



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

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Summary

October 2011 marked the sixth 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 has made or failed to accomplish in the accession process over the previous year and issue recommendations on whether and how Turkey's accession process should proceed.

On October 12, 2011, the EU Commission, the first institution to act, issued its annual assessment to the Council and Parliament and on December 5, 2011, the Council issued its "conclusions". While noting the continued importance of Turkey to the EU and the several positive initiatives taken by Turkey in 2011, both the Commission and Council expressed their overall disappointment with the lack of any significant progress in the accession talks and pledged to initiate a "positive agenda" with Turkey for 2012 that would include support for domestic reforms, foreign policy cooperation, new visa policies, and migration issues.

Throughout 2011, significant developments took place in Turkey, including a national election in June that returned the governing AK Party to power, a shake-up of the Turkish military, the beginning of the writing of a new constitution, and several foreign policy developments involving Syria, Iran, Cyprus, and Israel. With respect to accession however, no additional chapters of the EU's rules and regulations known as the *acquis communautaire* were opened in 2011, leaving some to conclude that Turkey's accession negotiations with the EU had reached a complete political and technical stalemate with little hope of being revised in the near term. This status seems to have prompted the Commission's "new agenda" that could be seen by some as being comprehensive enough to replace the actual accession negotiations if those talks continued to remain stalled after July 2012.

Overall, the EU believes implementation of critical domestic reforms in Turkey, especially in the areas of press freedoms and the judiciary, has been too slow. Turkey's continued refusal to extend diplomatic recognition to Cyprus and to open Turkey's sea and air ports to Cypriot shipping and commerce until a political settlement has been achieved on Cyprus continues to be a major roadblock to progress. Skepticism on the part of many Europeans whether Turkey should be embraced as a member of the European family and a perceived ambivalence toward the EU by a growing number of Turks seems to have increased. The accession talks could take a further step back if Turkish Prime Minister Erdogan follows through on his threat to freeze certain relations, including accession negotiations, with the EU when Cyprus assumes the 6-month rotating presidency of the EU Council on July 1, 2012.

This report provides a brief overview of the EU's accession process and Turkey's path to EU membership. The U.S. Congress has had a long-standing interest in Turkey as a NATO ally; an energy transit hub; and a partner in regional foreign policy issues. Although some Members have expressed support for Turkey's membership in the EU, and have given Turkey high marks for its positions on the democratic transitions in North Africa, Iran, and Syria, the level of congressional support seems to have diminished somewhat as Congress realizes the complexity of EU membership and what is required of Turkey to join the EU. As well, there are congressional concerns with several of Turkey's recent foreign policy developments particularly with respect to Israel and Cyprus.

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The EU Accession Process¹

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.”²

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.³

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

¹ 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>.

² Conclusions of the European Council, Copenhagen, Denmark, June 1993.

³ 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 six candidate countries—Croatia, which has closed all of the chapters of the *aquis* and is expected to join the EU in 2013; Iceland, which began the accession process in July 2010 and has opened eleven chapters of the *aquis* with eight provisionally closed; Turkey; Macedonia; Montenegro, which was given candidate status in December 2010 and may open accession negotiations in June 2012, and Serbia which was granted candidate status in March 2012.

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 Treaty⁴ was agreed to in 2007 by the EU leadership and 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.⁵ Currently, only Turkey's candidacy would fall under this restriction.

Turkey's 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.⁶

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 the application of its customs union to the EU member states, the European Council stated unanimously that Turkey

⁴ 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.

⁵ "The Process of Joining the EU," *Op. cit.*

⁶ CRS Report RS21344, *European Union Enlargement*, *Op. cit.*

had made enough progress in legislative process, economic stability, and judicial reform to proceed with accession talks within a year. In the aftermath of the Council's decision, the European Parliament voted overwhelmingly to support the Council's decision to move forward with Turkey.

Although projected by many to require at least 10 or more years to complete the accession, 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.

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. Ankara further stated 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 opened direct trade between the EU and the north. 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 reminding 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."⁷

The controversy over Turkey's accession continued until October 3, 2005, when, 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 such as Germany, France, and Austria, which proposed that Turkey be given a "privileged partnership" or some type of closer relationship with Turkey but one which fell short of full membership in the Union.

For Turkey, 2006 became a 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 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 the beginning of a change in attitude within Turkey and the EU toward each other. At the outset, Cyprus expressed its opposition to formally opening and

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

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."⁸

The 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.⁹

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.¹⁰

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."¹¹ 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*.¹²

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 Commission,¹³ 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.¹⁴ The Council

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

⁹ Interview with Olli Rehn on EU Enlargement, *Reuters*, March 28, 2006.

