

# Unblocking Turkey's EU Accession

NATHALIE TOCCI\*

## ABSTRACT

*Debates over Turkey's application for EU membership are rife with pessimism nowadays. Much of the gloom comes from the many obstacles either directly or indirectly posed by the Cyprus conflict and its manifold repercussions on EU-Turkey relations. Resolving the Cyprus conflict remains the only means to untie the Gordian knot at the heart of Turkey's troubled accession process, but a settlement of the conflict on the island may not be in sight. However, hidden within the technicalities of the post-Lisbon EU decision-making process may be a ray of light that could unblock Turkey's troubled path to Europe. The Direct Trade Regulation, proposed back in 2004 by the European Commission to lift the isolation of northern Cyprus, may be resurrected by the new decision-making procedures of the post-Lisbon EU. Were this to take place, much needed momentum may be injected in Turkey's ailing EU accession process.*

Whether in the United States, the European Union or in Turkey, doom and gloom permeate debates surrounding Turkey's EU accession. Turkey's EU membership nowadays is typically written off as a pipedream. In turn, Turkey's democratic consolidation has been deprived of the solid EU anchor it still badly needs. The Cyprus conflict and its repercussions represent the most blatant thorn in the side of Turkey's EU accession process. Resolving the Cyprus issue and the intra-EU debates underpinning Turkey's accession process may not be in sight. But hidden within the technicalities of the post-Lisbon EU decision-making process may be a ray of light that could unblock Turkey's troubled path to Europe.

## Background

Since the opening of Turkey's accession negotiations in 2005, there has been little reason to rejoice. To date, Turkey has opened a mere

\* German Marshall Fund, [PNTOcci@gmfus.org](mailto:PNTOcci@gmfus.org)

From the Kurdish and Alevi openings to the current constitutional reform package, the impetus for political change is alive and well

13 chapters out of the 35 in its negotiations, and has provisionally closed only one. In 2006 eight chapters were “frozen” by the EU on the grounds of Turkey’s non-implementation of the Additional Protocol to its customs union agreement, which concerned the opening of Turkish

ports and airports to Cypriot-flagged vessels and flights. The EU also declared that lest Turkey implement the Additional Protocol, no chapter would be provisionally closed. In 2007 France blocked the opening of a further five chapters on the shaky grounds that they were too evidently related to full EU membership. In 2009, in view of Turkey’s persisting non-implementation of the Protocol, Cyprus vetoed the opening of a further five chapters (one of which overlaps with the five chapters blocked by France), in addition to its veto over the energy chapter due to a dispute with Turkey over oil exploration rights.

### The Cyprus “Problem” and What Lies Behind It

The pace of the negotiations has reflected the broader political problems underpinning EU-Turkey relations. Since Cyprus entered the EU, it has leveraged its status to induce Turkish concessions in the protracted Cyprus conflict. Yet Cyprus has succeeded in hampering progress in Turkey’s accession negotiations largely because its position is supported by other member states. Most poignantly, the election of Chancellor Merkel in Germany in 2005 and of President Sarkozy in France in 2007 reversed the French-German duo from being a motor in favor of Turkey’s membership to a formidable break against it. More broadly, many Europeans have raised concerns regarding Turkey’s EU membership in relation to a range of issues, from immigration, budget and agriculture, to institutions, borders and identity. There is no European consensus on any one of these issues. Yet the existence of a contested debate at the heart of the European project goes far in explaining the tortuous and protracted nature of Turkey’s European journey.

The snail pace of Turkey’s accession negotiations has had serious and negative implications for both Turkey and the EU. As for Turkey, the ailing accession process has taken much of the wind out of Turkey’s compliance with EU norms and laws. Most seriously, the absence of a sound EU umbrella has contributed to breaking the unspoken alliance between Turkey’s liberals and the Justice and Development Party (AKP) government, which existed in the first years of the AKP’s rule and provided the political backbone for Turkey’s reform momentum. It would

be wrong to claim that since 2004-2005 Turkey has not engaged in political reform. From the Kurdish and Alevi openings to the current constitutional reform package, the impetus for political change is alive and well. Yet arguably, without the EU umbrella Turkey's reform impulses can very easily go astray and their content could become hijacked by what has become an acrimonious political battle raging in the country.

As for the EU, the "ifs" and "buts" regarding Turkey's accession process have done much to harm the credibility of the EU both in Turkey and its surrounding region. More precisely, the lack of an internal EU consensus regarding Turkey has created a policy rife with contradictions. Officially, the accession process, the objective of which is full membership, remains the only framework of relations. Yet in practice an overemphasis on the "open-endedness" of negotiations and the alternative of a "privileged partnership" has seriously undermined the credibility of the process. True, Turkey does not have a right to membership. Yet, it does have a right to being treated according to the EU's accession norms, rules, and procedures. These stipulate that, as with other candidates, Turkey's negotiations are "open-ended," and that should they fail, the EU should seek alternative strong ties to Turkey. Yet the open-endedness of the process and the parameters of failure are determined by the negotiating process itself: Turkey's compliance with EU conditions. Hence, emphasizing the open-endedness of negotiations and airing concepts of privileged partnership are either an affirmation of the obvious – that Turkey's full membership is not a foregone conclusion – or they are an expression of bad faith. Both undermine any semblance of trust between the EU and Turkey, while casting a dark shadow over the EU's reputation in the broader region.

Doom and gloom is thus justified. Yet neither Turkey nor Turkey's backers in the EU and in the US would be well-advised to give up on the project. This is not only because of the ongoing political imperative of Turkey's accession process for the country's democratic consolidation. It is not only because the EU, increasingly enmeshed in its internal crisis, may at some point come to realize how much it needs Turkey. It is also not only because the US needs to engage a "rising" Turkey more than ever before. It is also because, despite common parlance, the goal of Turkey's full membership is still possible.

