

The Independent Commission's Report on Turkey: Call to Break the Vicious Circle

William Chislett *

Theme: The Independent Commission on Turkey –headed by Martti Ahtisaari, a former Finnish President and Nobel Peace Prize winner and including among its members Marcelino Oreja, a former Spanish Foreign Minister and European Commissioner– boldly defends Turkey's ailing bid to join the EU and rebuffs the stiff opposition to its full membership from the French President Nicolas Sarkozy and some other EU leaders.¹ Spain, which co-sponsors the 'Alliance of Civilisations' initiative with Turkey, is an active supporter of the country's EU membership.

Summary: Negative comments combined with growing public hesitation about further EU enlargement have deepened resentment in Turkey and slowed the necessary reforms, creating a vicious circle. The Commission urges EU governments to honour their commitments and treat Turkey's bid in the same way as that of other countries and presses the Islamist government of Recep Tayyip Erdogan to regain the momentum of a golden period of reform between 2000 and 2005, thereby re-establishing the virtuous circle of Turkey-EU convergence.

Analysis: *Background*

The Commission's first report, published in September 2004, concluded that EU accession negotiations should be opened as soon as Turkey –the non-EU state with the oldest and closest relationship with Brussels, including an Association Agreement in 1963 and a Customs Union since 1996– fulfilled the Copenhagen political criteria, as any further delay would damage the Union's credibility and be seen as a breach of the generally recognised principle that *pacta sunt servanda* (agreements are to be honoured).² Negotiations were opened in October 2005, but since then, for a variety of reasons, they have virtually ground to a halt.³ On the one hand, the Turkish government was distracted from reforms by a political struggle led by the entrenched secularist camp to have the ruling Justice and Development Party (AKP) outlawed for anti-secular activities that contravened the constitution drawn up under military rule in 1982. Another disruption was the discovery in 2007 of arms caches that seemed to be part of a plot,

* *Journalist and writer, author of four Working Papers on Turkey for the Elcano Royal Institute*

¹ The other members are: Kurt Biedenkopf, former Prime Minister of Saxony, Germany; Emma Bonino, a former European Commissioner; Hans van den Broek, former Foreign Minister of the Netherlands; Bronislaw Geremek, former Foreign Minister of Poland; Anthony Giddens, former Director of the London School of Economics, and Michel Rocard, former Prime Minister of France. Geremek died in 2008. The report is available at www.independentcommissiononturkey.org/pdfs/2009_english.pdf.

² See *Turkey in Europe: More than a Promise?* at www.independentcommissiononturkey.org/pdfs/2004_english.pdf.

³ See the author's analysis of the impasse published by the Elcano Royal Institute on 3 July 2009 at www.realinstitutoelcano.org/wps/portal/ri/elcano_eng/Content?WCM_GLOBAL_CONTEXT=/elcano/elcano_in/zonas_in/europe/dt34-2009.

including some high-ranking military officers, to topple the government, the Ergenekon conspiracy, the trial of which continues. On the other hand, some EU leaders, particularly Nicolas Sarkozy, are pressing for a privileged partnership (yet to be defined) for Turkey instead of full membership, thus moving the goal posts.

More than half of the 35 negotiating chapters are blocked, either formally because of Turkey's failure to implement the Ankara Protocol regarding Cyprus, or informally by one or more member states. So far Ankara has completed only one of the chapters (science and research). France refuses to open five major chapters because it believes Turkey should be offered 'partnership, not integration' and eight have been blocked by the European Council as of December 2006 because of Ankara's failure to open its ports and airports to Greek Cypriot vessels and aircraft and thereby recognise the Greek-Cypriot republic. Turkey invaded the island in 1974, after a decade of inter-communal violence between Greek and Turkish Cypriots, and since then has occupied the northern 37% of the island, recognised as a state only by Turkey. The whole of Cyprus has theoretically been part of the EU since 2004, but the *acquis communautaire* of the EU is officially suspended in the north. The issue of Cyprus and other matters will come up for review at the EU summit this December under the Swedish Presidency when Turkey's negotiations run the risk of coming to a complete standstill.

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The most immediate problem to be resolved is that of **Cyprus**, which, the Commission says, 'the EU brought upon itself by accepting Cyprus's one million inhabitants into the Union even though they had yet to resolve their inter-communal differences'. This view is widely held among EU governments. Years of UN-mediated talks on a deal to reunify the island and remove Turkish troops made little progress. A referendum in April 2004 on the issue achieved a 'yes' vote among Turkish Cypriots and a 'no' vote among Greek Cypriots. One of the first actions of the Republic of Cyprus on joining the EU was to force the EU to break its political promise to reward the Turkish Cypriots for their 'yes' vote, blocking a Direct Trade Regulation that would have allowed Turkish Cypriots direct access to EU markets.

Talks between Demetris Christofias, the Greek Cypriot President since February 2008, and his counterpart Mehmet Ali Talat, who had led the Turkish Cypriots to vote 'yes', have registered 'significant progress', but 'risk succumbing to complacency and are running short of time. If old friends like Talat and Christofias fail to reach a federal settlement, it is hard to see how anyone either inside or outside Cyprus will ever mobilise behind a new effort. Yet managing the alternative, the partition of Cyprus, will be extremely divisive for the EU'.

As the EU and Turkey are paying the political cost of the Cypriot's failure to compromise, EU leaders, the Commission urges, should engage more actively to prevent the Cyprus problem derailing Turkey's accession process. But, it asserts, 'EU leaders should also make clear how wrong the Republic of Cyprus and Turkey both are to believe that pressure from Brussels alone can force changes in the other's antagonistic positions'.

