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# **Building a Partnership: Turkey and the European Union**

**David Barchard**

**About the author**

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The views expressed in this book are those of the author, and do not necessarily reflect the views of TESEV.

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# Foreword

I am delighted to be introducing a study by TESEV which helps bring a new perspective on one of the most important questions on the EU's agenda: the question of Turkey's accession as a full member and the steps that must be taken to make it possible.

The ultimate date of Turkey's full accession to the EU almost certainly still lies more than a decade away, but following the Helsinki European Council, we have reached a point where it is now a live issue and demands active policy-making by both sides. It also requires a deeper and fuller dialogue between Turkish public opinion and public opinion not just in the existing members of the European Union but also in those countries which are going to become members in the years ahead of us. Much greater understanding and knowledge is called for on both sides than exists at the moment. Hesitations and uncertainties have to be overcome. A strong spirit of working partnership has to be created.

I am optimistic that it will be achieved, because eastern Europe (I include Turkey in this expression) is every bit as entitled to the fruits of stability, development and integration as western Europe. Indeed there is no acceptable alternative in my view to going down the road of regional integration and partnership.

This study looks at some of the issues which have to be confronted in the Turkish accession process, and the ways in which they might be approached. It indicates the various institutional stages which lie ahead and also shows who the main institutional "players" are who will take part in this process, and what their attitudes are likely to be. I think this is a book which will be very

helpful to many people in forming their ideas about the Accession Partnership process. I hope that through it TESEV will have contributed in a modest way to making this partnership a success.

Perhaps I should say a few words to introduce the author, David Barchard. I am most grateful to Mr Barchard for writing this study of the Accession Partnership process. It is the third of three studies which Mr Barchard has published on Turkish/EU relations since 1985. Each of them has marked a further step forward in Turkey's relations with the Union. Mr Barchard is a scholar and writer who is one of the best informed British and European specialists on Turkey. He has spent a substantial amount of time in Turkey and knows both its academic life and its political and business worlds well. After his first book "Turkey and the West" was published by the Royal Institute of International Affairs, the late Mr Turgut Özal, then Turkey's prime minister, observed that the number of people who possessed such a grasp of what was going on in Turkey and ways of responding to it could be numbered on the fingers of one hand. I am therefore naturally pleased to see that this book, though it outlines some daunting and complex problems, is basically optimistic on the future of Turkey in the EU.

Turkey has many advantages to offer the EU: a large and strong economy, a crucial regional economic and strategic role, as well as the flair, inventiveness, and creativity which make Turkey in the year 2000 such an exhilarating and remarkable society. As yet little of this is understood by many of our European partners. But we must not underestimate the task that lies ahead. We will not be able to maximise our potential or seize our opportunities unless we work hard in the next few years to do so. TESEV is publishing this study and hopes to publish further ones later in order to focus attention on what needs to be done and the benefits that this work will bring.

**Özdem Sanberk**  
Director, TESEV



# 1 – Introduction: Opening the Door

Turkish-EU relations began as a dream of a distant ideal of full accession in the early 1960's. After nearly forty years, the prospect of full membership suddenly became an active possibility in December 1999 at the Helsinki EU Summit.

The turnaround, just two years after the Luxembourg Summit when it seemed to most observers that the door was being slammed in Turkey's face, was so rapid that both sides were unprepared. In the Commission, there are a relatively limited number of people equipped to cope with Turkey as a candidate moving towards negotiations. In Turkey itself, the man and woman in the street seem to have assumed until now that they faced permanent exclusion from the European order. Public opinion, so exuberant over football victories, has been subdued.

Perhaps this is because of an understandable suspicion that the present phase cannot last, and that there will eventually be another and bitterer breakdown in EU-Turkey relations. But it would seem that many Turkish people have not yet fully taken on board the fact that the door to EU membership really is open for Turkey, if the usual conditions of membership are met, and that the time has come to respond to the challenge.

This paper is an attempt to identify some of the main practical issues and themes involved in Turkey's accession process in the run-up to the appearance of the Accession Partnership document in early November 2000. It is also an attempt to explore ways of bridging the gap between Turkish and EU attitudes on the political

issues that have to be resolved before full membership negotiations can be started.

### **Turkish membership would transform the region**

Complex problems are sometimes best approached by looking at the solution one is trying to arrive at. Before examining the technical issues and potentially painful controversies, perhaps we should begin by considering why Turkey's membership of the European Union is something worth working towards.

To see what Turkish membership might mean in practice, we can imagine a newspaper report about what Europe might be like in the year 2030 at the end of the first decade and a half of full membership. Perhaps it would read something like the following:

"The eastern enlargement of the EU is now more than a generation back. From Vilnius and Riga down to Erzurum, the political, economic and cultural landscape along the former eastern periphery of Europe has been literally transformed. Flows of capital and know-how have brought prosperity to the eastern edge of Europe, just as they did to Ireland and Portugal on its west in the 1980's and 1990's.

Turkey's membership of the EU has produced a remarkable spin-off for its neighbours. Azerbaijan, Georgia and Armenia are of course already in the EU themselves - and have long been at peace.

There are several reasons why the balance in the Caucasus has changed so much by 2030. Two of the most important are that Turkey has been for several decades economically far ahead of the Russian Federation, and that Syria and Iraq are now both relatively prosperous and stable entities ruled by parliamentary governments for over a decade. As Arab countries, neither aspires towards EU membership, but both are closely linked with the EU through trade and investment.

In fact the eastern Mediterranean in 2030 is now an area about which foreign policy strategists rarely, if ever, have to think much. Rivalries in the Balkans have largely subsided. They have been replaced by altogether new groupings in EU councils that no one could have imagined in the 1990s. The regular voting alliances between Turkey and its neighbours in the EU, Greece and Cyprus, have drawn the Balkan members behind them and resulted in a flow of funds and political clout to the eastern Mediterranean bloc which sometimes exasperates the EU's Atlantic seaboard members.

The latter console themselves by reflecting that at least this is better than the 'bad old days' of permanent confrontation three or four decades ago. Irredentism, ultra-nationalism, and the insecurity which fed them and which they in turn fuelled, disappeared steadily once normal trade and investment relations got going inside the EU. The prosperity which began for western Europeans in the 1950's and 1960's has now spread to the east and south-east of the continent."

This scenario may seem like a fantasy. Yet there is no reason why it should not be attainable, if the political will exists. A similar scenario for France and Germany would have seemed equally astonishing before the first moves for European integration got under way. Anyone who thinks it too ambitious should be aware that essentially, this scenario is the EU's own vision of the future. It is implicit in the European Commission's own documents for Turkey<sup>1</sup>. The Commission identifies long term goals that point very much in exactly this direction:

- Establishment of a common area of peace, stability and prosperity.
- Gradual establishment of a Euro-Mediterranean free-trade zone.
- Accelerated sustainable socio-economic development within the zone leading to improved living conditions for the inhabitants.
- Increased regional co-operation.

<sup>1</sup> European Commission National Indicative Programme 2000-2002 Republic of Turkey

- Intensified socio-cultural dialogue and cooperation between the Euro-Mediterranean partners.

These, then, are the goals. Given the history and experience of the EU so far, they seem attainable. But if there is no Turkish accession, it is not easy to forecast when they might be achieved. Instead, it seems probable that most of the problems of the region would continue to fester.

### **The benefits for Turkey**

It is not difficult to see what these goals might mean for each individual citizen of Turkey in practice: higher standards of living, and freedom to engage in travel and dialogue, not only with the advanced industrial countries of western Europe from which Turks are largely shut out at the moment, but also other Mediterranean countries.

EU membership could also help resolve many of Turkey's deepest preoccupations. Its external security situation, for example, would look quite different inside the European Union – and it would face no questions about its full status within ESDI. Indeed, as the EU can be expected to develop into a more effective actor on the international stage in the coming decades, with an active foreign policy and security interests outside the NATO area, Turkey could play a very important role in its future peacekeeping and security strategy.

Internal order would also be better guaranteed. Portugal, Greece, and Spain, for example, probably the three EU members which most resemble Turkey, had turbulent political scenes and were dogged by fierce polarisation until they joined the EU. The Union does not permit breakdowns in the internal life of its members and has always succeeded in avoiding them gracefully.

## **The risks of a breakdown**

Pessimistic alternative scenarios to the one outlined above are, of course, easy to construct. Given that there is a degree of scepticism in Turkey (and elsewhere) about whether or not Turkey will actually be permitted to join the EU, it is worth glancing at them.

Suppose for example that one of the several obstacles which bristle in the way at the moment does actually turn out to be insurmountable. In that case, many people might be tempted to say that life will go on as it is. This may be a rather optimistic assumption. If Turkey is excluded from the EU because of its rivalry with Greece over Cyprus, it will be an enormous missed opportunity. Political and business confidence will both be affected. There will be a real risk of a cycle of economic retardation, regression away from stability to political stagnation and authoritarianism, compounded by the internationalisation of the country's internal disputes. In the worst case of all, this might culminate in the eventual coming to power of a radical political movement, certainly anti-European and perhaps with a religious tinge, after a period of internal turmoil.

American scholars from Samuel Huntington<sup>2</sup> to Graham Fuller<sup>3</sup> have argued that a de-Westernised and re-Islamised Turkey could somehow metamorphose into the leader of an Islamic world friendlier to the West. In fact, it is hard to see how this second scenario, of economic and political isolation, could be anything but expensive and perhaps disastrous for both Europe and Turkey. At the very least it would mean that Europe would continue to have an unstable and potentially troublesome south-eastern flank. The entire Turkish and Ottoman Muslim element in Europe that runs from the Balkans through to the United Kingdom would be an inflamed and alienated element in the life of the continent.