¹⁰ 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.

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

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

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

¹⁴ This freeze on negotiations included chapters on the free movement of goods, right of establishment and freedom of (continued...)

further required the Commission to report on Turkey's progress "in its forthcoming annual reports, in particular 2007, 2008, and 2009."¹⁵ 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 withhold negotiations on certain key chapters of the *acquis* until the Cyprus issue was resolved. In addition, 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.¹⁶

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 election 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 had been made 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.¹⁷

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provide services, financial services, agriculture and rural development, transport policy, and external relations, among others.

¹⁵ Conclusions of the European Council, December 11, 2006.

¹⁶ "News Analysis: Sarkozy May Cause Global Ripple," *International Herald Tribune*, September 11, 2006.

¹⁷ Conclusions of the European Council, December 11, 2007.

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 EU Council.

Averting additional constitutional and political crisis was seen by the EU as a sign that democracy in Turkey was continuing to take hold. 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”¹⁸ 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.”¹⁹

Despite the concerns expressed by the Parliament, in June 2009 the 11th 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, relations with both the Kurds and Armenia, and its positive role in the Nabucco pipeline that is sought to provide an alternative source for natural gas for Europe. However, the report 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

¹⁸ Conclusions of the European Council, December 2008.

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

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.²⁰ The Commission, referencing the 2008 Council conclusions, stated that “it was urgent that Turkey fulfills its obligations.”

Beginning in 2006, the Council’s 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, then-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.”²¹ 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.”²²

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.²³ 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.

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.”²⁴ 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

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

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

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

²³ 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.

²⁴ See “Council conclusions on Enlargement/stabilization and association process,” General Affairs Council meeting, December 8, 2009.

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."²⁵ The Council concluded its assessment of Turkey by stating that "progress is now expected [on the above issue] without further delay."²⁶

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 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.²⁷ 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.²⁸ Füle said the EU's 2010 progress report on Turkey would

²⁵ Ibid. EU Council, December 8, 2009.

²⁶ Council conclusion, op. cit.

²⁷ Press Report, EU-Turkey Association Council, Council of the European Union, May 10, 2010.

²⁸ Press Release, "EU Enlargement: Turkey must do more to protect basic freedoms," European Parliament, October (continued...)

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.²⁹ The report noted that the constitutional referendum adopted by 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.³⁰

The Commission's assessment was reviewed by the European Council, and on December 14, 2010, the Council issued its "conclusions".³¹ 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." 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"³² and that "EU leaders have undermined support for accession in Turkey"³³

(...continued)

27, 2010.

²⁹ 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.

³⁰ "EU Scolds Turkey on Border Issues," *Wall Street Journal*, November 10, 2010.

³¹ "Council conclusions on enlargement/stabilization and association process," General Affairs Council meeting, December 14, 2010.

³² Katinka Barysch, "Turkey and the EU: Can Stalemate be avoided?," Centre for European Reform, December 2010.

³³ Sinan Ülgen, "Turkish politics and the fading magic of EU enlargement," Centre for European Reform, December (continued...)

Some observers believed that the various 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 several years to meet its customs union obligations toward Cyprus.³⁴ However, in most instances while the debates have highlighted disappointment and frustration on the part of the EU, it does not appear that the debates in either institution had been difficult after all, and both the Commission and Council, perhaps for the sake of the ongoing negotiations on Cyprus, have been able to issue what they believed to be balanced reports giving credit to the Turks for some positive developments and offering criticisms where there were noted shortcomings, deferring any negative actions on the overall negotiation process until a later point in time.

Current Status of Turkey's Accession

On March 9, 2011, the European Parliament adopted a resolution assessing Turkey's accession progress for 2010. The Parliament, like the Commission and Council, welcomed the constitutional changes adopted by Turkey and noted other positive changes implemented by Ankara. However, the resolution sharply criticized the government of Turkey for a lack of dialogue among the various political parties, the continued failure to implement the Additional Protocols, and the inability of Turkey to facilitate a climate for positive negotiations over Cyprus. The Parliament reserved its strongest criticism for the lack of press freedom in Turkey, reiterating its desire to see a new, more modern, media law adopted by Ankara. During the debate in the Parliament's plenary session, several MEPs noted the arrest of two Turkish reporters just a few days before the Parliament was to debate Turkey's accession progress, declaring the arrests as a major step backward. MEP Ria Oomen-Ruijten, Parliament's rapporteur for the resolution, stated "freedom of the press is crucial for the proper functioning of the system of checks and balances."³⁵ The combination of the wording of the resolution and the comments made during the debate over the resolution led a representative of the main Turkish opposition CHP party to declare that "the latest report is the toughest-worded document drafted since ... formal negotiations began in 2005."³⁶