Turning to the **Kurdish** problem, which has dogged Turkey for decades with human rights abuses by Turkish state security forces and 25 years of terrorist attacks by the PKK, the Commission says there have been positive developments in the field of enhanced cultural rights for the estimated 12 million Kurds (15% of the population), which have not always been noted or appreciated in Europe. Yet this progress needs to be 'backed up with full legal and constitutional protections for the use of Kurdish languages, in broadcasting,

public buildings, schools and political speeches. Continuing to deny Kurdish citizens the full use of their language and identity is incompatible with Turkey's EU membership'. Although the legitimacy of the Democratic Society Party (DTP), the Kurdish nationalist party, is compromised in the eyes of many Turks, because its leaders voice sympathy for the PKK, the Commission says the possible banning of the DTP by the Constitutional Court is 'unlikely to contribute to the solution of the Kurdish problem' as the DTP is 'fully part of Turkey's political culture'.

At the same time the Commission criticises EU states that have been 'too lenient on the PKK, allowing their intelligence agencies to do deals with the organisation's operatives in return for information, letting identified PKK operatives escape justice after breaking EU state's laws and withholding cooperation with Turkey on repatriation or proper trials in the relevant country'. In the Commission's view, these (unnamed) countries should do more to prevent PKK fund-raising and organisation, work to overcome the inter-EU mismatch in judicial systems and not allow the PKK's secrecy and skill at camouflaging its operations to defeat differing levels of political will in EU states.

On the issue of **Armenia**, whose border with Turkey has been closed since 1993 in support of its ally Azerbaijan, which was in conflict with Armenia over the enclave of Nagorno-Karabakh, the Commission is hopeful of a normalisation of relations. These have been burdened by several inter-connected problems, the most sensitive of which is how to describe the Ottoman-era massacres committed against Armenians in the First World War. Turkey refuses to accept the word 'genocide'. In April 2009, the two sides agreed a framework for normalisation,⁴ following a visit in September 2008 by Turkey's President, Abdullah Gul, to Armenia to attend a football World Cup qualifier, and while the Commission's report went to press, the two countries announced plans for six weeks of 'internal political consultations' before establishing diplomatic ties and reopening the border. Armenia's President, Serzh Sargsyan, said he would not attend a return football match in Turkey on 14 October unless the border was on the verge of being reopened.

The Commission points out that the closing of the border for 16 years has done nothing to help Azerbaijan win back any territory occupied by Armenia. 'An Armenia made to feel secure by a normalised relationship with Turkey, on the contrary, could start the ball rolling for progress in settling this conflict, which has defied international mediation for almost two decades', it states.

Legislation by foreign parliaments on the Armenian 'genocide', says the Commission, has been and remains counter-productive and it provokes nationalistic reactions in Turkey and holds up change.

With regard to the perceived creeping **Islamisation of Turkish society** and whether the ruling AKP has a 'hidden agenda' to turn Turkey into a state based on Islamist principles, the Commission arrives at no firm conclusion, but is convinced that the secular system is not in doubt and remains a pillar of Turkey. Concerns about the AKP's direction are regularly raised by the AKP's opponents because, among other complaints, it has recruited civil servants with a more observant religious culture and some AKP-run municipalities cultivate a 'neighbourhood pressure' that intimidates women against wearing what they want. Ten of the 11 judges of the Constitutional Court, a bastion of

⁴ See the author's analysis of this at www.realinstitutoelcano.org/wps/portal/rielcano_eng/Content?WCM_GLOBAL_CONTEXT=/elcano/elcano_in/zonas_in/europe/ari72-2009.

Turkish secularism, found the AKP guilty in 2008 of being a 'focal point of anti-secular activities'. The court, however, did not find enough evidence to close the party down. The AKP regards itself as the Muslim equivalent of a Christian Democrat party in Europe.

There is no doubt that religion is on the rise in Turkey, partly as a result of the more open atmosphere, which is part and parcel of the EU process, as well as the consequence of migration to cities from traditionally more religious rural areas and a power struggle between the newly urbanised, upwardly mobile, observant conservatives of the AKP and the old guard secularists in the bureaucracy, the military and the judiciary. The Commission says the AKP should do more to soothe the legitimate anxieties of secularists and the military, which has withdrawn further from politics since 47% Turks voted for AKP in July 2007, three months after the army published a threat to the government on its website, must do more to be non-partisan, for instance by ending the practice of lengthy public political speeches by senior generals.

On the issue of the status of the 150,000 (0.2% of the population) or so non-Muslims in Turkey, which is of particular concern to Brussels, the Commission says the government must loosen the controls (never done while the secularist parties were in power). This would include giving freedom to the training of priests of all legal denominations and end indirect bureaucratic difficulties in the maintenance and improvement of churches and prayer halls for non-mainstream faiths.

Conclusion: The Commission's report is evenly balanced between taking issue with countries such as France that have put Turkey into a different category to other EU candidate countries by proposing an unspecified 'privileged partnership', in breach of the European Council's decision to open full membership negotiations, and taking Ankara to task for not pursuing reform more vigorously. European and Turkish leaderships need to change their attitude and break the vicious circle created by negative sentiments in the EU which has discouraged reform in Turkey and, in turn, fed the arguments of sceptics that Turkey did not merit EU membership. As the Commission points out, no country would take upon itself the large number of reforms needed to adopt the *acquis communautaire* if full integration was not the goal. Turkey's entry into the EU is not guaranteed, as it is an open-ended process, but its bid does deserve to be treated with fairness.

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