<sup>2</sup> Samuel Huntington, *The Clash of Civilizations*

<sup>3</sup> *Alternative Turkish Roles* by Graham Fuller; in *Reluctant Neighbour: Turkey's Role in the Middle East* edited by Henri J. Barkey. Washington 1996 pp 212-218

In short, the move to include Turkey within the greater European Union now being constructed may be essential to the long term stability and prosperity of the region, not least since Turkey, more precisely Istanbul and its hinterland, has returned to its ancient role of economic hub of southeast Europe.

## **2 – Creating the Conditions for Partnership**

Until the Helsinki summit, it appeared that bitter immobilisme in Turkish-EU relations was likely to continue indefinitely. Since Helsinki the atmosphere has changed remarkably. One sign of this is that Ankara is now on the map for high level visitors from the EU, in itself an important source of improved perceptions.

But the atmosphere is not yet sufficiently altered to permit confidence that Turkey's application is just like any other. Turks and Europeans are going to have to thrash out many difficult issues in the next few years, at every level from formal negotiations to controversies in the press to bar-room discussions. To build confidence and a constructive working atmosphere, both sides must get to know each other much better.

### **Changing perceptions**

One sign that this is beginning to happen is the growing awareness within the EU of what Turkey has to offer. While perceptions of Turkey in North America focus on its role as a lynchpin of regional stability with a rapidly expanding economy, European attitudes have stressed human rights, cultural differences, and economic backwardness. Cartoons of Turkey in European papers refer to a largely vanished 'oriental' past: men in fezzes, turbans and baggy trousers, amid palm trees (unknown in most of Turkey) and camels. The existence of the new industrial, metropolitan Turkey – which in terms of population is larger than

several EU members combined – is only belatedly being understood.

This anachronistic inherited image, combined with certain bitter experiences in official encounters in the past, means that there is a stratum inside some European countries, notably Germany and Luxembourg, which views the idea of Turkish membership with little warmth. Under the Santer Commission, dislike and incomprehension of Turkey were strong at the highest levels of the Berlaymont, the EU's Brussels headquarters. Some EU officials hoped that Turkey might be persuaded to withdraw its application.

The mood of the Prodi Commission is vastly more friendly, though it cannot yet be said that all of Turkey's well-placed enemies have yet vanished completely from the Berlaymont and there is certainly scepticism in some quarters at national government level too. That is another reason why the impetus is fragile and must be energetically maintained.

The backdrop to this is a hiatus of between twenty and thirty years when EU-Turkey relations had lost their impetus, the Joint Association and its institutions did not function, and open ill will often flared up on both sides. If the Accession Partnership is to work, these experiences must be relegated to the past, and a climate of mutual comprehension and trust must be built between politicians and officials on both sides.

### **The European Parliament**

The present European Parliament has also shown a rather more conciliatory mood towards Turkey than its predecessors. A number of factors lie behind this changed attitude. Noted hard-line opponents of Turkey in the Socialist Group retired in the 1999 elections or lost their influence, while a number of new members who can be counted as sympathetically disposed to Turkey were elected. In line with the altered trends of Greek foreign policy since the summer of 1999, the Greek delegation in the Parliament no



longer vociferously opposes any proposal favourable to Turkey. This is an extremely important change. Finally the European Parliament's change of attitude is directly related to changes in Turkey.

This new way of viewing Turkey was apparent in the European Parliament's response to the arrest of the mayors of several cities in southeast Turkey, all members of the pro-Kurdish party HADEP, early in 2000. The Parliament expressed immediate concern, and some of its members saw the arrests as a deliberate anti-European gesture by opponents of convergence between Turkey and the EU. Though this interpretation may not necessarily be correct, it reflects an important shift in European Parliament perceptions of, and links with Turkey. In the past the Parliament's contacts in Turkey tended to be confined to radical marginal groups, who were perceived in Turkey as "anti-system". If the Parliament is now developing links with mainstream metropolitan liberal public opinion in the country, and identifying this current as "pro-European", then many of the misconceptions and antagonisms of the past may become less common.

It must not be forgotten however that the largest group in the European Parliament, the PPE, is not pro-Turkish, and that all groups are to some extent divided over Turkey, mainly because of human rights issues. Developments in Turkey are still watched closely to see whether the country is moving closer to, or away from, the norms of liberal democracy. There can be no doubt that the European Parliament regards Turkey as having some way to go before it can satisfy the same political criteria that the other applicants have met.

### **Member states and public opinion**

The improvement in understanding must be extended to public opinion in the existing and prospective member states, an area where Turkey has so far made surprisingly few moves to convey the case for its membership – unlike Greece, which in 1975-78 energetically pushed the case for its accession.

For many western Europeans, who know little about Turkey and hear from their media even less that is good, the uncertainties of taking on a large Muslim Mediterranean nation embroiled in several chronic regional disputes inevitably loom large. This has a direct bearing on the attitudes of governments and parliaments towards the Turkish accession.

It should not be forgotten that in the final stage of the membership process, the treaties of accession will have to be ratified by the legislatures of each member country. This means that Turkey's accession will probably have to be approved some day by the parliaments of 27 other countries. Public opinion in these countries needs to be actively addressed, so that Turkey's European credentials, its eligibility, and its achievements are clearly perceived.

### **Success depends on the spirit in which accession is approached**

The history of the EU shows that the mood of an accession may be a critical factor for the later success of a membership. Given the new opportunities that membership will bring, there is every reason for Turkey to embrace the European adventure with enthusiasm. Countries that do this have tended to have stable and fruitful careers inside the EU. Those like Britain, and to a lesser extent Denmark, which have gone into the accession process divided and doubtful and viewed their dealings with the rest of the Union as an endless Sisyphean round of haggling, have had less happy experiences subsequently, and their influence within the EU is much less than it might have been.

Turkey should look at the British experience and learn from it what to avoid. It should also bear in mind that though Greece's EU membership looks like a great political success seen from Ankara, when seen from the rest of Europe there are some definite question marks.

Some of Turkey's hesitations centre on the knowledge that it will have to make changes to the way it does things. The other east European countries have fewer hang-ups about the changes they

are being asked to make. This may be partly because they do not face onslaughts from the media and liberal opinion of the sort which cloud Turkey's image in Britain, Germany, and France. But it is also because they see the benefits and increased prosperity and security which will flow from EU membership much more clearly. It may also be that the task of making adaptations is much less controversial simply because the government and citizens of Slovenia or Romania or Estonia do not doubt that the European Union will admit them as full members in due course. In Turkey, as already noted, doubts on this point are still widely felt.

### **Applying European models**

Apart from prejudices already mentioned, there are also some deeper reasons why Europeans have had their hesitations. Though Turkish society seems to be evolving towards a more open and liberal society in line with European precedent, there has been relatively little governmental impetus in this direction. A more practical commitment to expand pluralist freedoms would have eased many of Turkey's problems with the EU.

Another ground for hesitation is Turkey's lack of involvement with the European experience and European ways of doing things. Unlike other countries within the orbit of the EU, Turkey has often given the impression in recent decades of looking more to American institutional and cultural models than to European ones. This has not escaped notice in Europe. It is quite striking for many non-Anglo-Saxon visitors that the form of English generally employed in Turkey is North American rather than European English.

### **Assurance of eventual membership implies a relaxed approach**

In view of this hesitancy, the early stages of the dialogue are the ones when it is most important for Turkey to work to keep up the momentum. If its accession process gets bogged down at the outset in technical or political difficulties, it might be hard to get it going again. The lapse of a substantial period after Helsinki could see the impetus shift to the political opponents of Turkey's EU membership. Turkey could come to be seen as a lame duck candidate.

Yet if there is no political collision or rupture on the way to negotiations, then the process which began at Helsinki should have only one outcome: Turkish accession at some point in the medium to long term. The costs of failure further along the line are too high. If the accession partnership breaks down for any reason, this will not be a minor reverse for the EU. It will be a humiliating and risky foreign policy failure.

Public opinion in Turkey therefore should be relatively confident that provided the Turkish side does not overturn the negotiating table or withdraw, Turkey will become an EU member eventually. This assurance should generate a more positive and imaginative approach to the changes that membership will require.

### 3 – Setting a Timetable

The decision to admit Turkey as a full candidate means that the landmarks on the way ahead in Turkish-European relations are now clear. A number of regular mechanisms will assess Turkey's progress towards membership, and if possible accelerate it. These include:

- **A detailed annual progress report by the Commission.** The first of these was published in October 1998 as the "Regular Report for Turkey". The next will appear in November this year. Its contents will be extremely important for the accession process. It would be shrewd to have a number of identifiable achievements to point to each year in the progress report.
- **The Composite Report.** This contains the essence of the annual country reports on all the thirteen applicants so that comparisons may be made between them.
- **Reports on the country by the European Parliament.** The latest of these was released in September 2000. The Parliament is important because it has to approve all budget disbursements by the EU. Its ability to communicate with public opinion and the media across the EU and shape attitudes is also important. If it is critical or sceptical, the accession partnership will be very tough going.
- **The Accession Partnership.** This will be the blueprint of the preparations for Turkish membership. It is due to be published on November 8th. It will be a relatively short document identifying goals and priorities which will be the essence of the accession process.

