

DERLEME MAKALESİ / REVIEW ARTICLE

AN OVERVIEW TO TURKEY-EU RELATIONS DURING THE JUSTICE AND DEVELOPMENT PARTY PERIOD

ADALET VE KALKINMA PARTİSİ DÖNEMİ TR-AB İLİŞKİLERİNE GENEL BİR BAKIŞ

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ABSTRACT

The Turkey–EU relations, which started in 1959, had passed through several important processes until today. Having achieved the status of a “candidate country” at the 1999 Helsinki Summit, Turkey started to make reforms to join the EU on 3 November 2002, the Justice and Development Party (JDP) came to power and continued making reforms to this process. Thereupon, after two years of political–legal reform efforts, it took the decision to start negotiations between Turkey and the EU on 3 October, 2005, at the 2004 Brussels Summit. After having started negotiations, the Cyprus problem emerged as a serious obstacle to Turkey’s full membership. In fact, the negotiations did not continue at the desired speed and only one negotiation topic was closed temporarily. Apart from these, after the unsuccessful “coup attempt” on 15 July, 2016, Turkey did not receive the adequate support it expected from the EU, and The European Parliament has proposed the suspension of negotiations with Turkey. After this decision, relations between Turkey and the EU have been strained and discussions began on alternative routes policies. In this context, the study examines changes in Turkey-EU relations during JDP and also addresses the causes of these changes.

Keywords: Turkey, EU, Full Membership, JDP, Transformation.

JEL Classification Codes: Z00, F50, N44, F55, F59.

ÖZ

1959'da başlayan Türkiye-AB ilişkileri günümüze kadar geçen sürede önemli süreçlerden geçmiştir. 1999 Helsinki Zirvesi'nde aday ülke statüsünün kazanan Türkiye, AB'ye üye olmak için reformlar yapmaya başlamıştır. 3 Kasım 2002'de Adalet ve Kalkınma Partisi (AK Parti) iktidara gelmiş ve reformlara devam etmiştir. Bunun üzerine, iki yıl süren siyasi-yasal reform çabalarının ardından, 2004 Brüksel Zirvesi'nde Türkiye ile AB arasında 3 Ekim 2005'te müzakerelere başlama kararı alınmıştır. Müzakereler başladıktan sonra, Kıbrıs sorunu Türkiye'nin tam üyeliğinin önünde önemli bir engel olarak ortaya çıkmıştır ve müzakereler istenilen hızda devam edememiş, sadece

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bir tane müzakere başlığı geçici olarak kapatılabiliştir. Tüm bunların ötesinde 15 Temmuz 2016 başarısız “darbe girişimi” sonrasında, Türkiye AB’den beklediği yeterli desteği görememiş ve Avrupa Parlamentosu Türkiye ile sürdürülen müzakerelerin askıya alınması teklif etmiştir. Bu karardan sonra Türkiye-AB ilişkileri gerilmiş ve farklı alternatif rotalar ve politikalar tartışılır hale gelmiştir. Bu bağlamda bu çalışma AK Parti döneminde Türkiye-AB ilişkilerindeki değişim ve bu değişimin nedenlerini ele alacaktır.

Anahtar Kelimeler: Türkiye, AB, Tam Üyelik, AK Parti, Dönüşüm.

JEL Sınıflandırma Kodları: Z00, F50, N44, F55, F59.

1. INTRODUCTION

The Turkey-EU relations, which were a state policy for Turkey, had begun as an associate membership with Turkey’s EU application, made on July 31, 1959, and associate relations between the two sides. The Ankara Agreement, signed on September 12, 1963, formed a legal basis for these relations. This Agreement foresaw three phases to establish association: the first phase is preparation, the second phase is transition, and the third phase is the final stage. The preparation phase began in 1963 and lasted until 1970. During this period, EEC had provided aid to Turkey (Gülmez, 2008). The transition period started with the Additional Protocol, which was signed on November 23, 1970, and entered into force on January 1, 1973. With this Protocol, efforts were initiated to establish the customs union for industrial products, to ensure the free movement of labor, to implement the preferential trade regime in agricultural products and to ensure the free movement of services among the parties (Hale, 2003). The relations between the EEC and Turkey had been virtually suspended after Turkey’s 1980 coup. During Turkey’s effort to resume relations in the ’80s, no significant progress occurred. Surprisingly, Turkey, independent from the partnership process, applied for full membership in the European Community in 1987. However, this application was not welcomed by the European Community. In the ’90s, the Turkey-EU relations were revived through an associate membership process. Efforts to start a customs union between Turkey and the EU had been made from 1992 to 1995. With the Decision 1/95 of the Association Council (March 6, 1995), the Turkey and EU Customs Union was established. This was the start of the last phase, “final stage,” of the Ankara Agreement process.

While Turkey viewed the Customs Union as a bridge to becoming a full member of the EU, European Union planned to use the Customs Union to stall Turkey and remove Turkey from the process of attaining full membership (Atacan, 2009). At the Luxembourg Summit on December 12–13, 1997, after ten years of applying for full membership, Turkey’s full membership was denied after the completed application was received. The European Union did not find Turkey prepared enough to begin full membership negotiations due to its economic structure and more importantly its lack of respect for human rights. However, Turkey then unilaterally suspended its political relationship with the EU and did not attend the meetings in London and Cardiff. At the Helsinki Summit on December 10–11, 1999, the EU granted candidate status to Turkey and other candidate countries in a similar position (Uğur, 2007).

After Turkey’s candidate status was accepted on March 24, 2001, the Accession Partnership was published in the Official Journal of the European Communities (The Council of the European Union, 2002). The Accession Partnership is a document drawn up by the European Commission and approved by the EU Council of Ministers covering the changes expected to be implemented in the short, medium and long term in order ensure that the country under consideration will be in compliance with the Copenhagen criteria by a certain deadline. This document examines the adoption of the National Programs for the Adoption of the EU Acquis (NPAA) by the Turkish government on 19 March 2001, including the obligations the government was expected to conform to in the short, medium, and long term to ensure compliance with the candidate countries of the Copenhagen criteria (Republic of Turkish Ministry for EU Affairs, 2001). In the general elections held on 3 November 2002, the Justice and Development Party (JDP) was in power, and one of its primary tasks was the matter of EU-Turkey relations.

Accession negotiations with Turkey and the EU started on 3 October 2005, and Turkey signed the Additional Protocol (AP) to harmonize relations with the 10 countries that became EU members in 2004. Southern Cyprus was among these countries. Later, Turkey stated that its signing of the AP did not amount to a recognition of Cyprus, which is significant because the EU wanted Turkey to recognize the country and open its ports and airports to Cyprus. Notably, the EU did not have such an attitude against other candidate countries during the former accession negotiations. For this reason, EU-Turkey relations arrived at a freezing point around this time, contrary

to expectations. Although the Positive Agenda was published in 2012 to revive and correct relations, the desired result could not be achieved. Finally, the relationship was further strained after the coup attempt on 15 July 2016 and the referendum on 16 April 2017.

While discussions in Turkey evaluated alternative prospects, including that of becoming a member of the Shanghai Cooperation Organization instead of the EU, several EU member states began to engage in rhetoric aimed at stopping the negotiations with Turkey. Therefore, the purpose of this study is to discuss EU-Turkey relations in the JDP era. Turkey-EU relations was severely shaken in the aftermath of the coup attempt on July 15. Therefore, this study will also try to explain how he had a change of July 15 before and after the Turkey-EU relations.

