

TÜRKİYE VE AVRUPA BİRLİĞİ ARASINDAKİ SIRA-DIŞI ENTEGRASYON SÜRECİ

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ÖZET

Avrupa Birliği ile ilişkilerinin başlangıcından beri, Türkiye üyelik talebini haklı olarak Avrupa Birliği genişleme süreci gündeminde tutmuş bulunmaktadır. Geçen süre zarfında, Türkiye hukuki ve siyasi yapısını Avrupa Birliği müktesebatına uyumlu hale getirme konusunda da önemli reformlar yapmıştır. Fakat, Avrupa Birliği sürekli bir şekilde zamana oynayarak bu konuyu kesin bir değerlendirmeye tabi tutmamıştır. Türkiye'nin üyeliği Birliğe çok önemli faydalar vaad etmesine rağmen, Birliğin Türkiye'ye yönelik genişleme süreci isteksizce yürütülmektedir. Bu isteksizliğin arkasında daha çok Türkiye ile Avrupa Birliği ülkeleri arasındaki kültürel, dinsel ve diğer farklılıklar, özellikle de Kıbrıs konusundaki anlaşmazlığın etkisi bulunmaktadır. Dolayısıyla, Türkiye'nin Birliğe girme konusundaki güçlü siyasi iradesine rağmen, yakın gelecekte ufukta bir üyelik görülmemektedir.

Anahtar Kelimeler: Uluslararası hukuk, Avrupa Birliği, Türkiye'nin üyelik talebi, Türkiye'nin üyeliğine itirazlar ve üyeliği için sebepler.

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THE SUI GENERIS INTEGRATION PROCESS BETWEEN TURKEY AND THE EUROPEAN UNION

ABSTRACT

From the outset of the relations on, Turkey has legitimately kept the question of inclusion in the European Union's enlargement process on the agenda. In the meantime, substantial reforms have been thus far undertaken by Turkey in order to align its legislation and polity in line with the European Union *acquis communautaire*. But, the European Union has somehow played for the time to a definite consideration of this question. Although Turkey's accession promises the union priceless benefits, enlargement process towards Turkey is being carried out rather reluctantly by the union, mostly under the influence of objections to cultural, religious and other differences between Turkey and the rest of Europe, notably the Cyprus issue. And in spite of Turkey's strong political will to join the union, a foreseeable accession is not looming on the horizon.

Keywords: International law, the European Union, Turkey's quest, objections to Turkey's membership, and reasons for.

INTRODUCTION

Compared to other cases in the European Union (EU) enlargement process, Turkey's case has proved to be *sui generis* in many respects. In previous rounds of enlargement, candidate countries' commitment to reform inspired in parallel with the EU's credible commitment to expansion. No country has gone through such a long process. No country has established a Customs Union (CU) with the EU before being granted full membership in favour of European corporations (Tacar, 2007: 126). And no country has ever begun entry negotiations without eventually being offered full membership.

Thus far, as Redmond critically points out, Turkey's aspiration towards integration with the EU has proved to be no more than 'a form of association'. Overall, the EU has shown an evasive attitude towards Turkey by its ambiguous policies and unequal treatment (Redmond, 2007: 307, 311, 313; Pearce, 2010: 61-73). In spite of such treatment, Turkey has insistently kept its good faith in the quest in accordance with international law in general.

Research to date has not focused enough on this *sui generis* aspect of the relationship between Turkey and the EU. This aspect requires more in-depth research on causes and results in the process from the first instance. And this article is meant to be a contribution to emphasize the surmountable aspect of the hurdles and encourage both parties to re-think

once again seriously on the progress in negotiations which has currently come to a halt.

To that end, some important prospects and implications of the *case* have been examined in the article. Landmark stages of the process and the most controversial issues rekindling objections to Turkey's membership have been outlined. And taken the most important reasons for Turkish membership into account, it is suggested that the EU should realize Turkey's full membership. Overall, it is presumed that Turkey's endeavour to become a member of the EU could not further as desired, no matter what it does.

1. TURKEY'S QUEST

On the road to membership, since the foundation of the European Economic Community (EEC) in 1958, Turkey has wanted to join the European integration project, and gone through difficult phases under both domestic and external factors. Moreover, Turkey will potentially face more difficult phases in 25 years ahead (Schrijvers, 2007: 43; Jorgensen, 2007: 12) as the following landmark stages indicate.

First, in July 1959, shortly after the foundation of the EEC, Turkey launched formal relations with the EU through the application to join the EEC with a political and economic rationale. In response, the EEC suggested forming an associational membership until Turkey's circumstances permitted its accession (Wall, 2004; LaGro and Jorgensen, 2007: 3-6). The ensuing negotiations resulted in the signature of the Agreement Creating an Association between the Republic of Turkey and the European Economic Community 1963 (the Ankara Agreement).¹ Thus, the Ankara Agreement constitutes the legal basis of the Association.

Second, Turkey formally applied for full membership on 14 April 1987, but it was rejected in 1989 on economic and political grounds (Sozen and Shaw, 2003:115) and equally on the EEC's own situation on the eve of

¹ The EEC-Turkey Association Agreement 1963, Turkish Official Journal No 217, 29 December 1964; Official Journal of the European Communities, No L 361/1, 31 December 1977, http://trade.ec.europa.eu/doclib/docs/2003/december/tradoc_115266.pdf (21. 03. 2012).

the Single Market's completion.² However, this paved the way for a co-operation program aiming at facilitating for the integration of the two parties, accordingly the CU should be completed in 1995.

