



# European Union Enlargement: A Status Report on Turkey's Accession Negotiations

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## Summary

October 2010 marked the fifth anniversary of the European Union's decision to proceed with formal negotiations with Turkey toward full membership in the Union. It also marked the beginning of the annual period when all three European Union institutions, the Council, Commission, and Parliament provide their assessment of the progress Turkey had made or failed to accomplish in the accession process over the previous year and to issue recommendations on whether and how Turkey's accession process should proceed. The EU Commission released its assessment report on November 9, 2010. The Council followed with their "conclusions" on December 14, 2010. Neither institution provided the kind of positive endorsement of the accession talks that pro-EU supporters in Turkey would have hoped for leading some to believe that the EU might be losing interest and that some in Turkey would become even more disillusioned with the EU. The European Parliament is expected to issue its report sometime in March 2011.

Turkey was the topic of a great deal of attention throughout 2010. Significant political and economic developments took place in Turkey, including the passage of the September 12, 2010 referendum to amend the Turkish constitution that many argued would strengthen Turkey as a more liberal and democratic country. In addition, an emerging activism in Turkey's foreign policy, driven by its Foreign Minister Ahmet Davutoglu, to establish Turkey as a more independent regional influence has raised questions, and some say apprehensions, in Europe and the United States about changes in Turkey's global orientation.

Despite the changes taking place in Turkey, its EU accession process continued at a relatively slow pace. Only one additional chapter of the EU's rules and regulations known as the *acquis communautaire* was opened in 2010 leaving some to speculate that Turkey's accession negotiations with the EU were heading for a political and technical stalemate. The principal issues regarding Turkey's accession continue to be what the EU believes has been too slow of a pace for implementing critical reforms within Turkey and possibly even a few steps backward in the area of press freedoms; Turkey's failure to extend diplomatic recognition to Cyprus or to live up to its agreement to extend the benefits of its customs union with the EU to Cyprus, including the continued reluctance by Turkey to open its sea and air ports to Cypriot shipping and commerce until a political settlement has been achieved on Cyprus; a growing skepticism on the part of many Europeans whether Turkey should be embraced as a member of the European family fueled, in part, by the ongoing debate within parts of Europe over the implications of the growing Muslim population in Europe and the impact Turkey's admission into the Union would have on Europe's future; and a perceived ambivalence toward the EU by some in the current Turkish leadership and a growing segment of its population. In fact, for the first time comments among Turks questioning Turkey's need to join the EU have begun to be heard on a more public and regular basis.

This report provides a brief overview of the EU's accession process; Turkey's path to EU membership and the impact of the Cyprus problem. The U.S. Congress has had a long-standing interest in Turkey. Although many Members have expressed support for Turkey's membership in the EU, congressional concerns with several of Turkey's recent foreign policy developments have surfaced. The 112<sup>th</sup> Congress will likely continue to review Turkey's relations with the U.S., the impact of the EU accession process on internal political and economic reforms in Turkey, and Turkey's apparent intent to become a more independent regional influence and foreign policy partner of the West.

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## The EU Accession Process<sup>1</sup>

The European Union (EU) views enlargement as an historic opportunity to promote stability and prosperity throughout Europe. The criteria for EU membership require candidates to adopt political values and norms shared by the Union by achieving “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; a functioning market economy, as well as the capacity to cope with competitive pressure and market forces within the Union.”<sup>2</sup>

Under Article 49 of the Treaty on the European Union, any European country may apply for membership if it meets a set of criteria established by the Treaty. In addition, the EU must be able to absorb new members, so the EU can decide when it is ready to accept a new member.

Applying for EU membership is the start of a long and rigorous process. The EU operates comprehensive approval procedures that ensure new members are admitted only when they have met all requirements, and only with the active consent of the EU institutions and the governments of the EU member states and of the applicant country. Basically, a country that wishes to join the EU submits an application for membership to the European Council, which then asks the EU Commission to assess the applicant’s ability to meet the conditions of membership.

Accession talks begin with a screening process to determine to what extent an applicant meets the EU’s approximately 80,000 pages of rules and regulations known as the *acquis communautaire*. The *acquis* is divided into 35 chapters that range from free movement of goods to agriculture to competition. Detailed negotiations at the ministerial level take place to establish the terms under which applicants will meet and implement the rules in each chapter. The European Commission proposes common negotiating positions for the EU on each chapter, which must be approved unanimously by the Council of Ministers. In all areas of the *acquis*, the candidate country must bring its institutions, management capacity, and administrative and judicial systems up to EU standards, both at national and regional levels. During negotiations, applicants may request transition periods for complying with certain EU rules. All candidates receive financial assistance from the EU, mainly to aid in the accession process. Chapters of the *acquis* can only be opened and closed with the approval of all member states, and chapters provisionally closed may be reopened. Periodically, the Commission issues “progress” reports to the Council (usually in October or November of each year) as well as to the European Parliament assessing the progress achieved by a candidate country. Once the Commission concludes negotiations on all 35 chapters with an applicant, a procedure that can take years, the agreements reached are incorporated into a draft accession treaty, which is submitted to the Council for approval and to the European Parliament for assent. After approval by the Council and Parliament, the accession treaty must be ratified by each EU member state and the candidate country. This process of ratification of the final accession treaty can take up to two years or longer.<sup>3</sup>

The largest expansion of the EU was accomplished in 2004 when the EU accepted 10 new member states. In January 2007, Romania and Bulgaria joined, bringing the Union to its current

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<sup>1</sup> For more detailed information on EU accession see, “The Process of Joining the EU” on the European Commission’s website at <http://ec.europa.eu/enlargement>.

<sup>2</sup> Conclusions of the European Council, Copenhagen, Denmark, June 1993.

<sup>3</sup> CRS Report RS21344, *European Union Enlargement*, by Kristin Archick.

