

CHANGING PATTERNS IN TURKEY-EU RELATIONS: FROM ELIGIBILITY TO CANDIDACY AND BEYOND

ARMAĞAN KIRIŞMAN - ÇINAR ÖZEN

ABSTRACT

This paper analyzes the changing patterns in the evolution of Turkey-EU relations. Turkey's long march to Europe has demonstrated three different patterns. 'Enduring association without accession', 'the reinforcing dynamics towards full-membership' and 'enduring association with an indefinite accession'. The first pattern includes the period from the establishment of association relations to the Helsinki Summit. Turkey was confirmed to be eligible for membership in this period. The second pattern starts with the period in Helsinki Summit, in which Turkey gained a candidacy status. The third pattern, enduring association with an indefinite accession, seems to describe the situation started with the accession negotiations. The third pattern determines the road-map for Turkey on the way to the EU. This paper argues that the third pattern can lead Turkey-EU relations to a great ambiguity. After evaluating historically the validity of these patterns in Turkey-EU relations and their link with the internal dynamics of the European integration process, the manuscript investigates the implications and impacts of these patterns for future Turkey-EU relations. This paper gives a special attention to the discussion of a 'privileged partnership' between Turkey and the EU.

KEYWORDS

Patterns in Turkey-EU relations, Turkey's accession to the EU, privileged partnership, reforms in Turkey-EU relations.

This manuscript deals with question of future of Turkey in Europe. To facilitate the understanding of the necessary parameters of that big discussion, three patterns in recent Turkey-EU relations have been proposed: 'Enduring association without accession', 'the reinforcing dynamics towards full-membership' and 'enduring association with an indefinite accession'. After evaluating historically the validity of these patterns in Turkey-EU relations and their link with the internal dynamics of the European integration process, the manuscript investigates the implications and impacts of these patterns for future Turkey-EU relations. This paper gives a special attention to the discussion of a 'privileged partnership' between Turkey and the EU.

Adopting the values, lifestyles, ways of thinking and technological development of Europe was considered the only way to prevent the decline of the Ottoman Empire. That is why the Ottoman Empire had already started its Europeanization process. The process of modernization and Europeanization did not come to an end when the Turkish Republic was formed in 1923. On the contrary, the process was accelerated, and it has become one of the determining parameters of Turkish foreign policy.

After World War II, the process of gradual integration of Turkey into the European institutional system became much more visible. Turkey was among the first countries to join the Council of Europe and was one of the founding members of the organization that later became the OECD. During the early years of the Cold War, Turkey became a member of NATO. In addition, Turkey was considered to be a critical member of the Western defense system due to its pivotal position. Mutual benefits led Turkey to become closer to the US as well as to Europe.

Despite this continuing policy of rapprochement towards the European institutional system, Turkey faces difficulty finding a proper place for itself in Europe. Turkish aspiration to join the European Union (EU) is the last and most ambitious stage of this rapprochement. However, difficulties embedded in this accession process reinforce Turkey's paradoxical situation in Europe.

The present study differentiates three patterns in Turkey-EU relations during Turkey's most recent integration with Europe. It is argued that these patterns are modes of relations, which define the aim and the level of the Turkey-EU integration. Using these patterns as a framework, this paper aims to clarify Turkey-EU relations, which remain difficult to interpret.

Historical Perspective in Turkey-EU Relations

Diplomatic relations between Turkey and the EU have a long history, since Turkey has always been in close rapport with Europe as an economic and strategic partner. Turkey initiated its efforts to develop close bonds with the European Communities (EC) in 1959 with the request for Association Agreement. A formal relationship between the EU and Turkey resulted from the 1963 Association Agreement with the European Economic Community (EEC). In July 1959, one and half years after the creation of the EEC, Turkey made its first application for association. The Community applauded Turkey's application for association, mainly for political reasons. Furthermore, it was a period when politicians all over the world speculated on the EC's future. In addition, expansion to the Turkish market and its cheap labor pool were considered to be positive factors by the EEC since it would strengthen the influence of the EC in the economic arena and would reveal the fact that the EC was open to develop relations with new countries. Therefore, an association relation between Turkey and the EEC served the interests of both sides; however, whether the profits gained from this relation were equally fair for both parties is open to debate. After four years of negotiations, the Ankara Agreement was signed on 12 September 1963 and came into force on 1 December 1964. It established an association, which would endure until Turkey's economic, social and political circumstances permitted its accession¹.

