

## THE ACCESSION NEGOTIATIONS BETWEEN TURKEY AND THE EUROPEAN UNION\*

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**Abstract:** *The purpose of this article is to study Turkey's europeanization during European crises. The article wants to present the history negotiations between Turkey and the EU, the EU accession analysis through the case study to observe the development stage. About the methodology, the paper starts with the theoretical part (from special sources). There are official documents of studying the international elements. The paper studies the official Occidental perspective of documents. I am analysing the most relevant negotiation chapters from the European Commission reports on Turkey. They will have the following structure after the analysis: introduction (presentation of the issue, the circumstances); points of agreement; points of disagreement and conclusions (document analysis). The study about the negotiation chapters is not descriptive, the information is analyzed and restructured (by transforming the content into position documents). In this way, the personal contribution is highlighted.*

**Keywords:** Turkey, accession negotiations, enlargement, progress.

### The introduction

The objectives of the article are: to present the history of the negotiations between Turkey and the European Union, to show the current state of these negotiations, to evaluate.

Currently, Turkey has made efforts to get closer to Europe, but does not meet yet all the conditions for the membership of the European Union, so that all the negotiation chapters to be closed. About the methodology, I will start with the theoretical part (from special sources). There will be official documents of studying the international elements. In this article I will analyze some of the negotiation chapters from the reports on Turkey.

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Looking at the reports published by the European Commission on the negotiation chapters, the study will be able to show whether or not the preparations made by this state are generally advanced and require continuous efforts in this respect. By detailing the most relevant chapters of the negotiation, the areas will be highlighted in which there is no need to continue the process and the areas under development.

Reactions from within Europe regarding the integration of the muslim state will also be presented.

I will also analyze the crises and changes in the Turkish domestic environment, to see if the political issues have religious causes permeated in the islamic culture.

### **The history of negotiations and the analysis of the most important negotiation chapters**

The statute of Turkey is the one of the candidate country. In 1987 the Turkish state applied for what it was then the European Economic Community and in 1997 it was declared eligible for to join the EU. The implication of Turkey about the European integration started from 1959 and it includes the Association Agreement from Ankara (1963) for the gradually establishing of a customs union (finally finished in 1995).

The accession negotiations has started, but only after Turkey will agree to apply the additional protocol of the Association Agreement Ankara - Cyprus, eight negotiation chapters will be opened and there will be unblocked those chapters which were provisionally closed.

The Turkish state is currently the environment of a continuous, unprecedented migratory flow. More and more people seeks refuge from Syria, exceeding 2.7 million. Generally, it is the country which hosts the biggest number of refugees, already using significant financial resources to address this crisis. A common action plan EU – Turkey started on October 2015 and it was activated at the Summit EU – Turkey on November 29, 2015. The purpose of the action plan is to make an order of the migratory flows for avoidance of illegal migration. EU and the Turkish state reconfirmed the mutual commitment to end the illegal migration to European Union, to break the model of arms trafficking and to offer to migrants an alternative to life risk in the mutual statement of March 18, 2016.

Establishment of the Refugee Facility Turkey at the end of 2015 had the purpose of coordination between the European Union and Turkey to allow rapid and effective mobilization of European refugee assistance. The total budget of the facility is three billion euros for the period 2016 - 2017 and the facility will coordinate and streamline European funded actions and bilateral contributions from the member states to enhance

the effectiveness and complementarity of support for refugees and host communities in Turkey. This is a major additional support.

Going back to the chronology of the important data regarding the progress of the Turkish state in order to Europeanize, the following can be mentioned: on December 13, 1997 at the Luxembourg Council meeting, Turkey became eligible for membership; December 11, 1999 is the date when the European Council in Helsinki declared it a candidate state; the Accession Partnership was adopted on March 24, 2001, which was revised two years later; on December 16, 2004 it was decided to start the accession negotiations for October 2005<sup>1</sup>. So, in the reports it is possible to specify which criteria are already met and what it is need to do to fulfill different criteria.