- The Accession Partnership will be matched on the Turkish side by the **National Programme for the Adoption of the *Acquis***, which will set out a timetable for incorporating EU policies and legislative standards into Turkish law, and building the capacity to enforce and apply them.

The new processes are more elaborate than the twice-yearly meetings of the Turkey/EU Joint Association Council. If the accession process is to work smoothly, they must not become as politicised and confrontational as the latter became.

### **Dates still unclear**

On two important questions, the EU and Turkey have not set a formal timetable. These are (1) the ultimate date when EU accession will take place and (2) the date for the opening of negotiations. The ultimate date of accession is still shrouded in mist. In September this year, the French Foreign Minister politely declined to give an answer to a questioner who asked him when and if Turkey would join the EU.

Some calculations however can be made about date for the opening of negotiations. In the past a decision not to give a date for negotiations meant that an application had been rejected, e.g. when Turkey's original application of April 1987 was answered in July 1989 in this way. This is not the case now. Turkey is in the list of active candidates and it is intended that negotiations will start. But when?

All the other applicants are now engaged in negotiations, even the second group of Balkan and Baltic applicants, whose readiness for accession would appear in many ways to be well behind that of Turkey. There are several specific reasons why negotiations with Turkey are not yet in sight. The key one, as is generally known, is an issue of principle. Turkey does not yet meet the political sections of

the 'Copenhagen criteria' that all potential members must satisfy. More will be said about this below.

### **Practical reasons for delay**

However there are also practical reasons for the delay. The timetable does not depend simply on Turkey's ability to deal with its internal administrative agenda of preparation tasks. The European Union is likely to want to have concluded the accession of the first group of east and southern European applicants before it turns its attention to the Turkish application.

If the main body of negotiations with them is not concluded for six or seven years (a possibility which seems to be implied by the European Council's<sup>4</sup> decision at Berlin to create a financial programme for them going on until 2006), then Turkey might have to wait until 2007.

The EU has other reasons for seeking time. It needs to build up its own skills and resources where Turkey is concerned. Helsinki took even the Commission somewhat by surprise. There is a shortage of skilled officials with a good understanding of Turkey. For many years Turkey was regarded in Brussels as a marginal issue and little active consideration was given to Turkish accession which was assumed to be somewhere beyond the horizon. Since the middle of 1999, the Commission has therefore had to begin recruiting a new generation of staff to handle an enlarged Turkish portfolio containing a number of complex technical issues.

### **Advantages of early negotiations**

Ideally of course, Turkey would strongly prefer to have negotiations open at a much earlier date than any of the ones discussed so far, perhaps as soon as the end of 2001. Opening negotiations,

<sup>4</sup>Readers may wish to be reminded of the difference between (1) the European Council, the name given to the formal meetings several times a year of heads of the member countries of the European Union in a city of whichever country is currently holding the six month Presidency of the EU and (2) the Council of Europe, an association of European Parliamentary democracies which is older than the EU and which meets in Strasbourg.

regardless of the length of time they subsequently take, would commit the European Union to admitting Turkey as a member some day. Until negotiations open, Turkey does not have that certainty. It is only a potential future member. Turkey's status, despite nearly 40 years of association with the EU, is unclear while that of all the other eleven applicants is – ultimately – guaranteed. If negotiations were opened, it would be a very powerful reassuring gesture to both the Turkish public and to potential investors of what lay ahead.

It is less clear how public opinion in the member states of the European Union, concerned about potential mass immigration and human rights issues, would view early negotiations. Pressure for instant negotiations could backfire if it provoked a barrage of public criticism and attacks.

The prospects of early negotiations would be very different if Turkey was currently closer to meeting the Copenhagen political criteria. The volume of legislation that has to be passed in the coming two years in order to comply with these criteria is already enormous. Opening negotiations before the end of 2001 would mean that this agenda would have to be compressed into a single year. The point of the reforms is not simply to change statutes and regulations but to demonstrate that human rights abuses have stopped permanently. It is highly doubtful if there is time to achieve this in a single year. The risk of being rebuffed on early negotiations is that the rebuff could also postpone the entire negotiation issue indefinitely and so weaken the chances of negotiations in the medium term.

### **Length of negotiations**

The speed at which negotiations would proceed once opened is a further uncertainty. If a very thorough and successful set of preparations has been completed, and if all the difficulties on the political side have been got out of the way, both large assumptions, then it might be possible to complete them in three to five years. (Remember that negotiations with Greek Cyprus were opened in



1997 and agreement had only been reached on 16 out of 31 chapters by the summer of 2000, despite the very small and uncomplicated structure of its economy.)

Because Turkey is a vast country by the standards of the enlargement programme, it is much more likely that Turkish negotiations will take longer than five years and that they will then be followed by a transitional period. On this admittedly rather imprecise basis, it would appear that full membership lies at the very least a decade or more away.

But that is hardly the point. The conveyor belt has already been switched on. If accession is to happen, the years between now and then will be ones of dramatic transformation and advance in Turkey.

## 4 – The Accession Agenda

The European Union began as an economic organisation creating a single market. The main body of the negotiations for membership concerns 31 chapters of legal, regulatory, and administrative practices known as the *acquis*, which must be integrated into the law and administration of each candidate country. When this process is complete a country is ready to be declared a full member, provided that it has the political and economic structures necessary to support the burdens of membership.

### **The Copenhagen criteria**

However the Helsinki summit confirmed that in order to negotiate for membership a candidate country must have satisfied the political criteria drawn up by the European Council in Copenhagen in 1993. This means achieving "stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities".

As can be seen in the 1998 Regular Report, the European Council interprets 'stability' to mean that certain types of problem – restrictions on freedom of expression and personal liberty and other basic human rights, and discrimination against minorities – do not occur at the present moment and as far as can be foreseen will not occur in the future.

The issues involved here are not ones to which Turkish public opinion is a stranger. Ultimately the EC's objections are based on controversy inside Turkey about particular pieces of legislation and actions by the executive and the courts. On minority rights too, the

EU appears to believe that Turkey falls short of what is expected in a member. However, the fact that the EU has admitted Turkey as a candidate for membership implies that it believes that these shortcomings are ones that can be corrected.

Turkey has substantially fewer problems with the Copenhagen economic criteria. It has a functioning market economy and its customs union with the EU shows that it can cope with EU competitive forces to a reasonable degree. This does not mean of course that Turkey yet meets the economic criteria for EU membership. Its high rate of inflation for example – far higher than that of any other candidate country – has to come down closer to Union norms. But it is worth noting that all of the other applicants, including countries with significantly weaker economies than Turkey, have started negotiations and opened all chapters.

### **Problems ahead**

When joining a club, conformity to the rules is essential. "The EU is their [the existing members'] club and we have to respect its rules," says one Turkish specialist on EU relations.

The issue is not simply about rules. It is also about practical self-interest. The EU is more likely to agree to take over active disputes and problems on board and internalise them if they are being handled in a fully democratic fashion. In that spirit it agreed to admit Spain even though there was no prospect of an end to the Basque problem. Burying existing disputes, including border problems, has been one of the conditions which the EU applicants from former Warsaw Pact had to comply with. Spain's dispute with Britain over Gibraltar had to be overcome before it could make progress to accession. Britain itself, it is true, did not have to find a solution to the Northern Ireland conflict before joining the EU, but that was nearly three decades ago and the dispute was not likely to cause serious international tensions in the region around it. The Greek enlargement of 1981 on the other hand was a case in which the EU was unaware of what would happen after accession and

might have acted very differently if it had known in advance what would follow.

In Turkey's case the EU sees a number of problems which all look potentially extremely serious. One of these is the disputes between Turkey and Greece in the Aegean and in Cyprus which have several times threatened to lead to war in the east Mediterranean. Another is the internal violence in southeast Turkey which (apart from the violence which has followed the break-up of former Yugoslavia) has been on a scale unknown elsewhere in European countries for fifty years and dwarfs even running sores for western Europe such as Basque terrorism or Northern Ireland. There is also a broader issue which relates to human rights in general.

## **i) Cyprus**

The Cyprus problem is the most important external constraint for Turkey in its relations with the EU. It is not simply because the Cyprus problem itself has defied efforts to find a solution for nearly four decades. Greek Cyprus is the front-runner among the other candidates for full membership, and its accession would change the diplomatic and political balance in the EU dramatically as regards Turkey and the eastern Mediterranean. The combined Greek votes would also be a disproportionate force in the Union's councils on other matters.

Greek Cyprus has made rapid progress in its membership negotiations. The completion of these negotiations will inevitably force the EU to choose between finding grounds for delaying the accession of the Greek Cypriots or allowing it to proceed and facing the complications that may follow.

If the Greek Cypriot accession is delayed, there could be a major political and constitutional crisis in the European Union, with Greece using its veto to delay the other enlargements and possibly to block

community business on a range of matters. Alternatively the EU may sidestep the problem and allow the Cypriot accession to be delayed at the final hurdle, with some national parliaments delaying ratification. Different voices inside the EU offer different forecasts, but the majority view appears to be that the application will be allowed to proceed.

### **The status of the North after Greek Cypriot accession**

Thorny questions will then loom about the status of the north, assuming that a durable political settlement has still not been reached on the island. Some of them may be seriously perplexing for the EU itself. If northern Cyprus is recognized as part of the territory of the new EU member, what will be the status of its inhabitants and ports and the goods and services they produce? The obvious answer, that northern Cypriot ports will have the same status as eastern German ones did before German reunification, is not one that is likely to be acceptable to the Greek Cypriots, who have consistently attempted to place the Turkish Cypriots under a total embargo. They will certainly press for the north to be regarded as under occupation by an illegal invading power on EU territory, and the Turkish Cypriots as rebels supporting an invader.

