

## IKV BRIEF

### DECIPHERING THE “POSITIVE AGENDA” IN TURKEY-EU RELATIONS

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## **Deciphering the “Positive Agenda” in Turkey-EU Relations**

The past year has seen many tailor-made initiatives being launched by the Commission in the field of enlargement. Against the background of the ongoing intra-EU soul-searching on how to deal with the spillover from the sovereign debt crisis and the lack of appetite in member state capitals over further enlargement, the Commission has struggled to maintain the credibility of EU enlargement which is regarded as EU’s most powerful policy. Despite this rather unfavorable context, the Commission has come up with new initiatives aimed at addressing the stumbling blocks in front of the aspirant states’ integration with the EU. By this token, the Commission has proposed several initiatives in accordance with the specifics of each aspirant state, such as a “renewed positive agenda” with Turkey whose accession talks have virtually ground to a halt due to various political reasons, “the high-level accession dialogue” with Macedonia whose accession process has reached an impasse due to the disagreement with its southern neighbor over the country’s constitutional name, “the high-level dialogue on the accession process” with Bosnia and Herzegovina which risks becoming a permanent laggard due to the lack of a common vision among its leaders over its future and institutions.

The current paper will attempt to deconstruct the “Positive Agenda”. Given the limited information available, an attempt at making better sense of this new initiative will be made. Despite the fact that it is too early to deliver a verdict on the Positive Agenda, going through the developments taking place in the framework of the initiative, an assessment will be made on its ability to deliver. It will be argued that the Positive Agenda will not be able to create the long-awaited breakthrough in Turkey’s accession negotiation without political agreement in the Council.

### ***State of play in Turkey’s EU membership process***

The euphoria of the early 2000s in the aftermath of Turkey receiving candidate status and being recognized as a candidate state “destined to join the EU” in the Helsinki Summit in December 1999 is long gone, together with the ambitious reform agenda of the ruling Justice and Development party’s first term. Turkey which has officially started its accession negotiations on 3 October 2005, has so far opened 13 negotiation chapters

and provisionally closed one (“Science and Research”). Since 30 June 2010, not a single leaf has moved in Turkey’s accession negotiations. 18 out of 35 chapters remain blocked due to the Cyprus problem and by the unilateral vetoes of certain member states such as the Greek Cypriot Administration of Southern Cyprus (GASC), France and Germany. The remaining three chapters which are not under any blockage namely “Competition Policy”, “Public Procurement” and “Social Policy” are among the costliest chapters that aspirant states prefer to leave for the final stages of the accession process. The Turkish government has expressed its unwillingness to open these chapters at this stage<sup>1</sup>.

The current stalemate in Turkey’s membership process is a function of various factors. EU’s (mis)management of the Cyprus dispute caused by the asymmetrical use of its conditionality resulting in the unilateral accession of the so-called Republic of Cyprus as the sole representative of the island despite the overwhelming “Yes” vote to the Annan Plan on part of the Turkish Cypriot community and its inability to deliver on its commitments to end the isolation of the Turkish Cypriot community has not only perpetuated the division of the island, but also shattered the EU’s image as an honest broker in the eyes of the Turkish public. As the GASC joined the EU, it has successfully uploaded its bilateral problems with Turkey on the EU agenda and thus become a key veto player blocking Turkey’s EU integration.

In addition, the exclusionist rhetoric adopted by some key EU leaders such as the former French President Nicholas Sarkozy who has on numerous occasions emphasized Turkey’s “non-Europeanness” and German Chancellor Angela Merkel who underscored the “open-ended” nature of the accession talks, have further added to the disillusionment of Turkish public and raised questions about the objectivity of the accession process. Furthermore, some influential policy-makers’ increasing resort to concepts such as the “enlargement fatigue” and emphasis on the EU’s “absorption capacity” in their speeches have been interpreted by the Turkish public and policy-makers as means to exclude Turkey.