The Ankara Agreement envisaged the progressive establishment of a Customs Union, which would bring the parties closer together in economic and trade issues. In the meantime, the

¹The article 28 of the Ankara Agreement stipulating the conditions of Turkey's accession to the EC.

EEC would offer financial assistance to Turkey. The 1963 Agreement, held out the possibility of later accession to the EC and provided for three stages of development in the association relationship. The first stage was the preparatory stage during which Turkey should, with financial assistance from the EEC, strengthen its economy so as to enable her to fulfill the obligations that would develop during the next two stages. The preparatory stage came to an end in 1973 when the Additional Protocol was brought into effect. In compliance with the provisions of the Ankara Agreement and the Provisional Protocol attached to the Agreement, the transitional stage of Association started in 1973. The Additional Protocol was the basic text that determined the conditions and procedures to be observed by both Turkey and the EEC during the transitional stage, as well as during the progressive establishment of the Customs Union in trade of industrial goods.

The late 1980s represented a period of transformation for both Turkey and the European Community. Turkey's heavily protected and closed economy of the 1960s and 1970s was steadily changed into a far more open economy in the 1980s and 1990s with the liberal economic policies of the Özal government. On the political front, military control between 1980 and 1983 was replaced by a step-by-step return to democracy. Therefore, Turkey started to adopt a more positive approach towards the Community. As a result of all these encouraging developments, in 1987, Turkey applied for full membership to the EC in spite of the fact that the country received discouraging signals from the European countries. The Council forwarded Turkey's application to the Commission for the preparation of an Opinion. The Commission's Opinion was completed on 18 December 1989 and endorsed by the Council on 5 February 1990.

There were various reasons why the Turkish application was not supported by the Community. First of all, the *Avis* stated that "it would be inappropriate for the Community, which is itself undergoing major changes while the whole of Europe is in a state of flux, to become involved in new accession negotiations at this stage."² This

²Commission Opinion on Turkey's Request for Accession to the Community, available at www.deltur.cec.eu.int/english/opinion.html

meant that Turkey's accession was prevented by the changing political conditions in Europe and the EC's own situation since the completion of the Single Market hindered the consideration of further enlargement. The Commission's opinion noted that major gaps persisted in the level of economic and social development, especially in areas of agriculture and industry, that deficiencies existed in democracy and human rights, and that the situation in Cyprus could not be ignored. The Opinion went on to emphasize the need for a detailed cooperation program aimed at facilitating the integration of the two sides, and added that the Customs Union should be completed in 1995 as foreseen by the Ankara Agreement. Turkey's eligibility for membership, however, was confirmed and the Community's interest in closer ties with Turkey was underlined. From then on, the Community prioritized the completion of the Customs Union between Turkey and the EEC as foreseen by the Additional Protocol.

The Customs Union entered its final phase on 1 January 1996 following the 6 March 1995 Decision 1/95 of the Turkey-EC Association Council, after long debates in European countries. The Customs Union, as an economic integration model, foresees the elimination of customs duties, taxes having an equivalent effect and quantity restrictions, and all of the measures having equivalent effect present in trade among the parties, in addition to the application of a customs tariff towards third countries that remain outside the Union. The fundamental principle of the Customs Union is the free circulation of those goods, that fall within the scope of the Customs Union, without being subject to any kind of restrictions.³ This means a Customs Union means that goods can move freely, as within one customs territory, and each party applies the same external tariff for imports from third countries, and the same commercial policy. The Customs Union covers trade in industrial goods and processed agricultural products.

³Muzaffer Dartan, 'Turkey-EU Relations With Particular Reference to the Customs Union', in M. Dartan, M. and Çiğdem Nas, eds., *The European Union Enlargement Process and Turkey*, (İstanbul: A Publication of Marmara University European Community Institute, 2002), p. 283

Pattern 1: Enduring Association Without Accession

During 1990s, the EC/EU to a great extent pursued a strategy favoring a strategic relationship with Turkey rather than full-membership. The Community preferred to use miscellaneous concepts such as 'strategic partnership' and 'special relations' rather than 'full membership' when defining Turkey-EC/EU relations during this period.⁴ Thus, it is possible to describe the period until the Helsinki decisions, as a pattern enduring association without accession.

