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The Enlargement Policy of EU and Relations with Turkey

Introduction:

The Asia, Middle East and the West have all played unique role in shaping the direction of Turkey's foreign policy. The Asianness bears the characteristics of feudalism and nobadic life style and this influences many aspects of life ranging from culinary culture, uncomprosing and hostile attitudes of people towards each other. The Middle Eastern aspect is dominated mainly by Islamic elements. Efforts to put pressures on Muslims living in other parts of the world cause reactions among the Turkish public opinion. The Western influence has the most decisive influence in Turkey. Turkey is the only Muslim state in the world implementing a policy of secularization. The Turkish elites started the Westernization process nearly 100 years earlier (1839) than the elites of the colonized countries. There are differences between the elites and the people in this regard. The foreign policy is shaped by Westernized elites. Turkish Republic was established following the disintegration of the Ottoman Empire and many characteristics of the Republic was inherited from the Empire. In a similar fashion to the Ottoman Empire which was able to utilize the Balance of Powers to its benefit, Turkey was able to benefit from status quo oriented and a balanced foreign policy approach¹.

The Republic of Turkey founded after the WWI accepted the Western model for secularization . This status quo oriented approach of Turkey rejecting irredentist policies can be summarized by the words of Atatürk `peace at home, peace in the world` While Turkey pursued a pro-Western policy it strived towards a balance between West and its opponents².

I- Turkey- EU Relations In Cold War Era

In the aftermath of the Second World War (the WWII), Europeans focused on establishing mechanisms for cooperation in an attempt to prevent the devastating

¹ For the characteristics and principles of the Turkish foreign policy see: Baskın Oran (ed), (2006), *Türk Dış Politikası: Kurtuluş Savaşından Bugüne Olgular, Belgeler, Yorumlar, Cilt 1: 1919-1980*, İletişim Yayınları: İstanbul, 2006.

² Mehmet Günlübol-Ömer Kürkçüoğlu, (Mart 1985), "Atatürk Dönemi Türk Dış Politikasına Genel Bir Bakış", AAMD, I(2), 462.

consequences of another war. Less than ten years after the WWII, the Coal and Steel Community brought together six countries: Germany, France, Italy, the Netherlands, Belgium, and Luxemburg established the European Coal and Steel Community (ECSC) by signing the Paris Agreement in 1951³. In 1957, the same countries signed the Rome Treaty which established the European Economic Community and European Atomic Agency.

The economic integration has become an important component of EU integration process. Turkey whose efforts at modernization was modelled on the West opted to become member of Western organisations during the Republican era. Turkey maintained its policy of Westernisation after the WWII. Subsequently, during the Cold war period Turkey established a close alliance with the West and became founding member of the UN, member of NATO, Council of Europe, OECD and WEU. The main elements of Turkey's foreign policy in terms of freedom, democracy and human rights overlaps with that of its European partners⁴.

Achievement of economic development was an important reason behind Turkish modernization movement. Moreover Turkey saw establishing economic relations with Turkey as a natural extension of its political relations with the Western Europe. In addition to expectations based on the belief that EEC membership would boost economic development process another main reason why Turkey applied for associate membership on 31 July 1959 was due to its desire not to be left behind Greece. After consultations with Turkey, Ankara Association Agreement was signed between Turkey and the member states on 12 September 1963⁵.

Ankara Agreement was aimed at narrowing the gap between between the economy of Turkey and that of EEC member states in an attempt to prepare Turkey was eventual membership. The Article 28 of the agreement stipulated that in case Turkey fulfilled all the conditions the issue of membership would be reviewed by the

³Lejeune, Ine and W. Van Denberghe C. Canedy (2004), *"The Enlargement of the European Union: A Guide For The Entrepreneur"* John Wiley & Sons Ltd., England, 1.

⁴Ömer Kürkçüoğlu,(1978), " Türk Demokrasisinin Kuruluş ve İşleyişinde Dış Etkenler (1946'dan bu yana)" A.Ü.S.B.F. Dergisi, 33(1-4), 213-247; Enver Bozkurt, M. Ozcan ve A. Köktaş, (2004), *Avrupa Birliği Hukuku*, Asil Yay. Ankara, 344 .

