

Pondering the Prospects of the Negotiation Process Between the European Union and Turkey

Bedral Aral

Abstract: *This paper is in some way a speculative work that ponders over the kind of problems, likely to be encountered during the negotiation process for Turkey's entry into the European Union (EU), which may undermine the extensive public support, which the cause of Turkish membership of the EU enjoys in Turkey. Considering that incorporating Turkey has been the greatest challenge to the absorption capacity of the EU, the process of negotiation between Turkey and the EU is almost certain to last for well over ten years. This suggests that negotiations between the parties will be long, arduous and painful, with the accompanying risks of political wrangling. Seen through the eyes of Turkey, the usual course of negotiations may be upset on account of the following developments: Turkey may be given extremely limited financial support from agricultural, structural and other funds; the EU may exaggerate the grievances of non-Muslim minorities and other numerical minorities, while displaying scant interest in the freedom of religion and conscience of mainstream Muslims; Turkish workers may be denied the right of free movement in the EU member states for an indefinite period; negotiations for Turkish membership may drag on far too long to the extent of exhausting the Turkish people's patience; the EU may fail to provide flexibility in some chapters such as environmental adjustment and agricultural restructuring which are likely to overburden the Turkish budget; European political circles and media may relentlessly make derogatory remarks about Turkey, portraying the country as 'the poor man of Europe' trying to 'siphon off European funds'. This will be taken in Turkey as an insult to national pride. Such pitfalls and difficulties are likely to characterize the negotiation process between the EU and Turkey.*

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Turkey has been an associate member of the European Union (EU) for over forty years now. The parties established a customs union¹ in March 1995, which brought the transitional stage to a completion. Their relations are in their final stage today. Since the Helsinki European Council Summit in December 1999, Turkey has enjoyed the status of a 'candidate state' awaiting full membership at some time in the future. A series of human rights reforms as well as reforms designed to strengthen democracy, the rule of law and civil society in Turkey have been initiated by succeeding governments and parliaments, *inter alia*, in order to fulfil the Copenhagen political criteria. The Brussels European Council Summit Conclusion of December 2004 announced that accession negotiations between Turkey and the EU would begin on 3 October 2005. This came to pass when the two sides agreed on the Framework for Negotiations that will guide the parties during Turkey's long march towards membership of the EU (Negotiating Framework for Turkey 2005).

Turkey has a number of peculiarities, which set it apart from the candidate states preceding it. It consists overwhelmingly of a Muslim population, it is the most populous of all the candidate states past and present, only a small fraction of its geography is in Europe, there are significant imbalances among its regions, its GNP per capita is among the lowest in Europe, and, finally, it has encountered great difficulties in setting up a functioning civic democracy. One needs also to draw to the commonly held socio-psychological fears and suspicion of the outside world in Turkey, which tend to attribute most of the ills of the country to conspiratorial 'outsiders.' The Western world, in addition, is too frequently blamed for 'mistreating Turks'. It is therefore not surprising to observe that 'most Turks attribute their record wait for membership to brute European racism, not to any failings of their own' (The Economist 2000).

Almost all of the public opinion polls conducted in Turkey indicate that, at least two thirds of the public support Turkey's desire to be a part of the 'family', which we call 'the EU.' This support interestingly cuts across all the political and ideological boundaries in the country. However it is also true that the EU means different things to different people, as well put by *The Economist* in 2000.

'Membership means all things to all people, not all of whom can be satisfied. Secularists are as enthusiastic as Islamists, hoping that membership will guarantee Turkey's leaning towards the West. The generals imagine EU entry will safeguard Turkey's integrity, even as Kurdish separatists see their salvation in Europe's generous treatment of minorities. Nationalists see entry as an implicit confirmation of Turkey's greatness; liberals look to Europe to scotch such chauvinism. Politicians cannot wait to get their hands on aid for Turkey's deprived regions—whose inhabitants, in turn, cannot wait to emigrate to Berlin or Stockholm.' (The Economist 2000)