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<sup>1</sup> Euractiv, “Babacan: ‘Müzakerelerde açılacak üç başlığı da biz açmak istemiyoruz’”17 May 2012, <http://www.euractiv.com.tr/ab-ve-turkiye/article/babacan-ab-turkiye-politikalarini-mutlaka-gozden-gecirecek-025323>. Accessed on the 16th December 2012.

All these factors have translated to a weakened reform dynamic on part of Turkey, which in turn has led the EU decision-makers to believe that Turkey is no longer interested in membership. While the critical remarks of some EU leaders and officials were interpreted by Turkish officials and public as double standards. Therefore a vicious circle has developed, whereby the weak and inconsistent signals by the EU have failed to translate to a strong reform dynamic and in turn the failure of Turkey to undertake the necessary reforms was perceived by the EU as a signal that Turkey is distancing itself from the West. The EU membership process, which was regarded as an anchor for the implementation of key reforms in the early years of the new millennium, has recently been absent from the domestic debate in Turkey as evident during the 2011 parliamentary elections when the main political parties made hardly any references to Turkey's European future during their election campaigns. According to recent polls, Turkish public's support for EU membership has hit an all time low declining from 74 percent in 2004 to 48 percent in 2011<sup>2</sup>.

Moreover, some intra-EU developments such as the sovereign debt crisis which brought about the debate on the future of Europe caused the EU to be viewed as a crisis-ridden project from Ankara. As the EU's failure to deal with the Eurozone crisis has shattered the success of the European economic model Turkey has seen record growth rates and managed to elevate itself to the 6<sup>th</sup> largest economy in Europe and 16<sup>th</sup> in the world becoming a regional hub and powerhouse attracting foreign investment. Rapid economic growth has led to Turkey's adoption of a more confident foreign policy going beyond its traditional alliances. Turkey's adopting of a more self-confident tone in its foreign policy has raised questions as to whether Turkey is still interested in membership to the EU. It is beyond the scope of this article to engage in the debate about the so-called "axis shift in Turkish foreign policy".

### ***Making sense of the Positive Agenda***

With Turkey's accession negotiations having ground to a virtual halt, the European Commission in October 2011 has proposed "a renewed positive agenda"<sup>3</sup> to revitalize

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<sup>2</sup> German Marshall Fund, Transatlantic Trends Survey 2011, [http://www.gmfus.org/publications/TT/TT2011\\_final\\_web.pdf](http://www.gmfus.org/publications/TT/TT2011_final_web.pdf), Accessed on the 16th December 2012.

<sup>3</sup> European Commission, "Stefan Füle European Commissioner for Enlargement and European Neighbourhood Policy Enlargement Package 2011: Address to the Committee on Foreign Affairs (AFET) of

the process. The Positive Agenda is a novelty under the EU's enlargement policy introduced by Štefan Füle, Commissioner responsible for Enlargement and Neighborhood Policy. The Positive Agenda was officially launched by Füle and Turkey's EU Affairs Minister Egemen Bağış on 17 May 2012 in Ankara. The Positive Agenda, despite the current impasse bedeviling Turkey's accession negotiations aims to reestablish the mutual trust between the parties through support for political reform and to deepen cooperation in areas of mutual interest in a wide range of issues through the establishment of a foreign policy dialogue; alignment with the European Union acquis; practical progress on visas; mobility and migration; and deepening the economic relationship to realize the full potential of the Turkey-EU Customs Union<sup>4</sup>.



*“Positive Agenda” was officially launched on May 17, 2012 in Ankara by Commissioner for Enlargement Štefan Füle and Turkey’s Minister for EU Affairs and Chief Negotiator Egemen Bağış.*

The Positive Agenda aims at breaking the vicious circle in Turkey’s accession negotiations by making things move at the technical level which due to some political

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the European Parliament Brussels, 12 October 2011”, [http://europa.eu/rapid/press-release SPEECH-11-652\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-11-652_en.htm), Accessed on the 16<sup>th</sup> December 2012.