⁵ Rıdvan Karluk (1996), *Avrupa Birliği ve Türkiye*, İstanbul Menkul Kıymetler Borsası, İstanbul, 392; Enver Bozkurt, M. Ozcan ve A. Köktaş, 2004: 344; Ceren Uysal, 2001: 140-153.

member states⁶. Ankara Agreement envisaged three phases for Turkey-EEC Association⁷:

- 1) Preparatory Period: During this period the Community fulfilled its unilateral responsibilities towards Turkey and tried to prepare Turkey for Customs Union lasted until 1972. Easing of the import conditions from Turkey on certain agricultural products and the first Protocol led to an increase in share of Turkey's trade with the Community during 1964-1972.
- 2) Transition Period: This period which started in 1973 aimed at establishing a Customs Union for industrial products. Apart from some exceptions, the EU banned all customs taxes and restrictions on Turkish industrial products and it was envisaged that Turkey would gradually lift customs duties on Community originating industrial products within a period of 12 years. This period was set to be 22 for sensitive products that were subject to protection.
- 3) Final Period: This period was defined by Article 5 of the Agreement as the period of customs union between Turkey and the Community and envisaged coordination of economic policies between the parties.

The power to manage the partnership regime was given to the Association Council by the Ankara Agreement.

II. EU Enlargement In Post Cold War Era and Relations With Turkey

Enlargement is one of the EU's most important tools due to the EU's strategic interests in stability, security, and conflict prevention. It is also very essential for improving links with vital transport and energy routes and increasing the EU's weight in the World⁸. The applications of Central and Eastern European states for membership following their transition to market economy in early 1990s led to debates regarding widening and deepening of the EU. During this period several decisions were taken at EU Summits with regard to Turkey.

⁶ Tuğrul, Arat,(1995), "Avrupa Birliği İle Türkiye Arasındaki İlişkiler ve Gümrük Birliğinin Yeri", Ankara Üniversitesi Hukuk Fakültesi Dergisi, XLIV,(1-4), 589 ,
<http://dergiler.ankara.edu.tr/dergiler/38/298/2742.pdf>.

⁷ Enver Bozkurt, M. Ozcan ve A. Köktaş, (2004), Avrupa Birliği Hukuku, Asil Yay. Ankara, 348-351; Ceren Uysal, 2001: 140-153.

⁸ "Communication From The Commission To The Council And The European Parliament, Enlargement Strategy And Main Challenges 2008-2009",
[Http://Ec.Europa.Eu/Enlargement/Pdf/Press_Corner/Key Documents/Reports_Nov_2008/Strategy_Paper_Incl_Country_Conclu_En.Pdf](Http://Ec.Europa.Eu/Enlargement/Pdf/Press_Corner/Key_Documents/Reports_Nov_2008/Strategy_Paper_Incl_Country_Conclu_En.Pdf).

-Maastricht Summit(9-10 Decemebr 1991): Three preconditions were emphasized for membership: applicant country must be European, have a democratic regime and respect human rights.

-Lisbon summit(25-27 June 1992): The applications of Cyprus, Malta and Turkey were assesed and Turkey's right for full memership based on Ankara Agreement was emphasized.

-Copenhagen Summit (21-22 June 1993): This Summit mentioned that central and eastern European states could become members as soon as they complete the political and economic requirements. The Copenhagen criteria was announces and a decision was taken that cooperation with Turkey would be based on Customs Union.

-Cannes Summit(26-27 June 1995):For the first time non EU states were invited. With regard to Turkey only the issue of the completion of Customs Union was mentioned.

- Dublin Summit(13-14 December 1996): Central and Eastern European states, Cyprus and Malta were invited to this meeting. The Aegian question was mentioned for the first time. The Summit also pointed out for the need to improve human rights standards.

-Luxemburg Summit(12-13 December 1997): Three main issues were taken by the Summit were : EU's policies in the new century and the reforms that should be undertaken by the EU, enlargement and the financial framework to be used for 2000-2006 period. Compliance with Copenhagen Criteria became a basic condition of EU membership in the forthcoming period.

A decision was taken during the Summit to launch membership negotiatons with Czech Republic, Estonia, Hungary, Poland. Slovenia and Greek Cypriot Administration on April 1998. It was also decided to establish closer relations with the second group of states Bulgaria, Romania, Lithuania, Latvia within the association agreements.