The characteristic of this pattern is to keep integration on the level of association. This pattern bears great similarity to the model proposed by Angela Merkel, the leader of the German Christian Democrats, under the formulation of "privileged partnership"⁵. The association can be enlarged and enhanced with special arrangements to provide access to specific EU programs and policies, but will not reach full-membership. This pattern is quite flexible for all kinds of specific participation and decision-making arrangements by the institutional framework such as Association Council and all related association committees. The financial aspect of the integration could be a separate subject of bargaining in the associational framework as well.

This pattern describes relations between Turkey and EU from 1963 to 1999. In the first phase of this period, 1963-1987, Turkey was not really motivated for full-membership. Thus there was no possibility for testing integration on the delicate question of Turkish accession. However in the second phase, 1987-1999, the Turkish application changed the nature of the relation. Turkey could not get a clear answer to its application until the December 1997 Luxembourg Summit. The answer given at the Luxembourg Summit reflected the pattern of enduring association without accession.

The collapse of communism in both Eastern Europe and the Soviet Union between 1989 and 1991, and the attendant dissolution

⁴Çınar Özen, *Türkiye-Avrupa Topluluğu Gümrük Birliği ve Tam Üyelik Süreci Üzerine Etkileri* (İzmir: Ceylan Kitabevi, 2002), p. 123

⁵*Financial Times*, 21/22 February 2004.

of the Warsaw Treaty Organization, ended the bipolar security harness in Europe. Those newly born, newly independent and newly sovereign states of Central and Eastern Europe generated global and continental problems for Europe itself and also for the rest of the world, and it was the western states that would come up with a solution to those problems. Integration of those countries into the new global order, or the new enlargement project, was the only way to maintain and reinforce stability and security in Europe.

Beginning in 1991, the Central and Eastern European countries signed Europe Agreements with the EU that were based on trade, political dialogue, industry, environment, customs regulation, etc. The ultimate goal was the expansion of European integration towards Eastern Europe. The Copenhagen Summit in June 1993 clearly underlined that the membership of Central and Eastern European countries, but not Turkey, was a major objective of the EU policy.⁶ It also set out specific economic and political criteria for membership. The political criteria included a requirement that a candidate country has to achieve a stable democracy, maintain the rule of law, respect human rights, and protect the rights of minorities. The Copenhagen criteria, therefore, complicated Turkey's quest for EU membership. This new set of political criteria accentuated the differences between Turkey and the other aspirants and highlighted Turkey's "distinctiveness".⁷

In the 1990s, what affected Turkey's relations with Europe was not only the period of fundamental transformation in Europe but also the challenges that Turkey faced domestically and externally. At home, Turkey was exposed to severe Kurdish separatism and political Islam, both of which posed serious threats to the territorial integrity and the secular nature of the Turkish Republic. The campaign against the separatist organization, PKK, forced Turkey to focus on its internal affairs instead of paying great attention to the integration process. In addition, the rise of the Islamic political parties increased uncertainties in Turkish domestic politics. Being intensively occupied with the domestic issues, Turkey felt itself in the periphery of Europe.

⁶I.O. Lesser and S. F. Larrabee, *Turkish Foreign Policy in an Age of Uncertainty* (RAND, 2003), p.50.

⁷*Ibid.*, p. 50

External factors complicated Turkey's relations with Europe as well during this period. Greece as a member of the Union pointed to the Aegean disputes, and the Cyprus issue kept its dominant position during this period. Furthermore, the outbreak of the Rock of Kardak-Imia crisis only one month after the completion of the Customs Union generated a new hardening in the Greek stance towards Turkey.

The unwillingness of the EC/EU to recognize Turkey as a candidate did not mean that it was totally ignoring Turkey. For the EC/EU in the 1980s and 1990s, Turkey, rather than being a 'natural insider', was an 'important outsider' with whom relations ought to be developed on an arm's length basis barring full integration.⁸ In that context the EC/EU implicitly put its relations with Turkey into a context of privileged partnership.