Third, the Helsinki European Council granted Turkey the candidacy on the bases of the same criteria as applied to other candidate states.³ This progressive stage marked a new hopeful beginning for both parties. Consequently, Turkey, like other candidate countries, would reap the benefit of a pre-accession strategy to stimulate and support its reforms.

Fourth, the Laeken European Council had important implications for the relations in general and the accession process in particular. Foremost amongst these was the prospect of commencing accession negotiations with Turkey, which for the first time had been explicitly stated at the highest level. Another important decision taken was that Turkey would participate in the Convention's work on an equal status with the other candidate countries. Nevertheless, this participation would not have the right to prevent a consensus.⁴ At the time, Turkey's positive efforts as regards European Security and Defence Policy (ESDP), and relations with Greece had a particular impact on this conclusion (Büthe, Gencer and Parkash, 2009: 2-10).

The Brussels European Council unanimously agreed that 'Turkey fulfils the Copenhagen political criteria, the EU will open accession negotiations with Turkey without delay', adding that the 'negotiations are an open-ended process, the outcome of which cannot be guaranteed' in advance.⁵ Indeed, the process of 'open-ended' accession negotiations officially commenced in 2005 with multiplied new conditions such as 'conditionality' and the 'EU absorption capacity'. As a matter of course, on the part of Turkey, the incentive to align legislation and policies with the *acquis* has weakened due to the EU's tendency to multiply the conditions before Turkey (Günes-Ayata, 2003: 220).

² Commission Opinion on Turkey's Request for Accession to the Community. SEC (89)2290 final/2, 20 December 1989, <http://aei.pitt.edu/4475/> (16. 05. 2012).

³ Helsinki European Council, *Presidency Conclusions*, 10-11 December 1999, http://www.europarl.europa.eu/summits/hel1_en.htm (01. 01. 2013).

⁴ Laeken European Council, *Presidency Conclusions*, 14-15 December 2001, http://ec.europa.eu/governance/impact/background/docs/laeken_concl_en.pdf (03. 01. 2013).

⁵ Brussels European Council, *Presidency Conclusions*, 16-17 December 2004, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/83201.pdf (25. 12. 2012).

At this stage, the prospect of membership has become more uncertain and difficult (Cornell, 2012: 10).⁶ The correlative reform process has significantly slowed down in parallel with elusiveness of the negotiation process. Meanwhile, as Uğur points out, ‘Turkish public opinion support for Turkish membership, trust in EU institutions, and European public opinion support for Turkish membership have all fallen significantly’ (Günes-Ayata, 2003: 220; Uğur, 2010: 968–969, 971-972, 981; Cornell, 2012: 9-10). Consequently, the state of play in the negotiations has come to a halt, rather a stalemate.

As of today, negotiations have been opened on 13 chapters, one of which was provisionally closed.⁷ The European Council still endorses the conclusions on Turkey adopted by the General Affairs and External Relations Council of the EU Foreign Ministers.⁸ The EU Foreign Ministers found consensus on a partial freeze of accession negotiation with Turkey, after Turkey's refusal to normalize trade with the Southern Cyprus. Accordingly, eight of the 35 chapters relevant to Turkey's restrictions regarding the Southern Cyprus on the agenda of the accession negotiations have been suspended. And negotiations will not be opened on eight chapters and no chapter will be provisionally closed until the Commission confirms that Turkey has fully implemented the Additional Protocol to the Association Agreement.⁹

Notwithstanding the state of play, the relations have already caused remarkable added values for both parties since 1959. Each of these landmark stages in the relations has been taken as a progressive step on the road to Turkish membership, and has significantly renewed Turkey's hopes and aspirations. Each stage has provided successive Turkish governments with further impetus for reform (Sozen and Shaw, 2003: 108). In this respect, giving a full account will undoubtedly fall outside

⁶ According to a survey by Business Monitor International, Turkey's prospect to join the EU has increasingly become doubtful for a variety of reasons, most importantly for the Cyprus issue. See at Emerging Markets Monitor, <http://www.emergingmarketsmonitor.com/> (30. 06. 2012).

⁷ See for detail European Commission, *Turkey 2011 Progress Report*, European Commission Staff Working Paper, SEC(2011) 1201 final, Brussels, 12 October 2011.

⁸ Brussels European Council, *Presidency Conclusions*, 14-15 December 2006, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/92202.pdf (02. 12. 2012)..

⁹ The General Affairs and External Relations Council (GAERC), Brussels, 11-12 December 2006, http://eu2006.fi/CALENDAR/VK050/EN_GB/1147700142524/INDEX.HTM (09. 05. 2012).

the scope of this article due to place limitation. However, mention should be made of some general aspects of the state of play:

First, despite the fluctuation in the relations, Turkey's membership objective has dramatically shaped the country's economic, political, and legal landscape (Sozen and Shaw, 2003: 115-116; Ulusoy, 2009: 364; Göksel, 2011: 223-224). In this context, Turkey's achievements have thus far developed not only on the grounds of the EU requirements but also on the bases of membership of the Council of Europe (CoE), Europe's first political organisation (Schwimmer, 2004).¹⁰ Evidently, Turkey has progressively advanced (LaGro, 2007: 107; Rehn, 2008; Göksel, 2011: 223-224; Gerhards and Hans, 2011: 741-743, 762).¹¹

Second, Turkey has helped shape the project of the political Europe through substantial contributions to the international institutions led by the European nations. Turkey became a founding member of the United Nations (UN) in 1945 and the CoE in 1949, and joined the NATO in 1952, the Organisation for Economic Co-operation and Development (OECD) in 1961 and the Organization for Security and Co-operation in Europe (OSCE) in 1973. Thus became a stalwart ally to Europe and the United States during the Cold War, and afterwards (Redmond, 2007: 308; Scherpereel, 2010: 828). Compared to current EU member states such as Hungary and Poland which joined the NATO in 1999, Turkey has a very much longer history of effective participation in the international institutions (Pearce, 2010: 61). Even today, it must be acknowledged that this commitment has progressively increased to a more credible and stronger level (Schwimmer, 2004; Kırval, 2007: 200). In addition to this progressive commitments, Turkey's accession prospect gives the EU a greater interest and influence in the Mediterranean and Black Sea regions, in the Danube basin, the Middle East and the Southern Caucasus. Turkey is also contributing substantially to the ESDP and greater involvement in

¹⁰ Copenhagen European Council, *Presidency Conclusions*, 21-22 June 1993, http://www.europarl.europa.eu/enlargement/ec/pdf/cop_en.pdf (21. 05. 2012).

¹¹ The Communication from the Commission to the European Parliament and the Council, *Enlargement Strategy and Main Challenges 2011-12*, COM(2011) 666 final, Brussels, 12 October 2011, p. 72-80. See also for some previous progresses in *Political Reforms in Turkey* (Ankara: Secretariat General for European Union Affairs, The Republic of Turkey, 2007).

correlative activities.¹² These significant developments clearly shows Turkey's role in the international legal order.

In conclusion, taken all added values for both Turkey and the EU into consideration, having such a country on board is deemed an asset to a more European Europe (Schwimmer, 2004; Kırval, 2007: 200). So it would be rational that the EU reasserts the significant benefits of enlargement to Turkey. Moreover, it is solely fair that Turkey aspires to inclusion fully in the European architecture which it has already been a part from the outset.

2. OBJECTIONS TO TURKEY'S MEMBERSHIP

Since 1963, certain member countries of the EU have been anxious about the possible implications of Turkey's entry into the EU (Arvanitopoulos, 2009). Hence, no consensus has been achieved on the question whether Turkey should become a full member, and the attention has been frequently diverted away from a full membership particularly by Austria, France, Germany and the Southern Cyprus, to name but a few (The Economist, 2010; Tekin and Williams, 2011: 168-169; Morelli and Migdalovitz, 2011: 196, 202-203). Indeed, the opening of accession negotiations in 2005 has marked a significant phase on the road to Turkey's aspiration, on the one hand, caused anxiety to some part of Europe, on the other (Morelli and Migdalovitz, 2011: 189).

In general, the rationale behind the European anxiety lies mostly in economic, demographic, geographic, cultural, religious differences (Archick and Mix, 2011: 301), and the Cyprus issue. Notably, the anxiety about historical, religious and cultural differences seems to come to the fore (Redmond, 2007: 306). In particular, Austria bases its objections on the historical facts that the Europeans united and ultimately tested the benefits of coalition when the Turks were about to encroach Vienna in 1529 and 1683. Consequently, the unification of Europe owes its existence to vanquishing Muslim Turks at the door of Vienna in 1683;

¹² The European Commission, The Communication from the Commission to the European Parliament and the Council, *Enlargement Strategy and Main Challenges 2010-2011*, COM(2010)660, Brussels, 9 November 2010, http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/strategy_paper_2010_en.pdf (01.01.2013).

otherwise, European history would have evolved differently (Molle, 2001: 46).¹³ Here, particular emphasis will be placed on these correlative issues that have long shaped European political and intellectual debates (Joseph, 2006).

2.1. Economic Objections

For the EU is an essentially economic partnership, economic reasons are of great concern. With regard to Turkish membership, two concerns are of particular importance: One, Turkish membership would lead to migration flows into EU countries with adverse economic consequences destabilizing European labour market (Gerhards and Hans, 2011: 751). The other is the economic aid that will have to underpin Turkey's journey towards EU membership. Consequently, Turkey's accession is seen as a burden on the EU budget (Dyson, 2007: 64), for instance, financial support for agricultural infrastructure has been deemed burdensome (Guérot, 2004: 1-6; Philippidis and Karaca, 2009: 1707, 1722). According to some, the EU should not bear the burden to maintain Turkish farmers, for the commitments made in the 1960s were predominantly economic which were already realized by forming the CU with Turkey in 1995 (D'Estaing, 2004).

On the part of the EU, this assertion may be quite true, because the CU has already provided the EU with massive economic benefits which would have been realized through the full membership of Turkey. That is why Pearce proposes that there should be another motive behind the question of inclusion of Turkey, rather than economic motive *per se*. The fact is that Turkey has reduced its bargaining strength by the establishment of the CU, for Europeans has already had what they could have expected from Turkey's partnership (Pearce, 2010: 62-64).

However, first concern the aforementioned is losing weight by virtue of the recent positive developments in Turkey. As figures show, Turkey has advanced a well-functioning open market and a strong economy. And Turkish economy will highly likely be stronger and even more stable that 'is very much in the EU's interests, as this would enhance business

¹³ See also Foreign Relations, Political Overview, *Turkey Review 2011*, pp. 73-86, <http://www.countrywatch.com> (01. 01 2012).

opportunities and reduce the need for Turks to migrate and find jobs elsewhere' in lieu of a burden on the EU budget. Moreover, a non-integrated Turkey will mean less opportunity for European corporations (Chislett, 2011: 2). Furthermore, Turks have now begun to fly not only over Europe for work but also across the globe on education and business purposes.