Paragraph 31-36 of the Summit declaration covered Turkey. The Summit has significance for Turkey-EU relations as it refers to Article 28 of Ankara Agreement. For the first time a Summit had declared that Turkey's membership application would be reviewed following the fulfillment of its obligations under Ankara Agerement. Turkey was also invited to the European Council meeting. Together with other applicants. It was seen that Turkey-EU relations would proceed on the basis of Ankara Agreement rather than on the basis of Turkey's application in 1987. However Turkey interpreted this as discrimination and refused to attend the European conferances. The EU had asked for improvement of human rights situation, respect for minorities, settlement of disputes with Greece through the International Court of Justice (ICJ) and the settlement of Cyprus issue on the basis of UN decisions.

At the Summit, negotiation timetable of all applicant countries was announced except that of Turkey. Central and Eastern European states together with Cyprus and Malta was envisaged to be full members. It is not difficult to discern that only Turkey's application was made subject to Copenhagen criteria.

In the aftermath of the December 1997 Council Summit decisions, Commission started to submit reports to the Council and the Parliament on a regular basis. The reports on Turkey are mostly follow up reports based on previous reports on Turkey. In its report, Commission

- Briefly explain the relations between the EU and Turkey.
- Analyses Turkey's position in terms of political criteria for membership.
- Analyses Turkey's position in terms of economic criteria for membership.
- Reviews Turkey's ability to undertake its obligations for membership⁹.

At the Cardiff Summit held on 15-16 June 1998 paragraph 68 of the Presidency's declaration covers Turkey. It calls for a European strategy for Turkey and calls upon Turkey to continue with the approximation of its laws with the EU acquis¹⁰.

Turkey submitted a document entitled " Strategy for the Development of Relations between Turkey and the EU" to the Commission on 22 July 1998. Commission included Turkey in its first regular report prepared for the 12 candidate states(4 November 1998) . The second regular report announced on October 1999 assessed the latest developments in Turkey in terms of Copenhagen criteria. The report mentioned deficiencies in the field of human rights and the protection of minorities, the continuing practice of torture, repression of right of expression. While the report mentioned that Turkey was in a more favourable position in economic terms, it pointed out that with the condition that once Turkey acquires all elements of a market economy, provided macroeconomic stability and implements a legal and structural reforms, it will be able to cope with competitive pressures and market forces within the EU.

At the European Council's Helsinki meeting (10-11 December 1999), Turkey was accepted as a candidate for EU membership¹¹. Turkey was accepted as a candidate in After the Helsinki Summit in 1999, Turkey realized important political reforms in the field of human rights and fundamental freedoms and also made legal and

⁹http://projeler.meb.gov.tr/pkm1/dokumanlar/duzenli_ilerleme_raporlari/2007ilerlemeraporu_tr_.pdf.

¹⁰ Enver Bozkurt, M. Ozcan ve A. Köktaş, 2004: 371.

¹¹http://www.belgenet.com/arsiv/ab/helsinki_sonuc.html.

administrative reforms. Particularly the Turkish Penal Code close to EU standards with all relevant changes in legislation limits freedom of thought and expression¹².

III. Develeopments In The Aftermath Of The Copenhagen Summi t(Dec 2002)

In Copenhagen Summit(December 2002), is decided to start accession negotiations without delay if Turkey fulfills the Copenhagen criteria. Also it was indicated that current participation strategy that related to supporting Turkey on the path to EU membership. The commission were invited to intencify the process of review of legislations. And also declared that the EU- Turkey Customs Union will be extend and deep. Financial aid to Turkey will significantly be increased in the pre accesion process.

In December 2002, in accordance with the results of Copenhagen Summit, EU Commission prepared the report and recommendation and released "Effect Assesment Study" that includes possible effects of Turkey's EU membership in the future.

Comission's report, Turkey's adaptation process for EU was considered compherensively and it was recommended that starting the negotiations with Turkey by pointing out the criterias have been adequately performed. In addition to this, the Comission can submit to suspend the negotiations in case of permanently and seriously violation of democracy, human rights, respect of fundemental rights and freedom. Otherwise in duration of negotiation, The Council will oversee whether the conformity and implamentation of the statute will be pleasurable and will identify the criterias concerning temporarily closing and in case of necessity opening of the each debated tittle. The Negotiation is an uncertain process and it is impossible that estimating the result previously.

In the Effect Assesment Study, it is expressed that the EU membership of Turkey will contribute to issues as law, internal affairs, economy, budget, internal market, agriculture and fishing industry on the whole the Union. Consequently,at December 17th 2004 Brussels Summit of the EU Presidents and Prime Ministers which has importance on the relationship Turkey and EU, it is determined that the membership negotiations with Turkey will be started on October 13rd 2005. After the summit, EU Comission is employed to prepare two main document named "Framework of the Negotiations Document" and "Declaration on Political and Cultural Dialogue (Civil Society Dialogue)".