Other data on the Turkish-European partnership history: on the first of June 2006, the negotiation chapter with the number 25 (science and research) was opened and then finalized; on December, 11 the same year, due to Turkey's refusal to apply the protocol of the Ankara - Cyprus Association Agreement, eight chapters have not been released; 2008 can be characterized by revising the Accession Partnership and 2010 by opening chapter 12 (food, veterinary and phytosanitary policies); 2012 - EU agenda has been more dynamic with regard to Turkish-European relations; on the 5th of November, 2013, chapter 22 (regional policy and coordination of structural instruments) was opened; the visa dialogue started on December 16, 2013, signing the Readmission Agreement; the draft on visa roadmap was implemented in 2014; in 2015 progress was made on the action plan for the first high-level meeting between the two entities (November, 29) and chapter 12 on monetary economics and policy (December, 14) was opened;<sup>3</sup> 2016 has been a productive year in this area, despite tense events at international level, but also within Turkey.

So, in 2016 the EU - Turkey Declaration (March, 18) was signed and the first report of the declaration (April, 20) was implemented, then the third visa policy report was agreed (the 4th of May, June, 15), the accession conference was held through discussions and the chapter 30 was opened (on financial and budgetary provisions - June, 30) and the third report was accepted (September, 28)<sup>2</sup>.

Regarding the negotiation process in the EU, accession negotiations do not take place by the Commission, as in the case of foreign trade, but by the Council Presidency representing the Member states, and the Commission does not have an official role in the accession negotiations, but helps to establish compromises and can identify different solutions. Conferences are held to discuss the ideas of accession through bilateral relations and these can be done in parallel with other states with candidate

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<sup>1</sup> The European Commission, *Turkey*, 2016, [https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/turkey\\_en](https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/turkey_en), accessed on 30.06.2020.

<sup>2</sup> *Ibidem*.

status. The Commission evaluates the possibilities of the candidate countries to apply the *acquis communautaire* and observes the various bottlenecks in the negotiations; after examination, the candidates present their negotiation positions. This makes a draft EU common position that needs unanimous approval from the Council. Thus, negotiations related to the specific chapters of the *acquis* are opened, and then the ones related to policies, budget and institutions are closed provisionally<sup>3</sup>.

The Council of the European Union represents the governments of the states of the European Union and coordinates economic policies; sign agreements between the EU and third countries; approves the annual budget. It is composed of Coreper I (deputies of the permanent representations of the Member States in Brussels) and Coreper II (the heads of the permanent representations of the Member States in Brussels). The Council is a forum for negotiations, which acts in response to the Commission's legislative proposals; it is involved in establishing consensus and making decisions. The Presidency of the EU Council prepares the agenda, conducts meetings, collaborates with the European Parliament and the Commission. In order to make decisions, the vote is taken unanimously, by simple majority or by qualified majority, depending on the field. The regulation policy is carried out in the Council. The theory of coalition formation is closely linked to qualified majority voting<sup>4</sup>.

In the founding treaties of the European Union there were rules for the accession of new members, but they were not equivalent to an enlargement policy that coordinates relations with the future member states that the EU has not yet considered ready for accession. The Eastern Partnership officially opened on May 7, 2009, but after the 2004 and 2007 enlargements, the conditions for enlargement, as an element of foreign policy, have become less and less favorable<sup>5</sup>.

The analysis of the accession process should include contextual elements regarding the interest groups, the effect of the negotiation orientation, the negotiation strategies and tactics of the European Union and the Member States, the impact of the accession criteria on the internal preparations of the candidate states, the evaluation of the internal preparations and the chapters. negotiation and comparative picture of the results obtained by other countries in the accession negotiations<sup>6</sup>.

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<sup>3</sup> Helen Wallace, Mark A. Pollack, Alasdair R. Young, *Elaborarea politicilor în Uniunea Europeană*, București, Institutul European din România, 2011, pp. 345-357.

<sup>4</sup> Vasile Pușcaș, *EU accession negotiations*, Viena: Hulla & Co Human Dynamics KG, 2013, pp. 22-25.

<sup>5</sup> Emilia Nicoleta Schiop, *Migrația în Balcanii de Vest – Serbia*, in vol. Claudia Anamaria Iov, Adrian Liviu Ivan, Maria Claudia Bogdan (editori), *Dinamica migrației în/spre Europa: de la teorie la practică*, Cluj-Napoca, CA, 2017, p. 129.

<sup>6</sup> