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The EU and Turkey: drifting apart?

Key conclusions of the 4th Bosphorus conference¹

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More than once since the last Bosphorus conference in 2006, Turkey's accession process has been at risk of being derailed. But the last year is probably more remarkable for what did NOT happen than what actually occurred.

The EU did NOT suspend accession talks in December 2006 over Turkey's refusal to implement the Ankara protocol (which involves letting Cypriot ships dock in Turkish ports). Instead, the EU froze eight chapters of the *acquis* that are related to the customs union. Accession talks have continued in other areas, with four chapters now open and another two likely to follow before the end of 2007.

Growing nationalism and disillusionment with the EU did NOT make Turkey turn away from accession. Instead, the government published a 'national action plan' to take over most EU-related laws by 2013, irrespective of the state of accession negotiations. Nicolas Sarkozy did NOT follow his election pledge to halt Turkish accession. He no longer insists that EU leaders discuss the 'borders of Europe' at their December 2007 meeting. Instead, an expert group will start looking at the 'future of Europe' in 2008.

The stand-off over the election of Turkey's new president did NOT result in a military coup, financial meltdown or an end to the accession process. Instead, the ensuing

¹ The Bosphorus conference takes place under Chatham House rules, with the exception of keynote speeches. The conclusions and recommendations from previous conferences are on http://www.cer.org.uk/turkey_new/events_turkey_new.html

parliamentary and presidential elections proved that Turkish democracy works well and has become more resilient. Despite increasingly frequent attacks by PKK guerrillas, Turkey did NOT invade Northern Iraq and thus risk a breach with the US and the EU.

A more sober debate

What does seem to have happened is that EU-Turkey relations have become more sober and detached. Remarks from our Turkish conference participants did not, as in previous years, oscillate between heady enthusiasm and bitter disappointment. They seemed resigned to the fact that the path to the EU will be long and sometimes arduous.

Turkey seems a little less interested in the EU, and vice versa. European issues were marginal in Turkey's general election in July. Today's big debates are about the balance of power, the new constitution, press freedom, women's rights and national security. During our conference Turkish participants spent much time discussing these issues among themselves. Meanwhile, Turkey has been pushed from the top of the EU's agenda by topics such as energy security, Iran's nuclear programme, an assertive Russia and the EU's new treaty.

Although the EU and Turkey now focus on separate issues, these usually have links to the question of Turkish accession. The debate about Turkish accession often serves as a platform or proxy for much wider questions. When Turks discuss their European future, they are really asking: "What kind of Turkey do we want?" Similarly, for the Europeans, the prospect of further enlargement opens the more fundamental question of the future shape and purpose of the Union. As one EU politician explained, there are two competing visions of the EU: that of an open, outward looking, optimistic Europe; and that of a protectionist and pessimistic one. Only the first vision can accommodate Turkey as a full member. Another West European politician explained his opposition to Turkish membership mainly in terms of his integrationist vision for the EU: "I, and many other Europeans, still want the EU to be more than a glorified free trade area. I wish Turkey well. But not at the price of destroying the EU as a political project."

301, 301, 301

In previous years, the Bosphorus participants had many heated debates about Cyprus, Armenia, the prospect of an accession referendum in France, and other long-standing issues that complicate Turkish accession. In 2007 these were hardly mentioned. The issue that was most hotly debated – not only between EU representatives and Turks but also among Turks themselves – was article 301 of the penal code. One Turkish participant argued that Turkey should not abolish the contentious clause to please the EU: "I don't care about Brussels", he said "I care about Turkey. And that's why 301 has to go!"

A representative of the ruling party admitted that the article's reference to "Turkishness" was "vague and confusing". He suggested that Turkey should follow the example of penal codes in Italy, Germany and other EU members that make it an offence to insult the state or its symbols. However, while these EU countries hardly use these clauses, article

301 has resulted in more than 160 court cases against writers and journalists. Some participants said that 301 had created the climate in which Hrant Dink was murdered.

Article 301 has become symbolic (“a brand like Levi’s 501 jeans”, in the words of Foreign Minister Ali Babacan). Therefore, the AKP’s argument – that even if it scrapped 301, there would still be 30-odd other clauses in various laws that could be similarly misused by prosecutors and judges – did not convince most conference participants. Changing, or better still, abolishing article 301 would send a powerful signal to the entire country that Turkey is serious about the freedom of speech.

Turkish participants said it was unlikely that parliament would amend the penal code in time to avoid harsh criticism in the Commission’s regular report, which is due on November 6th. One pointed to the fact that parliament would be on holiday for much of October. Another said that the EU’s pressure had become counterproductive and had galvanised political opposition to changing 301. A third suggested that Turkey should wait until its new constitution was taking shape before tackling 301.

However, the EU side no longer seems willing to accept excuses and expressions of good intentions. “Turkey now has three priorities”, said Enlargement Commissioner Olli Rehn: “301, 301 and 301”.

While the accession talks continue at a modest pace, there is much that both Turkey and the EU can do to improve the wider conditions for eventual entry. Those who support Turkish accession have long argued that the EU would gain a lot from admitting this large, fast-growing and strategically placed country. These arguments now need to be translated into practical benefits for both the EU and Turkey. This is why the Bosphorus conference this year looked at two areas where closer co-operation and integration would be good for both sides, namely stability in the Middle East and energy security.

Turkey, the EU and the Middle East

Most participants expressed caution about seeing Turkey as a bridge to, or a model for, the Middle East. But there are several reasons why Turkey now looks a lot more interesting to the countries in this region. First, since the 1990s Turkey has managed to improve its political relations with Syria, Iran and other neighbours. Second, there is the attraction of success. Until the 1980s, Turkey was poor and unstable. Now it is one of the richest, most successful economies in the Organisation of the Islamic Conference. Third, Middle Eastern rulers had little interest in a country that they saw as being in the grip of a militarist, secularist regime. Now Turkey is successfully run by a party they see (wrongly) as Islamist. Perhaps most importantly, Turkey is now negotiating about joining what many used to see as a closed, Christian club. The overall impression is that Turkey must be doing something right. Some in the Middle East may be willing to learn.

Not only does Turkey matter more to the Middle East than it did, but the same holds true the other way round. Turkey now conducts a third of its foreign trade with its neighbours, up from a negligible 3 per cent just a few years ago, and Turkish business are

increasingly active across the Middle East. The PKK's outposts in Northern Iraq are one of Turkey's biggest challenges and the main reason why relations with the US have become so testy. Turkey is also trying to engage with Iran (for example to get more gas from there) while at the same time supporting European and American efforts to prevent the country from building a nuclear bomb.

Turkey's interest in a stronger role in the Middle East matches that of the EU. There are a number of ways in which the EU and Turkey could capitalise on this convergence of interests and policies.

* **Stabilisation.** Turkish soldiers are already serving in UNIFIL in Lebanon, which is a predominantly European peacekeeping force. There is room for further co-operation in post-conflict missions, including in a potential international force in Palestine. For Turkey to contribute to EU military operations, the EU would first need to resolve the impasse in its relations with NATO. That requires help from Turkey. But this is doable and desirable, given that the EU is already struggling to meet all its military goals and commitments.

* **Engagement.** Turkish industry federations, universities and NGOs have been reaching out to their counterparts in many Middle Eastern countries. The EU could bolster its soft power in the Middle East by supporting these initiatives.

* **Mediation:** For the Middle East peace process to make headway, Hamas needs to be engaged at some point. Turkey could help. Whereas the EU and the larger international community have boycotted the Hamas-led government in Gaza, the Turks have maintained discreet relations. The EU and Turkey could jointly take a lead in bringing Hamas to the negotiating table when the circumstances permit it.

Conversely, if the people and politicians in the Middle East suspected that the EU was rejecting Turkey on religious or cultural grounds, the consequences could be grave. One Middle East specialist thought such a rejection would play into the hands of those who see a clash of civilisations as inevitable. Carl Bildt, Sweden's foreign minister, warned of "a strategic calamity of enormous proportions".

Energy security

Both the EU and Turkey are concerned about their future energy supplies. The EU fears that it is overly dependent on Russian gas; it wants to build a more open internal energy market; and it has ambitious targets to move towards cleaner sources of energy and to take the lead in the global fight against climate change.