The tone of the resolution and debate in Parliament also provoked the anger of Turkish Prime Minister Erdogan, who stated that "there was no balance in this report" and suggested that the resolution was written by people who did not know Turkey.³⁷

Throughout 2011 the accession negotiations with Turkey continued at a snail's pace, with talks for all practical purposes reaching a virtual political and technical stalemate. No new chapters of the *aquis* were opened in 2011 and very little progress appears to have been achieved within the chapters already under negotiation. This lack of progress led Turkish Foreign Minister Davutoglu to state that the talks were at a bottleneck due to "political blockages"³⁸ and Prime Minister

(...continued)

2010.

³⁴ Observations made by the author during discussions with EU and other officials.

³⁵ "Imprisonment of Turkish journalists draws MEP rebuke," EUObserver.com, March 9, 2011.

³⁶ Statement of Kader Sevinc to the Hurriyet Daily News, March 9, 2011.

³⁷ "PM slams European Parliament report as 'unbalanced'". Hurriyet Daily News, March 11, 2011.

³⁸ "Turkey's EU membership talks deadlocked, FM Davutoglu says," *Hurriyet Daily News*, April 20, 2011.

Erdogan in May to complain that France and Germany [among others] “are determined to have Turkey give up its interest in joining the EU.”³⁹

Despite the lack of any measurable progress in the accession talks themselves, the EU did continue to pursue important political and technical issues involving Turkey. On May 6, 2011, the EU Commission hosted an international conference entitled “Speak Up” to promote freedom of expression and the media, especially in EU candidate and potential candidate states. The conference specifically targeted the Balkans and Turkey, where the Commission has continuously expressed concern over restrictions to freedom of expression and the media. This appears to have been another warning to Ankara that the Commission was not satisfied with the direction or pace of reforms in those areas.

In another development, on June 30, 2011, the Commission released its 2014-2020 budget for the EU. Although there had been some speculation in the media⁴⁰ that accession funding for Turkey might not be included in the EU budget due to a lack of progress in the negotiations, the Commission did include €12.5 billion for pre-accession assistance, including funds for Turkey. In July, the Commission announced that €2.58 billion in pre-accession assistance would be made available to Turkey to support reforms to the judiciary as well as for public administration and anti-crime and corruption programs.

Turkey, for its part, was also distracted in part due to a national election that was held in June 2011, with a deterioration in its relations with Israel and Syria, and with the on-going dilemma of Cyprus. In the elections, the AK Party of President Gul and Prime Minister Erdogan again emerged victorious, apparently solidifying the party’s acceptance by the people and reaffirming support for the direction they were taking the country. The elections also gave Erdogan another five-year mandate to continue implementing the reform programs he had championed. Although the AKP had not won the super majority it had hoped for in the Parliament in order to guarantee the adoption of a new constitution, the AKP victory should pave the way for a new constitution and reform agenda by the end of 2012 and perhaps changes that will usher in a future where the country will be led by a presidential system.

During the election campaign, as in the previous fall’s referendum on constitutional reform, the EU and the accession process appear to have been of little consequence, leading to further speculation that the Turkish leadership and general population were growing more ambivalent toward the EU as the catalyst for further domestic political reform and that membership in the Union may no longer be a necessary goal.

Nevertheless, in June, Prime Minister Erdogan announced the establishment of the European Union Ministry to take over coordination of Turkey’s EU accession process. Egeman Bagis, Turkey’s chief EU accession negotiator, was named the head the new ministry, signaling to the EU that Ankara still had an interest in EU membership even if it appeared that national enthusiasm was on the wane.

During the summer of 2011, the Cyprus issue emerged again as a significant stumbling block for progress on Turkey’s accession process. 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

³⁹ “France and Germany accused of ‘Black campaign’ against Turkey’s EU bid,” *Hurriyet Daily News*, May 12, 2011.

⁴⁰ “Turkey’s membership off EU’s radar screen until 2020,” *Hurriyet Daily News*, April 20, 2011.