The Luxembourg Summit that took place on 12-13 December 1997 was a turning point for the future of Europe and for Turkey's European aspirations as well. At the Luxembourg Summit, the European Council envisaged the inclusion of Cyprus, Hungary, Poland, Estonia, the Czech Republic, Slovenia, Romania, Slovakia, Latvia, Lithuania and Bulgaria in two waves of enlargement. The European Council preferred to open a different chapter for Turkey called "A European Strategy for Turkey" which did not provide Turkey with a clear path towards full-membership⁹. The European strategy for Turkey adopted in Luxembourg was not recognizing Turkey as a candidate state, but insisting on the completion of the customs union and assuring Turkey the possibility to participate in several Communitarian programs without membership.

The EU's Luxembourg Summit in 1997 essentially confirmed the process of distinguishing Turkey from the other aspiring candidates. Turkey was not accepted as a candidate country, but in order to enhance its candidacy for membership, a pre-accession strategy was suggested for Turkey. The European approach towards

⁸Ziya Öniş and Şahnur Yılmaz 'Turkey-EU-US Triangle in Perspective:Transformation or Continuity', available at <http://home.ku.edu.tr>.

⁹Conclusions of the Presidency of the European Council, Luxembourg, December 1997, *Bulletin of the European Communities*, 12-1997, OOP, 1997

Turkey in the Luxembourg Summit was neither one of inclusion nor exclusion, maintaining Turkey inside a pattern of privileged partnership.

2. Pattern 2: The Reinforcing Dynamics towards Full-Membership

The second pattern is set on a model developing fully towards Turkish accession to the EU. According to this pattern, the granting of candidacy status to Turkey should be interpreted as a genuine and sincere step in Turkey's process of accession. In brief, the parties are decided that the ultimate goal of integration is full-membership for Turkey. Thus all procedures and stages proposed by the EU and pursued by Turkey during candidacy are oriented towards to the successful realization of this goal.

Turkey's actions following the Helsinki Summit 1999 were consisted with this second pattern. This period was characterized by Turkey's concentration on the requirements needed to reach the ultimate goal. The question is whether or not the EU actually took the same view of its relation with Turkey even after the Helsinki Summit.

In Helsinki, the EU provided a framework of candidacy to Turkey and thus created a momentum towards membership. For both parties, Helsinki marked a new beginning and a process of cooperation and mutual understanding. After the approval of the Accession Partnership by the Council and the adoption of the Framework Regulation, the Turkish Government announced its own National Program for the Adoption of the EU acquis on 19 March 2001. Progress towards accession continued along the path set by the National Program. Attaining the membership goal obviously required the fulfillment of the Copenhagen political criteria plus obtaining settlement in the Aegean Sea and Cyprus disputes. Turkey's membership would largely depend on the success of constant efforts towards this end.

Immediately following the official approval of the National Program, the Turkish Government initiated a process of implementation, which involved the translation of the proposals embodied in the document into concrete action. Indeed a record

number of thirty-four Constitutional Amendments were passed in October 2001.¹⁰ The package of constitutional amendments covers a wide range of issues, such as improving human rights, strengthening the rule of law and some restructuring of democratic institutions.¹¹ In February 2002, after heated debates, the Turkish Grand National Assembly passed a mini-reform package containing reforms to Articles 159 and 312 of the Turkish Penal Code and paragraphs 7 and 8 of the Anti-Terrorism Law that relaxed constraints on freedom of expression.¹² These reform packages were followed by "Harmonization Laws" designed to translate the Constitutional Amendments concerned into concrete action as part of the process of bringing Turkish law in line with the European Acquis. So, the period from the beginning of 2000 onwards may be described as a period of profound and momentous change in Turkish political history.

During this time the coalition government faced great opposition from the ultranationalist Nationalist Action Party (*Milliyetçi Hareket Partisi-MHP*). Indeed, the MHP was a key actor in the coalition government and played a major role in blocking some of the political reforms needed to meet the EU's democratic norms in the post-Helsinki era. The MHP was an obstacle for the coalition government which wanted to accelerate the necessary reform process. In the end, however, the other members of the coalition government managed to persuade the MHP and passed the major reform package in the Parliament. Although the euphoria after the legislative package was short lived due to the frustration in the Copenhagen Summit, the Harmonization Laws removed years-old state restrictions in key areas. The removal of these restrictions allowed Turkey to become a more democratic and pluralistic state in line with the requirements of the Post-Cold War period.