27 member states. Since then, the EU has continued supporting the enlargement process. Currently, there are three candidate countries—Croatia (which has closed 33 chapters of the *aquis*), Iceland (which began the accession process in July 2010), and Turkey. The EU Commission recommended in 2009 to open accession negotiations with Macedonia but the EU Council has not yet taken a decision on this recommendation.

Prior to October 2009, in order for enlargement to continue, two barriers that existed had to be overcome. First, and although not explicitly stated, certain conditions established by the 2000 Treaty of Nice seemed to limit the EU to 27 members. In order for any other new country to be admitted to the Union, the Nice Treaty had to be amended or a new treaty ratified to allow further expansion of the Union. The Lisbon Treaty,<sup>4</sup> was agreed to in 2007 by the EU leadership and placed on a ratification schedule in all 27 member states. The Treaty took effect on December 1, 2009 allowing, among other things, future enlargement of the Union to take place. A second barrier to the current accession structure involves any candidate country whose accession could have substantial financial consequences on the Union as a whole. Under this provision, admission of such a candidate can only be concluded after 2014, the scheduled date for the beginning of the EU's next budget framework.<sup>5</sup> Currently, only Turkey's candidacy would fall under this restriction.

## **Turkey's Initial Path to European Union Accession**

Turkey and the European Commission first concluded an Association Agreement (Ankara Agreement) aimed at developing closer economic ties in 1963. A key provision of that agreement was the commitment by Turkey to establish a customs union that would be applied to each EU member state. In 1987, Turkey's first application for full EU membership was deferred until 1993 on the grounds that the European Commission was not considering new members at the time. Although not technically a rejection of Turkey, the decision did add Turkey to a list, along with the United Kingdom, of nations to have been initially turned down for membership in the Union. In 1995, a Customs Union agreement between the EU and Turkey entered into force, setting a path for deeper integration of Turkey's economy with that of Europe's. In 1997, the Luxembourg EU summit confirmed Turkey's eligibility for accession to the EU but failed to put Turkey on a clear track to membership. The EU recognized Turkey formally as a candidate at the 1999 Helsinki Council summit but asserted that Turkey still needed to comply sufficiently with the EU's political and economic criteria before accession talks could begin.<sup>6</sup>

In February 2001, the EU formally adopted an "Accession Partnership" with Turkey, which set out the priorities Turkey needed to address in order to adopt and implement EU standards and legislation. Although Ankara had hoped the EU would set a firm date for initiating negotiations at the December 2002 EU Copenhagen Summit, no agreement was reached. Two years later, 10 new member states, including a divided Cyprus, were admitted into the Union. In December 2004, and despite the fact that Turkey had still not met its obligations regarding its customs union, the European Council stated unanimously that Turkey had made enough progress in legislative process, economic stability, and judicial reform to proceed with accession talks within a year. In

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<sup>4</sup> For additional information on the Lisbon Treaty and EU reform see, CRS Report RS21618, *The European Union's Reform Process: The Lisbon Treaty*, by Kristin Archick and Derek E. Mix.

<sup>5</sup> "The Process of Joining the EU," *Op. cit.*

<sup>6</sup> CRS Report RS21344, *European Union Enlargement*, *Op. cit.*

the aftermath of the Council's decision, the European Parliament voted overwhelmingly to support the Council's decision to move forward with Turkey.

Under a compromise formula agreed to by the Council, Turkey, before October 2005, would have to sign a protocol that would adapt the 1963 Ankara Agreement, including the customs union, to the 10 new member states of the Union, including the Republic of Cyprus. Turkey signed the Protocol in July 2005 but made the point that, by signing the Protocol, it was not granting diplomatic recognition to the Republic of Cyprus. Turkey insisted that recognition would only come when both the Greek and Turkish Cypriot communities on the island were reunited. The decision by Turkey to make such a declaration regarding Cyprus immediately served to sour attitudes of many within the EU. In September 2005, the EU Council issued a rebuttal to Turkey. In that declaration, the EU reminded Turkey that Cyprus was a full member of the EU, that recognition of all member states was a necessary component of the accession process, and that the EU and its member states "expect full, non-discriminatory implementation of the Additional Protocol to all EU member states ... and that failure to implement its obligations in full will affect the overall progress in the negotiations."<sup>7</sup>

On October 3, 2005, after a prolonged debate over the status of Cyprus and expressions of concern by some European member states over admitting Turkey at all, the EU Council agreed to a "Negotiating Framework," and opened formal accession talks with Turkey. However, the language of the Framework included an understanding that the negotiations would be open-ended, meaning an outcome (eventual full membership) could not be guaranteed. This language was to become a significant rallying point for some European governments which support a closer relationship with Turkey but one which falls short of full membership in the Union.

## **Current Status of Turkey's Accession**

The relationship between Turkey and the European Union has vacillated between support for and doubt over future membership. In general, concerns regarding immigration, jobs, and uncertainties over its Muslim population have continued to cloud European attitudes about Turkey. Although projected by many to require 10 or more years to accomplish, the question of Turkey's membership in the Union became a debating point during consideration of the Treaty for a European Constitution in the spring of 2005. Many observers suggested that one of the factors contributing to the defeat of the Treaty in France and the Netherlands was voter concern over continued EU enlargement and specifically over the potential admission of Turkey, which was considered by many as too large and too culturally different to be admitted into the Union.

The controversy over Turkey's accession continued until the decision in October 2005 to begin accession negotiations. Expressions of concern by Germany, France, and Austria, which proposed that Turkey be given a "privileged partnership" instead of full membership, forced the Council to go to the 11<sup>th</sup> hour before agreeing to open accession talks.