Cyprus problem has been the principal 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. In July, fresh from receiving his new five-year mandate as a result of the June national elections in Turkey, Prime Minister Erdogan visited northern Cyprus on the occasion of the anniversary of the Turkey intervention in Cyprus in 1974. In a speech to Turkish Cypriots, Erdogan seemed to have hardened his views on a Cyprus settlement when he suggested that a negotiated solution had to be achieved by the end of 2011 or the island would remain split.⁴¹ In his speeches in the north, Erdogan also suggested that security and territorial concessions demanded of the Turkish Cypriots were not acceptable and that if, in his words, "southern Cyprus" were to assume the presidency of the EU Council on July 1, 2012, then Ankara would freeze its relations with the EU because it could not work with a presidency that it does not recognize.⁴² Erdogan's statements drew harsh criticism from all sectors of the Greek Cypriot political community. Reaction from some quarters of the EU was equally strong with European Parliament member and member of the Parliament's EU-Turkey Joint Parliamentary Committee Andrew Duff suggesting that Erdogan's comments were an appalling twist to Turkey's policy toward Cyprus.⁴³

An additional issue regarding Turkey and Cyprus arose in August when the Republic of Cyprus announced that in September it would begin drilling for natural gas in the Eastern Mediterranean in an area off the coast of southern Cyprus. Ankara blasted the decision as illegal, indicated that such a move could negatively affect the Cyprus negotiations,⁴⁴ and suggested that it would increase its naval presence in the region. This again raised concerns within the EU, which called into question the implementation of Turkey's foreign policy initiative of "no problems with its neighbors."

Although Ankara's frustration with the pace of its accession negotiations has often been attributed to what it perceives as a French/German/Cypriot plan to keep Turkey out of the EU, an interesting twist emerged in late summer. In August, the Home Affairs Committee in the UK Parliament released a study that raised some serious issues regarding Turkey's EU membership and called into question whether Britain's support for Turkey's membership was beginning to erode. That committee report suggested that while EU-Turkish law enforcement agencies enjoyed a good deal of cooperation in addressing crime, drug trafficking, and illegal immigration, Turkey's accession to the EU could nevertheless pose serious security risks to the Union because by adding Turkey, the EU's external border would actually be extended to Syria, Iran, and Iraq, all of which pose a number of new security risks that need to be understood and further evaluated.⁴⁵ Although the report appeared not to generate much debate within Europe, it was noticed in Ankara.

On October 12, 2011, the European Commission issued its annual assessment of Turkey's accession progress.⁴⁶ The Commission stated that "with its dynamic economy, important regional

⁴¹ "PM draws the line for Cyprus: Unity or split," *Hurriyet Daily News*, July 20, 2011.

⁴² "Erdogan: Cyprus at EU helm unacceptable," *Cyprus-Mail*, July 20, 2011.

⁴³ "Erdogan comments irk EU officials," *Cyprus Mail*, July 22, 2011.

⁴⁴ "Don't sacrifice talks in Cyprus for natural gas," *Hurriyet Daily News*, August 14, 2011.

⁴⁵ "British MPs warn over security risks if Turkey joins EU," *Hurriyet Daily News*, August 1, 2011.

⁴⁶ Communication from the Commission to the European Parliament and the Council: Enlargement Strategy and main Challenges 2011-2012, Brussels, October 12, 2011.

role and its contributions to EU's foreign policy and energy security, Turkey is a key country for the security and prosperity of the European Union ... that was already well integrated into the EU in terms of trade and foreign investment through the Customs Union."⁴⁷ Continuing on a positive note, the Commission acknowledged that the changes proposed in the constitutional referendum and the conduct of the June elections were positive signs and that Turkey had made progress on a number of fronts including civilian control of the military, financial services, competition policy, religious property and cultural rights, and in the judiciary. The Commission also noted that the creation of the Ministry for EU Affairs was an "encouraging signal." On the other hand, the Commission repeated its concerns over a number of issues where the Commission felt not enough progress had been made including in the areas of freedom of expression, freedom of the media, women's rights, and freedom of religion. As usual, the Commission also found Turkey lacking for its failure to promote a concrete commitment to a settlement of the Cyprus problem as well as the failure to fully implement the Additional Protocols regarding Cyprus. The Commission also expressed its concerns over Turkey's reaction to Cyprus regarding the issue of energy resources. Despite the slow progress in the accession process and its reservations, the Commission noted that it fully expected additional progress to be made by Turkey and noted that some €781 million had been committed by the EU to Turkey's pre-accession assistance fund (IPA) during 2011.