¹²Avrupa Birliđi Uyum Yasa Paketleri, T.C: Avrupa Birliđi Genel Sekreterliđi, Ankara 2007; Türkiye'de Siyasi ReformUyum Paketleri ve Güncel Geliřmeler, T.C: Avrupa Birliđi Genel Sekreterliđi, Ankara 2007.

On June 29th 2005 the Commission published the declaration "Civil Society Dialogue Between Applicant Countries and EU" to remove mutual preconceived opinion and the lack of information between Turkey and EU Countries. The aims of the Civil society dialogue are developing of collaboration opportunities in Turkey and in EU Countries by means of further nongovernmental organisations, universities and mass media institutions and bringing Turkey about benefitting from the union's programmes incrementally.

It is decided to starting of the accession negotiations with Turkey being approved the Framework of the Negotiations Document by the EU Foreign Ministers on 3 October 2006. In the Intergovernmental Conference dated 12 June 2006, de facto negotiations was started and finished titled "Science and Research" which is the first negotiation session.

In the decision dated 29 November 2006 EU Commission recommended that not to open the negotiations to Intergovernmental Conference on the articles including policy issue related to restrictions of Turkey devoted to Cyprus Republic (8 issues; "Free Movement of Goods", "Business establishment Right and Employment Offer liberty", "Financial Duties", "Agriculture and Rural Country Development", "Fishing Industry", "Transmission Policy", "Customs Union" and "External Relations") and not to close any session temporarily till verification of Commission that Turkey completed the obligations, expressing that Turkey not to put into practice the Additional Protocol to Ankara Treaty. The suggestion of Commission is approved at Summit of the EU Presidents and Prime Ministers dated 14-15 December 2006. At the same time, with assumption presidency of Germany, after January 2007 accession negotiations accelerated again and negotiations opened on the issue "Industrial and Enterprise Policy" at the Intergovernmental Conference dated 29 March 2007. Also in the presidency term of Portugal , negotiations was started on the subjects Trans-Europe Networks and Conservation of the Consumer and Welfare in the Intergovernmental Conference which was organized on December 19th 2007. In decisions which is taken by Foreign Ministers of EU Countries and is approved by Presidents and Prime Ministers on December 10th during negotiations, it is emphasized that loyalty of EU to expansion process which include also Turkey by means of cast back to 2006 and 2007 Expansion Strategy Documents. In 2008 Progress Report it is stated that Turkey performed the negotiations on 8 issues. Taxation issue was opened to negotiate at the intergovernmental conference in Brussels on June 30th 2009. Consequently, in negotiation process which continued beginning from October 2005, 11 titles of 35 was opened to negotiate. The negotiations on Science and Research issues was closed temporarily during the sessions on Enterprise and Industry Policy, Statistic, Financial Control, Trans-Europe Networks, Conservation of the Consumer and Welfare,

Intellectual ownership Law, Enterprise Law, Knowledge society and Mass Media, Free Movement of Monetary Fund and Taxation.

IV. Turkey's New Foreign Policy and Its EU Dimension

Turkey has a very strategic importance to the EU in the areas of energy security, conflict prevention and regional security in the Southern Caucasus and the Middle East. The Country's engagement with the EU and the pace of accession negotiations, makes Turkey a stronger force for the stability in the region¹³.

The Justice and Development (JD) Party (Turkish: *Adalet ve Kalkınma Partisi*) which gained the respect of its neighbours due to the launch of accession negotiations with the EU has built up upon the regional policy inherited from the past and considered this policy among one of the most important successes of the government.

The policy of having no or zero problems with the neighbours pursued by the President Gul and Prime Minister Erdogan is associated with the Foreign Minister Ahmet Davudoglu and aims to reverse the former policy thinking of finding a scapegoat for internal problems through maximum cooperation. In addition to mediating between Syria and Israel Turkey made an important contribution to regional peace by supporting a trilateral process with Pakistan and Afghanistan, helped to resolve the Presidential election crisis of Lebanon in 2008, promoting the Caucasus Stability and Cooperation Platform and contributing to EU mission in Balkans and NATO's mission in Afghanistan at the military and command level, Turkey has also become an observer in Gulf Cooperation Council and African Union and became the President of 57-member OIC in its first democratic elections. Turkey's goal-oriented efforts reached its peak when 151 countries voted for Turkey's election as the permanent member of the UN Security Council for 2009-2010¹⁴.