The European Commission has recently acknowledged that, as a functioning market economy, 'Turkey is a key country for the security and prosperity of the European Union' with respects to 'its dynamic economy, important regional role and its contribution to EU's foreign policy and energy security'. 'It is already integrated to a large extent into the EU in terms of trade and foreign investment through the CU. The country has become an important industrial platform for a number of leading European companies, and is therefore a valuable component of Europe's competitiveness.' Turkey's high GDP growth reached almost 9 percent in 2011, further increases the economic significance of the country.¹⁴ Clearly, these positive developments evidently attract investors to invest in Turkey with a more open and more secure legal order (Pearce, 2010: 69).

2.2. Demographic Objections

Demographic objections to Turkish membership stem from several concerns. One concern is the widespread fear that Turkey's accession, with a population of 75 million 99 percent Muslim, will change the EU's institutional functioning. In terms of population, Turkey will become the major decision-maker in the EU, and cause an imbalance in the structure (Gerhards and Hans, 2011: 756). This anxiety is based on the fact that Turkey's population is now greater than that of any of the European states except Germany. Moreover, the UN demographic forecasts¹⁵ indicate that

¹⁴ European Commission, The Communication from the Commission to the European Parliament and the Council, *Enlargement Strategy and Main Challenges 2011-2012*, Brussels, 12 October 2011, COM(2011) 666 final, p. 18, http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/strategy_paper_2011_en.pdf (19. 12. 2012). See also European Commission, *Turkey 2012 Progress Report, Enlargement Strategy and Main Challenges 2012-2013*, p. 16, 37-43, 68-71, <http://ec.europa.eu/enlargement/> (07. 01. 2012).

¹⁵ United Nations, *World Population Prospects: The 2010 Revision, Volume II: Demographic Profiles*, Department of Economic and Social Affairs, Population Division (2011), ST/ESA/SER.A/317, http://esa.un.org/unpd/wpp/Documentation/pdf/WPP2010_Volume-II_Demographic-Profiles.pdf (21. 06. 2012).

Turkey's population will have reached about 81 million in 2020, and more than 90 million in 2040. Whereas, Germany's population will have reached about 81 million in 2020, but more than 77 million in 2040. In fact, due to the structure of the EU decision-maker institutions and procedures, Turkey's preferences and Turkey's demographic influence on decision-making processes will be no more than any other member states (Pahre and Uçaray-Mangitli, 2009: 379-380). Hence, the assertion that Turkey will become the major decision-maker in the EU loses ground.

The other concern is the prospect that the EU's rules on free movement of people and labour would lead to a large influx of immigrants heading Europe due to Turkey's standard of living. In this respect, suffice to say, standards of living in Turkey are already getting much better. Moreover, having considered the progressive Turkish economy, it is evident that there will be a flow of workers in many sectors to Turkey by the time the full membership will have been materialized. So, it is better for the EU to have Turkey on board, and thus reduce the influx of migration for a variety of reasons (Chislett, 2011: 2).

Characterized by demographic dynamism, Turkey's entry will potentially rejuvenate the aging population and labour force of the EU by its relatively younger population (Chislett, 2011: 2). It is beyond question that this factual situation makes Turkey's bargaining position stronger (Pearce, 2010: 62-63).

2.3. Geographic Objection

The geographic objection is based on the fact that Turkey has a small European enclave which represents only five percent of its territory and eight percent of its population. So, Turkey is not European also in terms of geography. In addition, Turkey has a short border with its two European neighbours, Greece and Bulgaria, and a very long border with Syria, Iran and Iraq (Erdoğan, 2007: 22). Its membership would mean that the EU will share these troubled borders, too (The Economist, 2004).

The contrary, for all its historic significance, the future of Turkey's institutional relations with the EU has little to do with the question of whether Turkey is geographically a part of Europe or not. Indeed, this question was simply answered when Turkey became a member state of

the CoE, 63 years ago. It should be emphasized that it was just three months after the CoE was set up by ten West European countries, a year before Germany, seven years before Austria, and more than a quarter of a century before Portugal and Spain. Hence, claiming that capital of Turkey is not located in Europe is clearly irrational since the same question was not asked when the Southern Cyprus joined the EU (Tacar, 2007: 128).

Interestingly, at the Paris Conference to negotiate peace after the Crimean war, the Ottoman state was described as ‘part of the European concert’ in 1856, and also by the 1870s the state was labelled ‘the sick man of Europe’ (The Economist, 2005) by the Europeans. These descriptions that accept the Ottoman state as ‘European’ (Cornell, 2012: 12) ironically recall the objection that Turkey is not European! Moreover, when Turkey applied for membership for the first time in 1987, Morocco also applied for. However, Morocco was rejected on the basis that it was not located in Europe, but Turkey was rejected on the basis that its compliance with the membership criteria was not satisfied yet (Cornell, 2012: 12). Hence, the EU itself stipulated that it has no question whether Turkey was a European country, or not.

Moreover, when it is re-called that the CoE effectively promotes pluralist democracy, human rights and fundamental freedoms, and the rule of law not only in Europe but also in Asia, such claim would obviously be irrational. The effectiveness of the CoE is provided and facilitated not only by the affluent Western European countries but also by Turkey and the others.