For Turkey, 2006 became a more difficult year in its relations with the EU even as formal negotiations between Brussels and Ankara began. The membership of Cyprus in the Union, despite the Greek Cypriot rejection of a U.N.-sponsored unification plan, and Turkey's public

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<sup>7</sup> Enlargement: Turkey, Declaration by the European Community and Its Member States, Council of the European Union, September 21, 2005.

stance not to deal with the Greek Cypriot government, served to aggravate relations further and, in the opinion of some observers, may have contributed to changing attitudes within Turkey and the EU toward each other. At the outset, Cyprus expressed its opposition to formally opening and closing the first of 35 negotiation chapters unless Ankara met its obligations to recognize all 10 new EU member states, including Cyprus. On June 16, 2006, the EU Presidency issued a statement that referred implicitly to Turkey's continued refusal to open its ports to Greek Cyprus as required by Turkey's customs union with the EU. The EU again asserted that Turkey's failure to "implement its obligations fully will have an impact on the negotiating process."<sup>8</sup>

Ankara responded that Turkey would not open its seaports or airspace to Greek Cypriot vessels until the EU ended the "isolation" of the Turkish Cypriots by providing promised financial aid that at the time was being blocked by Cyprus and direct trade between the EU and the north. Then-EU Enlargement Commissioner Olli Rehn warned Ankara that the resolution of the Cyprus issue was a central stumbling block in the accession talks and that a "train crash" was coming later in the year if Turkey did not resume implementing reforms and honoring its commitments in the Accession Agreement and the additional Protocol.<sup>9</sup>

In Ankara, advocates for closer relations with the EU began to believe that European interest in Turkey was changing and that what should have been EU incentives to promote and encourage necessary reforms in Turkey had become conditions that many Turks felt were designed to discourage Turkey. As a consequence, many observers believe that the reform process in Turkey began to slow as a reassessment of the relationship began to take hold.<sup>10</sup>

In September 2006, the European Parliament joined in the criticism of Turkey when the Committee on Foreign Affairs issued a progress report on Turkey's accession. The Parliament's findings suggested that reforms in Turkey had slowed, especially in the implementation of freedom of expression, protection of religious and minority rights, reform in law enforcement, and support for the independence of the judiciary, and urged Turkey to move forward. The Parliament also stated that "recognition of all member states, including Cyprus, is a necessary component of the accession process and urged Turkey to fulfill the provisions of the Association Agreement and Additional Protocol."<sup>11</sup> On September 14, 2006, then-Cyprus Foreign Minister George Lillikas suggested that without Turkey's compliance with its obligations, Cyprus would likely object to opening any further chapters of the *acquis*.<sup>12</sup>

On November 29, 2006, the EU Commission issued its assessment of Turkey's accession negotiations. Although acknowledging that negotiations should move forward, the Commission noted that Turkey had not met its obligations toward Cyprus and recommended that the Council not take actions regarding the opening of any new chapters in the *acquis*. At the EU Summit in December 2006, a compromise was reached that averted the worst possible outcome but clearly enunciated a strong opinion against Turkey. Based on the recommendations of the EU

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<sup>8</sup> See Council of the European Union - 15/16 June (2006), Presidency Conclusions, at <http://www.consilium.europa.eu>.

<sup>9</sup> Interview with Olli Rehn on EU Enlargement, *Reuters*, March 28, 2006.

<sup>10</sup> A public opinion poll conducted by the German Marshall Fund in 2004 indicated that 75% of those Turks interviewed responded that being in the EU would be a good thing for Turkey. A similar poll in 2006 indicated that that number had declined to 54%. See *Transatlantic Trends*, German Marshall Fund, 2006.

<sup>11</sup> See "Turkey's Progress Towards Accession," Committee on Foreign Affairs, European Parliament, September 2006 at <http://www.europarl.europa.eu>.

<sup>12</sup> See "Cyprus FM: No More EU Chapters for Turkey Before Progress Report," Cyprus Embassy, September 2006.

Commission,<sup>13</sup> the Council noted that Turkey had not fully implemented the additional Protocol to the Ankara Agreement and, more importantly, decided not to open negotiations on eight chapters of the *acquis*, or to provisionally close any chapters until the Commission had confirmed that Turkey had fully implemented its commitments under the Additional Protocol.<sup>14</sup> The Council further required the Commission to report on Turkey's progress "in its forthcoming annual reports, in particular 2007, 2008, and 2009."<sup>15</sup> While the compromise decision prevented any dramatic action against Turkey, it did portend a slowing of the accession negotiations and, in the eyes of some Turkey skeptics, presented a deadline of sorts for Turkey to implement the Additional Protocol by December 2009, the final year of the Barosso Commission's term.

The accession process entered 2007 with a mixed sense of direction. Turkey apparently felt its EU aspirations had been dealt a serious blow with the EU decision to condition negotiations on certain key chapters until the Cyprus issue was resolved. Matters were further complicated within Turkey as the ruling Justice and Development Party (AKP) came under fire from a determined opposition. The biggest issue involved Turkey's 2007 presidential election which became mired in controversy. Because AKP has Islamist roots, the prospect of its controlling the presidency as well as the parliament was seen as a threat to the military and secularists in the political opposition. The main opposition party, the Republican People's Party (CHP), boycotted the first round of the voting in the Parliament, in which Foreign Minister Abdullah Gul, stood as AKP's candidate for president. The boycott initially succeeded as the Constitutional Court nullified the first round of the election, which Gul won, on the grounds that a quorum had not been present. Prime Minister Erdogan then called early national elections for July 22. AKP won with almost 47% of the vote and 341 seats in the 550-seat parliament. With its parliamentary majority secure, AKP was able to elect Gul president in August in a first round of voting.