Turkey mainly worries about the break-neck speed with which its energy consumption is rising. The power sector will need \$ 100 billion in investment in the next 15 years to avert blackouts. And since 2002, the number of provinces that use natural gas has grown from six to 49. But since more than 60 per cent of the gas already comes from Russia, Turkey is now looking for alternative suppliers. Such a diversification of supplies would also help Turkey to transform itself into an energy hub – thus exploiting its lucky location between 75 per cent of the world's oil and gas reserves to the east, and one of the biggest

energy markets to the west. Another issue that is high on Turkey's agenda is to reduce tanker traffic in the Bosphorus straits, which has grown by 50 per cent in the last three years alone. Although European and Turkish energy objectives do not necessarily overlap at first glance, both sides could clearly gain from more co-operation in energy.

The Turkish authorities know that they need private-sector money to build new power plants and pipelines. However, energy experts at the conference argued that private investment is deterred by an uncertain and restrictive regulatory regime and ubiquitous price controls. Similarly, representatives of foreign oil companies said that restrictions on third-party access to Turkish pipelines stand in the way of Turkey's stated ambition of becoming an international energy hub.

The EU has asked Turkey to join the Energy Community Treaty which is aimed at building a pan-European power and gas market based on EU rules. However, while the Balkan countries have joined the initiative, Turkey has contented itself with observer status. Government representatives claimed that technical difficulties stood in the way of full membership. But they also hinted that they would much rather just get on with negotiating the energy chapter of the *acquis* than taking over EU rules under an initiative that is also open to non-candidates. Although the Commission has already approved Turkey's negotiating position on energy, a dispute with Cyprus over oil exploration projects in the Mediterranean stands in the way of opening the chapter.

The EU also has much at stake in working with Turkey on energy. For Germany, Italy and the new members, the Nabucco pipeline offers the best hope of reducing their reliance on Russian gas. However, Russia has made a number of shrewd moves to prevent the pipeline from being built, such as locking up future Turkmen gas supplies and prising out individual members of the Nabucco consortium. While the EU has looked divided, Turkey has sought to regain the initiative by signing a preliminary gas deal with Iran. It is not clear, however, if such a deal is compatible with EU and US attempts to use stricter sanctions to stop it from building a nuclear bomb.

There are a number of ways in which the EU and Turkey can work together in the field of energy:

- * Turkey's regulatory environment matters for energy security in both Turkey and the EU. Both sides should do their utmost to get on with negotiating the energy chapter of the *acquis*.

- * A tanker accident in the Bosphorus could paralyse a big part of the European oil market. Tankers do not pay for going through the Bosphorus whereas bypass pipelines are expensive to build. To overcome this dilemma, ports in EU countries could offer discounts for tankers that come laden with oil from bypass pipelines; and levy extra charges on those that have used the Bosphorus.

- * Turkey could show how far it already complies with EU energy policy targets. For example, it could aim to join a post-Kyoto regime for carbon reduction (it did not sign the Kyoto treaty). It could produce a credible plan for energy savings (lots of potential!). And it could align its statistics and reporting with that of the EU. Many Europeans would be

positively surprised to find that Turkey already meets the EU's 20 per cent target for renewables, and has the potential to do even better by using more hydro, wind and geothermal power.

* Turkey and the EU need a more constructive dialogue on Iranian energy. The Europeans at the conference were not convinced by claims from Turkish officials that the Iranian gas deal was meant to "help the EU" because "the EU needs Iranian gas more than we do".

* The EU needs to contemplate new financing options for Nabucco, which may not be immediately commercially viable but could make a big contribution to Europe's future energy security. Turkey should rethink its gas transit rules.

* The EU and Turkey need to continue their debate about the strategic advantages of an energy partnership. Only if the long-term mutual benefits are always in clear view can the two sides overcome the many minor and technical obstacles that are currently crowding the agenda.

Don't mention the workers

When Turkey's friends list the advantages that Turkish accession would bring to the EU, they usually include the country's young and fast-growing population. "Europe will need 20 million additional workers by 2030", explained one EU representative at the conference. However, the spectre of large numbers of Turkish workers arriving in Western Europe after accession does not necessarily work in Turkey's favour at the moment.

In some EU countries, Turkish immigrants have not been integrated very well. One German participant spoke of a "pending disaster" as some third-generation Turkish immigrants in his country were moving into a "parallel society", displaying ultra-conservative values and signs of religious fundamentalism. Research on public opinion in Germany shows that there are two debates, which are carried out in isolation from each other. While politicians discuss Turkey and its place in Europe, ordinary Germans talk about Turks and their place in society. Books about Turkish women in Germany struggling to escape a repressive environment have become best-sellers. They are fuelling German anxiety about a further influx of Turkish workers if Turkey joins the EU. Few are probably aware that Turks would not benefit from the free movement of workers until at least seven years after accession, if ever.