The "ifs" and "buts" regarding Turkey's accession process have done much to harm the credibility of the EU both in Turkey and its surrounding region

## Breaking the Logjam in the EU-Turkey-Cyprus Triangle

Often gone unnoticed outside Brussels is the fact that the twists and turns of European integration often leave a crack in the door, which, if skillfully used, might open the way to a virtuous dynamic. We may be in that situation today. Turkey's refusal to open its sea and airports to the Republic of Cyprus is motivated by the EU's manifest failure to "keep its promise" and lift the isolation of northern Cyprus, as recommended by the UN secretary general following the 2004 referendums on the island. In 2004, one week prior to Cyprus's entry into the EU, the European Commission proposed to lift the isolation by allowing direct trade between the EU and northern Cyprus. However, once in the EU, Cyprus vehemently objected and claimed its veto over the issue. While the Council's legal service backed the Republic's legal logic, the Commission disputed it claiming that a qualified majority vote would be enough to secure approval of the Direct Trade Regulation. Despite repeated efforts by successive EU presidencies to unblock the situation, the regulation was left pending, lying in a legal limbo.

Yet a crack in the door opened late last year. One of the most prominent effects of the Lisbon Treaty was to increase the power of the European Parliament. And this may change the fate of the Direct Trade Regulation. The legal basis of the regulation has changed, now requiring "co-decision" by the European Parliament and a qualified majority in the Council. The co-decision procedure foresees that a proposal from the Commission – the Direct Trade Regulation – is concomitantly sent both to the Parliament and the Council. Normally, the Council withholds its vote until after the Parliament makes its decision. The regulation is currently pending a first reading before the Parliament. Most likely the Parliament would not vote on it before late next fall, meaning that a Council vote may not take place before the end of the year.

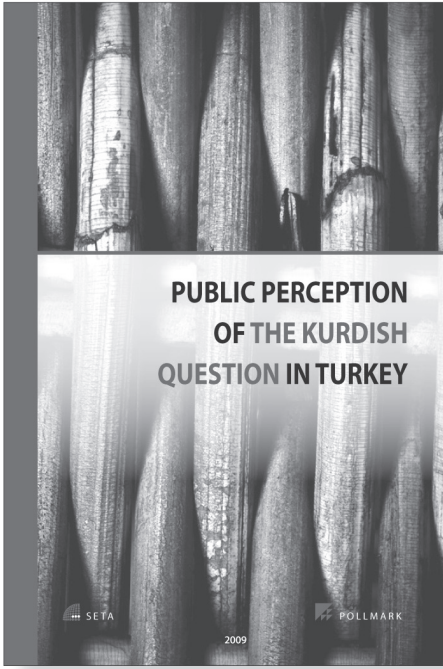
The approval of the regulation is no foregone conclusion. In Parliament, whereas the socialists, liberals and greens would most likely vote in favor, the Peoples' Party may well be split. But it is not inconceivable that the resolution would pass. In the Council, Cyprus is guaranteed to vote against. The same is most likely true of France, Greece, Austria and possibly other member states. But again, an approval of the regulation in the Council cannot be ruled out. This is particularly so at a time in which Turkey's accession talks are perilously grinding to a halt.

Were this to happen, Turkey would in turn implement the Additional Protocol to its customs union agreement, the eight chapters blocked by the Council would

be unfrozen, and Turkey could continue provisionally closing the chapters it has negotiated. There would be no guarantee of Cyprus lifting its veto over a further six chapters, but the official logic presented by Cyprus to motivate its veto on five of these – Turkey's non-implementation of the Protocol – would no longer be there.

Magically, Turkey's EU accession process would have new life breathed into it. True, the Gordian knots at the heart both of Turkey's accession process and the Cyprus conflict would still be there. But a new dynamic may not make them look so hopelessly insoluble.

Turkey's refusal to open its sea and airports to the Republic of Cyprus is motivated by the EU's manifest failure to "keep its promise" and lift the isolation of northern Cyprus



## Public Perception of the Kurdish Question in Turkey

by Bülent Aras, Ertan Aydın, Selin M. Bölme,  
İhsan Dağı, İbrahim Dalmış, Yılmaz Ensaroğlu,  
Hatem Ete, Talip Küçükcan, Taha Özhan, and  
Hüseyin Yayman

October 2009 | 80 pp | ISBN 978-605-4023-06-6

Prepared and executed by a committee composed of experts in sociology, political science, international relations, economy and social psychology, SETA and Pollmark's joint survey entitled "Public Perception of the Kurdish Question" displays different aspects of public perception on the Kurdish question and offers new insights for more informed discussions on the issue.



SETA Publications | Ph: +90 312 405 69 03| Fax: +90 312 405 69 03 | [www.setav.org](http://www.setav.org) | [infosetav.org](mailto:infosetav.org)

## TURKS IN EUROPE

*Culture, Identity, Integration*

Edited by  
Talip Kucukcan and Veyis Gungor



## Turks in Europe

*Culture, Identity, Integration*

Edited by Talip Kucukcan and Veyis Gungor

This volume provides the most comprehensive picture of Turks in Europe and offers cutting edge ideas, analyses and recommendations on a wide range of challenges that modern European societies cannot avoid paying closer attention. Drawing on original research, *Turks in Europe* brings together sociologists, anthropologists, political scientists and experts in educational and cultural studies to address issues such as identity, culture, religion, integration and relations between Turkey and the European Union.

2009 / ISBN 978-90-77814-13-0 / 625 pp.

**Turkevi Research Centre**

Postbus 58070, 1040 HB Amsterdam, The Netherlands  
[info@turkevi.nl](mailto:info@turkevi.nl)