<sup>4</sup> Enlargement Package 2011: Address to the Committee on Foreign Affairs (AFET) of the European Parliament Brussels, Štefan Füle European Commissioner for Enlargement and European Neighbourhood Policy, 12 October 2011. <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/652>. Accessed on the 16th December 2012.

obstacles mentioned above have suffered dearly. The main rationale of this initiative is to bypass the political blockages and reinvigorate the reform dynamic. By assisting Turkey to undertake the necessary reforms in key chapters like judiciary and fundamental rights and justice, freedom and security regarding which Turkey receives the harshest criticisms, if successful, the initiative will bring Turkey closer to EU standards.

EU officials from the beginning have constantly conveyed the message that the Positive Agenda in no way intends to replace the ongoing accession negotiations, but rather to complement the accession process. By doing so the Commission has managed to lessen the existing reservations on part of the Turkish public and decision-makers, who due to the initiatives favoring Turkey's exclusion such as the so-called "privileged partnership" proposal advocated by former French President Sarkozy and German Chancellor Merkel, have become increasingly skeptical and even cynical towards such EU initiatives.

In the framework of the Positive Agenda, working groups designed to bring experts from the Commission together with their counterparts from the relevant Turkish ministries focusing on eight negotiations chapters have been established, namely on "Judiciary and Fundamental Rights" and "Justice, Freedom and Security" which are among the most demanding chapters, "Right of Establishment and Freedom to provide services", "Information Society and Media", "Consumer and Health Protection", "Financial Control", "Company Law", and "Statistics". The working groups will focus on identifying the efforts needed to be made to meet the opening and closing criteria for the relevant chapters. To date 6 of these working groups have met<sup>5</sup>.

This will enable as many chapters as possible to be opened and closed once the vetoes are lifted. In addition, despite the fact that Turkey has made it clear that it will not establish any contact with the council presidency during the Greek Cypriot presidency of the Council- which it does not recognize- the Positive Agenda has been left outside the scope of this boycott. This implies that the day-to-day contacts between the Commission

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<sup>5</sup> Communication from the Commission to the European Parliament and the Council "Enlargement Strategy And Main Challenges 2012-2013", COM(2012) 600, 10 October 2012, [http://www.abgs.gov.tr/files/AB\\_Iliskileri/Tur\\_En\\_Realitons/Progress/strategy\\_paper\\_2012\\_en\\_turkiye\\_bolumleri.pdf](http://www.abgs.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/strategy_paper_2012_en_turkiye_bolumleri.pdf). Accessed on the 16th December 2012.

and the relevant ministries as well as the working groups established with the framework of the “Positive Agenda” could function smoothly.

### **Turkey’s EU accession process: the way forward**

Despite the rather unfavorable climate in Turkey-EU relations as evidenced by the release of and reactions to the 15<sup>th</sup> annual progress report assessing Turkey’s progress in fulfilling the criteria laid down by the EU, some recent developments have raised hopes that a breakthrough in Turkey’s accession process is in the making.

Firstly, the election of François Hollande as French president replacing Nicholas Sarkozy regarded as a staunch opponent of Turkey’s prospective membership to the EU, has caused a rapprochement between Ankara and Paris. François Hollande, in contrast to his predecessor who was vocally opposed to Turkey’s eventual membership due to identity-related concerns claiming that Turkey has no place in Europe, Hollande argues that Turkey’s accession should be judged by its fulfillment of the EU criteria. The Franco-Turkish relationship which was strained under Sarkozy especially due to the attempts aimed at criminalizing the denial of the so-called Armenian genocide has entered a process of relaxation and normalization with Hollande’s coming to power. The removal of the “Sarkozy factor” on Ankara’s path to the EU, implies that Paris could lift its veto on the five negotiating chapters<sup>6</sup> blocked in 2007 by Sarkozy on the grounds that they were linked to full membership.