Perhaps this gloomy scenario is unrealistic. Greece now has an interest in protecting the essentials of its new foreign policy towards Turkey. There is also an onus on both sides to reach a settlement. Without one, ratification of the Greek Cypriot accession in all 15 legislatures is by no means a foregone conclusion.

### **Greek Cyprus inside the EU**

How would Greek Cypriot accession without a settlement affect the dynamics of EU political life? Greece and Greek Cyprus may attempt to use their combined voting power to isolate Turkey and the Turkish Cypriots and to appeal to EU solidarity against Turkey. Though this would not be in the individual national interests of most members, such appeals have been somewhat successful in the past and might be assisted if the EU and Turkey were already in

confrontation on other issues. A shrewder tactic would be to declare a moratorium and wait. On past form however Greek Cyprus would be likely to use the full panoply of its powers against Turkey inside the EU at least as strongly as Greece has done. It may be therefore that we are seeing a replay of the events of 1975-1981, when Greece was allowed to enter the EU without giving any substantive undertakings that it would not use its membership as a weapon against Turkey.

It might be argued that a Greek Cypriot veto would be unsustainable. The EU's interests in Turkey, economic, commercial and strategic, vastly outweigh its interests in an island of 700,000 people. But it would be risky to put this to the test. Supported by Greece, the veto might hold. There is also the possibility that once Greek Cypriot accession is in the bag; the present Greek-Turkish rapprochement may fade and the attitudes of the 1980s and 1990s may return.

Not surprisingly western European diplomats talk of a window of opportunity and the need to make a Cyprus settlement before it closes. But it is easier to design a jerry-built 'house of cards' solution than one which will actually work and prove fair and durable. Prospects for a Cyprus settlement would look strongest if Greece and Turkey reach a lasting understanding and efforts for a settlement were being underwritten by the United Nations, and perhaps by NATO with US financial support. That would create some sort of 'carrot' to help a settlement along.

### **A basic asymmetry**

One underlying difficulty is that the privileges of statehood and prospective EU membership create a basic asymmetry on the island. There are no obvious reasons why the Greek Cypriots should agree to a settlement involving compromise and sacrifices by both sides when they have nothing to gain from doing so. They have in fact a good deal to lose. For example, their position as the only internationally recognized political entity on the island could

easily be undermined once they start negotiations in earnest. In that sense the Denктаş requests for prior recognition of the sovereignty of both sides are realistic and sensible. By recognizing the Turkish Cypriots as a distinct sovereign entity at the outset, the Greek Cypriots would limit the damage they might suffer from a still-born peace process.

No set of negotiations on Cyprus has ever proved to be truly final. Each breakdown has eventually been followed by another round of talks. Yet if the proximity talks of the summer and autumn of 2000 fail to make any headway, there will be clear implications for the enlargement process in the eastern Mediterranean. Both Turkey and the EU will have to recognize that they face a quite different agenda and that the new diplomacy between Turkey and Greece will find it difficult to survive the deadlock on Cyprus. Allowing the entire Turkish application to be derailed by Nicosia and Athens would not be in the individual national interests of any of the western European members of the EU, but it is not clear how clearly<sup>5</sup> most of them would perceive this.

## **ii) Southeast Turkey**

"The major stumbling block between Turkey and the EU during the 1990s has been the Kurdish problem and the granting of cultural rights to the Kurdish people," writes Meltem Müftüler-Bac<sup>5</sup>. The formulation that the issue is one of granting cultural rights, perhaps to be followed in due course by political ones, to the Kurds reflects the influence of pro-PKK lobby groups on the media and public perceptions. It is slightly misleading to formulate the problem in this way as far the EU itself is concerned. Its concern about the Kurds flows from more general principles and a particular attitude to individual rights and freedoms.

<sup>5</sup>Europe in Change: Turkey's Relations with a Changing Europe. Meltem Müftüler-Bac; Manchester 1997; p.91.

However the problems in southeast Turkey form one of the largest and most acute hurdles the accession process will have to confront, since many people in Turkey believe that it potentially jeopardises the existence of the country itself and are thus not disposed to make concessions. Turks have not forgotten their country's experience at the end of the Ottoman Empire when relations with the European powers were intertwined with issues of breakaway nationalism and even partition.

Two sorts of issue are involved here. The first is the reluctance, as we have already seen, of the EU and EU public opinion to internalise conflicts unless it is clear that there is no departure from the norms of democracy in the way they are handled. Against this background, it is encouraging that there has been a sharp decline in violence and armed clashes in the southeast in the last two years and a period of reconstruction has got under way.

That still leaves a second set of thorny issues to be resolved. It is instructive to bear in mind the different historical experiences of Turkey and the EU countries when trying to understand attitudes on both sides.

### **European models: Cultural rights and devolution**

For a start, while Turkey is still dominated by the Ottoman experience of imperial break-up via autonomy and secession, the European model is one of easing tensions by allowing people to do as they want. Few existing EU countries have had any experience of ethnically-based secessionist terrorist violence in the period since World War Two. Where substantial ethnic minorities exist, they have usually been satisfied with a wide range of cultural, linguistic, and even political rights, but not autonomy.

Thus the South Tyrol, a German-speaking area taken from Austria and given by the victorious allies to Italy as a prize for being on the right side in World War One, is now anchored into Italy by a wide range of cultural concessions. Violence has taken place in recent years, but secession is no longer a live option. In Corsica, France is



taking the first steps towards local autonomy though with substantial anxieties that the unitary structure of the French state has been compromised. Spain has had to deal with a more implacable separatist nationalism in the Basque country, but it has been helped by two things: the Spanish state has never been fully unitary and is accustomed to linguistic and administrative plurality, while the Basques live in the most industrially advanced parts of the country, a fact which moderates the militancy of the Basque population as a whole. Britain, accustomed to regular uncontested withdrawals from the remaining parts of its former empire, has no objections to secession and would have parted with Northern Ireland a long time ago if it were not that a majority of the divided population there is adamantly opposed to secession.

What is common to all these situations is that cultural and linguistic rights, and sometimes a degree of administrative devolution, have been easily conceded. This is not simply a tactic. These moves flow from two much more general beliefs. The first is the view that violence and repression are unacceptable, and ultimately ineffective as a basis for maintaining order and cohesion in a society. The second is an attitude which has emerged more recently but is strongly influential especially in countries like France and Britain. It is that individuals in modern societies are entitled to self-expression and the potential for self-fulfilment; so Austrians in Italy are entitled to speak their mother tongue, German, while Basques and Northern Irish Catholics are entitled to use their own colours and symbols. Immigrants too are entitled to retain their cultural identity and heritage.

There is an important distinction to note between 'autonomy' and decentralisation or devolution. Where decentralisation has occurred, administrative power has been passed down not to minorities but to regions, so that it fits local needs more exactly. In some cases, these regions have a degree of historical and governmental identity. Scotland, for example, was a fully independent state for hundreds of years. However similar transfers of power have also occurred in

Belgium, Italy, and Spain without the historical basis of the Scottish devolution.

### **Turkey: A different route to the nation-state**

Turkey historically took a different route to the nation-state from the western European countries, reaching it only in 1923 with the proclamation of the Republic. In many ways, the Turkish experience was closer to that of the United States than that of Britain or France. The bases of the modern Turkish state include a revolutionary war of independence, immigration and the 'melting pot', and a conscious determination to create a 'new state' even though of course the heritage of its predecessor, the Ottoman Empire, was always important.

There was a further important difference: the role played by ethnic and linguistic heterogeneity in the Ottoman Empire. Until the twentieth century, religious community rather than language was the main factor in establishing political identity. In Bosnia-Herzegovina, Crete, and many other places, people who spoke the same language split into rival national communities on the basis of whether they were Christian or Muslim. The Christian groups were usually communicating actively with, and seeking practical support from western Europe. The resulting conflicts were notoriously violent on both sides.

Once inside Turkey, Ottoman Muslim migrants from the Caucasus or the Balkans did not regard their languages as politically significant or want special status for them. The same was overwhelmingly true of the speakers of indigenous languages, who saw their identity not in linguistic terms but as part of an Ottoman Muslim, later Turkish Republican role.

Nonetheless this diversity was a source of potential anxiety for administrators. Language and ethnicity were seen as collective characteristics generating steadily growing communal demands. This route was repeatedly trodden by different Christian nationalities

exiting from the Ottoman Empire. The solution which the Ottomans often favoured but were generally prevented by the Great Powers from applying, was to use force to stop this unfolding.

In the Republic this was replaced by an emphasis on the melting pot and the creation of a common national culture. The aim was not repressive. It was to prevent a re-emergence of the terrible ethnic violence of the late nineteenth and early twentieth centuries. However it is arguable that these policies may have overestimated the centrifugal forces in Turkish society and the risks of disintegration. The new political unit created in 1923 and the identity that came with it are by any standards impressively strong and durable. But the vociferous irredentist Christian and Arab nationalisms which still encircle Turkey did not make it easy to be to be self-assured on this point.