In spite of exaggerated Euro-enthusiasm in Turkey, there is ample evidence to suggest that the negotiation process for membership will be extremely painful on account of a myriad of hurdles, pitfalls and drawbacks. The Brussels Summit Conclusions of 17 December 2004 that, *inter alia*, contain too many restrictive guidelines and unprecedented formulations which are likely to upset the possibility of smooth running negotiations between Turkey and the EU. Paragraph 23 of the Brussels European Council Presidency Conclusions (2004) is

an expression of the deep-seated misgivings, which the EU member states, have cultivated vis-à-vis Turkey. It may be useful to examine the terms contained in this paragraph. The first subparagraph holds that:

'Long transitional periods, derogations, specific arrangements or permanent safeguard clauses, i.e. clauses which are permanently available as a basis for safeguard measures, may be considered. The Commission will include these, as appropriate, in its proposals for each framework, for areas such as freedom of movement of persons, structural policies or agriculture. Furthermore, the decision-taking process regarding the eventual establishment of freedom of movement of persons should allow for a maximum role of individual Member States.'

In the subparagraph that follows the above, it is said that:

'Accession negotiations yet to be opened with candidates whose accession could have substantial financial consequences can only be concluded after the establishment of the Financial Framework for the period from 2014 together with possible consequential financial reforms.' (Ibid)

This makes clear that Turkish membership is out of the agenda for at least ten years. The next subparagraph expresses the strong misgivings, which the EU has, about Turkey's ability to lay solid foundations for a sustainable democracy and human rights system. Although it is said that 'the shared objective of the negotiations is accession', the rest of the paragraph almost implies that this is highly unlikely:

'These negotiations are an open-ended process, the outcome of which cannot be guaranteed beforehand.'

'While taking account of all Copenhagen criteria, if the candidate State is not in a position to assume in full all the obligations of membership it must be ensured that the candidate State concerned is fully anchored in the European structures through the strongest possible bond.' (Ibid)

The subparagraph that follows this is motivated by the same rationale that puts little trust in Turkey's capacity to 'put its house in order':

'In the case of a serious and persistent breach in a candidate State of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law on which the Union is founded, the Commission will, on its own initiative or on the request of one third of the Member States, recommend the suspension of negotiations and propose the conditions for eventual resumption. The Council will decide by qualified majority on such a recommendation, after having heard the candidate State, whether to suspend the negotiations and on the conditions for their resumption.' (Ibid)

The framework for negotiations, as set out in the Brussels Summit Conclusions in December 2004, implies that accession negotiations between Turkey and the EU may stall if and when a major setback occurs in the standards of democracy, human rights and the rule of law in Turkey.

Turkey's negotiation process with the EU and/or its initial experience after accession may be upset, for a wide variety of reasons, particular to the sensitivities and aspirations of

the government and public opinion in Turkey. The rest of this paper draws on these specific internal dynamics:

First, in the case that Turkish workers are deprived of the right of free movement in the EU member states under the terms of the accession treaty, this will generate a great deal of disappointment in Turkey. The widespread apprehension felt by the European public in respect of the looming membership of negotiating Central and Eastern European states applies to the Turkish case with greater vigour. A description of the grounds for apprehension felt by most Austrians vis-à-vis the Group-8 (the last eight member states of the EU from Central and Eastern Europe) is in many ways revealing:

Mass migration from the East, massive payments for the impoverished newcomers from the pockets of Austrian taxpayers, mass layoffs of Austrian workers and employees because of outsourcing to Eastern locations and the use of cheap labor... The Union will be enlarged by another 100 million citizens, consumers, workers and employees, but also welfare benefit and subsidy recipients' (Heinrich 2002: 167).

The final deal agreed between the EU and the applicant states from Central and Eastern Europe on the free movement of workers was based on the understanding that workers from the new member states might have to wait for up to seven years before availing themselves to the right of free movement. The December 2004 decision on Turkey suggests that Turkish workers are likely to face a far greater restriction after acceding to the EU than was the case with previous member states. If this happens in an environment of expanding labour markets in Europe, most people in Turkey may foster a feeling of enmity towards the EU for its 'racial and religious prejudice.'