2. TURKEY-EUROPEAN UNION RELATIONS UNDER THE JDP GOVERNMENT UNTIL 15TH JULY COUP ATTEMPT

One of the most important foreign policy elements of the JDP, which came to power on November 3, 2002, is to develop relations with the EU (TBMM, 2003). According to the JDP's 2002 election manifesto, relations with the EU and its full membership are considered necessary for Turkey's modernization and rise to the level of contemporary civilization (AK Parti, 2002). In addition, the EU accession process have helped Turkey's development in areas such as the rule of law and strengthening democracy, human rights, and minority rights. Therefore, the full EU membership process was seen as essential for Turkey's development (AK Parti, 2007). Moreover, the JDP emphasized that the EU accession process was a strategic objective and the relations with other actors were complementary and not an alternative, and showed the value that the party gave to the EU (AK Parti, 2015; TBMM, 2007). The European Union, which respects the EU values and stability in its own region has been thought to be a model for Turkey's neighboring countries. The JDP used the EU's full membership process as a tool to get support and legitimacy in both domestic and foreign policy during its first period (Oğuzlu, 2009; Kaygusuz, 2010; Tezcan and Aras, 2015). However, it was emphasized that the EU accession process would be possible by strengthening Turkish democracy and solving the issues that are important for EU values, such as military-civil relations, minority rights, and human rights. At the same time, the JDP argued that Turkey's EU accession as a full member would be a bridge between the EU and the countries in its region. The logic in this thought can be seen in the idea of the EU which accepts Turkey as a full member if it wants to become a global power. Therefore, relations with the EU have been one of the priority issues in the first period of the JDP (Sunar, 2013).

The first period of the 2000s was the golden years of Turkey-EU relations. Turkey took the decision to start negotiations in 2005. After the signing of the Negotiation Framework Document, which extends the Turkey Customs Union to include new countries that joined the EU, Turkey has signed the Additional Protocol. Turkey has declared that the signing of the Additional Protocol does not mean recognizing Cyprus (Karluk, 2013). In contrast, the EU declared that failure to implement the Customs Union in Southern Cyprus (Greek Cypriot Administration of Southern Cyprus) would result in the suspension of negotiations. Moreover, the EU demanded that Turkey should solve this problem until November 2006. However, Turkey has not done anything to solve the problem from the perspective of the EU (Arık, 2010). Based on the recommendation of the European Commission in November 2006, the EU Council of Ministers decided to suspend negotiations on eight chapters. After this decision, while Turkey was living its golden years in the EU, members of certain groups within the state proposed an option as an alternative to having Turkey as a full member, though such a privileged partnership has led to the emergence of trust and confidence problems between the two sides (Bayraklı, 2017). Some countries such as Germany, France, Holland and Austria within the European Union do not want Turkey as a full member of the EU, because they think that the decision-making mechanism will be damaged with the membership of Turkey. However, the existing economic and political relations are seen by Turkey as unacceptable in the pushing out of the EU. Therefore, the EU continues its relationship without involving Turkey in the Union's decision-making mechanism, and has tried to seek alternative ways.

After the negotiation of certain titles has been in suspension for a long time, there has been no evident progress in Turkey-EU relations. Moreover, France has blocked five chapters and Southern Cyprus blocked six chapters individually. The negative attitudes of France and Southern Cyprus caused the negotiations to be blocked (Sipahioğlu, 2017).

Besides the Cyprus problem, the Arab Spring, which started in Tunisia in 2010 and spread rapidly to the Middle East and African countries, has made it difficult for Turkey's EU membership, because Turkey's southern region

has been destabilized. In this situation, Turkey's accession to the EU would increase the risks to the EU's security, especially with irregular migration, organized crime, terrorism etc. As the EU has already coped with economic and financial troubles and Europe has been forced to deal with domestic problems, the relations with Turkey were put into second place (Oğuzlu, 2012). New steps have been taken by the parties in order to re-negotiate the relations between the two sides.

In this context, the European Commission published an Enlargement Strategy Document on 12 October 2011 (European Commission, 2013). According to the EU 2011 Enlargement Strategy Document, Turkey-EU relations had become so bad that relations should be revived (European Commission, 2011). According to this Turkey-EU relations should be maintained in some policies such as mobility, visa, immigration, energy, and the fight against terrorism. However, this debate whether Turkey's full membership is heading towards becoming out of negotiations agenda

During a meeting held on 9th February 2012 in Istanbul, parties reached an agreement aimed at deepening energy relations between the EU and Turkey. In May 2012, the European Commission launched a positive agenda process to re-establish relations between the two sides (Demiral, 2014). The Positive Agenda was launched in May 2012 by the EU Minister and Chief Negotiator, Egemen Bağış, and the European Commissioner for Enlargement and Neighborhood Policy, Stefan Füle. At this meeting, Egemen Bağış, stressed that Turkey's membership process brings new alternatives (Elmas, 2013). Bağış claimed that Turkey's positive agenda of the negotiation process with the EU would develop and accelerate the reforms. Furthermore, he added that Turkey's full EU membership was the only goal. In the framework of the Positive Agenda, Bağış stated that the aim was to strengthen cooperation mechanisms in important issues such as visa exemption, political reforms, energy, counter-terrorism and the appointment of Turkish experts in the European Commission (Pohler, Pelkmans and Selcuki, 2012).