¹⁰The whole schedule and work to be done in this respect is outlined in a worksheet called as Follow-Up Instrument. The document is available at www.abgs.gov.tr

¹¹L. Boulton, 'Turkey Approves Reforms to Ease Curbs on Human Rights', *Financial Times*, 24 September 2001

¹²See "Regular Report on Turkey's Progress Toward Accession", Brussels, Commission of the European Communities, SEC(2002), 1412, October 10, 2002, p. 45

The most debated reform in the reform package was the abolition of the death penalty, including for those convicted of terrorist activities. As a matter of fact, the death penalty had not been carried out in Turkey since 1984, but for the Nationalists it had to be imposed for the leader of PKK, Abdullah Öcalan, who was captured in 1999. Lifting the death penalty was an extremely sensitive issue for Turkey. The second outstanding reform made in August 2002 was legalizing broadcasting and private tutoring in different languages and dialects. With the amendment of Article 4/I of the Law, legal restrictions on broadcasting in different languages and dialects were lifted and the freedom to broadcast is ensured.¹³

Additional reforms included ending punishment for criticism of the armed forces and other pillars of the Turkish state establishment and outlawing the smuggling of organs and people.¹⁴ The package lifted certain restrictions on people's right to associate and form civic organizations, and imposed stricter penalties for human trafficking. It allowed non-Muslim minority communities such as Greeks, Armenians and Jews greater rights over religious property such as churches. The reforms tightened regulations governing the police, who were frequently accused of human rights abuses. Interestingly enough, the Turkish Parliament adopted these key decisions with an overwhelming majority despite opposition from the nationalists in the coalition and from the public.

In its Regular Report of 2002, the EU Commission also appreciated these positive developments. The Commission concluded that: "Overall, Turkey has made noticeable progress towards meeting the Copenhagen political criteria since the Commission issued its report in 1998, and in particular in the course of last year. The reforms adopted in August 2002 are particularly far-reaching. Taken together, these reforms provide much of the groundwork for strengthening democracy and the protection of human rights in Turkey. They open the way for further changes, which should enable Turkish citizens progressively to enjoy rights and freedoms

¹³*Official Gazette*, 08 August 2002, available at www.basbakanlik.gov.tr

¹⁴An Analysis of the EU Harmonization Laws adopted by the TGNA on August 3, 2002 is available at www.euturkey.org.tr/abportal/uploads/files.

commensurate with those prevailing in the European Union. Nonetheless, Turkey does not fully meet the political criteria.”¹⁵ Turkey’s failure to meet the political criteria, according to the Regular Report of 2002, was a result of the significant limitations on the reforms and prospective problems in the implementation process by Turkey.

On the eve of the enlargement, and just before the Copenhagen summit (December 2002), from which Turkey expected a date for the start of accession negotiations, the newly elected AKP government (under the premiership of Abdullah Gül with the strong backing of the USA) declared that they would pass the necessary reforms immediately and implement them to comply with the Copenhagen criteria. Challenging the suspicious opinions of the European leaders about this new, Islamic rooted government, Abdullah Gül, tried to assure the Europeans that Turkey’s priority was its relations with Europe, not with the Islamic countries. Later, in accordance with their promises, Tayyip Erdoğan, the premier and the real leader of the AKP, began his tours to many European countries.

German Chancellor Gerhard Schroeder and French President Jacques Chirac met on 4 December 2004 in a town near Berlin and spelled out their formula for Turkey: “At the Copenhagen Summit, 12-13 December 2004, with the agreement and recommendation of the Commission, it would be considered whether Turkey had completely respected the Copenhagen criteria. If this were the case then negotiations could begin from July 2005”.¹⁶ The Franco-German deal fell rather short of Turkey’s expectations, and the government did not wait long to react to that ‘date for date’. The EU’s attitude and the consequences of this deal started to be severely criticized among political circles.

After visits to almost all the European capitals by Tayyip Erdoğan and after the USA lobbying on behalf of Turkey, Ankara

¹⁵“Regular Report on Turkey’s Progress Toward Accession”, Brussels, Commission of the European Communities, SEC(2002), 1412, October 10, 2002, pp. 46-47.