### **EU attitudes towards secession**

Hence the suspicions in Turkey of European attitudes, not least since in some cases they are clearly coloured by the language and attitudes of irredentist movements. The European Parliament in 1994 called for autonomy for the Kurds, thus apparently justifying distrust of Europe in Turkish eyes. This overlooks the fact that the European Union has a vested interest in stability and no taste for secession. The fragmentation of a candidate country or a member would be a grave failure. The EU itself, in the view of many of its continental citizens, does not permit secession by a member country. It is thus hardly likely to be complacent about other types of secession.

### **The EU and minorities**

The EU's attitude towards minorities is something that has evolved over time. In the earlier enlargements it did not look very closely at minority questions except where serious issues had been exposed to attention by publicity. Spain, for example, was obliged to remove quietly its restrictions on the rights of Protestants before entry. This reflected northern European Protestant awareness of discrimination

against their co-religionists in Spain. Little or no notice was taken of discrimination against Muslims and Catholics in Greece, mainly it would seem because the subject is virtually unknown in western Europe.

In any case, the word 'minorities' is used in the industrial mass societies of western Europe in a much looser and different sense from the way it is employed in parts of the southern Balkans and the eastern Mediterranean including both Turkey and Greece. In south-east Europe, 'minority' tends to be used as a legal term referring to a collectivity with recognized rights. In popular European parlance minorities are simply groups of people in society who have a defining characteristic that is critical to their own individual identity but is not shared by everybody. Minorities in western Europe claim to be entitled to support or protection not because they want to become self-governing, but so that each individual can have his or her identity protected.

Such attitudes are new but they build on an older tradition of individualism. They are rather obviously the products of wealthy industrial societies in which traditional stratification has largely broken up and individuals are dominant. Complex processes lie behind this evolution of attitudes: they include the waning of traditional organised religion; the effects of migration in creating self-consciously multicultural societies; and a sense that natural characteristics need to be protected if they are not to be eroded and destroyed by industrial society. At the same time, the rise of single-issue politics has enabled particular groups to gain access to the media and influence national attitudes and legislation.

The European Council at Copenhagen talked, as we have noted, of the protection of minorities. However there are some differences at the national level over exactly how far to go in protecting minorities. Three countries, Britain, France, and Greece, have so far declined to sign the Council of Europe Convention on National Minorities.

New members in practice seem expected to achieve more exacting standards than existing ones. Human rights specialists in London, for example, say privately that Greece would not be admitted today on the basis of its existing practices towards its Muslim, Turkish, and Catholic populations.

### **The situation in Turkey**

How does all this relate to the situation in Turkey? Turkey's insistence on a unitary state with no devolution is not in itself a problem. The sharpest problems are not to do with cultural rights but with administrative practices: with incidents and court cases involving human rights violations of one form or another. The legal restrictions on individuals and organisations thought to be calling for devolution are without parallel in the rest of Europe. Britain has had 'Irish' and later 'Scottish' parties for nearly 150 years and has never gone through a stage of banning them or interfering with their freedom of expression.

On the other hand, harshness does not appear without its own causes. What would the situation in Britain, for example, be like if over 30,000 people had perished from terrorist attacks supported from outside the country? Clearly any country would adopt extraordinary measures in this situation and would be entitled to protect itself against a recrudescence of the problem.

### **Building blocks for progress**

Yet there are some building blocks for progress over the southeast and the question of minority rights in the western sense, if the political will exists to take advantage of them. For a start Turkish society has never had any hang-ups at the level of daily life about the ethnic background of individuals. There is also the important fact that the two main sides involved in the conflict in the southeast both seem to be in favour of Turkey's integration into the EU.

The way forward lies in the establishment of a spirit of greater openness, and a willingness to interpret the wording of the Turkish

Constitution in a pluralist manner and show that the situation is open to evolutionary development. This would include the lifting of formal and informal restrictions on freedom of expression.

### **The language problem**

The use of mother tongues is one area where restrictions could be lifted. Turkish public opinion seems to be shifting towards acceptance of Kurdish language broadcasting. Books, magazines and newspapers in the various Kurdish dialects or sub-languages have already been freely on sale in Turkey for over a decade.

Moves in this direction would certainly take the sting out of many criticisms of Turkey among pressure groups in Europe. Had there been broadcasting in Kurdish in Turkey earlier, it would have been much clearer to western European eyes that the *raison d'être* of MED-TV, the PKK's television channel, was to offer a violent political message in the context of an armed struggle, rather than to fulfil cultural rights. The station was able to obtain a broadcasting license in Europe, unprecedented for a political organisation, mainly because of the ban on Kurdish language broadcasting inside Turkey. Without that ban, and without the use of harsh methods, sometimes illegal under Turkish law, to suppress discussion, Turkey's friends and advocates inside the EU would probably be able to argue convincingly that it was moving across the threshold into line with the rest of the continent.

### **iii) Human Rights in General**

The other area where changes will be needed before this can happen is human rights in general. It might seem paradoxical to western journalists or diplomats, but to millions of ordinary Turkish citizens, especially those in rural and provincial society, the international criticisms of their country's human rights record sometimes seem baffling and unfair. In their view, the Turkish state has been the only protection for them and their families on many

occasions in the last hundred and fifty years. They have a clear, perhaps exaggerated, impression of shortcomings in western Europe, ranging from the treatment of immigrants to the perception that the EU and Europe in general acted slowly on the attempted genocide in Bosnia, and relatively mildly on that in Chechnya.

In metropolitan Turkey, however, there now seems to be a strong grassroots sense of the country's isolation and problems in this area. These have their roots in recent history. Turkey had a highly liberal legal and constitutional system in the 1960's, but dismantled key parts of this order after the 1980 coup d'etat, in order to cope with the centrifugal political and social disorders which were produced by rapid population growth, industrialisation and urbanisation. In the Turkey of the late 1970s a dozen or more people were losing their lives to political violence every day, and it seemed as if the fabric of society was dissolving into Beirut-like violent chaos. Anyone who lived through this period will be aware that the dangers were real, that a solution to them was achieved, and that success in achieving it was not inevitable.

Just when Turkey was struggling to shake off these tensions, the rest of the world was moving in the opposite direction. In Europe and North America the frontiers of freedom of expression, political activity and minority rights have shifted drastically, without causing any breakdown of the economic and social order.

Turkey did not follow this trend because of the concern of successive governments to keep in place the splints put on society between 1980 and 1983. When restrictions were removed, others – such as new anti-terrorist powers – were often introduced. Secondary legislation and the Constitution were frequently allowed to march out of step. Thus in 1989 the clauses in the Penal Code banning dervish orders were lifted: but the clauses in the Constitution prohibiting them remain. In 1995, a wide range of changes was made to the Constitution, but in many cases the enabling legislation was not enacted.

Moreover it often seemed as if many human rights violations originated in the desire of local officials to intimidate individuals or groups they disliked while sheltering behind a veil of legality and administrative rules. Successive prime ministers worked to change the rules and raise standards, but seemed to find it very difficult to alter what was happening on the ground. In one celebrated case, for example, policemen facing charges of torture declined to attend court hearings until after the prime minister had personally made it known that they had to do so.

### **European attitudes then and now**

It is worth noting that European and other western governments were acquiescent or even actually favourable when these stern legislative and constitutional arrangements were set in place in 1982-83. If the national governments of the EU had offered better advice at that stage, some of the problems that later beset Turkish-EU relations might have been averted or at least eased. In view of the positions these governments were to adopt after Turkey's application, it is hard not to feel that they were either myopic or guilty of double standards. Among western diplomatic missions in Ankara, only the EU Representative Office showed an overt concern for human rights. The message was clearly that supra-national organizations like the EU are more concerned than national governments with close conformity to legal and moral commitments, and less easily persuaded that governmental, commercial, and strategic interests can overshadow human rights and related matters.

### **Political and economic liberalisation: A comparison**

In a sense, Turkey's isolation on human rights issues today may be compared to its economic isolation before 1983. At that date the Turkish economy had been run for fifty years on the basis of excluding imports, especially consumer goods, and encouraging import substitution. Until the mid-1980s, Turkish shoppers could not buy the groceries and goods available everywhere else in the world. It was assumed that if curbs on imports were lifted, the economy would not be able to stand the burden.



From 1983, these curbs were lifted. The quality of life for most people improved and the country rapidly became much like anywhere else, while its economy grew visibly stronger. Is a similar opening-up in prospect on individual freedoms and human rights? Can it happen on the time-scale necessary for the Turkish EU accession process?

### **Human rights problems and the national interest**

The western European view has generally been that human rights violations by officials produce the reverse effect to that intended. They endanger and weaken the strength and independence of the country that permits them. This view was expressed in blunt language by the now totally forgotten mid-nineteenth century British Foreign Secretary, the Earl of Clarendon, writing about the expulsion of a Christian sectarian convert from an Aegean town in 1856: "...the continued neglect of the Porte [in human rights matters] must lead to constant interference by foreign powers in the internal affairs of Turkey, which will be detrimental to her independence, and which it is alike the duty and the interest of the Porte to prevent <sup>6</sup>."

What was true in 1856 is even truer in the transparent globalised world of the twenty-first century. Clashes with demonstrators in an Istanbul or Ankara street can be watched live at the other end of Europe. Some of those who take part in suppressing such demonstrations have no idea that the eyes of the outside world are on them – or, if they know, do not care. Yet by isolating their country from the outside world, they are in a sense contributing directly to the situation which gives them pitiful monthly salaries and an inadequate standard of living.