After the press release between the two sides, the scope of the Positive Agenda and the areas in which the relations were trying to be developed were emphasized. Accordingly, eight policies which are Free Movement of Goods, Rights of Establishment and Freedom to Provide Services, Financial Services, Agriculture and Rural Development, Fisheries, Transport Policy, Customs Union and External Relations, can advance to ensure compliance with the EU acquis in the context of the positive agenda of Turkey was determined. These areas were Judiciary and Fundamental Rights, Energy, EU-Turkey Customs Union, Visa and Migration thread, Turkey and the EU in foreign policy and crisis management Regarding Reinforced Political Dialogue, Collaboration in the Human Rights Agenda, and the progress recorded in Political Criteria Tracking and the New Constitution. After determining the scope of the Positive Agenda, Stefan Füle emphasized that firstly working groups would be established in the chapters on the Right to Establishment and Freedom of Service, Company Law, Information Society and Media, Statistics, Judiciary, and Fundamental Rights, Justice, Freedom and Security, Consumer and Health Protection and Financial Control, and he also stated that Turkey has expressed its support and it would be in compliance with the EU acquis (Aktar, 2012).

On the other hand, within the scope of the Positive Agenda, Commissioner Oettiger Füle and Ministers Taner Yıldız and Egemen Bağış held a meeting in Stuttgart on June 14, 2012, to discuss electricity, gas, renewable energy, energy efficiency, clean energy technologies, long-term energy scenarios, global and regional energy cooperation, and intensified cooperation on nuclear field. Also at the meeting, the Turkey-EU Positive agenda Enhanced EU-Turkey Energy Cooperation document was adopted. According to this document, Turkey is considered as a bridge of energy and is a potential energy center. Developing and strengthening this situation is beneficial to both Turkey and the EU (EU, 2012). After the Positive Agenda a movement in the negotiation process between the EU and Turkey has begun to emerge. After the Food Safety and Veterinary chapter opened on June 30, 2010, a new chapter was opened. This chapter in Turkey's relationship with the opening of the Union was expected to be a revival (İktisadi Kalkınma Vakfi, 2017).

However, on December 16, 2013, Turkey approved the road map prepared by the Union to abolish the visa and signed the readmission agreement. There has been a false perception that within three or three and a half years, Turkish citizens will automatically receive visa liberalization with these agreements. However, the abolition of the visa application depended on the obligations of the readmission agreement and the road map (Morelli, 2014).

The negotiation process was seriously hampered, and no new chapter was opened after 2016 (European Commission, 2016). In the coming period, three chapters can be opened if the opening criteria are fulfilled. These chapters are Public Procurement, Competition Policy, and Social Policy and Employment. The other chapters are blocked for some reason.

3. TURKEY-EUROPEAN UNION RELATIONS AFTER COUP ATTEMPT

On July 15, 2016, Turkey faced a coup attempt, carried out by a group of soldiers on the behalf of the terror organization FETO. In the face of this blow, with the request of President Recep Tayyip Erdogan, a mass of people went out to the streets and fought against the coup. 248 people lost their lives and 2,196 were injured (Sabah, 2017). After the coup attempt, the Turkish government declared a state of emergency and began to take tough measures. Under these measures, many people were arrested, detained and dismissed from their jobs (Aslan, 2017). Turkey encountered difficult times because of the coup attempt, and they received initial support from Russia and the EU, which Turkey wants to continue to receive (Alemdar, 2017).

According to Turkey, the EU didn't give adequate attention to the coup attempt; it didn't utterly condemn the attempt and didn't declare its support for Turkey's elected officials enough (European Council on Foreign Relations, 2016). In this situation, Turkey and EU relations experienced a crisis of confidence. In a statement after the coup attempt, the president of the EU Council, Donald Tusk, said Turkey should have been invited to return as soon as possible to the existing constitutional order. Also, Tusk stated that Turkey's current problems are the measures taken after the coup, saying democratic issues cannot be solved with arms and that government should not violate the rule of law (European Commission, 2016). Similarly, it has been said that the European Commission condemned the coup attempt and supported all democratic institutions in Turkey (European Commission, 2017).

