

Chapter 2

OVERVIEW OF THE RELATIONSHIP BETWEEN TURKEY AND THE EU

‘The Union shall be open to all European States which respect its values and are committed to promoting them together’

Article 1 of the Treaty Establishing a Constitution for Europe¹

Turkey’s accession to the EU provides a good background to understanding the public discussions centring on ‘what is Europe’. This chapter outlines the history of Turkey’s relationship with the EU. The second part of the chapter presents a brief outline of the history and political relationship between Turkey and the discussed countries.

2.1 A union of *European* states

The European Coal and Steel Community (ECSC) was set up in 1951 with six members: Belgium, West Germany, Luxembourg, France, Italy and the Netherlands. When this union proved to be successful, a few years later, in 1967, the European Atomic Energy Community (EURATOM) and the European Economic Community (EEC) were created. The treaties of these unions acknowledged the possibility of accepting further countries. Yet the criteria a new member state has to fulfil are not clearly defined²; ‘every European state can apply to be a member of the community’. Yet, the meaning of *European* is not specified.

The treaties of Amsterdam³ (1997) and Nice⁴ (2001), as well as the conclusions of the European Council 1993⁵ in which the accession criteria are further specified, still give no

¹ Available at: <http://european-convention.eu.int/docs/Treaty/cv00850.en03.pdf>, last accessed in July 2006.

² Art. 237 EEC Treaty; Art. 205 EURATOM Treaty; Art. 98 ECSC Treaty, Art. 237 of the EEC Treaty provides for a formal treaty in case of an accession of new member states to the Community; see: Bieber, R.: Democratic Control of European Foreign Policy, European Journal of International Law, 1/1/21990, p.148–74.

³ Legal Issues of the Amsterdam Treaty, in P. Twomey and D. O’Keeffe (ed.), Hart Pub, July 1999, p.425. Available at: <http://www.historiasiglo20.org/europe/amsterdam.htm>, last accessed in December 2005.

⁴ Feus, K.: The Treaty of Nice Explained, Federal Trust for Education & Research 01.11.2001.

distinctive directions to a definition of *European*. For example, the Council in 1993, in regard to the integration of former Communist lands, automatically referred to East and Central *European* lands. The Council made an assumption that they were part of Europe and thus had only to stress institutional criteria for membership. Yet, being European is the only criterion that identifies potential candidates to the Union from the rest of the world. If there is no clear definition or common understanding in the official documents of what *European* exactly encompasses then this leads to a number of possibilities of description. For example, European could be understood from a solely 'geographic' or 'cultural–historic' perspective or be interpreted as a mixture of both.⁶ Albania and Turkey best illustrate the dilemma. Although culturally Muslim, some see Albania as European geographically, 'albeit [ethnically] Slavonic'.⁷ Turkey, also Muslim, has been classified by some as a 'borderline case'.⁸

In the absence of clear legal criteria, the decision as to whether a country is *European* becomes a political one. This is a decision made in particular by the European Council on the basis of recommendations from the European Commission. The fact that negotiations for accession could start is in itself an indication that the Council and Commission accept the 'Europeanness' of the potential negotiating partner on a presumptive basis without delving into details of the definition.

⁵ Available at: http://europa.eu.int/european_council/conclusions/index_en.htm, last accessed in December 2005.

⁶ Ott, A. & Inglis, K.: Handbook on European enlargement: a commentary on the enlargement process The Hague; Great Britain: T.M.C. Asser Press 2002.

⁷ Information available at <http://www.euro-know.org/dictionary/a.html> an online encyclopedia of the EU, entry for Council of Europe, last accessed in January 2006.

⁸ Information available at <http://www.euro-know.org/dictionary/a.html> an online encyclopedia of the EU, entry for Accession, last accessed in January 2006.

2.2 Turkey's candidate status

While Turkey is a parliamentary democracy, in the past 70 years there have been several short periods of political instability during which the military has seized control. Each time, after a period of authoritarian rule, the military has surrendered this control to the elected government. The last of these seizures took place in 1980 and ended with an elected civilian government taking control in 1983. Since then, Turkey has remained democratic, although the military remain an important and influential force in politics, particularly in issues of national security and domestic order.

Ever since the foundation of modern-day Turkey in 1923, this country with a predominantly Muslim population has been a secular democracy closely aligned to the West. Turkey was a founding member of the United Nations and is a member of NATO (since 1952), the Council of Europe (1949), the OECD (1961), an associate member of the Western European Union (1992), and a signatory of the European Convention on Human Rights (since 1954, with a judge now sitting in the Human Rights Court). Ankara chose to begin co-operating closely with the then European Economic Community (EEC) in 1959.

Europe's leaders were motivated by the impressive reforms Turkey had undertaken following its recognition as a candidate state at Helsinki in December 1999. Since then, the Turkish government has further intensified its efforts to transform the country into a modern, participatory democracy, and to fulfil all aspects of the Copenhagen political criteria. It can justifiably be said that Turkey is undergoing a 'silent revolution', even if the speed of the process means that it will take time until the effects are felt in all parts of Turkish society and widely recognized by public opinion outside the country.