¹⁶www.euobserver.com/index.phtml?aid=8658

was unable to get what it hoped for. The Copenhagen Summit fell close to the Franco-German proposal and stipulated "the accession negotiations between the EU and Turkey will start after December 2004 without delay on the condition that Turkey fulfills the so-called Copenhagen political criteria". This was not what Ankara had hoped for. Nevertheless, the AKP government made its declarations cautiously, showing great care not to deteriorate its relations with The EU and to keep the Turkish path towards Europe open.

3. Pattern 3: Enduring Association with an Indefinite Accession

This pattern emerges on one hand from the reluctance of the European political environment toward Turkish accession and on the other hand from Turkish insistence on full-membership. The EU found itself in a very difficult position with respect to Turkish accession. The growing strategic and economic importance of Turkey, which made Turkey an indispensable partner, contributed to the evolution of this third pattern in Turkey-EU relations. This pattern can be seen as a hypocritical formulation to gain time and to impede Turkish accession. During this time, on the one hand, Turkish membership would be stopped and, on the other hand, necessary pretexts would be produced. Finally, Turkey could be convinced to another option for its relations with EU apart from membership.

The last Commission report of October 2004, proposed a model for starting negotiations. 'Open-ended negotiations' were proposed by the Commission and adopted by the Brussels European Council in December 2004. Moreover, France envisaged a 'referendum for the ratification' with an amendment to its Constitution, which could possibly be pursued by some other member states. The third pattern seems to be influential behind the critical decisions of the period starting with the Brussels European Council. In that sense this new period of Turkey-EU relations is filled with vagueness with respect to the future of Turkey-EU relations.

In the post-Cold War era, Turkey has faced a change in its strategic environment. In the changing security conditions, Turkey has gained a new pivotal position in the Eurasian region. Balkan, Caucasian and Middle Eastern developments underline the potential

strategic role of Turkey. From the strategic perspective, the EU would prefer that Turkey not feel 'left out'. The crisis in Turkey-EU relations has the potential to disturb both Europe and the USA. Washington too expressed its unhappiness with the EU's treatment of this strategically important NATO member.¹⁷ The revitalization of Turkish hopes for full-membership can be explained partially by these new security conditions and strategic evaluations.

The shift in the EU's position was due to several factors, as Lesser and Larrabee put it: (1) a desire on the part of the EU to halt deterioration of Turkish-EU relations after Luxembourg, (2) a more accommodating position by the new SPD/Green coalition in Germany, (3) a change in Greek policy toward Turkey, (4) pressure from the United States.¹⁸ Europe was also well aware of the fact that despite the demise of a threat from the Eastern Block, Turkey was still a pivotal country that could serve both the security and economic interests of the continent. If Turkey were allowed to drift towards isolation and authoritarianism, not only would Turkey find itself in a state of limbo, but also European interests would be jeopardized. Therefore, Europe tried to launch a more positive approach toward Turkey. However Turkey's inclusion might lead to serious problems on the continent. The financial, economic and cultural obstacles to Turkish accession, debated in European public opinion, and Turkey's integration through full-membership did not have a favorable reception.

The historic decision taken at the Helsinki Summit was applauded. No one asked if Turkey was "European". After Helsinki the focus was essentially on the Copenhagen political criteria, and Turkey's big political transformation dominated the agenda of Turkey-EU relations at that time. In this sense the Copenhagen Summit of December 2002 indicated a new stage.

The Copenhagen Summit was an historical event in two significant respects. First, after the Helsinki Summit of 1999, in which Turkey had been finally granted a candidate status, the

¹⁷William Park, 'Turkey's European Union Candidacy: From Luxembourg to Helsinki-to Ankara?', available at <http://www.ciaonet.org/isa/pab01/>

¹⁸Lesser and Larrabee, *Turkish Foreign Policy*, p. 52.

Copenhagen Summit created a sense of 'certainty' in EU-Turkey relations by giving a specific date for the beginning of the accession negotiations.¹⁹ Even though the year 2004 was a conditional date, it was nevertheless an important move forward, insofar as it has provided Turkey with the prospect that full EU membership was a real possibility. Secondly, the Copenhagen Summit created a historical moment in Turkey, in that the AKP, even though it failed to obtain a definite date for the start of accession negotiations, understood that Turkey had to tighten its relations with the EU as long as it wanted to become an economically and politically stable country.