On the other hand, the European Commission published Turkey's regular progress report on November 9, 2016. It condemned the coup attempt, which took place on July 15 in Turkey, and the report was supported to the democratic institutions in the country. However, because of measures taken following the coup attempt, the EU's rule of law and fundamental rights and freedoms, Turkey has been warned seriously because the measures taken after the coup attempt were found to be against the law and constitutional order. In such a case, the EU will lose both its important ally and the buffer country against the unstable regions as the Middle East (European Commission, 2015).

On November 24, 2016, a meeting was held at the European Parliament on the grounds that Turkey's Progress Report foreseen in the statements of the EU officials that conform to EU values. According to the European Parliament (EP), the Turkish government has resorted to disproportionate measures under emergency situations. According to the Parliament, the measures taken were within the framework of a large number of arrests, detentions, and dismissals made in Turkey and the death penalty were resumed debate on the introduction of effective response. Parliament indicated that all measures were contrary to European values and determined to recommend the temporary suspension of membership talks with Turkey (European Parliament, 2017). After this decision in Turkey, a debate that Turkey would be a member of the Shanghai Cooperation Organization began. Due to the fulfillment of Turkey's obligations, using the carrot and stick policy, the European Union has been asked to meet the necessary obligations to Turkey. However, this policy has become applicable to at least Turkey.

While these discussions took place between the two sides, on 28 October 2016, the EP International Trade Committee held a meeting to update the Customs Union and expand its scope. MEPs EU-Turkey Customs Union Rapporteur, David Borelli, noted that the updated Customs Union draft prepared by the European Commission was in effect until the end of December and approved by the EU Council of Ministers. Borelli said that this will lead to important steps taken in the process of trade and integration between the EU and Turkey (Euractiv, 2016). In other words, both sides have made efforts to continue their relations and develop this process economically, even if they have political problems.

While all of these developments were taking place, the European Commission published the fourth report of the EU-Turkey Declaration on 8 December 2016. Despite the difficulties related to the implementation of the report, the European Commission noted that the process has progressed significantly and that the number of those who attempt to illegally cross the Aegean Sea has fallen significantly. On December 13, 2016, at a meeting of EU Foreign Ministers, demands for the European Parliament and Austria to stop negotiations with Turkey were rejected. At the meeting, it was indicated that close relations with Turkey should be established while rejecting the decision to freeze accession talks with Turkey, but it has been decided not to open a new chapter in the negotiation process (Nielsen, 2016).

However, the President of the EU Council of Ministers, Donald Tusk, has announced that a meeting between the EU and Turkey would be held. Even though relations are strained between the two sides, The EU stated that the dialogue should continue on issues such as visa liberalization and updating the Customs Union with Turkey. Johannes Hahn, EU Commissioner for European Neighborhood and Enlargement Negotiations, likewise argued

that the Customs Union between Turkey and the EU provides significant gains for both parties, and said that an updated Customs Union was needed as soon as possible (Ateş and Aydın, 2017). In addition, on December 21, 2016, the European Commission submitted to the EU Council of Ministers a request for authorization to initiate negotiations for the updating of the Customs Union between Turkey and the EU. It is believed that modernization of the Customs Union would provide significant economic benefits. It is also envisaged that EU companies would gain significant advantages through the inclusion of agriculture, public procurement, and services (European Commission, 2016).

4. CONCLUSION

Over the past half century, the ongoing Turkey-EU relations have been turbulent and are still so today. For example, Turkey was unable to obtain candidate status at the summit held in Luxembourg in 1997. Turkey has unilaterally suspended its political relations with the EU. At the Helsinki Summit in 1999 Turkey achieved candidate status and started to re-develop relations with the EU. In this context, Turkey was successful in negotiations with the EU in 2005. Once negotiations had started, the EU-Turkey relations concerning Cyprus encountered problems and were damaged. Who wants to be strong in their region due to this problem, Turkey has improved its relations with countries in the region. This situation has given rise to debate the axis shift in Turkey (Genel, 2015). In 2012, the Positive Agenda was launched to stimulate relations between the two sides. Visa liberalization and readmission agreement in the process of important developments such as due to trust issues in Turkey-EU relations and frustrations desired success could not be achieved