Another positive development concerns the rotating presidency of the Council of the EU. Turkey’s relations with the EU have hit a new low in the past six months during the EU presidency of the Greek Cypriot Administration. Despite the fact that the working groups established by the Positive Agenda and contacts with member states and EU institutions other than the Council Presidency continued, Turkey’s refusal to establish dialogue with the Council Presidency was harshly criticized by EU officials. As of 1 January 2013, Ireland will assume the rotating presidency of the Council of Ministers for

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<sup>6</sup> The negotiating chapters blocked by France are “Agriculture and Rural Development” (Chapter 13), “Economic and Monetary Policy” (Chapter 17), “Regional Policy and Coordination of Structural Instruments” (Chapter 22), “Fiscal and Budgetary Provisions” (Chapter 33) and “Institutions” (Chapter 34).

a six-month period. Dublin regarding itself as an “enlargement enthusiast”<sup>7</sup> has made it clear that it intends to open at least one chapter with Ankara during the term presidency<sup>8</sup>. In that respect, the upcoming Irish EU Presidency not only offers a chance to improve the relations between Turkey and the EU, but it is also seen as an opportunity to create a real breakthrough to tilt the balance in favor of Turkey. Nonetheless, it is important to recognize the limits of the presidency’s role and to note that the Irish Presidency’s efforts could only translate in action provided that there is a consensus in opening a chapter in the accession talks. The expectations in Ankara are high that France will lift its veto on the negotiating chapters blocked during Sarkozy’s presidency paving the way for four chapters to be unblocked (as one of the five chapters blocked by France overlaps with the chapters blocked by the Council) in early 2013.

Thirdly, the Commission has announced that the roadmap for the lifting of the visa requirements for Turkish citizens will be finalized in the near future to be presented to the Turkish authorities during the Irish EU Presidency<sup>9</sup>. It was due to the efforts made in the framework of the Positive Agenda that the Council mandated the Commission to prepare a visa roadmap with Turkey. Simultaneously, Turkey and the EU have initialed the readmission agreement on 21 June 2012. The visa requirement has been viewed as the most visible form of Turkey’s exclusion from the EU by Turkish public. The fact that the EU has been negotiating and signing visa liberalization agreements even with countries which have no prospects of joining the bloc, soon such as Moldova and Ukraine, while at the same time withholding such incentives from Turkey a candidate for membership since 1999 has rightfully created frustration on part of the Turkish public. Therefore, the visa liberalization roadmap and the promise of visa-free travel could increase the EU’s wavering popularity in the eyes of the Turkish public. However,

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<sup>7</sup> Europolitics, “Ireland to push for trade agreements and enlargement”, Ophélie Spanneut, 17 December 2012, <http://www.europolitics.info//ireland-to-push-for-trade-agreements-and-enlargement-artr346458-32.html>, Accessed on the 18th December 2012.

<sup>8</sup> Today’s Zaman, “Upcoming EU president: At least one chapter in Turkey’s bid to be opened”, 10 December 2012, <http://www.todayszaman.com/news-300722-upcoming-eu-president-ireland-says-will-open-at-least-one-chapter-in-turkeys-eu-bid.html>, Accessed on the 16th December 2012.

<sup>9</sup> Hurriyet Daily News, “EU to present road map to Turkey for visas”, <http://www.hurriyetdailynews.com/eu-to-present-road-map-to-turkey-for-visas.aspx?pageID=238&nid=35135> Accessed on the 16<sup>th</sup> December 2012.



it is important to note that the process of visa liberalization will take time and is estimated to come into effect by 2018<sup>10</sup>.

As encouraging as the Positive Agenda might sound, its limits are self-evident. The Positive Agenda is doomed to fail soon, unless there is a dramatic change regarding the vetoes in the Council. At the end of the day, under the current decision-making procedures based on unanimity regarding the accession process it is the member states have the ultimate say. Therefore, countering the vetoes in the Council will prove to be the ultimate test. In that respect it is the member states who should take responsibility to lift the political blockages on Turkey's path to the EU.

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<sup>10</sup> Euractiv, "AB'ye vizesiz seyahat için kritik hafta", 20 June 2012, <http://www.euractiv.com.tr/3/article/abye-vizesiz-seyahat-icin-kritik-hafta-025553>, Accessed on the 16th December 2012.