The EU was not an issue in the campaign but the drawn out process necessarily complicated the timing of the accession negotiations and slowed the reform process further. Nevertheless, the EU agreed to open three additional chapters of the *acquis* and identify the benchmarks necessary to open 14 additional chapters should Turkey meet the requirements for doing so. By the end of the year, the EU Commission, in its annual recommendations to the Council, noted some progress in the political reform process but also pointed out areas where additional progress was needed. These areas included freedom of expression, the fight against corruption, cultural rights, and civilian oversight of the security forces. In its December 2007 conclusions, the EU Council praised Turkey for the resolution of its political and constitutional crisis and the conduct of the presidential and parliamentary elections as signs that democratic standards and rule of law were sufficiently implemented and supported in Turkey. However, the Council also expressed regret that overall political reform had achieved limited progress and once again warned Turkey that it had not made any acceptable progress in establishing relations with Cyprus.<sup>16</sup>

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<sup>13</sup> See "Commission presents its recommendations on the continuation of Turkey's accession negotiations," European Commission, November 29, 2006.

<sup>14</sup> This freeze on negotiations included chapters on the free movement of goods, right of establishment and freedom to provide services, financial services, agriculture and rural development, transport policy, and external relations, among others.

<sup>15</sup> Conclusions of the European Council, December 11, 2006.

<sup>16</sup> Conclusions of the European Council, December 11, 2007.



Finally, the issue of Turkey's membership entered France's 2007 presidential election campaign, during which conservative candidate and then-Interior Minister Nicholas Sarkozy, in a campaign speech, stated that he felt Turkey should never become a member of the Union.<sup>17</sup>

Throughout 2008, the Turkish government continued to deal with multiple political challenges, including the call for the dissolution of the AKP and for the banning of several prominent AKP politicians, and an investigation into an alleged conspiracy involving several retired military officers and others, to create chaos throughout Turkey in order to provoke the military to overthrow the government. In July 2008, the Constitutional Court found that the AKP was indeed a focus of "anti-secularist activity," but the vote fell one short of the 7 out of 11 justices required to dissolve the party. Despite ongoing internal political issues which polarized the political atmosphere in Turkey and the global economic crisis which began to consume the government's attention, six additional chapters of the *acquis* were formally opened by the EU. However, key chapters relating to energy, external relations, and security and defense matters had been held up by several EU member states, including France, although in the case of energy, France did propose to open this chapter during its 2008 Presidency of the Council.

Averting additional constitutional and political crisis was seen by the EU as a sign that democracy in Turkey was strong. Nevertheless, Turkey again became the target of the EU Council criticism when it reviewed the Commission's 2008 annual progress report. Although upbeat about the internal political situation in Turkey, the Council again stated that "Turkey has not yet fulfilled its obligations of full non-discriminatory implementation of the Additional Protocol to the Association Agreement and has not made progress towards normalization of its relations with the Republic of Cyprus"<sup>18</sup> and stated that "progress is now urgently awaited."

In early 2009, Turkey in a sign of a renewed commitment to the accession process, announced the appointment of its first full-time EU accession negotiator, State Minister Egemen Bagis, a decision noted as a positive step by the EU Council. However, in March 2009 Turkey's accession process hit a political bump in the European Parliament which adopted three resolutions based on enlargement reports issued by special rapporteurs. In the resolution on Turkey, the Members of Parliament noted with concern the "continuous slowdown of the reform process" and called on Turkey "to prove its political will to continue the reform process." The resolution also stressed the need to reach a solution to the Cyprus question and called for Turkey to remove its military forces from the island. Finally, the Parliament noted that the customs union agreement, specifically with Cyprus, had not been fully implemented, and pointed out that "the non-fulfillment of Turkey's commitments by December 2009 will further seriously affect the process of negotiations."<sup>19</sup>

Despite the concerns expressed by the Parliament, in June the eleventh chapter of the *acquis* was opened suggesting that Turkey was making some progress meeting the reform criteria.

On October 15, 2009, the European Commission issued its annual "Progress Report on Turkey" along with its report on "Enlargement Strategy and Main Challenges 2009-2010." As expected, the Report on Turkey did not include anything new or dramatic and did not refer to any deadline for Turkey's accession process. The report did note progress Turkey had made in judicial reform,

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<sup>17</sup> "News Analysis: Sarkozy May Cause Global Ripple," *International Herald Tribune*, September 11, 2006.

<sup>18</sup> Conclusions of the European Council, December 2008.

<sup>19</sup> 2008 progress reports on Croatia, Turkey, and FYROM: EP sets out its views on enlargement. European Parliament Press Release, March 12, 2009.

relations with both the Kurds and Armenia, and its positive role in the Nabucco pipeline issue that will serve to provide an alternative source for natural gas for Europe. However, the report was also littered with phrases ranging from “some progress” to “little progress” to “no progress” and stated that significant efforts were still needed in areas such as freedom of expression and freedom of the press. The report also noted that while Turkey has expressed public support for negotiations regarding a Cyprus solution, the Commission expected Turkey to actively support the ongoing negotiations. Finally, as with its other assessments since 2006, the Commission again noted that Turkey had made no progress toward fully implementing the additional protocol regarding the use of its ports by Cyprus or in normalizing relations with the Republic of Cyprus.<sup>20</sup> The Commission, referencing the 2008 Council conclusions, stated that “it was urgent that Turkey fulfill its obligations.”

Since the 2006 Council conclusions specifically listed 2009 as a possible deadline for certain progress to be made as part of the accession talks, many Turkey skeptics in Europe had begun to suggest that the accession process for Turkey may have to be significantly altered. For instance, in an interview with Spanish news media, French Secretary of State for European Matters Pierre Lellouche reiterated his government’s position that if Turkey failed to satisfy the requirements for membership or if the European Union’s capacity for absorption did not permit it, alternatives should be considered. Although not specifically stating that the EU needed to prepare such alternatives by the end of 2009, Lellouche did state that “we wonder whether it is not the time to begin reflecting on alternative paths [for Turkey] without interrupting the negotiations.”<sup>21</sup> This statement reflected France’s (and perhaps others’) continued opposition to full membership in the Union for Turkey and support for a then-to-be defined “special relationship” or “privileged partnership,” which Turkey stated it would reject. Similarly, on September 11, 2009, Cypriot Foreign Minister Markos Kyprianou stated that while Cyprus was “a genuine supporter of Turkey’s EU course,” Cyprus was “one of the strictest supporters who are not prepared to compromise the principles and values that the EU is founded upon just for the sake of a speedier accession of our neighbor.”<sup>22</sup>