Not surprisingly, the reaction from Ankara was swift and negative. Prime Minister Erdogan blasted the EU for "slinging mud" and claimed that "the progress report had once again shown the serious eclipse of reason at the EU."⁴⁸ Perhaps showing both his frustration and contempt for the EU, Erdogan was reported to have suggested the EU itself was "crumbling." Turkish Minister for EU Affairs Egemen Bagis claimed that the Commission's report zoomed in on the problem areas but ignored the real progress Turkey has made and that linking Turkey's membership to the Cyprus issue was a mistake.⁴⁹ On the other side, Turkey's main opposition party, the CHP, reportedly praised the Commission's report and stated that the "report shows democracy is not moving forward as the government claims."⁵⁰

The Commission's report and assessments were considered by the EU Council, which issued its "conclusions" on enlargement on December 5, 2011.⁵¹ In its report, the Council, like the Commission, reaffirmed the importance of EU relations with Turkey as a key partner, stressed the importance of Turkey as a regional foreign policy influence, and welcomed the conduct of the June national elections and the work on democratic and constitutional reforms underway. However, like the Commission, the Council also called for further improvement in fundamental rights, including more press and media freedom. Noting again the lack of progress in adopting the Additional Protocol and improving relations with Cyprus, the Council expressed regret at statements by Prime Minister Erdogan that Turkey would freeze relations with the EU Presidency during the second half of 2012 when Cyprus will hold the Presidency. The Council also expressed its concerns over Turkey's threats directed at what the Council called Cyprus' right to explore and exploit their own natural resources, a reference to Cyprus' discovery of natural gas in the Cypriot Exclusive Economic Zone. The Council also urged Turkey to go forward with the accession

⁴⁷ Ibid.

⁴⁸ "Prime Minister Erdogan lashes out at EU over the latest progress report, Cyprus," *Hurriyet Daily News*, October 16, 2011.

⁴⁹ "Turkish Minister chides EU for Greek Cyprus conditions," *Hurriyet Daily News*, October 12, 2011.

⁵⁰ "Turkey's main opposition says gov't needs EU report's advices," *Hurriyet Daily News*, October 14, 2011.

⁵¹ Council Conclusions on Enlargement and Stabilization and Association Process, European Council, December 5, 2011.

process, suggesting that Turkey reach EU benchmark criteria for opening the three chapters of the *aquis* not frozen.

Since the Council's observations were fully anticipated, Ankara's reaction was muted. Earlier in November 2011, EU Minister Bagis had reiterated that while relations with the EU Commission and Parliament would continue during the Cypriot Presidency of the EU, Ankara would not engage in any ties with the Greek Cypriots.⁵² Bagis also suggested that Turkey would not lose anything if no additional chapters of the *aquis* were to be opened during the Cypriot Presidency. In March 2012, Bagis, at the London School of Economics once again stated that Turkey would ignore the Republic of Cyprus' EU Presidency and apparently stated that "Turkey has 52 years of relationship with the EU, thus, six months is not a long time for Turkey"⁵³, referring to the length of the rotating presidency. These statements were not taken lightly in the Republic of Cyprus which will enter its own presidential election period in 2013 immediately following the Cyprus EU presidency meaning little, if any, progress was likely in Turkey's accession negotiations until after a new government in the Republic, including a possible second Christofias term, is in place. It was also reported that certain Turkish officials had indicated that due to the uncertainty of Turkey's EU membership, the government was reluctant to move forward with meeting required benchmarks in order to open the three remaining chapters of the accession *aquis* involving competition, social policy, and procurement.⁵⁴

The European Parliament began its consideration of the assessments of the Council and Commission in early 2012 and in February, the EP's rapporteur for Turkey's accession, Ria Oomen-Ruijten (EPP, NL), issued her progress report. On March 1, 2012, the EP's Foreign Affairs Committee debated a motion for a resolution, and considered over 400 amendments. The resolution, as amended, was adopted by a vote of 54 to 7 with 2 abstentions.

The Committee resolution, like the assessments of the Commission and Council, commended Turkey for a number of positive changes implemented by Ankara and singled out the successful electoral process associated with the general elections in June 2011, the decision by the new government to establish a Ministry of EU Affairs, and the drafting process of a new civilian constitution. The Committee expressed its support for the EU Commission's new approach on tackling issues related to the judiciary, and fundamental rights, and to justice and home affairs early on in the negotiation process. The Committee also called for a renewed effort to be put in place for the delivery of the screening report on Chapter 23 on Judiciary and Fundamental Rights and called on the Commission to consider steps conducive to opening Chapter 24 on Justice and Home Affairs, in the *aquis communautaire*.

The Committee noted that Turkey is the only candidate country which does not have visa liberalization and stressed the importance of facilitating access to the European Union to business people, academics, students and representatives of civil society. The Committee noted its support for the efforts of the Commission and the Member States to harmonize and simplify visa requirements.