2.4. Cultural Objections

Despite the claim that the EU was never designed to impose rigid uniformity (The Economist, 2005), Turkey’s accession has vehemently been objected by high officials of major member states on cultural grounds (Scherpereel, 2010: 811). For instance, Valéry Giscard d'Estaing, a former French president and the chief architect of the European Constitution, made several objections that represent a general European stance. First objection is that Turkey has ‘a different culture, a different approach, and a different way of life’ (Financial Times, 2004; Stephens,

2004). 'Indeed, it has. But so has France, and so has every other member of the EU' (The Economist, 2005).

Second, negotiations with Turkey 'should not focus on accession' but a third way such as a 'privileged partnership', for Turkey's membership 'would change the nature of the European project.' On the other hand, 'allowing Turkey to join the EU could result in a clutch of other countries clamouring for entry. This could result in a process of permanent enlargement, destabilising the operations of the European system and removing its original rationale' (D'Estaing, 2004).

Third, it is claimed that 'Europeans need to strengthen their identity so as to maintain *European patriotism* through which European citizens can realize they belong to a single entity. The cultural contributions of ancient Greece and Rome, Europe's pervasive religious heritage, the creative enthusiasm of the Renaissance, the philosophy of the Age of the Enlightenment and the contributions of rational and scientific thought' are foundations of this entity. 'Turkey shares none of these fundamental European values, and has developed its own history and its own culture.' 'However, the foundations of Europe's identity, vital to the cohesion of the EU today, are different.' With the accession of Turkey, 'the EU would slide into a regional version of the UN, designed for meeting, dialogue and certain specific co-operative projects. It would have no identity, no common will and no role to play. The world would evolve without Europe' (D'Estaing, 2004). For Europe cherish pluralism, it is suggested that cultural differences should not hamper Turkey's integration into the EU (Scherpereel, 2010: 828).

However, in regard to d'Estaing's concerns about European identity, it is pointed out that 'if Europe tried to build what he calls "*patriotism*" in opposition to Turkey and Islam', it 'would be a big problem'. 'His assertion, moreover, that Turkey shares none of Europe's heritage is strange unless there was no Byzantium, no eastern Roman empire. And no classics of Greek philosophy and science that, transmitted through the world of Islam, dragged Europe out of the dark ages' (Financial Times, 2004).

2.5. Religious Objections

Although it is not officially documented, central to the objections to Turkey's membership is the discourse on European identity with respect to religion (Büthe, Gencer and Parkash, 2009: 11-12). Europeans' perception of Islam has become worse during the last decade (Scherpereel, 2010: 824). In this respect, sceptics have been explicit in arguing that enlargement towards a country with an overwhelming Muslim majority of population would cause 'the end of the EU' (The Economist, 2002). This highly politicized debate has reached a level of religious intolerance, for instance, with the establishment of an anti-Islam party in the Netherlands (Hobolt et al., 2011: 360-361). Even though the EU institutions officially claim to cherish diversity, there is a tacit agreement among some of their most powerful leaders that the EU must remain predominantly Christian (Cronin, 2010). Indeed, Van Rompuy, the president of the European Council, is one of the few to have explicitly stated that 'the universal values which are in force in Europe, and which are also fundamental values of Christianity, will lose vigour with the entry of a large Islamic country such as Turkey'. That is, 'it will never be part of Europe' (Philippidis and Karaca, 2009; Leigh, 2009). This recalls the question rightly asked by Cronin that 'if a golf club adopted a similar policy of exclusion, there is a strong likelihood it would be sued for breaching equality laws. The EU is nominally a club of democracies; why is it allowed to discriminate on religious grounds?' (Cronin, 2010). Without doubt, this is a subtle form of prejudice blocking Turkey's quest.

It is the fact that states are not able to change their geography or the religion of their people, and that they should somehow establish a peaceful co-existence. Obviously, it is the positive obligation of the modern state, and of course, of the international organizations developed by the international law not to discriminate between the subjects of the international law, states or individuals, on grounds such as religion. Moreover, should the EU allow Turkey on board, it will help build dialogue, compromise and ultimately peaceful relationship between the two different believers (Redmond, 2007: 313). The EU will also be able to integrate European Muslims into the European governance networks either emotionally, culturally or politically, if it is desired (Pearce, 2010:

72; Cornell, 2012: 14). No other way, if the desired thing is peace, prosperity and freedom for all nations.

2.6. Cyprus Issue

In addition to the aforementioned objections, the Cyprus issue has evidently proved to become the single biggest obstacle to Turkey's EU membership. The Republic of the Southern Cyprus joined the EU in May 2004 (The Economist, 2010).¹⁶ Yet it has not been recognized by Turkey on the bases that the island should have been unified and thus both communities should have been allowed into the EU, and eventually the Republic of Northern Cyprus should have been recognized by the EU and the Southern Cyprus. Moreover, on the same bases, Turkey has not yet extended its CU with the EU to the Southern Cyprus though it was meant to be extended to all member states of the EU. For these reasons, the Southern Cyprus objects that Turkey should not be accepted to join the union (The Economist, 2004). Consequently, a severe obstacle before even the progress of the negotiations has come to the fore as a stalemate. At the Brussels European Council, Turkey was reminded to discharge its obligation to apply the CU to the Southern Cyprus (Morelli and Migdalovitz, 2011: 195).¹⁷ However, on the part of Turkey, any such deal rather than recognizing a unified Cyprus would be seen as recognition of the Southern Cyprus (The Economist, 2004). As a result, this dispute has been damaging the institutional relations between the EU and Turkey, and that it seems unlikely that there will be a further progress with this obstacle unresolved (Oğuzlu, 2010: 73-74).