On November 23, 2009 the European Parliament, after concluding its debate on the Commission’s 2009 enlargement report (which also included comments on Croatia and Iceland), adopted its own resolution regarding enlargement.<sup>23</sup> With respect to Turkey, the resolution noted positive progress in judicial reform, internal dealings with the Kurdish minority, relations with Armenia, and Turkey’s support for the Nabucco gas pipeline project. The resolution, however, was more negative towards Turkey’s lack of progress on freedom of expression, freedom of the press, and religious freedom. The Parliament also “deplored” the continued refusal of Turkey to implement the provisions of the Additional Protocol with Cyprus. In what was viewed as an interesting comment by some, the Parliament expressed “regret” that NATO-EU strategic cooperation continued to be blocked by Turkey. The Parliament then indicated that it would issue its own assessment of Turkey’s accession progress in early 2010.

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<sup>20</sup> For more information see “Turkey: 2009 Progress Report,” prepared by the European Commission, October 14, 2009.

<sup>21</sup> “France Seeks alternative to Turkey’s EU membership,” *TurkishNY.com*, September 3, 2009.

<sup>22</sup> “Cyprus, one of a few genuine supporters of Turkey’s EU Course,” *Cyprus News Agency*, September 11, 2009.

<sup>23</sup> European Parliament resolution on the Commission’s 2009 enlargement strategy paper concerning the Western Balkan countries, Iceland, and Turkey, B7-0185/2009, November 23, 2009.

On December 8, 2009 the EU Council, after reviewing the Commission's assessment and adding its own review, issued its annual "Council conclusions on enlargement."<sup>24</sup> The report, like the Commission's October progress report, was viewed as balanced, emphasizing the positive aspects of the negotiation process and lacking any particularly critical assessment of Turkey's shortcomings. The Council welcomed Turkey's continued commitment to the negotiation process and, along with the Commission and Parliament, noted positive developments in judicial reform, civil-military relations, and cultural rights. The report also noted successful steps taken by Turkey toward the Kurds, Armenia, and the Nabucco pipeline project. And, like its partner institutions, the Council noted Turkey's shortcomings in the areas of freedom of expression and freedom of the press, respect for property rights, and in other areas. In what was considered its toughest assessment of Turkey's actions, the Council "noted with deep regret that Turkey, despite repeated calls, continues refusing to fulfill its obligations regarding the Additional Protocol and normalization of its relations with the Republic of Cyprus."<sup>25</sup> The Council concluded its assessment of Turkey by stating that "progress is now expected [on the above issue] without further delay."<sup>26</sup>

Some observers believed that the 2009 Commission and Council decisions could have been the subject of very difficult internal debate due to a lack of consensus among the member states on how to respond to Turkey's shortcomings in the reform process and its continued failure after four years to meet its customs union obligations toward Cyprus.<sup>27</sup> However, it did not appear that the debate in either institution was very difficult after all and both the Commission and Council, perhaps for the sake of the ongoing negotiations on Cyprus, were able to issue a balanced report giving credit to the Turks for some positive developments and offering criticisms where there were noted shortcomings, deferring any negative actions on the negotiation process until a later point in time.

On February 10, 2010, in a follow-up to earlier actions on the accession process, the European Parliament issued its report on Turkey's accession progress, which differed little with the 2009 reports of the Commission and Council. However, in what was considered its strongest statement to date, the Parliament adopted a resolution again "deploring" Turkey's non-compliance with the additional protocol for the fourth consecutive year and warned that failure to implement it without delay could seriously affect future accession negotiations. The resolution also called on Ankara to begin the immediate withdrawal of all Turkish troops from Cyprus. The Parliament did, however, acknowledge Turkey's progress with its Kurdish population and with Armenia, and in response to Turkey's energy role in support of the EU's Nabucco pipeline initiative, suggested that the EU open the Energy Chapter of the *acquis*.

In May 2010, the EU-Turkey Association Council, led by EU Enlargement Commissioner Stefan Füle and Turkey's chief negotiator for EU Affairs, Egemen Bagis, met to discuss EU-Turkey relations. The EU welcomed the effort underway at the time to amend Turkey's constitution to strengthen democracy and rule of law but noted that more reform was needed in areas such as the fight against corruption, freedom of expression and of religion, and continued judicial reform. The EU reaffirmed that the pace of the negotiations depended notably on Turkey's progress in

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<sup>24</sup> See "Council conclusions on Enlargement/stabilization and association process," General Affairs Council meeting, December 8, 2009.

<sup>25</sup> Ibid. EU Council, December 8, 2009.

<sup>26</sup> Council conclusion, *op. cit.*

<sup>27</sup> Observations made by the author during discussions with EU and other officials.

meeting established conditions for the benchmarks for each of the chapters of the *acquis* currently open. The EU also restated its concern over the unfulfilled commitments regarding the application of the customs union to all EU member states.<sup>28</sup> On July 12, 2010, the EU-Turkey High Level Political Dialogue, led by EU High Representative for Foreign Affairs and Security Policy, Catherine Ashton met in Istanbul with Turkey's Foreign Minister Ahmet Davutoglu to discuss EU-Turkey political and foreign policy cooperation. Commissioner Füle again expressed the EU's support for the constitutional reforms Turkey was attempting to achieve and reaffirmed continuation of the accession process.

On a trip to Cyprus in October 2010, Jerzy Buzek, President of the European Parliament reminded Ankara that it had obligations to the EU and urged Turkey to implement the Ankara Protocol and open its ports to Cyprus.