The resolution, however, again criticized the government of Turkey for its continued failure to implement the Additional Protocols, and the inability of Turkey to facilitate a climate for positive

⁵² Bagis dismisses impact of Greek Cypriot rule, *Hurriyet Daily News*, November 17, 2011.

⁵³ "Turkey will Ignore Cyprus as EU president," *Famagusta Gazette On-Line*, March 2, 2012.

⁵⁴ Ankara unenthusiastic on new EU chapters, *Hurriyet Daily News*, November 21, 2011.

negotiations over Cyprus. The resolution calls on the Government of Turkey to begin withdrawing its forces from Cyprus and to transfer the port city of Famagusta to the United Nations in accordance with Security Council resolutions. The EP also expressed its concern that judicial procedural norms had not yet been improved sufficiently, and reminded Turkey that freedom of expression and media pluralism are at the heart of European values and that a truly democratic, free and pluralistic society requires true freedom of expression, something the EP continues to view as lacking in Turkish reform efforts.

The Committee also expressed its support to the Commission in developing a fresh agenda for EU-Turkey relations, stating that this positive agenda builds on the solid fundamentals of EU and Turkey relations and moves the reform process forward. The Committee noted, however, this new initiative does not replace the accession negotiations, but complements them in order to support reforms.⁵⁵

Assessment

The relationship between Turkey and the European Union has vacillated between support for and doubt over future membership on both sides. In general, concerns regarding immigration, jobs, domestic political reform, and uncertainties over its Muslim population have continued to cloud European attitudes about Turkey, not as an important neighbor to Europe, economic partner, or regional foreign policy influence, but simply as a member of the Union. Ankara for its part while continuing to insist on fair treatment by the EU will likely continue to express frustration over the pace of the membership negotiations even though interest inside Turkey in actually joining the EU seems to have greatly diminished.

There is little doubt among most observers that over the past six 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 and its political and military institutions, leadership, and political culture, both at the national and, in some respects, the local government level.

Throughout 2011, major political and economic developments took place in Turkey, including a hard-fought national election to determine who would lead Turkey over the next five years and who would guide the delicate political process of writing and implementing a new constitution that many argue could strengthen Turkey as a more democratic country. These were events that were seen as positive by Europe. On the other hand, an emerging activism in Turkey's foreign policy, begun in 2010 and driven by Foreign Minister Ahmet Davutoglu with the intent of establishing Turkey as a more independent regional influence, drew some apprehension in Europe. This led EU Enlargement Commissioner Fule to suggest that a new "strategic dialogue" with Turkey on foreign policy was needed. Recently, a deterioration in relations between Turkey and Israel, an increase in rhetoric from Ankara regarding a stepped up naval presence in the Eastern Mediterranean, and Ankara's tough response to the decision by the Republic of Cyprus to begin exploring for energy resources in the Eastern Mediterranean have disappointed the EU, will make it more difficult for the EU to consider opening the energy chapter of the *aquis*, and have raised questions about Turkey's long-term global orientation.

⁵⁵ For more detailed information see "Motion for a Resolution – on the 2011 Progress Report on Turkey, B7-0000/2011, Foreign Affairs Committee, European Parliament, March 8, 2012.

Despite what some have categorized as dynamic changes taking place in Turkey, its EU accession process continues at a relatively slow pace (a pace some have called comatose). No additional chapters of the *acquis* were opened in 2011 and prospects for opening any in 2012 seem remote, especially after July. Turkey's eventual membership in the EU, if it comes at all, will largely depend on its ability and willingness to meet the requirements established in the chapters of the *acquis communautaire*, if and when the remainder of the chapters are opened. All three institutions of the European Union have praised Ankara for passage of the September 2010 constitutional reforms and the conduct of the 2011 national elections as steps in the right direction. Nevertheless, all three institutions have expressed concern that Turkey's efforts to enact and implement critical political reforms remain slow and insufficient and have called on Turkey to consider additional measures needed to be taken to address issues such as press freedom.

The ongoing skepticism towards Turkey's EU membership prospects in Europe led some observers to suggest that Turkey-EU relations in 2010 reached one of the lowest points in years⁵⁶ and did not seem to improve much in 2011. The initial observation could be highlighted by two events surrounding the accession talks. In February 2011, French President Sarkozy, visiting Turkey, stated that he saw Turkey as a Middle Eastern country rather than part of Europe and that "it is necessary to have close ties between Turkey and the EU as much as possible without going any further toward full membership."⁵⁷ In another example, during the drafting of the European Parliament's resolution on Turkey's accession progress in early 2011, representatives of the European Peoples Party (EEP) proposed an amendment calling on EU institutions to study the possibility of establishing a 'privileged partnership' with Turkey as an alternative to full EU membership.