We are presumably entering to a stage whereby rising mobility of labour is likely to characterize the labour market conditions of most EU states in the light of their employment policy and demographic features. Firstly, this is because the EU member states will have to bring in additional workforce in the medium and long-term if and when they perform better economically against the background of a declining population. Secondly, globalization acts as a stimulant for the recruitment of highly skilled professionals from abroad, particularly in the area of information technology. This trend reinforces the case for the free movement of highly skilled Turkish workers, technicians and professionals in Europe. What is more, if the single market is a key area of the *acquis*, and if the candidate states have been asked to fully comply with it, application of transitional periods in the chapter on the 'free movement of persons', even after accession, would constitute a contradiction on the part of the EU. If applicants are to apply all the EU rules upon accession, previous members have a moral and legal duty to act in the same way. Turkish people may not tolerate other courses of action on the part of the EU.

Second, if Turkey's adaptation to the Common Agricultural Policy of the EU is conceived by Turkish farmers, that make up roughly a third of the workforce in Turkey, as a deadly blow to their livelihood, they may engage in massive protests against the EU and Turkish membership thereof. Turkey needs to be given respite in the form of exceptions and exemptions vis-à-vis agricultural and environmental policies, and imports of some sensitive industrial goods from EU member states for some time after it gains membership. If the EU

refuses to treat Turkey flexibly on grounds that this will give Turkey an unfair competitive advantage, the final deal agreed at the end of negotiations as translated into the treaty of accession may be more appropriately described as an 'unequal treaty'.

The question of environmental adjustment deserves some consideration here. Indeed the chapter on the environment will in all probability be the subject of an acrimonious confrontation between Turkey and the EU. There is no doubt that Turkey requires long transitional periods to upgrade its environmental standards to the level of EU standards. To comply with the *acquis* in this area, Turkey needs to embark on costly investments in infrastructure and technology. It can be recalled that although the European Commission was initially reluctant to give its blessing to long transitional periods as asked for by the Group-of-10 (the last ten member states of the EU) during accession negotiations, it gradually came to adopt a more conciliatory attitude as the final settlements with individual candidates later confirmed. Turkey deserves similar treatment in the future.

Third, if the EU fails to provide Turkey with a minimum of financial support from a variety of funds, relations between the parties will surely turn sour. The EU is not renowned for its generosity when it comes to allocating funds to candidate states. When the negotiations were over, the Group-of-10 were given only a fraction of the financial support given to the citizens of existing member states in the field of regional policy and agriculture. The benefits, which they receive, are going to level existing member states after a long transitional period (Avery 2004: 35–62, 54–58). This was of course resented by the citizens of new member states, as noted by Avery (2004: 61):

'The long transitional periods on which the EU insisted for free movement of workers and for the introduction of agricultural payments were difficult for them to digest and were perceived by public opinion as a kind of "second-class membership".'

There is a strong likelihood that similar disappointments about individual chapters in the course of EU-Turkish negotiations are likely to undermine popular support for membership. The second-class treatment, which the Group-of-10 received during accession negotiations, as manifested in the limited concessions they received, did not subdue their peoples' desire for membership in the EU. We shall see if similar determination can be maintained in Turkey if it is treated as a 'third-class candidate' in the course of accession negotiations.

Fourth, if the EU acts as an advocate of the Kurds and insists on their recognition as a 'minority', this will impose great strain on Turkey during negotiations. It is well known that the EU is quite sensitive about the protection of minorities in member states as well as associated states, like Turkey. The quality of protection afforded to ethnic and/or religious minorities in various applicant countries served as an essential benchmark for the EU to measure the extent to which the Copenhagen political criteria was met by the negotiating states. Central and Eastern European states had to elevate the standards of protection which they offered to minorities, individually and collectively, in law and *in fact*, before negotiations could come to a successful completion.