In an attempt to break the stalemate, notably Greece, Turkey, the Northern Cyprus, the Southern Cyprus and the EU have their own obligations to be discharged simultaneously. As Schwimmer has shed light on the issue, they all have common dependencies. 'They are inseparably bound to each other, either in success or failure. They will

¹⁶ Since then, the Southern Cyprus has blocked the opening of various chapters of the EU *acquis*. In 2004, although the EU leaders promised to pass a regulation to let the Northern Cyprus trade with the rest of the EU, it has prevented the EU from passing the regulation. As a consequence, Turkey rejected to extend its obligations under the CU to the Southern Cyprus. In other words, Turkey has refused to open its ports and airports to Greek-Cypriot vessels and planes. In 2006, the EU reacted to Turkey's refusal by suspending eight of the 33 chapters (*Enlargement Strategy and Main Challenges 2010-2011*, p. 19).

¹⁷ Brussels European Council, *Presidency Conclusions*, 16-17 December 2004.

either win, or lose together. There is no third option.’ (Schwimmer, 2004; Oğuzlu, 2010; Pearce, 2010: 69). And also, as Pearce points out, the objections to Turkey’s quest are not insurmountable provided that Turkey continues to progress in national reforms and the EU fulfils its legal obligations (Pearce, 2010: 71).

In this respect, Turkey should discharge the requirements specified in the Negotiating Framework that Turkey should proceed the full implementation of the Additional Protocol to the Association Agreement and the CU obligations with the EU.¹⁸ Turkey will thus be able to further the pace of negotiations.¹⁹ Equally importantly, the EU should finally live up to its promise to enable the Northern Cyprus to trade with the rest of the EU (Oğuzlu, 2010: 77), and thus endeavour to unblock the Cyprus stalemate. Turkey could then open its ports to Southern Cyprus’ vessels and the EU could lift the suspension of the eight chapters that it is currently blocked (Ülgen, 2010).

Recent studies have also shown that these multiple issues have mostly contributed to hostility towards Turkey’s membership (Azrout, van Spanje and de Vreese, 2010; Hobolt et al., 2011). In conclusion, most importantly because of this overall hostility, the EU leaders are not likely to accept Turkish accession under the influence of their opponent constituents (McLaren, 2007: 273-274). Moreover, besides normative issues, it is because public opinion does matter in the evolution of the EU and has significant impact on decision-making processes (Azrout et al., 2011: 4). Accordingly, for the fear of losing Turkey, they often tend to divert the direction of Turkey’s full membership into a third way such as a ‘privileged partnership’, mainly backed by Germany and Austria (Tacar, 2007: 126; Eriş, 2007: 215 Redmond, 2007: 305–306; Morelli and Migdalovitz, 2011: 196, 202-203; Tekin and Williams, 2011: 2-3; Chislett, 2011: 1; Köksal, 2011), and Euro-Mediterranean Partnership without any clear description (Carter, 2004), on the one hand, and some intellectuals offer other forms of membership such as ‘gradual integration’ (Karakas, 2006), on the other. But, Turkey explicitly rejects

¹⁸ *Enlargement Strategy and Main Challenges 2012-2013*, p. 5-6.

¹⁹ Council of the European Union, *EU Enlargement: Turkey - Declaration by the European Community and Member States*, Brussels, 21 September 2005, http://www.europa.eu/articles/fr/article_5045_fr.htm (01. 09. 2011); *Enlargement Strategy and Main Challenges 2011-12*, p. 18-19, 26

such proposals on the ground that its ultimate objective is the full membership of the EU on equal terms (Gül, 2006). Indeed, no quasi-membership should be acceptable and reasonable for Turkey.

Needless to say, such never-ending excuses and prevarications made by the EU authorities not only has seriously weakened the motive behind the integration and correlative reforms in Turkey, but also caused public opinion distance from the EU regarding it as an hostile entity rather than a future partner (Tacar, 2007: 127-128; Redmond, 2007: 308; Ülgen, 2010; The Economist, 2010; Sadıkoğlu, 2012: 1).

3. WHY TURKEY'S MEMBERSHIP?

As it is evident in the current association and progress in the long-standing relations between Turkey and the EU, not all powerful actors are against, but some are fairly in favour of Turkey's accession into the EU. Those in favour propose that Turkey's membership is a historical opportunity for Europe as Turkey embraces European values and norms. For instance, both the then vice-President of the Convention, Jean-Luc Dehaene, and the then Commissioner for enlargement Günter Verheugen stated that 'the European Commission would not be diverted from the enlargement strategy that was adopted in Helsinki in 1999', adding that 'Turkey had made impressive progress in democracy and human rights' (Smith, 2002), to mention but a few.

It is beyond doubt that Turkey and the EU can live very well without a partnership. However, in the face of all the rising challenges of the 21st century for the European continent, ranging from dialogue between civilizations to energy matters, from economic competition with the rest of the world to the need of skilled labour, such partnership will better strengthen energy security, address regional conflicts, and prevent ethnic and religious cleavages effectively. Such effective and progressive synergies can be best realized through mutual commitment to a credible enlargement strategy.²⁰ To that end, Turkey and the EU countries had better act together on an equal partnership basis so as to materialize priceless benefits for the EU, and equally importantly for Turkey.