On October 26, 2010, EU Commissioner Füle told a EU-Turkey Joint Parliamentary Committee meeting in Brussels that the outcome of Turkey's September constitutional reform referendum was a step towards EU accession.<sup>29</sup> Füle said the EU's 2010 progress report on Turkey would mention positive steps taken by Turkey such as lifting restrictions on broadcasting in languages other than Turkish, furthering judicial reform, and improving fundamental rights, but it would also voice concern about Turkey's difficulties in guaranteeing freedom of expression, press, and religion.

Commissioner Füle also stated that Ankara should apply the EU-Turkey association agreement's additional protocol in full to all EU Member States, including Cyprus, adding that resolving the Cyprus issue was a "credibility test" for both sides. On the other hand, Turkey's EU Affairs Minister Egemen Bağış, told the same Joint Parliamentary Committee meeting that it was difficult to explain to the Turkish public why the EU was still "delaying the accession process," despite Turkey's efforts to comply with EU requests and recommendations. He hoped that Turkey could open the Competition Chapter of the *acquis* before the end of 2010 (it did not), and added that the fact that the energy chapter had not yet been opened (it was being blocked by Cyprus) demonstrated that the EU was not always acting in its own interests. The concerns about the lack of press freedom, imprisonment of conscientious objectors, and the treatment of Turkey's Kurdish minority were also voiced at a European Parliament Human Rights Committee hearing on October 25, 2010.

On November 9, 2010, the European Commission published its annual progress report on Turkey's accession negotiations.<sup>30</sup> The report noted that the recent constitutional reforms adopted in Turkey served to create conditions for progress in several areas of interest to the EU. However, the Commission noted continued shortcomings in freedom of speech and religion, called on Turkey to resolve disputes with its neighbors, particularly Armenia, and again noted Turkey's failure to open its ports to Cyprus. Despite this less than ringing endorsement of Turkey's progress, which read much like previous Commission assessments, Egemen Bağış, Turkey's chief EU negotiator called the report the "most positive and encouraging" Turkey had ever received.<sup>31</sup>

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<sup>28</sup> Press Report, EU-Turkey Association Council, Council of the European Union, May 10, 2010.

<sup>29</sup> Press Release, "EU Enlargement: Turkey must do more to protect basic freedoms," European Parliament, October 27, 2010.

<sup>30</sup> See the Communication from the Commission to the Council and the European Parliament "Enlargement Strategy and Main Challenges 2010-2011", European Commission, November 9, 2010.

<sup>31</sup> "EU Scolds Turkey on Border Issues", *Wall Street Journal*, November 10, 2010.

The Commission's assessment was reviewed by the European Council and on December 14, 2010, the Council issued its "conclusions".<sup>32</sup> The Council largely reaffirmed its support for Turkey's commitment to the negotiations and noted several of the political reforms initiated by Turkey during 2010, including the provisions of the constitutional amendments adopted in the Fall. However, following the Commission, the Council noted that lack of progress in areas related to certain freedoms, including freedom of expression and religion and once again noted Turkey's failure to comply with the Additional Protocol related to Cyprus. The Council further noted Turkey's new activism in its region and neighborhood and, in what could be interpreted by some as a growing EU concern, suggested that Turkey develop its foreign policy as a "complement to and in coordination with the EU." For some, these two rather bland assessments of Turkey's accession progress have led some to conclude that "Turkey's accession talks with the EU are heading for stalemate"<sup>33</sup> and that "EU leaders have undermined support for accession in Turkey"<sup>34</sup>

## Assessment

Throughout 2010, Turkey was the topic of a great deal of attention. Major political and economic developments took place in Turkey, including a hard-fought political campaign to secure the passage of the September 12 referendum to amend 26 articles of the Turkish constitution that many argued would strengthen Turkey as a more liberal and democratic country. In addition, an emerging activism in Turkey's foreign policy, driven by its Foreign Minister Ahmet Davutoglu, and intended to establish Turkey as a more independent regional influence has raised questions and perhaps even some apprehension, in Europe and the United States about Turkey's long-term global orientation.

There is little doubt among most observers that over the past five years, the EU accession process has had a major influence on Turkey's internal march toward reform and democratization. It has also been a factor in helping transform Turkey's economy, its political and military institutions, leadership, and political culture.

However, despite what some have categorized as dynamic changes taking place in Turkey, its EU accession process continued at a relatively slow pace (a pace some have called *comatose*). Only one additional chapter of the *acquis* was opened in 2010. And, although there had been talk that an additional chapter could have been opened before the end of the year no additional progress had been achieved. Although 2010 did not produce any significant new roadblocks for Turkey's accession bid, some lingering issues continued to be part of the dialogue. The principal issues regarding Turkey's accession continue to be what the EU believes has been too slow a pace for implementing critical reforms within Turkey and in the case of press freedom, a possible step backwards; a continued skepticism on the part of many Europeans about whether Turkey should be embraced as a member of the European family fueled, in part, by an ongoing debate in parts of Europe over the implications of the growing Muslim population in Europe and the impact Turkey's admission into the Union would have on Europe's future; and in some respects a

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<sup>32</sup> "Council conclusions on enlargement/stabilization and association process", General Affairs Council meeting, December 14, 2010.

<sup>33</sup> Katinka Barysch, "Turkey and the EU: Can Stalemate be avoided?", Centre for European Reform, December 2010.

<sup>34</sup> Sinan Ulgen, "Turkish politics and the fading magic of EU enlargement", Centre for European Reform, December 2010.

perceived ambivalence toward the EU by the current Turkish leadership and a growing disillusionment with the EU among segments of the Turkey's public. The increasing skepticism towards Turkey's EU membership prospects has led some observers to suggest that Turkey-EU relations are at one of the lowest points in years.<sup>35</sup>

Turkey's eventual membership in the EU will largely depend on its ability and willingness to meet the requirements established in the 35 chapters of the *acquis communautaire*, if and when the remainder of the chapters are opened. However, the one issue that has consistently plagued Turkey's accession progress and has prevented further progress on the *acquis* has been the stalemate over a solution to the Cyprus problem and Turkey's perceived role in promoting or obstructing such a settlement.<sup>36</sup> Cyprus President Christofias has stated that Turkey's role in forging a settlement on Cyprus was a decisive one, which is a view shared by many in the international community when discussing outside influences on the Cyprus issue. However, Christofias, and many Greek Cypriots, also believe Turkey is not ready to solve the problem<sup>37</sup> despite the numerous comments from Ankara to the contrary and some of the suggestions observers believe have been offered by Turkish Prime Minister Erdogan to help move the negotiations forward.