The amendment was eventually withdrawn but the idea continues to be raised. In its 2011 assessment report, the EU Commission suggested that a new, more positive and dynamic approach towards relations with Turkey would be initiated. Some believe that since the Commission knows that there are only a few ways to restart full-scale accession negotiations, none of which appear imminent, these few carefully chosen words could signal that while the accession talks are being put on hold, political, economic, and diplomatic relations with Turkey, outside of the *acquis* will go forward.

Added to the disappointing 2011 status of the negotiations was the EU response, which appeared to border on astonishment, to the threat from Turkish Prime Minister Erdogan, reinforced on numerous occasions by Turkish EU Minister, Egemen Bagis, that Turkey would freeze parts of its relations with the EU if Cyprus assumed the rotating presidency of the EU Council in July 2012. Complications in EU relations further arose in the fall of 2011 when Turkey began making threats against Cyprus over the issue of drilling for natural gas off the coast of Cyprus that provoked strong reaction from the EU. Additionally, Turkey's relations with France hit yet another temporary bump over an Armenia genocide resolution condemning Ottoman Turkey for its actions that was adopted by the French Parliament prompting a harsh response from Turkish Prime Minister Erdogan. Recent suggestions by Minister Bagis that the annexation of northern Cyprus by Turkey could be one option available if the current Cyprus negotiations continue to falter was denounced by Cyprus, including several Turkish Cypriots, as an indication of Turkey's long-term view of the future of Cyprus.

⁵⁶ Emiliano Alessandri, "Democratization and Europeanization in Turkey After the September 12 Referendum," *Insight Turkey*, Vol.12, October 2010.

⁵⁷ Turkey's EU talks a 'tool', not a part to membership, Sarkozy says, *Hurriyet Daily News*, February 24, 2011.

Some have suggested that Europe's skepticism or outright opposition to Turkey's membership on the part of some and the perceived foot-dragging in the accession negotiations have also raised questions in Turkey about its future in the EU. 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 early embrace of the reforms required under the EU accession process had 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.⁵⁸ Others point to the September 2010 constitutional referendum and the recent June 2011 national elections as cases in point. Despite 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 campaign⁵⁹ or the national elections. Still others point to the fact that both domestic and foreign policy developments in Turkey have become and are likely to be increasingly detached from the EU.⁶⁰

Still others have suggested that after six 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.⁶¹ This point was made in a 2010 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."⁶² In September Gul reiterated this point by saying "we will accept not being an EU member if the people of any EU country do not want us."⁶³

The issue of Turkey's future in the EU has also been recently addressed by several in Turkey. For instance, Egemen Bagis, commenting on the EU Commission's recent assessment of the accession negotiations, was reported to have said that Turkey was not looking for a "bravo" from EU countries adding that progress is being made for the sake of the people of Turkey.⁶⁴ Writing in the *Hurriyet Daily News*, Semih Idiz commented that the Commission's progress report, while performing as a mirror for Turkey, was more of a concern for Turkish bureaucrats and Eurocrats and that "the EU is not something the majority of Turks look to with confidence or enthusiasm anymore."⁶⁵ Further, he wrote that what drives Turkey's reform process today is its own pressing needs. Reflecting a similar view, columnist Mehmet Ali Birand wrote that "Europe is not on Turkey's agenda," that "for the first time in 47 years the influence of the EU over Turkish politics has reached almost zero," and that "today, Ankara does not pay attention to either the Council of Europe or the European Parliament."⁶⁶

Turkey and its supporters will likely continue to argue, although less forcefully, that the accession talks must continue and that the EU can benefit from Turkey's position as a key regional actor

⁵⁸ Alessandri, op. cit.

⁵⁹ Alessandri, ibid.

⁶⁰ Tocci, op. cit.

⁶¹ "Getting to Zero: Turkey, Its Neighbors and the West," Transatlantic Academy, 2010.

⁶² Wall Street Journal, November 10, 2010, op. cit.

⁶³ "Turkey will be fine if its bid for EU fails, says Gul," *Hurriyet Daily News*, September 19, 2011.

⁶⁴ Op. Cite. *Hurriyet Daily News*, October 12, 2011.

⁶⁵ Semih Idiz, "EU report important despite skepticism," *Hurriyet Daily News*, October 13, 2011.