¹³ Communication From The Commission To The Council And The European Parliament, Enlargement Strategy And Main Challenges 2008-2009", http://ec.europa.eu/enlargement/pdf/press_corner/key_documents/reports_nov_2008/strategy_paper_incl_country_conclu_en.pdf; Müftüler-Baç, Meltem (2006) Türkiye ve Avrupa Birliği ilişkilerine güvenlik boyutundan bir bakış. Monograph. TESEV Yayınları, İstanbul.

¹⁴ "Turkey in Europe: Breaking The Vicious Circle, Second report of the Independent Commission on Turkey", September 2009, The second Report of Independent Commission on Turkey, http://www.independentcommissiononturkey.org/pdfs/2009_english.pdf. (The Independent Commission on Turkey formed by important experts such as; Martti Ahtisaari (Former President of Finland, Nobel Peace Prize Laureate 2008), Kurt Biedenkopf, Emma Bonino, Hans van den Broek, Bronisław Geremek, Anthony Giddens, Marcelino Oreja Aguirre, Michel Rocard, Albert Rohan (Rapporteur).

Once Turkey speeded up its efforts to comply with Copenhagen criteria since 2002. Turkey-EU relations which experienced fluctuations for many years moved to a more solid ground with the introduction of time-table for negotiations.

Turkey's relations with EU was effected negatively after 2004. One of this reason is that the Greek Cypriot Authority was accepted for EU membership as the "legal representative" of the whole island in 2004. The Union requested from Turkey to comply with the previous legal documents regarding the Customs Union, namely the Additional Protocol, and to open its ports to the 10 new EU member countries including the Greek side of the island. Eventually in 2006, the EU decided to block eight negotiating areas from further discussion and Turkey-EU relations entered a "vicious circle"¹⁵. The other factor which is effective in Turkey-EU relations is European public opinion. So, in December 2004 the European Council declared that Turkey should be treated to the same as any other candidate countries, but Germany's Merkel in Germany and Sarkozy in France insisted on a "privileged partnership" for Turkey during the election campaigns¹⁶.

Since 1 July 2009 Sweden assumed the rotating Presidency of the EU. It is a well known fact that Sweden as a leading member of the pro-Enlargement camp has been lending open support to Turkey¹⁷. Turkey has opened 11 chapters out of 35 policy areas after four years of accession talks. But the process of opening and provisionally closing its negotiating chapters has been halted because of Cyprus question.

Conclusion

Significant changes took place in the world political and economic conjuncture since 1963, the date of signing of the Ankara Agreement which constituted the main reference point in Turkey-EU relations. Changes such as the membership of 10 Central and Eastern European states following the dissolution of the Soviet Union and the transition of the former Eastern block countries to market economy has had a profound impact on Turkey-EU relations. And in May 2009, The EU marked the fifth anniversary of the 2004 enlargement.

Turkey has marked a sad more than a half century from the first official announcement of its application to join the EU, which was then called the European Economic Community. Although the agreement which mentioned the membership

¹⁵ http://www.independentcommissiononturkey.org/pdfs/2009_english.pdf.

¹⁶ Mustafa Kutlay, "The Cyprus Question and the Future of Turkey-EU Relations", <http://www.turkishweekly.net/columnist/3187/the-cyprus-question-and-the-future-of-turkey-eu-relations.html>.

¹⁷ Star, 4 September 2009; Mustafa Kutlay, (30 Haziran 2009), "İsveç'in AB Dönem Başkanlığı ve Türkiye İçin Önemi", <http://www.usagundem.com>.

prospects for Turkey, it took almost 40 years for Turkey to acquire a formal candidate status. The EU recognized Turkey formally as a candidate at the 1999 Helsinki Council summit but six more years to inaugurate the actual talks on the conditions to join the EU in 2005¹⁸.

Notwithstanding this, the real decisive factor in Turkey-EU relations is whether Turkey will undertake concrete steps as a sign of its commitment to the EU process and the EU will be able to proceed on the principle of *pacta sunt servanda* and work on a fair and objective basis. And the upcoming Presidency of Spain in January 2010 and its positive attitude vis a vis Turkey, the forthcoming era points out to a period characterised by mutual gains.

¹⁸Lucia Kubosova, "Turkey Marks 50 Years As EU Suitor", [Http://Euobserver.Com/15/28515](http://Euobserver.Com/15/28515).