However, a similar EU approach vis-à-vis the numerical minorities in Turkey may, for a number of reasons, be more problematical than appears at first glance. First, most of the people in Turkey consider the Kurds as an indistinguishable part of the 'Muslim' society.

Secondly, some militant Kurdish elements are pushing for a federation, if not for outright separation from Turkey. Finally, the Kurds in Turkey are more numerous than most populations of European countries, with hardly less than 20 million people. This undermines the possibility of defining the Kurdish issue simply as a 'human rights' problem. This means that, if ethnic differences in Turkey are considered by the EU as a basis for pressuring Turkey to recognize the Kurds, and perhaps other numerical minorities such as the Alevis, as a 'minority,' then the mass public opinion in Turkey may perceive this as a threat to Turkey's unity and territorial integrity. To be more specific, if the general public gets the impression that the EU policies serve to undermine the unitary character of the Turkish political system, by, *inter alia*, projecting an image of Turkey as the land of the Turks and the Kurds, the 'two nations', with two official languages, 'Turkish and Kurdish', the greater part of the population in Turkey will no doubt cultivate hostility towards the EU (Tezel 2005: 24).

There are strong indications that the EU does not sufficiently appreciate the nature of, so to speak, ethnic and sectarian problems in Turkey. The progress report of the European Commission, adopted in October 2004, notes that '[the] Alevis are still not recognised as a Muslim minority' (Regular Report 2004: 54). Although some Alevis may have grievances towards official policies, the use of the term 'minority' to denote this community is to distort the defects in political governance in Turkey and descend into the confrontational language of ethno-religious particularism. A similar weakness appears in the way the Kurdish issue is treated in the report. The following excerpt is from the report (2004: 54):

'According to the Turkish authorities, under the 1923 Treaty of Lausanne, minorities in Turkey consist only of non-Muslim communities. The minorities usually associated by the authorities with the Treaty of Lausanne are Jews, Armenians and Greeks. However, there are other communities in Turkey, including the Kurds. In this context, Turkey's reservations to the UN Covenant on Civil and Political Rights and the UN Covenant on Economic, Social and Cultural Rights regarding the right to education and the rights of minorities are of concern, as they could be used to prevent further progress in the protection of minority rights.'

The language used here suggests that ethnic and sectarian dissimilarity are pigeonholed by the EU as a *minority problem*.

Fifth, if negotiations with the EU on individual chapters were to drag on for years because too much is asked of Turkey without a corresponding sacrifice on the part of the EU member states, the patience of the government and the public opinion will probably wear down. To be more specific, if a treaty of accession has still not been concluded in spite of the passage of the psychological time limit of 10 years, this is likely to break the resolve even of the EU supporters in Turkey.

Sixth, if, during accession negotiations, Turkey is relentlessly portrayed in the European circles as the poor and troubled man of Europe with an overweening desire to become rich on the shoulders of European tax payers, overall sympathy in Turkey for the EU may disappear on account of perceived insult to the national pride.

Seventh, if the EU displays an apparent bias *against* the religious sentiments of Turkey's Muslim population, feelings will run high against what people commonly perceive as the

'New Crusaders.' This bias may become manifest in a number of ways: first, the EU may lay an exaggerated emphasis on the rights and specific demands of non-Muslim minorities in Turkey and thus act rather like their spokesman. Firstly, there is a widely held apprehension in Turkey about the possibility that Europe may abuse accession negotiation with Turkey by pressing for the conversion of the Ayasofya Museum (Hagia Sophia) in İstanbul into a church as it originally was. Secondly, the EU, contrary to its unusual activism about the rights and freedoms of non-Muslim minorities and the Alevis as heterodox Muslims, is likely to continue keeping its silence about the practice of authoritarian secularism in Turkey. This double standard concerning democracy, this implicit alignment between the hard-line secularist state elites in Turkey and the EU, is and will be deeply resented by those who value their faith. While freedom of religion and conscience is a *sine qua non* of human rights protection in democratic political systems, the EU has declined to criticise the scarf ban in public places in Turkey, limitations on Koran courses, and discrimination against, *inter alia*, Imam Hatip Secondary Schools that lay strong emphasis on religious learning in addition to regular curriculum. The EU may not afford to sustain its silence about the abridgement of religious rights in Turkey without risking the support of religiously sensitive people about Turkish membership. Thirdly, if Turkey's Islamic/Muslim identity is juxtaposed in European circles as the 'other' of democracy and human rights which are among the main pillars of Western political systems, if, in other words, Islam as a religion and Muslims as a people are conceived as being inimically averse to European political values and legal perspectives, such religious and civilisational bigotry is likely to spoil all these benefits that have been gained through the process of integration between the EU and Turkey. A Europe perceived as a foe of Muslim civilisation and of Turkey's Islamic identity is presumably the greatest single threat to the smooth operation of the negotiation process.