Greek Cypriots have long claimed that Turkey's influence over exactly what the Turkish Cypriots will accept as part of any final solution to the Cyprus problem has been the principle reason for the lack of any agreement. Greek Cypriots point to Turkey's opposition to the return of Turkish settlers to Turkey and Ankara's insistence that the 1960 Treaties of Guarantee and Alliance, allowing Turkish military forces to remain on the island, must be reaffirmed in any settlement and that Turkish security guarantees should not be lifted until Turkey joins the EU. The Greek Cypriots also claim that Christofias' proposal that would have the Turkish side return the uninhabited city of Varosha to Greek Cyprus in exchange for opening the sea port of Famagusta for use by the Turkish Cypriots to conduct international trade was rejected by Eroglu at the insistence of Ankara because it would have resulted in additional pressure on Ankara to open its ports to the Republic of Cyprus.

Some observers believe the direct trade issue put forward by the EU Commission in 2010 had more to do with Turkey's EU accession status than with opening economic opportunities for northern Cyprus. Turkey's continued refusal to open its air and sea ports to Cypriot commercial operations as required under the Additional Protocol to Turkey's accession agreement with the EU has been noted every year by the EU in its annual assessments of Turkey's progress. The Greek Cypriots claim that Turkey has continuously tried to change the terms of the debate between itself and the EU on this issue by suggesting that Turkey's compliance with the Protocol could only take place if direct trade between the EU and north Cyprus were agreed to, a condition not included in the Protocol and one rejected by the EU in 2005. In proposing the direct trade regulation, the Commission appeared to have wanted to take an initiative that would have allowed Turkey to respond positively and thus avoid another year in which the EU would remind Turkey that it had failed to comply with EU rules. However, when both the Commission and Council released their assessments of Turkey's accession progress for 2010, noting again Turkey's failure to comply with the Protocol, Egeman Bagis, was quoted as saying, "Turkey doesn't want EU

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<sup>35</sup> Emiliano Alessandri, "Democratization and Europeanization in Turkey After the September 12 Referendum," *Insight Turkey*, Vol.12, October 2010.

<sup>36</sup> For more information on Cyprus, CRS Report R41136, *Cyprus: Reunification Proving Elusive*, by Vincent Morelli.

<sup>37</sup> "Time for Turkey to turn words into deeds," *Cyprus-Mail*, September 22, 2010.

membership badly enough to make unilateral gestures to unlock negotiations frozen over Turkey's refusal to meet a pledge to open its ports to the Greek Cypriot part of Cyprus."<sup>38</sup>

Some have suggested that Europe's skepticism and perceived foot-dragging has raised questions in Turkey about its future in the EU and that both domestic and foreign policy developments in Turkey are likely to become increasingly detached from the EU.<sup>39</sup> These observers have suggested that such perspectives may even have helped alter the very rationale for the reforms being undertaken by Ankara. For instance, some have suggested that the AK Party's embrace of the reforms required under the EU accession process has helped transform and legitimize the AK as a post-Islamist party whose goals have become more about solidifying its own power and acceptance by the Turkish people than the "Europeanization" of Turkey.<sup>40</sup> Others point to the September constitutional referendum as a case in point. Despite early statements by Prime Minister Erdogan and others that the proposed constitutional reforms would help bring Turkey into line with European norms, some observers believe that Turkey's EU aspirations were not central to any of the Turkish political parties messages during the referendum campaign.<sup>41</sup> Still others have suggested that after five years of accession negotiations and various iterations of reform, Turkey's citizenry have accepted an unprecedented amount of change and that for some, EU membership may no longer be the desired end point for Turkey.<sup>42</sup> This point was highlighted in a recent speech given by Turkish President Gul at the Chatham House where it was reported that he suggested that "perhaps the Turkish public will say 'let's not become a member' despite having successfully concluded negotiations."<sup>43</sup> These views, in part, seem to have been borne out in the latest publication of the German Marshall Fund's *Transatlantic Trends*, where [only] 30% of Turks polled believed Turkey had enough common values with the West to be part of the West. The poll also indicated that Turkish support for EU membership since 2004 has fallen from 73% to 38%.<sup>44</sup>

All three institutions of the European Union have recently praised Ankara for passage of the September constitutional reforms as a step in the right direction, a point noted in the EU Commission's November 2010 assessment report. However, the EU Council in its assessment of Turkey's progress, like the Commission, has expressed concern that Turkey's efforts to enact and implement critical political reforms remain slow and insufficient and called on Turkey to consider additional measures needed to be taken to address areas such as freedom of expression and of religion.<sup>45</sup> The EU Council and Commission have also insisted that the implementation of any reforms should involve all political parties as well as civil society. The European Parliament's forthcoming assessment will likely address similar concerns. Ankara for its part will continue to insist on fair treatment by the EU, will express frustration over the pace of the membership negotiations, and will again reject any option other than full membership in the Union.

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<sup>38</sup> Wall Street Journal, November 10, 2010, op. cit.

<sup>39</sup> Tocci, op. cit.

<sup>40</sup> Alessandri, op. cit.

<sup>41</sup> Alessandri, ibid.

<sup>42</sup> "Getting to Zero: Turkey, Its Neighbors and the West," Transatlantic Academy, 2010.

<sup>43</sup> Wall Street Journal, November 10, 2010, op. cit.

