be opened for traffic originating from Greek Cyprus.

About double standards and the ‘Armenian Question’

The Turkish defeatism is not only inspired by the division within the Union on whether or not the country can become a (full) member, but is mostly fed by the idea that Europe is making use of a double standard and keeps formulating additional demands all the time: not just where the Cyprus question is concerned, but with regard to the whole pallet of problems for which Turkey is criticized.

This became clear from the recent speech by the French President Chirac in Yerevan, where he appealed to Turkey to recognize the mass murder on the Armenians in 1915 as genocide. This way, Chirac single-handedly created a new, unilateral accession-condition for Turkey. What if Tony Blair were to appeal to France in Algeria to offer her apologies for the slaughter committed by the French army in order to reign in the striving for independence? In that case the *Elysée* would probably explode, just as would be the case if Turkey were to adopt a bill that would make a negotiation of the crimes committed under the French Vichy-administration a punishable offense. Could it be that French legislation would make the crimes committed during the policy actions in what was then the Dutch Indies a punishable offense? The *Binnenhof* in any way would certainly prove too small (to house the indignation). If at the very least the EU were to demand apologies for the (historic) crimes of the present member states, let alone the candidates, then she would do better to liquidate herself altogether. The Finnish Commissioner charged with the expansion, Olli Rehn, was therefore only too eager to declare that recognition of the genocide did not form a pre-condition for the accession. The fact that despite international, European and of course Turkish criticism France nevertheless accepted the Armenian genocide law, is perceived in Turkey as a clear signal that people are making use of a double standard. While Europe has criticism on the restricted freedom of expression, she herself is providing the best proof of this. The Turkish law forbids people from calling the mass murder of 1915 a genocide, whereas Fact has in fact made it obligatory that they do. In both instance what it comes down to is a restricting of the freedom of expression: the (political) majority decides which opinions do and which do not belong in the public debate. This question also resulted in the thus far only international ripple in the otherwise entirely national electoral debate: The Dutch Socialist Party, the PvdA and the Christian Democrats, the CDA, scratched candidates of Turkish origin off the electoral list because they pulled the genocide in doubt. It so happens, that as regard the question of whether there has been mention of genocide there exists absolutely no uniformity amongst the historians and also the PvdA seems to be wrestling with it, with a view to the recent statements of the party leader. However, just as in France the (people in the) Netherlands are making themselves strong on behalf of freedom of expression in Turkey, whereas within the rank and file of the CDA and the PvdA no dissident voices are being tolerated.

Will Europe start to look more like Turkey and vice versa?

Turkey-expert Zürcher drew this line, somewhat black-and-white, even further recently, by putting it that Turkey is becoming more European all the time and the Netherlands/Europe more Turkish. The examples he uses for this are revealing. In Turkey, the minorities’ rights are still (too) limited, in which the Turkish government appeals to the doctrine of Atatürk that only the Turkish nationality exists. The European criticism concerns therefore the Turkish denial of the existing domestic multicultural society. In the Netherlands, the presumed success of the multicultural society has been buried after Fortuyn. Even more so, one tries to create a binding, national Dutch identity by, for example, composing a canon of the Dutch cultural history and, even more explicit, the implementation of the integration test by minister Verdonk. The European criticism also concerns the fact that the individual freedoms in Turkey are strongly limited and that the police and security services have an open field, especially with regard to torture. At the same time, the authorities of the European security services have strongly expanded since “9/11” and individual rights, for the sake of security, have also been restricted. The possibilities for tapping have been broadened, suspects can be remanded longer in preliminary custody on suspicion of terrorism, the information of aviation passengers are passed forward to the United States, the CIA and her European partners have insight in the total telephone and email traffic and European governments say they do not

know anything when terror suspects are illegally transported through their airspace, let alone they will massively protest if these suspects are in all likelihood tortured in Poland and Romania. How, finally, to combine the criticism on the poor freedom of religion in Turkey with the fact that the Dutch government, just like in other European countries, systematically checks what religious message is being spread in mosques?

In spite of the fact that Zürcher cites a few more examples from which it is said to show that Europe is going more in the Turkish direction and vice versa, it cannot be denied that Turkey still has a long way to go on the road towards a democratic constitutional state. But from the moment the negotiations were opened in 2005, it was Turkey that declared itself that it would be a long and difficult road towards membership of the European Union, that could last up to 15 years or more.

The crux of the reasoning lies, however, in, again a black-and-white perspective, the fact that the pot calls the kettle black. Comparable wrongs are blown up in Turkish perspective and (almost) ignored in a European context. An example of this is the illegal demonstration in Istanbul on the occasion of the international women's day last year. Many television cameras mercilessly recorded how the Turkish police ruthlessly broke up the demonstration. The violent ending of the demonstration was widely covered in the western and then in particular the French media, in which there was mention, according to the European Commission, of "disproportionate violence". When shortly after that the French police hard-handed broke up a demonstration in a similar matter, the western media barely or not at all reported about it. The Turkish media, which did extensively report about this clash, rightly so asked the rhetorical question: "who in Brussels is criticizing Paris now?"