Finally, if the seats and votes to be allocated for Turkey in the EU institutions, after it gains membership, are not proportionate to the size of the former's population, the public in Turkey may foster a feeling of estrangement from the EU politics.

Conclusion

Turkey's historical association with the EU is marked by an asymmetrical power relationship that has so far operated to the detriment of Turkish interests. Neither the Additional Protocol nor the customs union has sufficiently benefited Turkey as Turkey's huge trade deficit with the EU member states has witnessed. The peculiarity of Turkey and its people when seen through the lens of the existing member states, and the extent of material losses which Turkey has endured over the years on account of its commitment to economic integration with the EU, separates Turkey out as a special case.

The amount of financial assistance that will flow into Turkey during the negotiation process, likely to last more than ten years, out of regional, structural and social funds, will, in all probability, remain far below expected levels. Most people in Turkey are unlikely to accept the idea of having to wait for an indefinite period before reaping the material benefits

of membership. If 'burden-sharing' is not matched by a corresponding 'benefit-sharing' in the most essential areas such as the freedom of movement for workers, agriculture and regional policies in the coming decade, the public support for the EU entry may shrink to an unsustainable level.

The history of Turkish-EU relations has taught us that, no one should take Turkey's eventual membership in the EU for granted. The EU may one day decide that, in fact, it does not have the capacity to absorb Turkey. There are some signs that the EU will carry on with its conventional policy of keeping Turkey at arms length without granting it membership. The so-called 'privileged partnership', as proposed by Angela Merkel, the former leader of the opposition and now Chancellor of Germany, may ultimately turn out to be the only formula, which the rest of the member states would wish to offer to Turkey. If and once that happens, it will be impossible to maintain the level of relations preceding the start of accession negotiations. This would mean, *inter alia* that Turkey would seek to free itself from the restraints of the customs union, which the parties contracted in 1995. Indeed no country aside from Turkey has ever established a customs union with the EU without signing a membership agreement. Existing members were accepted to join the customs union only after a transitional period following membership.

On the other hand, even if negotiations for Turkish accession to the EU flow reasonably well in the years ahead, there is ample evidence to suggest that the terms of the treaty of accession will deny many of the advantages for Turkey and its citizens which are normally associated with membership. The questions of the free movement of workers, agriculture, textiles, and structural funds immediately come to mind. Such restrictive arrangements will undoubtedly place significant strains on the Turkish economy. If this happens, Turkey, in turn, will seek to obtain a similar moratorium for its duties in some key areas, such as the single market and free movement of capital (particularly the purchase of property by foreigners).

We shall wait and see if this gloomy scenario is to play itself out in the months and years to come.

Notes

- ¹ The customs union arrangement was agreed in the form of a Council of Association decision. This council brought together Turkish representatives on the one hand, and the representatives of the EU and individual member states on the other. The decision of March 6, 1995 signalled the end of the transitional stage and beginning of the final stage. The customs union regulates the free movement of industrial goods only. The textile sector in which Turkey is reasonably competitive is outside of the customs union arrangement. Not surprisingly, therefore, Turkey has been a net loser of the customs union. Prime Minister Tayyip Erdoğan has recently stated out that the loss, which Turkey has incurred from customs union since 1996 has amounted to no less than 70 billion dollars.

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