In this sense the Copenhagen Summit reassured the EU's engagement for Turkish accession. On the other hand the Copenhagen summit increased the indefinite conditionality of the Turkish accession. Pursuing the path opened by the Copenhagen Summit, the European Commission issued its regular report in October 2004. The 2004 report first praised all the positive developments that had taken place recently in Turkey; it then underlined the problems, which were seen to be as significant as the improvements in Turkey and capable of causing problems in the future. Among the major causes of concern, the report highlighted the difference in the definition of 'minorities' between Turkey and the EU. According to the report, there are other communities in Turkey that should be regarded as minorities, such as the Kurds.²⁰ In this way, the Commission criticized the legal definition of minorities in Turkey. Furthermore, the report defined the Alevis as non-Sunni Muslim minority and stated that the fact that they were not officially recognized as a religious community posed a threat to civil and political rights in Turkey.²¹ The report also pointed out continuing problems related to freedom of religion for non-Muslim communities, and the restrictions on the exercise of cultural rights, including in the areas of

¹⁹Ziya Öniş and Fuat Keyman, 'Turkey at the Polls: A New Path Emerges', *Journal of Democracy*, Vol. 14, No. 2, p. 99.

²⁰2004 Regular Report on Turkey's Progress towards accession, Commission of the European Communities, SEC(2004) 1201, Brussels, 16.10.2004, p. 48

²¹*Ibid.*, p. 44

broadcasting and education.²² In brief, the Commission's approach to the definition of minorities and civil and cultural rights is totally different from that of Turkey, and this is likely to create serious problems in the negotiation process. As regards the role of the military in Turkish political life, the report tended to criticize the influence of the military on political issues.²³

The Cyprus dispute still constitutes the biggest determinant of the negotiation process. The officially recognized government of Cyprus is the Greek Cypriot Government and it now has the veto right over the signature and the approval process of EU agreements, since becoming member of the EU in May 2004. Therefore, one should bear in mind that the evolution of relations with Cyprus will determine the fate of Turkey during negotiations.

The Brussels European Council meeting of December 17, 2004 was regarded as the opening of a new era in Turkey-EU relations. The Turkish government gained a date for the start of accession negotiations and interpreted this as a delayed victory for Turkey. Despite the fact that the decisions taken in the Brussels Summit seem to be quite positive and welcoming for Turkey, the EU did not actually offer what Turkey wanted. As a matter of fact, the 23rd paragraph of the 'Presidency Conclusions', which outlines the framework for negotiations, does not include Turkey in the full-membership process as it did in the previous enlargements. This article states that negotiations with Turkey are 'open-ended process'. The last part of the same paragraph also points out "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". This article will only be applied to Turkey but not to Romania and Bulgaria, which are in the process of negotiation or to Croatia, which will start negotiations in April 2005. What is more, a member state will be able to stop or to bring permanent restrictions to any chapter if it endangers the country's own interests. The last European Council meeting clearly points out that getting a date from the EU does not necessarily direct Turkey towards full membership,

²²*Ibid.*, p. 18

²³*Ibid.*, p. 15

as it sets out strict restrictions that have not been spelled out for other candidate countries.

The former President of France and chairman of the European Convention, Valéry Giscard d'Estaing, stated that "Europe lies to Turkey. The real tendency of the ones affirming the candidacy status of Turkey is actually based on the idea that Turkey can never become a full member".²⁴ Whether Europe is serious about Turkish membership is open to discussion. As one scholar put it, it is "unclear whether the EU Council decision regarding Turkish candidacy in Helsinki was European decision-making at its best, or at its worst."²⁵

Turkey took one step forward towards membership, but was that really a turning point in Turkey-EU relations? As a matter of fact, the granting of candidacy status was not an end or a victory for Turkey-EU relations, but just the beginning of the complexities of Turkey-EU relations.

4. Looking Ahead: Discussion and Conclusions

The third pattern, enduring association with an indefinite membership, seems to describe the situation today. After the Brussels Summit, Turkey had a date, 3 October 2005, to start negotiations. However, this date will launch an open-ended process that will not necessarily end up with an accession. How should we understand this formulation? If Turkey-EU negotiations terminate with success and the parties accomplish the goal of preparing a mutually acceptable accession agreement, the ratification will be guaranteed. Otherwise why would the parties negotiate? In that context, what would a French referendum²⁶ on Turkish accession mean?