²⁰ See *Enlargement Strategy and Main Challenges 2011-2012*, p. 18.

In the next section, the logic that the EU should materialize Turkey's accession without any further delay for many reasons has notably been outlined.

3.1. For Turkey's Geo-strategic Position

Turkey's geo-political central position represents an important strategic asset in many respects, notably for the EU's foreign policy ambitions, energy security, and the regional peace and prosperity, in particular, Central Asian Strategy (Cornell, 2012: 15). Turkey's role in the region is of central importance not only because of geo-economic interests, but also because of more traditional geo-political reasons.²¹ This would also strengthen European links with the Muslim world (Rehn, 2007; Pearce, 2010: 72), and ultimately achieve a stronger EU in regard to security and geo-strategic issues (Guérot, 2004). Needless to say, with regard to the capacity of attraction and inspiration for its environment, Turkey's emerging operational *soft power* has already had positive impacts on the region shaping the societies on common cultural and historical bases, particularly in the Western Balkans and the Middle East (Altınay, 2008).

Regionally thinking, there are indeed common challenges that no country can overcome by its own, on the one hand, and a common future and common benefits good enough for the whole region, on the other. Ultimately, an economic and political regional unity will pave the way for peace and increased prosperity for all (Altınay, 2008: 61). As Wall points out, the founders of the EU rightly envisaged the union as a way of sustaining peace and stability in a dynamic manner. Today, if the goal remains peace and stability, then to have democratic Turkey on board would be a prize (Wall, 2004). And as Brittan added, 'we cannot just admit Turkey for strategic reasons, although it would be a huge strategic bonus. Nor should we just admit Turkey to show readiness to accept an Islamic country, although that also would be a bonus if it proved possible' (Brittan, 2004).

Moreover, in particular, by virtue of its geographic status and current energy infrastructure, as an energy corridor Turkey is already playing an increasingly vital role for Europe, and in the future, the EU will more

²¹ *Enlargement Strategy and Main Challenges 2011-2012*, p. 18.

than ever need Turkey for the security of oil and natural gas supply (Roberts, 2004; Gerhards and Hans, 2011: 744; Tekin and Williams, 2011; Chislett, 2011: 2; Cornell, 2012: 15) amongst other benefits.

3.2. For an Ever More Diverse EU

Since its inception, the EU has effectively promoted diversity, pluralism, intercultural dialogue and co-operation by all manner of protection. In this regard, these cherished values have been prerequisites for the architecture of the EU, and they should not have been cosmetic ideas. To that end, with a view '*unity in diversity*', the EU has already embraced many different cultures, traditions and languages as positive assets (Tacar, 2007: 131; Hobolt et al., 2011: 363). As of today, the EU's population has indeed reached close to 500 million after the last enlargement round, and the number of official languages of the EU has risen to 23.

It is evident that the EU itself evolves as it enlarges and deepens, on the one hand. Turkey evolves into a more democratic country with higher standards in terms of the EU law and polity, on the other. Indeed, 'the Turkey of today is not the one that may eventually become the first Muslim nation to join the largely Christian EU, any more than the EU of today is the club that Turkey may eventually join' (The Economist, 2005). Consequently, welcoming Turkey as a multicultural country will substantially increase the EU's diversity (The Economist, 2005; Kırval, 2007: 200), qua diversity.

3.3. For a Credible EU

By far, enlargement has happened as a requirement of credibility of the EU and of the aspirant countries. Accordingly, once a candidate country was fully prepared, it would join the EU. Prospects were clearly tangible before the candidate countries. The EU has provided aspirant countries with a reliable and credible enlargement policy (Füle, 2010). However, when it comes to Turkey's quest, there have been no clear tangible prospects before the country. Moreover, it has been evident that the EU has not provided Turkey with a reliable enlargement policy yet.

From a Turkish perspective, the EU's fidelity to its political commitments is of crucial importance for any role that Europe may want to play across the globe. It should also be intrinsic to the EU's identity (Ülgen, 2008). Now, in accordance with the equal status of other candidate countries, the EU should proceed the accession negotiations with Turkey in an impartial and reasonable manner. And in the framework of the negotiation process, reference should only be to the competency of Turkey to assume the responsibility for membership, not to people's religion or country's geography (Keyman and Düzigit, 2007: 84; Cornell, 2012: 16). Likewise, interpretation of the concepts such as cultural, religious, or geographic should be fair, sensible and objective. In lieu of being evasive by such narrow definitions, once the requirements necessary to join the EU are met by Turkey, it should join. This is also an essential requirement of the rule of law which is one of the most cherished prerequisites of the EU (Pearce, 2010: 65). So the only way for the EU to 'avoid serious accusations of exclusivity', and therefore maintain 'its credibility with other potential candidates and the international community' is to reconsider the accession process seriously (Philippidis and Karaca, 2009: 1722). Otherwise, it is beyond doubt that the EU will simply lose its credibility (Tacar, 2007: 132), while Turkey asks for no privileges.

3.4. For the Rule of Law

The integration process between Turkey and the EU has been developed within the context of international law, and this process has paved the way for creation international law. The law created by the relations between Turkey and the EU is beyond doubt legally binding upon both sides. This law is international in character, and the international law is not merely for states but also equally for international organizations, particularly for the EU claiming upholding the rule of law.