<sup>6</sup>The Earl of Clarendon to Lord Stratford de Redcliffe (British Ambassador in Istanbul) September 23 1856 in Turkey No 17 (1877) Instructions Respecting Financial and Administrative Reforms and the Protection of Christians in Turkey 1856-75. House of Lords 1877

These connections are increasingly being made. The Turkish media, which have not had the credit they deserve for consistently exposing human rights issues, now regularly contrast controversial events on the human rights front with the requirements of the Copenhagen criteria.

### **Political Islam and human rights**

In Turkey the European Union will encounter some issues and problems for which the experience of its existing members gives little guidance. The balance between religion and politics in Turkey is likely to be one of these. The EU has been noticeably reluctant to comment on these internal matters. During the summer of 2000, there was a striking silence from inside the European Union about the jail sentence passed on the former prime minister, Necmettin Erbakan while Mr Erbakan's attempts to take his case to the European Courts (an ironic step for a veteran critic of the EU) seem to have failed. On the other hand some human rights NGO's have espoused the cause of Turkish women who want to wear veils in public contexts where doing so is currently forbidden. It has to be remembered that there is no comparable ban on veil wearing in most EU members and that ethnic and cultural pluralism is encouraged in them. On the other hand, the rise of political parties or forces which aim to overturn or reverse Turkey's pro-western orientation is not a welcome development for western Europe. The existence of such parties, and the complications which might arise if they came to power, is something that policy-makers do take into account when thinking about Turkey.

## 5) The Road Ahead

The challenge immediately facing Turkey and the European Union is the construction of an Accession Partnership process that will make the adaptation self-sustaining over the next few years. The Accession Partnership document to be published by the EU Commission on November 8 will be an important plank within this. The document will spell out in a few pages the main working principles and short and medium-term objectives which can realistically be achieved in the next few years. The actual blueprint for preparation will be a much larger document to be published in Turkey: the National Programme for the Adoption of the Acquis (NPAA). Countries negotiating for admission to the European Union set their own targets and decide their own pace. It is the degree to which they have kept to their targets which is assessed by the Union.

The Commission's dilemma in drawing up the Accession Partnership is that it has to strike a very delicate balance between the specific and the general. It has to find a way of not alienating elements of domestic Turkish opinion that are suspicious of the European Union, while also satisfying those hardliners within the EU who insist on the full and rigorous application of the Copenhagen criteria.

The governments of the member-states will play a role at this point. The European Commission will identify priorities and intermediate objectives but it is the European Council, i.e. the heads of national governments, which will make the decisions and fix the conditions

surrounding them. However the Council will make decisions on the basis of a qualified majority, not unanimity.

### **Scale and scope of the agenda**

The process which Turkey is entering was designed in 1993-94 with the eastern European applicants in mind, and reflects the structures which they then possessed and the challenges they were facing. The Turkish partnership will have to be designed in a way that takes specific account of Turkish realities and needs, which as we have seen are rather different. The EU does not aim to turn its members into identical, standardised identical European entities. It is built on the principle of respecting its members' national differences. In Turkey's case these can be expected to be quite substantial.

However, it is important to remember that the Turkish Partnership is being created for a country which is regarded in several member states as still being some years away from being ready to open negotiations and which, although closer to meeting the economic criteria than some other applicants, is certainly the only applicant not yet meeting the Copenhagen political criteria.

One of Turkey's main aims thus has to be to ensure progress on political and constitutional objectives. There is a daunting schedule of changes which are needed in these areas. In a key study Turkish officials have identified 21 different constitutional amendments that will be required, 52 changes in the law, and 24 major changes in administrative practice<sup>7</sup>. This is an enormous agenda that would take up years of work in most parliaments.

Let us now take a closer look at some of the measures which are likely to be required in the three basic areas of the Accession Partnership – political, economic, and institutional – each of which will make up a distinct sub-agenda.

<sup>7</sup> Copenhagen Political Criteria Report Approved by the Supreme Board of Coordination for Human Rights (SBCHR)

## **i) Political Measures**

### **The quality of democracy**

The EU shows a respect for local conditions in its existing members when assessing the quality of their democracy. Britain for instance, unique among western democracies, has no written constitution and though there was discussion of this point when it joined the EU, it has never been compelled to adopt one. It also has an appointed legislative chamber in the House of Lords which is directly dependent on the government, while elections to the House of Commons are not held on a proportional basis. As a result large numbers of British voters may go completely without representation. These characteristics, some of which are frequently criticised within Britain, are not felt to erode the essential genuineness and quality of British democracy or the representative nature of government.

Similarly on freedom of expression, there are still substantial differences between what is acceptable in south European countries, where attitudes towards authority remain relatively polite and deferential, and those of north European countries where reverence towards leaders and institutions has faded rapidly in the last generation.

The sorts of goals which are likely to be uppermost in the minds of EU policy makers when designing the partnership with Turkey are: 1) ensuring that any element of coercion or constraint is removed from politics and related activities, including restrictions on freedom of belief and expression; 2) ensuring that all groups and identifiable communities within Turkish society are encouraged to participate freely in public life; 3) ensuring that all the players in the political system and public administration are both accountable for their actions and also protected from unjust interference. A related concern is to widen the social basis of regulatory organisations.

Clearly at some levels these criteria are not all that far from being fully satisfied. Turkey has a functioning multi-party competitive

political system. The same principles can be derived from the basic normative legislation of Turkey, especially the Constitution. Ways of widening the democratic structures which flow from the Constitution – and from Turkey's own traditions and aspirations, regularly articulated in public by the press – have been identified by the Supreme Board of Coordination for Human Rights<sup>8</sup>.

The issues involved are not new to Turkey. They have been the objects of more or less continual discussion in the country at least since the 1960's. Furthermore they form the basis of Turkey's existing membership of the Council of Europe. Since the collapse of communism however, the Council of Europe itself has introduced new human rights requirements, most of which have been adopted without difficulty by the newly democratic east European countries. Turkey has proceeded less speedily, but adoption of these measures is not voluntary. It will be obliged to take them up sooner or later as part of its membership of the Council of Europe, or face growing political and diplomatic isolation.

### **Two years of very hard work**

As we have seen, the legislative agenda facing Turkey is vast. It can only be enacted with a lot of hard work by the Turkish Parliament, and by adhering to a rigid programme. Only time will tell whether the political will and the administrative stamina exist to achieve the successful translation of this entire agenda into law. If they do, then both 2001 and 2002 are going to be memorable years in Turkish history.

A glance at the agenda is enough to confirm the scale of the task. It includes: the overhauling of the Turkish Penal Code; CMUK (Law on Criminal Procedures); the adoption of the European Convention on Cross-Border Broadcasts; the Press Code; the Law of Associations and trade union law; collective bargaining and strikes legislation;

<sup>8</sup>See 'Copenhagen Political Criteria Report' above.

health and safety legislation; reform of the labour exchange system; enactment of legislation already prepared for institutional bodies covering human rights; enactment of ombudsman legislation already prepared; enactment of local government legislative reforms already prepared; enactment of legislation upgrading the training of the police; reform of the penal service, including structure and training; reform of the legal profession; reform of the law protecting witnesses and their rights; overhauling of the judicial system; adoption of the new draft Civil Code; the establishment of family courts; the improvement of pension fund arrangements for women; protection of the human rights and social rights of children; drafting of legislation assisting Turkish law and judicial practices to conform more effectively to norms established by the European Court of Human Rights; and abolition of the death penalty.

### **Fast track options**

In addition to these constitutional and legal measures, there are also administrative and other proposals. It is a long list, and the time to enact it will be very short. There has already been controversy in Turkey over government attempts to introduce legislation through the back door by decree, in areas where parliamentary debate and approval are normally required. Some compromises may be possible. Hungary, for example, is setting up special procedures for EU legislation. Turkey perhaps needs to examine this and other 'fast track' legislative mechanisms which do not detract from the proper role of parliament.

Government and legislators also need to remember that what the EU and the public opinion in its member countries is concerned with is what happens in practice rather than with the laws and regulations that exist on paper. Effective enforcement is the goal, not simply the changes in the laws themselves. Human rights monitoring groups, some of which have found Turkey's proposed changes more limited than they advocate, will watch carefully to see if how much evidence there is of a reduction in abuses.

### **The domestic test for Turks will be civil and social peace**

A crucial test of the changes will be the degree to which they lead to an improved atmosphere and civil and social peace. Much of Turkey's legislation and administrative practices are responses to a situation which seems potentially very dangerous, rather than the cause of it. Fear of disorder remains strong in a society where many people have recent personal or family memories of political violence. One might compare the situation that is likely to unfold in Turkey in the next few years to a surgeon cautiously removing a splint or removing stitches after an operation, not quite certain whether the point has arrived at which it is right to do so.

As the process advances the EU will bear a growing degree of moral responsibility if things go seriously wrong – except of course when reforms are blocked by hard-line opponents of change. The accession partnership has to be a real partnership in spirit, with the EU being prepared to follow events closely and realistically and show an insight into events in Turkey. Officials on both sides will have to maintain very close contacts to ensure that there is continuous dialogue and understanding. Turkish legislators in the Grand National Assembly will need to be carefully briefed about the international significance of the changes before them, and the degree to which they are considered absolutely normal and uncontroversial in most other countries.

There is simply no time for the political deadlocks and fierce antagonisms which in the past often made national politics a log-jam. In particular general elections, which are due in 2003 but could be held earlier, should not become a source of delay. Of course, if by that time many legal reforms have been accomplished smoothly and efficiently and Turkey is excited and optimistic about the prospect of negotiations being opened in the near future, these achievements will be a substantial asset for the government of the day as it goes to the polls.