<sup>44</sup> See *Transatlantic Trends: Key Findings 2010*, published by the German Marshall Fund, September 2010, at <http://www.transatlantictrends.org>.

<sup>45</sup> Statement by Commissioner Stefan Fule on the result of the referendum in Turkey, European Commission, September 13, 2010.

It would appear for now that Turkey's EU accession progress will remain at a virtual standstill until one of three options is implemented. First, there is a settlement of the Cyprus problem, an outcome viewed by many as being to a large extent in Turkey's hands and one that is becoming more difficult as Turkey and Greek Cyprus enter national election periods in 2011. Second, Turkey agrees to open its sea and air ports to Cypriot shipping and commerce, a move that could unlock some additional chapters of the *acquis*. Third, a decision to try to move the negotiating process forward is made by the EU Council to abandon the legal requirement of the Additional Protocol and reverse its own decision to block eight key chapters of the *acquis* until Turkey complies with the Protocol (a position that would require intense pressure on Cyprus to agree to)..

For most observers, a worse-case scenario for Turkey would be if the Cyprus talks collapsed and Turkey was partially blamed for not doing enough. This could be followed by a decision by the EU Council to call a temporary suspension of all accession negotiations on those chapters of the *acquis* already in progress and a veto of any proposals to open additional chapters until Turkey complies with the Protocol. It has been suggested that other EU member states may sympathize with such a suggested course of action if requested by the Greek Cypriots.

Supporters and opponents of Turkey's EU membership for now will continue to argue from two different sets of talking points. Turkish politicians will continue to blame the slow pace of accession progress generally on the "reluctance" of some EU members and specifically on Cyprus. Turkey and its supporters, such as the United States, will continue to argue that the EU can benefit from Turkey's position as a key regional actor with respect to relations with Iraq, Iran, Russia, and the Black Sea region. Turkey and its supporters will argue that Turkey continues to play a growing energy role for Europe as a gateway to the Caspian and Central Asian oil and gas supply system and remain miffed that the EU does not appear to appreciate or place a greater importance on those issues when considering Turkey.

On the other hand, many Europeans point out that while energy security and foreign policy are important elements in the operations of the EU, those issues comprise only two or three of 35 chapters in the *acquis*, and Turkey must come into compliance with the requirements of the entire *acquis*. In addition, many Europeans argue that Turkey is already playing an important role on defense and foreign policy matters with Europe through its membership in NATO. Finally, growing numbers of Europeans have expressed concerns regarding what appears to some as a change in Turkey's political, economic, social, and religious orientation

Despite these observations and speculations, neither Turkey nor the EU appear to be prepared to end the accession process. Many European experts believe the EU-Turkey accession talks are likely to take ten or more years to complete and that the issue is receiving far more attention now than is necessary. They anticipate that different governments will come and go in both Ankara and throughout Europe before this process reaches a decisive point, that attitudes will vacillate, and that new problems will continue to arise along the way. However, unless both sides mutually agree to end the accession process, this annual debate will continue for the foreseeable future.

## **U.S. Perspective**

Although the United States does not have a direct role in the EU accession process, successive U.S. Administrations and many in Congress have continued to support EU enlargement, believing that it serves U.S. interests by spreading stability and economic opportunities throughout Europe. During the George W. Bush Administration, the United States had been a strong and vocal



proponent of Turkish membership in the European Union. The Obama Administration continued the support of Turkey's EU membership aspirations. President Obama's statements in support of Turkey during his April 2009 visit to Ankara and his assertion that Turkey's accession would send an important signal to the Muslim world reaffirmed the U.S. position.

However, robust U.S. support for Turkey's EU membership has caused some displeasure for some EU member states who feel that the United States does not fully understand the long and detailed process involved in accession negotiations, does not appreciate the debate within Europe over the long-term impact the admission of Turkey could have on Europe, and defines the importance of Turkey in too-narrow a set of terms, generally related to geopolitical and security issues of the region. This latter view seems to be one held by countries such as France, and perhaps Germany and Austria. Some Europeans also feel that putting Turkey's accession in terms related to the Muslim world suggests that anything short of full EU membership for Turkey would represent a rejection of Turkey by the West, and by association, a rejection of the Muslim world. Many in Europe have been somewhat relieved that the United States has recently scaled back its rhetoric and hope the U.S. will use its relationship with Turkey in more constructive ways for the EU. For instance, some Europeans seem to feel that when the United States interjects itself into the EU's business of who should join the Union by promoting Turkey's EU membership, the United States should also be more helpful in encouraging Turkey to move more rapidly on reforms and to comply with the Additional Protocol regarding Turkey's customs union. When asked in an interview in June 2009 whether the United States could be more helpful on this point, Assistant Secretary of State for Europe and Eurasia Philip Gordon demurred, saying that "ultimately, this is an EU issue; we're not directly involved in it.... This is between the EU and Turkey."<sup>46</sup> The United States believes that Turkey's membership in NATO has demonstrated that Turkey can interact constructively with an organization dominated by most of the same European countries that belong to the EU and play a positive role in foreign policy matters that impact Europe, whether it is the Europe of the EU or the Europe of NATO. The United States has also tried to use its influence to help shape a more constructive EU-Turkey relationship in an attempt to promote closer NATO-EU relations.

Although many Members of Congress during the 111<sup>th</sup> Congress continued to express their support for Turkey's EU accession, congressional attitudes toward Turkey among some Members did begin to change. There has been growing expressions of concern in some congressional quarters over Turkey's recent foreign policy initiatives, particularly toward Iran and Israel and some have suggested closer scrutiny of U.S.-Turkey relations. Whether these concerns will serve to dampen U.S. enthusiasm for Turkey's EU membership during the 112<sup>th</sup> Congress remain unclear.

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<sup>46</sup> See Assistant Secretary Gordon's interview with Tom Ellis of *Kathimerini*, June 27, 2009, Corfu, Greece.

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