⁶⁶ Mehmet Ali Birand, "Progress report an overstatement but not a lie," *Hurriyet Daily News*, October 13, 2011.

with respect to relations with Iraq, Iran, Russia, and the Black Sea region and 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.

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, a growing number of Europeans have expressed concerns regarding what appears to some as a change in Turkey's political, economic, social, and religious orientation and will want to watch how Turkey's new constitution is developed and in what direction it will lead Turkey.

With both sides projecting perspectives and comments like these, observers have begun to question why both the EU and Turkey continue with this process at all. For some it is clear that a portion of Europe, despite the continued endorsement by some, perhaps really does not want Turkey as a full voting member of the club and that many in Turkey have begun to believe it may be better off without the less-than-warm embrace being offered by Europe or the Brussels bureaucracy.

It would appear for now that Turkey's EU accession process will remain at a virtual standstill unless one of three options is implemented. First, there is a settlement of the Cyprus problem, an outcome viewed by many as becoming more difficult to achieve. Second, Turkey agrees to open its sea and air ports to Cypriot shipping and commerce, a move that could likely unlock all of the remaining chapters of the *acquis*. Third, the EU Council decides 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 and others to agree to) in order to try to move the negotiating process forward.

The one issue that has consistently plagued Turkey's accession process 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.⁶⁷

Republic of 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 remains unwilling to solve the problem⁶⁸ despite the numerous comments from Ankara to the contrary and some of the suggestions observers believe have been offered by Turkish Prime Minister Erdogan, at least up to the summer of 2011, to help move the negotiations forward. In July, Prime Minister Erdogan stated that the Cyprus negotiations would have to reach a settlement by the end of 2011, which did not happen, or clearly by July 2012, or the two sides may remain permanently separate.

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 leaders of the

⁶⁷ For more information on Cyprus, CRS Report R41136, *Cyprus: Reunification Proving Elusive*, by Vincent Morelli.

⁶⁸ "Time for Turkey to turn words into deeds," Cyprus-Mail, September 22, 2010.

Republic of Cyprus 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 and again by the EU Parliament in 2010. In proposing a direct trade regulation between the EU and north Cyprus in 2010,⁶⁹ 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, that effort failed and both the Commission and Council in their 2011 reports again noted Turkey's failure to comply with the Protocol. Egeman Bagis, Turkey's EU Minister was quoted in 2010 as saying, "Turkey doesn't want EU 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."⁷⁰ He essentially restated that position again in 2011.

For most observers, a worst-case scenario for both Turkey and the EU would be if the Cyprus talks collapsed altogether when the Republic of Cyprus assumes the rotating presidency of the EU on July 1, 2012, and Turkey carried out its threat to suspend negotiations with the EU for the following six months. 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.

Despite these observations and speculations, neither Turkey nor the EU appear to be prepared to end the accession process, although it has been reported that Prime Minister Erdogan may have suggested that "if they [EU] do not want Turkey in, they should say so ... and we will mind our own business and will not bother them."⁷¹ Many European experts believe the EU-Turkey accession talks, if they continue, are likely to take 10 or more years to complete. They anticipate that different governments will come and go in 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 likely 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. Early on, 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.

⁶⁹ For more information on this issue see CRS Report R41136, *Cyprus: Reunification Proving Elusive*, by Vincent Morelli.

⁷⁰ Wall Street Journal, November 10, 2010, op. cit.

⁷¹ European Parliament report strains already fragile Turkey-EU ties, Hurriyet Daily News, March 10, 2011.

Vocal U.S. support for Turkey's EU membership had caused some displeasure among some EU member states who felt that the United States did not fully understand the long and detailed process involved in accession negotiations, did not appreciate the debate within Europe over the long-term impact the admission of Turkey could have on Europe, and defined 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 United States 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."⁷² 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 some Members in the 112th Congress will likely continue their support for Turkey's EU accession, attitudes toward Turkey among other Members have changed somewhat and the vocal enthusiasm for Turkey's EU membership seems to have waned. While some Members of Congress have applauded Turkey for its stance on Iran's desire to produce nuclear weapons and its position on Syria, there have been expressions of concern in some congressional quarters over other Turkish foreign policy initiatives, particularly towards Israel and Cyprus, and some have suggested closer scrutiny of U.S.-Turkey relations. Whether these concerns will serve to further dampen U.S. enthusiasm for Turkey's EU membership during the remainder of the 112th Congress remains unclear.

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⁷² See Assistant Secretary Gordon's interview with Tom Ellis of *Kathimerini*, June 27, 2009, Corfu, Greece.