## **Enhancing the impact of the reforms for Turkish citizens**

The reforms involved in the Accession Partnership process will have an improved prospect of acceptance in Turkey if they avoid giving the appearance of being a set of alien practices being imposed from without and with no clear rationale of public benefit behind them. The reforms need to involve the ordinary citizen and key agencies in Turkish society in a fashion that holds out exciting prospects for them.

Two areas where the work might begin are:

- Increasing the rights of the individual to act without permission and removing obsolete restrictions dating from decades ago.
- Creating a better dialogue with specific institutions and law enforcement agencies in particular.

### **Individual rights**

There is still a wide range of activities for which individuals in Turkey have to obtain permission that would not be necessary elsewhere. In many public offices, staff may not travel even at a weekend without signed permission. The periodic census and electoral roll curfews that keep the entire population indoors for a day are further cases in point. Not all these restrictions are rigidly imposed, but a survey of areas in which changes are overdue followed by a programme focussing on the legitimate rights of the responsible individual citizen might make the meaning of the reforms clear to the public. These changes would mostly affect urban society. A later stage might focus on ways of increasing personal freedoms and a culture of responsible citizenship in rural society.

### **Dialogue with enforcement agencies**

The adoption of the *acquis* will have a profound impact on institutional life at every level. Institutions must participate actively in this process for it to work. They must not feel that they are being forced to surrender their existing position under pressure. A glance at the existing member states of the EU surely demonstrates that

institutions in (say) Italy, Spain, France, or Britain, have not lost their identity since accession.

But some key institutions need to be won over to Turkey's European adventure. The most important of these are the police and the Ministry of the Interior, on whose shoulders the task of maintaining law and order in Turkey lie. If these groups resist progress towards the EU there will be continual problems. The answer is obviously that they should, if possible, be absorbed into it. A "dynamic partnership" should be created between the police and the rest of society for a dialogue to establish the goals of policing in Turkey, and the methods most likely to achieve them satisfactorily.

In other words a process of deep cultural and administrative renewal would begin in the police organisation, focussing specifically on relations with civilian society, including some policing issues such as public order. The bases for such a renewal do not have to be invented. They already exist in a body which is in many respects highly professional, increasingly well-trained, and sustained by a confident institutional culture which has a clear vision of its relation with society as a whole. It also has a much longer-standing tradition of working closely with international partners to achieve its goals than is generally realised.

Moves in Turkey's police academies to enhance the professional culture of the police and make a break with a deformed "cop culture" have been under way for some years. They deserve to be encouraged by all involved. If Turkey's police force can re-shape itself in line with vision of Turkish membership of the EU, many other aspects of the country's transition to negotiations and membership will be far less problematic.

### **The Armed Forces and the NSC**

The same is also true for the Armed Forces and for the National Security Council (NSC), which brings together ministers and officials

with personnel from the top of the Armed Forces, and which meets every month. The high public profile and especially the extensive TV coverage given to the meetings of the NSC may be misleading. Its decisions are not mandatory but advisory. It operates without taking formal votes, and some of its key recommendations over the years have not been implemented. When military interventions in politics did actually occur in Turkey in 1971 and 1980, the National Security Council did not play a significant part in this process.

Equally overlooked is the fact that the NSC has helped Turkey cope with genuine threats to the system. In 1997, for example, it certainly played a role in checking a shift of political and social power to political Islam in Turkey at a time when very grave changes indeed in the fabric of national life appeared imminent and there were signs of a wholesale shift of local power to radical elements in the Sunni clergy. If this had not happened, some western scholars argue<sup>9</sup>, the Helsinki decision to admit Turkey as a candidate for EU accession would have been much more difficult.

Changes to the composition of the NSC, for instance the creation of a clear civilian majority, are already listed in the programme of administrative changes. Once this basic step is taken, the NSC's role may fall into a clearer perspective. As we have already seen, EU membership should help protect Turkey against some of the destabilising forces, including politically motivated religious fundamentalism and secessionist movements, which have been of greatest concern.

<sup>9</sup> A full text of the 28 February Decisions can be found in "Islam and Society in Turkey" by David Shankland; London 1999

## **ii) Economic Measures**

Contrary to the murmurs at the Luxembourg European Council about Turkey's shaky economy, it is Turkey's economic resilience and the scale of its markets that make up its most important attractions for the EU. Currently around a fifth of the EU's trade surplus comes from exports to Turkey. One of the motivations of the Turkish enlargement is to help this market grow.

A key factor for EU business is likely to be security. During the last two decades, the Turkish market has grown rapidly but it has also undergone severe shocks damaging to the confidence of traders and investors alike. Its high level of inflation, a complex bureaucratic administrative system, and the existence of corruption and inefficiency are all drawbacks which accession to the EU would reduce or even eliminate. The costs of these drawbacks, particularly where investment is concerned, are perhaps not sufficiently appreciated inside Turkey.

At present the exchange of ideas on economic and financial issues is confined to infrequent meetings of officials and businessmen on both sides. One way to ensure a steady flow of ideas and information between Turkey and its EU partners in this area might be to establish a Financial Affairs Group or Committee which would meet four to six times a year and be specifically charged with the task of being responsive to the concerns of potential investors.

### **Banking and financial services**

Turkey has a strong financial services sector by the standards of east European applicants, but on issues such as competition, capital adequacy and supervision the banking sector is still behind the EU countries. Though Turkish banks have taken enthusiastically to the advanced technology of retail banking in the 1990's, a glance at their numbers and size shows that they are still sheltered from the changes going on in European and global markets.

Cross-border alliances are still very limited and takeovers (as opposed to occasional operations to mop up insolvent banks) are more or less unknown, despite the existence of obvious excess capacity in the sector. Partly because of the hyper-inflationary environment, services such as insurance are still relatively underdeveloped. The Turkish public has a strong propensity to save but in the existing macroeconomic climate, many people naturally choose treasury bonds or foreign currency.

The return of price stability is likely to be the signal for far-reaching changes in the financial services sector, with some players combining with international partners to strengthen their capital base and offer a wider range of products. There is likely to be substantial concentration in the sector and some of the existing players may succumb to competition from the new types of e-based banks and savings institutions now appearing in western European markets.

The Turkish Central Bank has been trying to assess the potential impact of these changes by holding a series of meetings with key economic decision takers in the EU and investors. These began even before the accession process got under way, as part of an attempt to design a Turkish response to EMU.

### **Macro-economic issues**

Turkey has a functioning market economy, but as already noted its high level of inflation will have to come down. This task is already being attempted in the context of Turkey's stand-by agreement with the IMF designed to reduce inflation to single digit levels over three years. The change is seen as essential and inevitable. Turkish economic policy-makers began the long haul to bring down inflation before the current dialogue with the IMF began, marking a breach with policies that go back to the 1960's and the beginning of inflation-financed development.

There are other areas where the Accession Partnership will have to encourage changes. Many of these concern social security and the protection of economic rights. Members of the EU have to provide common standards of social security, for competition reasons as well as social welfare. These reforms are included in the list of political and legal changes already given above.

## **Energy**

Energy policy is crucially important to both the EU and Turkey. Accession implies that Turkey's future energy policies must operate within the broader framework of EU policies. The aim of these policies is of course to ensure that industry and citizens in all EU countries have access to energy supplies on a stable and competitive basis. A substantial amount of work will need to be done in applying the *acquis* to Turkey's energy industry, for example in the freeing up of gas and electricity to greater competition and the liberalisation of pricing structures. This work will probably go beyond what is implied in currently foreseen Turkish draft legislation.

The broader picture is of how to match Turkey's intended role as a route for energy from the Caspian littoral countries and Turkmenistan to the Mediterranean with the EU's long term policies. Energy is an area where Turkey has to make active provision for its future, and also where it can play an important role as a supplier to the EU. However to date, Europeans, whether in the EU or outside it, have been much less excited than the Americans about the Baku-Ceyhan Pipeline. A striking feature of the present situation is that Greece, the EU's only current member which shares a frontier with Turkey, has so far shown a striking reluctance for partnership on energy projects.

## **Financial resources**

Turkey's NPAA needs to consider carefully what financial resources it reasonably requires from the EU as part of the Accession Partnership process, and outline a detailed practical strategy for obtaining and applying them. The EU will regard its funding as a

'catalyst' rather than the 'motor' of change. Turkey's sheer size is going to make the Union cautious about the commitments it enters.

If it had been applying in the 1970's as a nation of 65 million with a substantial section of its population on very low incomes, Turkey would have been entitled to large amounts of EU assistance. Times have changed since then. Turkey is the last of the eastern European latecomers, and its application for membership has to be fitted into arrangements already up and running and essentially designed for others. It also suffered because of its political isolation from the EU after 1981. Turkey is not included in the Phare Programme of the EU, even though Albania and Bosnia are. Thus on present form, it would appear likely that Turkey, with roughly twice the population of Poland, will receive only one fifth of its funding, i.e. about one tenth in per capita terms. Will this be adequate for the task of preparing it for membership?

There will be clear linkage between the financial resources and progress in meeting the priorities. If Turkey does not make progress, the European Council is empowered to cut back the pre-accession assistance. That means, in the early phases of the partnership, that human rights violations could carry a high financial and political cost for Turkey. Particular incidents could directly damage the national interest in a visible and measurable fashion.