Some ideas to prevent the EU and Turkey drifting apart

For Turkey

* Abolish article 301! Just do it. Turkey's friends in the EU, many of whom are liberal city dwellers, simply cannot accept that this threat to freedom of expression remains.

* Accept that Europeans are divided! "The Europeans should stop constantly debating whether Turkey belongs into the EU", warned one Turkish journalist. They won't. The EU contains 27 lively democracies and a vociferous European Parliament. If Turks

continue to treat each and every critical statement coming from somewhere in the EU as 'the EU view', they are destined to despair. If the Europeans were as sensitive to Turkey's internal debates, they would perhaps call off the accession talks. "The strongest arguments against Turkish accession are the nationalist, fundamentalist or anti-European statements made by Turkish politicians", said one West European researcher. It is good that the EU does not take them as Turkey's official line.

* Be serious about NGO involvement! A lively civil society is one of Turkey's biggest assets. The country's business federations, think-tanks and women's lobbies shape Turkey's image abroad. They can help Turkey to get ready for EU entry and influence the wider reform process. Turkish politicians at the conference said that their government consulted civil society organisations (for example on rewriting 301) and relied on them to convince Turks of the need for change. But NGO members complained that the government sometimes uses them as scapegoats (officials say the government could not change 301 because the NGOs did not agree how to) or as showpieces. They called on the government to take NGO participation seriously, in particular in the ongoing discussions about the country's new constitution.

For the EU

* Friends of Turkey unite! Leading politicians from several EU countries have recently spoken out in favour of Turkish membership. But one-off action is not enough. Turkey's friends in the EU need to make their voices heard, loudly and frequently. Turks cannot be blamed for thinking that the EU is uniformly hostile to its membership bid if all they ever hear is critical voices.

* Be clear in praise and criticism! Turkey's reform process has stalled, partly but not only because of the elections. Yet some EU officials are reluctant to give Turkey bad marks in the November 2007 progress report. They argue that the smoothness of the July elections as such signifies progress towards a more stable and open democracy. However, a wishy-washy report would not give incentives to Ankara to kick-start reforms. Instead, it would risk undermining the Commission's credibility as the EU's independent enlargement monitor. The Commission's report should not be grey. It should be black and white, combining praise for political stability with clear criticism of stalled reforms.

For the EU and Turkey

* Keep a sense of perspective! The debate on both sides may be less heated now, but it is still short-sighted. Turks regularly complain that the EU follows double standards and makes unfairly big demands. Europeans throw up their hands in despair when thinking about how to integrate Turkey into the EU. Yet enlargements have always been difficult. And they have always worked out well. Spain and Ireland were very poor when they started accession talks; now they are among the EU's most successful economies. East and southward enlargement has brought 12 new countries into the EU. But it has not

made the EU's machinery grind to a halt. The UK – troublesome as it may often be as a member – has also contributed hugely to the EU, for example by pushing for the single market, open trade and defence co-operation. “Turkey’s will be the most difficult accession since the UK’s” said one seasoned diplomat. “But that does not make it unique.”

* Make mutual benefits concrete! Politicians, journalists and professors have spent a lot of time expounding the potential benefits from the EU and Turkey drawing closer together. Now is the time to make these benefits tangible. Co-operation in the Middle East and on energy would be good areas in which to start.

* Use benchmarks in a positive way! Benchmarks – the conditions that the EU sets for opening and closing chapters of the *acquis* – have altered the nature of the accession process. The opening benchmarks that Turkey needs to comply with include such tricky steps as establishing a state aid watchdog and reporting cattle numbers. Croatia expects to have to comply with a total of 100 benchmarks. Turkey, whose economy and political system is further away from EU standards, could face twice as many. Since all 27 EU governments need to agree that a candidate complies with a benchmark, there is ample opportunity for holding up the talks. However, both the EU and the candidates should try to use the system constructively. For the candidates, benchmarks are an opportunity to prove political will and technical expertise. And for the EU, they are a way of making the candidates aware in good time of what is required. This is particularly important in areas where reforms are politically controversial and time-consuming, such as those included in chapter 23 on judicial reform and fundamental rights. The EU should give Turkey a clear idea of what needs to be done in this field.

Katinka Barysch, 18th October 2007