The Romanian and Bulgarian example

Also the accession as of 1 January 2007 of Romania and Bulgaria to the EU has raised many eyebrows in Ankara. It cannot be denied that in a number of fields, and then specifically the economic development, Turkey is ahead of both new member states. Neither has it escaped Ankara's attention that both joiners are not Europe-proof by far, and that their accession could only be made possible by numerous exception- and transitional clauses, while the countries can even be placed under European guardianship in certain fields. This brought the leader of the Greens in the European Parliament, Daniel Cohn-Bendit, after the green light had been given to both countries, to ask the rhetorical question: "what would you have said if it was not about Romania and Bulgaria, but about Turkey?" The message is clear: apparently the membership's criteria can be bargained with, except if the candidate is called Turkey, for which is repeated time and again that the country must completely fulfil the criteria. Turkey, but also other candidate member states, is, after this latest expansion of the EU, stricter measured than was the case with the two new joiners.

This is also illustrated by another example. In Ankara it is still very well known that the rapporteur for Romania of the European Parliament asked the Commission in 2004 to stop the negotiations with Romania at all, since that country was not implementing any of the European measures already for a longer period of time. But in this case there was no halt in the negotiations and on top of that there was not even a glimpse of a discussion not to open any new chapters for the time being.

Based on the Commission report and the verdict of the European Council, the European criticism on Turkey could be perceived as if the country is not (yet) a functioning democratic constitutional state. However, did that apply to Greece, Spain and Portugal at the moment of accession? Indeed because of their accession has the democratic constitutional state been able to take root there and has the economic development received an important impulse, because of which prosperity and employment have increased. The European fear, in the mid eighties that the continent would be flooded by fortune hunters of the Iberian peninsula did not come true because of these developments. That is why it is remarkable that the same fear that was expressed in reference to Poland the past few years already casts its shadow ahead in regard to Turkey.

A way out of the impasse: which scenario?

Are there alternative scenarios conceivable with which the negotiations' process could be set going again? Commissioner Rehn immediately criticized some European leaders, the well-known criticasters of Turkey, who immediately used the critical tone in the report and in particular the Cyprus question as ammunition to plead against a (full) Turkish membership. In the Netherlands for example Hans van Baalen, member of the Parliament for the People's Party for Freedom and Democracy, the VVD, asked the government shortly before the European Council would take place, to maximize the (Dutch) efforts to come to a complete standstill in the negotiations with Turkey. Of course the outcome of the European Council was again ammunition for this group of criticasters. A minimal condition to take the negotiations into smoother waters would be that all European political leaders would finally recognize that it has been their own (political) decision to give Turkey a perspective of accession. This could take away the Turkish fear that Europe is using a double agenda and will not admit Turkey in the end after all, which would be for the better of the platform in society and the speed of the reforms. Instead of unilaterally bringing this message powerfully across with arguments, it is, however, remaining very quiet among the European politicians, while at the same time one is even openly speculating in politics in a number of member states about a kind of B-membership in the form of a "special partnership". The discussion about whether or not and/or perhaps being able to join, should have been put with the garbage after 40 years of waiting room policy (that included the necessary concrete European promises regarding the possibilities of a future Turkish membership) in 1999. At that time Turkey obtained the designation "candidate member state" and the present generation of doubting politicians should realize that this made the accession process irreversible. Turkey should only be measured based on the political Copenhagen criteria and no extra conditions should be formulated during the negotiations' process. This would also take the negotiations into smoother waters.

Another scenario that could make the accession process go less difficult and could even accelerate it, is not to increase the pressure one-sidedly on Turkey every time but also to let the party/parties carry the bag where it belongs now for a change: the Greek-Cypriot government that has until now stalled a solution of the Cyprus question and used the threat of a veto time and again in order to enforce concessions and block a solution, often supported in this by France, Austria and Greece.

With the admitting of only the Greek part of Cyprus in 2004, the member states have in fact handed over their last coercive measures to make this party more obliging. That is why the other member states and the Commission must make Cyprus realize that a solution is important also for the Greek part. The Greek-Cypriot government complains that the closure of the Turkish ports creates an enormous financial setback of the sizeable sailing under Cypriot flag fleet. Perhaps more focus on this economic interest alone could offer an opening to move Greek-Cyprus to be more flexible. However, should it not work out in all decency, then some other sort of pressure will be necessary to force the small, southern member state to back down.

If Europe continues to put pressure unilaterally on Turkey, it is not impossible that Turkey will turn its back to Europe and give impulses to an alternative for the Union membership, like for instance the already existing cooperation of countries around the Black Sea. In this context also a rapprochement to Russia is a possibility. The strategic importance of Turkey for Europe as an energy transit country is big, but what could be the consequences in this field if the relations with Moscow become closer? The scenario of (more) intense cooperation with neighbouring country Iran, a country Turkey does not have problems with, for instance in the field of nuclear energy, could also become reality then. Turkey could also approach for instance the Ukraine and Moldavia, countries that do not (yet) have an EU membership perspective in order to arrive at a common trade block. The Union can completely put the blame for the fact that the country could at the same time turn away from the cherished by the EU values like democracy, the minorities' rights, and a functioning constitutional state etcetera, on itself then.