Furthermore, it must be stressed that every phase of the integration process between Turkey and the EU represents an institutionally made promise, for international law or at least for the basic principle of international law to meet their moral and legal obligations in good faith *pacta sunt servanda*. Indeed, as a result of an international treaty, the Ankara Agreement, the EU granted Turkey full membership candidacy in

1999. This was a clear realisation of the international law requirement, *albeit* rather late. Likewise, there should not be credibility gap between the requirements of the relations and the realisations of the objectives.

In consequence, decisions on the future of these relations need to be realistic and explicit, for the sake of long-standing friendly relations. This fact requires the EU to stimulate and support Turkey's historical pro-European modernization project that today transformed into a full membership of the EU (Sozen and Shaw, 2003: 108). Without the membership of the EU, it is much difficult for Turkey to realize this objective. And Turkey may face to choose another way forward. Needless to say, mostly for the EU, a Turkey away from Europe would mean serious strategic problems such as weakness in foreign policy, insurmountable immigration, increased regional and energy security risks (Dağı, 2005). And this would in turn cause instability and insecurity in the region (Özcan et al., 2009: 318-336), and ultimately add significant risks to regional peace and prosperity.

3.5. For the Long-standing Ties

Turkish Europeanization efforts date back to the 1850s (Sozen and Shaw, 2003: 108-109, 115) when the Ottoman state introduced a series of reforms to keep pace with Western developments. However, at the time there had not been satisfactory success for many reasons such as wars and fluctuation in international relations.

When the state crumbled after its alliance with Germany in the First World War, Turkey resumed its European aspirations (The Economist, 2005; Özcan et al., 2009 22; Ulusoy, 2009: 369-371) and began to modernize its political, administrative, economic and social structures in the light of Western standards. Since then it has attached greater importance to developing its relations with European countries (Pahre and Uçaray-Mangitli, 2009: 359-361). Consequently, these correlative efforts have required the establishment of close relations with the West in many respects.

From their inceptions, Turkey has become a founding and stalwart member of all the aforementioned international institutions (Pearce,

2010). During the Cold War, Turkey was a part of the Western alliance defending democracy, human rights and freedoms. Today, Turkey again stands with the West against the global challenges such as war on terror, energy and global security. And the principal elements of its foreign policy have converged with its European partners (Morelli and Migdalovitz, 2011: 205-206; Chislett, 2011: 3). Thus, Turkey has played a vital role not only in the defence of the European continent but also in the promotion of the European values. However, it is ironic that Turkey is currently not allowed to participate in the EU defence infrastructure and consequently not able to access military information due to the Northern Cyprus blockage (Oğuzlu, 2010: 77; Chislett, 2011: 3).

Suffice to add, the project of political Europe is first and foremost based on values of democracy, human rights and the rule of law. In particular, the EU has long promoted these values across the globe (Özkan, 2004: 84; Kotzian, Knodt, and Urdze, 2011; Kurki, 2011) with a claim that these values are universal, not only belong to the affluent West Europeans. As a secular state Turkey has already enshrined these universal values and European standards into its overall infrastructure (Erdoğan, 2007: 24; Noutcheva and Aydın-Düzgit, 2012), thanks to the membership of the CoE and the long-lasting quest to be a member of the EU. As a matter of fact, despite a long way to go in terms of many issues (Özkan, 2004: 83-154), Turkey today is in progress in many areas, particularly in terms of good governance, human rights and freedoms in accordance with the EU law and standards, besides legal reforms through capacity-building projects, education programmes and so forth (Babül, 2012). Now, Turkey's accession to the EU represents to be a great opportunity for Europeans to prove the claim. Eventually, Turkey's future place and role in Europe will be of historic significance, 'not only for Turkey, not only for Europe, but for the world as a whole' (Schwimmer, 2004).

CONCLUSION

It is true that Turkish society differs from most other societies in Europe in many aspects such as culture, religion and ethnicity. In a pluralist sphere, current arguments over Turkey from all walks of life in Europe

may be acceptable, but they must be fair, sensible and legitimate. However, objections to Turkey's accession to the EU do not promise an end, rather they appear to last and multiply forever, at least for the foreseeable future. And in the light of all the aforementioned developments, despite the benefits for, it does not seem that the EU will ever accept Turkey.

It is also true that the on-going reform process in Turkey is not complete and perfect, needless to say, no country was perfect before their accession into the EU. Indeed, the EU itself is neither complete nor perfect. Nevertheless, by virtue of being a beneficiary partner in this long-standing relation, Turkey has been making use of the EU accession efforts in many respects. In economic terms, Turkey has been taking the advantage of the programs and funds which the EU offers all candidate countries. In legal terms, thanks to the alignment efforts in line with the EU *acquis*, Turkey has been upgrading its legislation to a higher level in conformity with the international law. Currently, it needs to further the work in many respects particularly making a fully civil constitution based on the rule of law, and success in the fight against long-lasting terrorism.

Overall, Turkish aspiration for membership of the EU has been seen as an effective means of materializing real democracy, realizing human rights and freedoms, and upholding human dignity and the rule of law. With this long-lasting aspiration, Turkey deserves a full membership, not second-rate treatment. So there should not be other alternatives for Turkey other than equal membership, since it is willing to share its sovereignty on equal terms with the EU level just from the outset of its application in 1959. Otherwise, Turkey should stay out of the union, but it should not move away from its right direction towards establishing and sustaining a real pluralist democracy, protecting and promoting human rights and fundamental freedoms for all persons effectively, and facilitating and providing for the rule of law in all functions both in the public and in the private sphere.

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