The European Council's 1999 and 2002 decisions on Turkish accession were in line with official positions taken repeatedly by European governments in the preceding forty years. Throughout this time Turkey's eligibility for membership was never explicitly put into doubt. On the contrary, the possibility of membership was clearly confirmed on many

occasions; but Turkey was told at the same time that existing political, economic and human rights conditions did not allow accession negotiations to begin. The consistent message from European governments was therefore that Turkey would be welcome in the Union, the date of accession depending solely on the fulfilment of membership criteria.

As will be shown in later chapters, the issue of whether Turkey's accession should be taken for granted has not figured prominently in public debate until recently. Throughout the decades, Turkey had suffered only one major setback in its membership in the European institutions. This was when the Advisory Assembly of the Council of Europe suspended its relations with Turkey during the military take-over. The Turkish delegation was welcomed back in 1984 when civil government was restored.

2.3 Turkey's road to accession

Ankara agreement

In September 1959 Ankara applied for associate membership of the European Economic Community. In September 1963 the Ankara Agreement⁹ (an association agreement) was signed to take Turkey to a Customs Union and finally to full EEC membership. The first financial protocol was also signed.

The agreement envisioned three phases, a five-year preparation period, a transition period and a final period. A Customs Union was planned to be completed by the end of the transition period. With the ending of the preparation period on 13 November 1970, the responsibilities of the two sides were determined in an Additional Protocol¹⁰ which

⁹ Available at: http://europa.eu.int/comm/enlargement/turkey/pdf/association_agreement_1964_en.pdf, last accessed in January 2006.

¹⁰ Available at: <http://www.deltur.cec.eu.int/kitap/e-add.rtf>, last accessed in January 2006; According to the Additional Protocol, the free movement of goods, Turkey's harmonization with the EC's Common Agricultural Policy, the free movement of people and services, and harmonization with EC legislation on issues, such as transportation and economy, were to be realized.

took effect in 1973. The final period envisaged the possibility of Turkey's full membership.¹¹

The preamble of the treaty was signed, in the hope of 'facilitating the accession of Turkey to the Community at a later date'.¹² Similarly, Article 28 states:

As soon as the operation of this agreement has advanced far enough to justify envisaging full acceptance by Turkey of the obligations arising out of the Treaty establishing the Community, the Contracting Parties shall examine the possibility of the accession of Turkey to the Community.

In other words, both these passages assume the possibility of Turkey joining the Union at some point in the future and thereby provide Turkey with the status of being European. The implementation of the agreement proved to be difficult up to the 1990s. This was caused by the Turkish interior politics, as well as by Turkey's tense relations with Greece who had joined the EC in 1981 and had blocked implementation¹³ because of Turkey's military occupation of Cyprus and recognition of the 'Turkish Republic of Northern Cyprus'.

In April 1987 Turkey applied for full EEC membership. Interestingly enough, the European public did not react to Turkey's aspirations to join the Community. Hence, there was no public debate in the member states about the possible accession of Turkey and its possible consequences.¹⁴ The Commission rethought the issue in December 1989 and endorsed Turkey's eligibility for membership, but deferred an assessment of its

¹¹ See: Preston, P.: *Enlargement and Integration in the European Union*, London 1997, p. 213.

¹² Agreement between Turkey and the EEC Ankara in 1963, *The Official Journal of European Communities*, 624.12.1973, p.2.

¹³ Kramer, H.: Turkey and the European Union. A multi-dimensional relationship with hazy perspectives. In Vojtech Mastny and Craig Nation (eds.): *Turkey between East and West: new challenges for a rising regional power*, Boulder and Oxford: Westview 1996, 203–32 (here: p.16–18).

¹⁴ Kramer, H.: EU-Kompatibel oder nicht? Zur Debatte um die Mitgliedschaft der Türkei in der Europäischen Union, SWP Studie Berlin 2003.

application for failure to harmonize its internal market.¹⁵ In March 1995 the Turkey–EU Association Council finalized the agreement on the Customs Union which entered into force on 1 January 1996. The question of Turkey’s accession was discussed again in December 1997 at the Luxembourg Summit, where EU leaders refused Turkey candidate status. Turkey was disappointed as it had hoped to be included in this first round of enlargement.

Helsinki summit

The relationship between EU and Turkey improved at the Helsinki summit in 1999 where Turkey was officially given candidate status. This was the first official recognition of Turkey since the founding of the EU with the treaty of Maastricht in 1992. When Turkey’s accession was made probable under the Ankara agreement, the community was a pure economic community and the connection between the members covered only small areas. The community had changed dramatically after enlargement¹⁶ and by forming the ‘EU’ the political ties among member states were deepened.

The European council decided in Helsinki (1999) that Turkey was a potential member of this Union. This important step of being a candidate country provided Turkey with financial help as well as the political responsibility to implement reforms. Throughout the years of intensifying and defining relationships within the EU, the accession criteria for new members became more specified. The European Council summit in Copenhagen (1993) specified the accession criteria that candidate countries have to fulfil before they can join the EU.

Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and, protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership

¹⁵ Representation of the European Commission to Turkey available at:

<http://www.deltur.cec.eu.int/english/eu-turkey.html>, last accessed in February 2006.

¹⁶ The EU has grown in size with successive waves of accessions. Denmark, Ireland and the UK joined in 1973 followed by Greece in 1981, Spain, Portugal in 1986 and Austria and Sweden in 1995.