While Turkey continue excerpt efforts to improve relations between the EU, relations are deadlocked again due to a coup attempt on July 15, 2016. Turkey claimed that it cannot receive the expected support from the EU and alternative routes such as the Shanghai Cooperation Organization instead of EU being discussed. After the failure of the coup attempt, the EU condemned the coup attempt, Turkey has been warning about the need to pass the constitutional order as soon as possible. Turkey has not taken into account the EU's warning. Thereupon, on 24 November 2016 European Parliament has decided to recommend for the suspension of negotiations with Turkey. Although this situation was rejected by the EU institutions and many EU member states, the tension between the two sides has continued to increase.

After the government came into power in 2002, the JDP government thought that the best way for them was to develop relations with the EU. However, when the near-term developments in Turkey are evaluated, The EU is no longer seen as a gilt. Especially, considering the effects of the global economic crisis, the state is acting rationally. However, it is not always possible to act rationally. It is difficult to make rational decisions in cases such as decision-makers' mistakes, disinformation and lack of information. In fact, the thought of being a member of the Shanghai Cooperation Organization is not considered to be rational in Turkey. Because this organization cannot compete with the EU both economically and politically. So cut all the relations with the EU to be a member of the Shanghai Cooperation Organization will be the detriment of Turkey. It has contributed to both sides and since 1996, trade relations have increased fourfold in the report of the Evaluation of the EU - Turkey Customs Union, prepared by World Bank in 2012.

However, it is thought that the relations will contribute even more by spreading the Customs Union to areas such as the free movement of services and agriculture. However, particularly after the July 15th coup attempt and the European Parliament, despite the negative attitude of some EU members, the European Union decision-makers have stressed the need to continue developing relations with Turkey. Therefore, the continuation of relations with Turkey will provide more benefits to both the EU and Turkey and is thought to be a rational step. Therefore, the EU's decision-makers tend to plan according to their best interest in Turkey.

EU is aware that it is not easy to absorb a large country with a high density population like Turkey. Therefore, the EU is hesitant about granting Turkey full EU membership. It was thought that Turkey's full membership to the EU would harm the EU decision-making mechanisms. However, the EU has been looking for alternative partnerships instead of full membership for Turkey in some countries within the EU. However, Turkey, from the moment it was founded, adhered to Western-style foreign policy and worked to integrate into Western institutions. For this reason, it considered the EU full membership as a state policy. However, the recent events that took place in Turkey's EU perspective have changed. Due to the EU developing its own host or problems, particularly due to the economic crisis, Turkey has lost the EU attraction. In contrast, it showed the need to revise existing EU-Turkey relations that have placed a double standard against Turkey by the EU. Turkey's full membership to EU wasn't

accepted by some EU countries due to it damaging the EU's decision-making structures and values. However, at the meeting held on March 25, 2017, the EU signalled that it would switch to a Multi-Speed Europe model. With the adoption of this structure, it seems to be make it more difficult for Turkey to become a full member of the EU. However, EU wants to bring restrictions to Turkey especially about the free movement of people. The European Union is concerned about the migration of the young population from Turkey to EU countries in order to find employment. In this case, the already existing unemployment rate in Europe will increase. For this reason, there is pushback against Turkey joining the EU.

While it appears that it might become more difficult for Turkey to join the EU in coming years, Turkey has to choose the model that will be best for it other than full membership, as leaving aside the idea of full EU membership would be more useful. In this way, the European Union will have no problems regarding the organizational structure and compliance because Turkey is an EU member. Turkey will also establish a comprehensive relationship with the EU that is more intensive and broader. However, it will avoid the impositions on Cyprus. In such a case, both sides will move freely and relations will develop more easily. In this sense, how the relations will take shape and how they will get a membership, whether they will become a member or not, can be re-evaluated in later periods. At the moment, however, the two sides should focus on the policies that are most appropriate for their own interests. In such an environment, both sides will be able to solve their domestic problems and will enable them to move more flexible in the later periods.

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