In the later phases, the Council will probably seek tangible evidence of systemic changes in these areas. Though the Greek veto is no longer on the horizon, Turkish governments will have to bear in mind the possibility that one or two critical national governments, perhaps in Scandinavia or elsewhere, could very possibly lobby the Council to reduce financial cooperation. The annual progress reports are thus going to be extremely significant landmarks for both sides.

However since all financial cooperation will also have to be approved by the European Parliament, the Council will not be the

only possible stumbling block. European national governments are already quietly signalling to their parliaments that the financial cooperation programme will be a strong incentive for progress in problem areas. That at least was the message delivered by the British junior Foreign Office Minister, Baroness Scotland, to a debate in the House of Lords on July 25 2000<sup>10</sup>.

### **Migration and freedom of movement**

In the medium to long term, the Accession Partnership process will have to come to grips with the question of allowing ordinary Turkish citizens the same access to Europe that others enjoy. These restrictions are perhaps one of the most powerful forces responsible for the psychological gap between Turkey and western Europe.

Freedom of movement of human beings and of goods and services is one of the cardinal principles of the European Union. As far as Turkey is concerned it was accepted in principle as long ago as 1971 in the Accession Protocol and was due to come into operation in 1983.

But only a few years after the Accession Protocol was signed, the German and other European labour markets changed and immigrant labour was no longer necessary. By that time, large numbers of people in Turkey had become alive to the possibility of moving to Europe in search of work and a better life. As a result, the member states declined to implement what were perfectly binding legal obligations. A number of test cases were launched in different EU countries, but, apparently out of fear of creating an adverse climate of opinion in Europe over the question of Turkish membership, the point was never pressed.

At the same time EU countries introduced progressively tighter visa restrictions aimed at stemming the flow of illegal immigrants. Travel to Europe became steadily harder for bona fide Turkish travellers

<sup>10</sup> Hansard House of Lords Reports 25 July 2000.



until it became a serious source of inequality. Turkey, which had been included in the European club since the 1950's, found itself effectively relegated to outsider status as far as the ability of its citizens to enter Europe was concerned. For example a Turkish scholar planning to spend a week or two in libraries in Britain or Germany might find it impossible to do so, even though he was a teacher in a leading Turkish university. On the other hand, it has to be conceded that the national governments of western Europe did face a genuine problem. During the 1980's, migration, much of it illegal, led to the creation of a Turkish community in London of nearly 200,000.

Since 1990 and the fall of Communism, the situation has become if anything slightly more unjust. Visa restrictions on citizens of the former Warsaw Pact countries seem to be much less onerous than those on citizens of Turkey. Citizens of the former Communist countries can set up small businesses inside the EU, thus making it possible for plumbers, engineers, and craftsmen to move to the countries of western Europe. Similar opportunities are denied to Turks and visa restrictions are as severe as they have ever been.

Fear of mass migration from Turkey remains widespread among the public in several EU countries, exacerbated by media reports of Kurds seeking asylum in large numbers. This is not necessarily an argument for excluding Turkey from the EU on the grounds that accession will open the floodgates. There have now been four cases of the integration of Mediterranean labour-exporting countries into the EU and in every case, mass migration has not followed EU entry. The propensity to migrate has been sharply reduced in western Turkey over the last twenty years as a result of economic and social progress. As foreign capital flows into Turkey grow, fewer workers from rural areas may feel tempted to migrate. Thus a successful accession process will help to show that these anxieties are probably groundless.

### **iii) Institutional Restructuring**

Turkey is a country with strong institutions and a high degree of administrative capacity. With the exception of a few which have cultural roots in the country's Ottoman past, e.g. the Vakıflar or Pious Endowments, almost all of these institutions were constructed on continental European precedents and have continued to be influenced by developments in Europe. This gives Turkey an advantage over the former Warsaw Pact countries, most of whose institutions have been reshaped for the post-Communist order. Turkey's Association Agreement with the EU should also be an asset. Some work on harmonisation got under way under this Agreement in the 1980's and was renewed in earnest after 1995, though the momentum was not always sustained, especially during the years of confrontation between Turkey and the EU.

One obvious way forward is for Turkey and the EU to follow the precedents of the other applicant countries and set up a programme under which specialists from the EU will work inside government ministries, helping identify issues and responses to them. The EU may be constrained by the fact that it has to provide assistance of this sort to thirteen candidates simultaneously and Turkey is by far the largest country among them. However from the Turkish point of view, using foreign specialists in this way in government ministries is far from unprecedented. Teams of specialists from international agencies have long worked side by side with Turkish officials in ministries.

#### **Precedents for harmonisation**

Harmonisation of regulations, i.e. importing them, is also less of a new experience than it may appear at first sight. Though the transposition of all European standards and practices is vastly greater than what has come before, Turkey has long experience of importing laws and regulations and has repeatedly shown itself able to do so at high speed, for example in the run up to the Customs Union in 1995. Earlier examples are the adoption of the Swiss Civil

Code, the Law on Debt, German Commercial Code and so forth in the early years of the Republic. Adoption of the *acquis* is a daunting challenge for any country, particularly for this current generation of EU applicants because the *acquis* have expanded steadily in the last two decades. But the task is one which Turkey should be at least as well equipped to face as any other.

However Turkey has to bear in mind that it is not just adopting the *acquis* to be able to say that it has done so and so meet the conditions of membership. It is adopting them in order to be able function effectively and compete inside the European Union. It has to design administrative mechanisms which will cope with new needs in a variety of areas.

Again, this is something which should not cause anxiety. The three Mediterranean countries which joined the EU in the early 1980's (Greece, Spain, and Portugal) all went in with administrations whose history and culture was not dissimilar from Turkey's and which were generally considered in those countries to be slow and inefficient. Two decades on, one of the most notable effects of EU membership has been an improvement in the calibre of administrators and the quality of the administrative process. Whatever complaints may be made inside Turkey about the quality of administration, EU officials regard it as a country with a strong and effective administrative system, and thus well placed to take advantage of the stimulus of EU membership.

### **Common procedures and rules**

That is not to deny that reform and restructuring will be needed. Corruption, excessive bureaucracy, and a relatively 'closed' approach to policy development are obvious areas needing attention. The judicial system is a good example. Members of the judiciary themselves have discussed its shortcomings in the press. Some of these problems have drawn attention outside Turkey. As the process of European integration proceeds further, these may well become serious sticking points. Turkey is entering a

community which operates in a system of firm legal principles. Matters such as emigration, the police forces, and even border controls will be of direct concern to the EU, and practices will be scrutinised routinely. Security of the markets in a sense amounts to security of borders, as other applicants, Hungary, Poland, and the Czech Republic, have already found. Common procedures and rules have to apply. The work of introducing them will be intricate and lengthy. Both Turkey and the EU have to begin by making an inventory of the areas affected and categories of change that will be needed.

## 6 – Conclusion

There are several avenues down which the Turkish application might proceed. The choice of which one to take will belong entirely to Turkey. One possibility is that as the scale of work necessary becomes clearer, the energy and resources being given to it will decline, and the application will exist only as a formality with little action being taken in practice.

The alternative which Turkey appears to have chosen is to implement actively all the changes needed for accession on equal terms. Within this framework there are possible variants. Turkey may feel that it needs to get some form of negotiations going as early as possible in the next few years. Alternatively Turkey could take a more difficult but perhaps more elegant route of working closely with the EU over a decade or more in an Accession Partnership process to complete all the preparations needed for accession, including the substance of adopting and implementing the *acquis*. In the fullness of time it could announce that it considered itself ready for full membership and embark on a round of negotiations which would be very swiftly concluded because the work of adopting the *acquis* had been done in advance. It is perhaps a rather remote possibility that this option will be selected.

A much less happy course would be for the Accession Partnership process to stop being a partnership in practice and become a political contest, dominated by pressures and confrontations. There are obvious dangers in allowing this to happen. It would certainly be a gift to critics and sceptics who oppose the Turkish accession inside the EU. To be carried successfully to completion the accession process has to create an entirely new and much more positive atmosphere in Turkish/EU relations.

The present drive towards accession in Turkey would appear to be based on the will not just of a group of officials but of the majority of the people of Turkey themselves, whose aspirations seem to get overlooked by many western European observers. "We look warmly on the idea of Turkish accession to the EU. We want Turkey and its people to have exactly the same dealings with the EU as any other country in Europe, like Sweden or Italy," said the Nationalist Action Party mayor of a highly traditionalist town in central Anatolia, interviewed during the preparation of this paper. There seemed no reason to doubt the sincerity or the seriousness of his remarks.

Any failure to construct a viable EU Accession Partnership process for Turkey in the months ahead would have complicated consequences. It is unlikely that a similar set of broadly favourable circumstances would quickly return. Turkey's sights would have to be set on convincing the enlarged community of 27. The effects of this delay would be serious, both for the political dynamics of Turkey's own domestic scene and also for the politics of the eastern Mediterranean, Cyprus, and the Balkans.

So it is necessary to devise a roadmap in the months ahead that is durable and realistic. That means that there must be a steep learning curve on both sides. The Turkish public and administrators need to understand the EU and its values better and to see how expensive the human rights problems of the last generation have been for Turkey. But equally the European Union side perhaps now needs to view Turkey with fresh eyes.

A fully functioning Accession Partnership process will offer Turkey an agenda for change to close the gap with Europe, comparable to the advances the country made in the 1920s and 1930s. Whether or not all its targets can be met on time remains to be seen, but there must be a good chance that enough of them can to make the process work. The sooner that Turkish society awakes to the exciting opportunities now facing it, the greater the prospect of success will be.