²⁴"Turkey Entry would Destroy EU", BBC News, World edition, news.bbc.co.uk/2/hi/Europe/2420697.stm, 8 November 2002.

²⁵S. Chubin and J. D Green, 'Turkish Society and Foreign Policy in Troubled Times', Report of a Geneva Center for Security Policy/RAND Workshop, 2001, p. 7

²⁶*Financial Times*, 1 March 2005.

Turkey's ossified internal dynamics, prevailing as a residue of a hard transition from a multi-ethnic empire to a secular nation-state, limit the way in which change can take place. In that context the role that the external dynamics can play to alter the existing structures and way of thinking gain importance. The supranational legal personality of the EU, in this sense, provides a valuable framework for Turkey in the way of freedom and wealth. In other words, the essential external dynamic to make this change permanent and sustainable is the integrationist philosophy of the EU, which embodies various principles, criteria, standards and implementations.

Moreover, the EU, from historical, economic or strategic perspective, is the closest option to Turkey for integration. The full functioning of the customs union from the 1 January 1996 until today achieved the convergence of Turkish and the European economies. The customs union, as a highly advanced mode of economic integration demonstrates clearly the choice of Turkey and provides a solid foundation for political integration. Turkey's determination is quite clear, but the uncertainty prevails in the EU. Until the end of 2002, Turkey was unable to progress along the lines of the Copenhagen political criteria. However, the Commission Report of 2004 pointed out that "Turkey sufficiently fulfils the political criteria" and recommended "opening of accession negotiations".²⁷ In this perspective given by the Commission, the EU members should be clear and precise. It is hard to observe that in the decisions of Brussels Summit.

Permanent non-membership will probably lead to significant consequences both in Turkey and in Europe. Although Turkey is considered to be an important partner both economically and strategically, the differences between Turkey and the member states of the EU, whether of economy, culture, politics, foreign policy, democracy or religion, seem to be too great to minimize in the eyes of European leaders. The cultural debate has gained considerable importance in Turkey-EU relations, that not seen before.

²⁷Recommendation of the European Commission on Turkey's Progress towards Accession, Communication from the Commission to the Council and the European Parliament, Brussels, 6.10.2004, COM (2004) 656 final, p.9.

The third pattern, in the light of these hesitant evaluations, seems to have been chosen as a provisional solution, and could delay the issue until after 2015 and require the parties to reconsider the issue. It is argued as well that nobody can speculate about the future of Turkey-EU relation today, because the period may be quite long and the day of decision will be quite far off. During this long period Turkey may lose its motivation and willingness for EU membership, since indefiniteness can cause a change in Turkish public opinion. Maybe this is the desired end.

The Brussels summit provisions present Turkey a menu with a politically hilly mechanism for the negotiations, the special arrangements for agricultural and cohesion policies and permanent safeguards for free circulation of workers. However, this menu does not provide an adequate financial framework or a clear process for achieving the ultimate goal of the full-membership. This is a very discouraging fact which gives the impression that Turkey is advancing toward a special status called 'privileged partnership'. As a matter of fact, the EU will determine the reinforcing pattern of Turkey-EU relations, not Turkey. Thus, continuing evolution of European integration will also have significant influence.

As noted above, if the third pattern continues to determine Turkey-EU relations, this will lead to great ambiguity. Ambiguity can cause a step-by-step isolation of Turkey, from the European institutional architecture. An indefinite accession process will not benefit Europe or Turkey. What is needed is a clear-cut definition of the relationship between the Union and Turkey which eliminates all ambiguity. Finally, the parties should start a sincere dialogue. Turkey-EU relations can go on outside a membership framework as was the case before the application of Turkey to the EU. However, the relations between the two parties might deteriorate unless the EU clarifies the kind of relationship it wants to have with Turkey. Turkey will definitely be reluctant to wait at the door of the EU without gaining something concrete in turn. The European Union should launch a stable and consistent policy towards Turkey, since Turkey will be discouraged and will lose all motivation if it is kept waiting for the negotiations to come to an end. Some definite special partnership between Turkey and the EU is a better way of integrating Turkey to Europe than an indefinite and endless accession process,

because Turkey probably won't accept that kind of a blurred association with the EU.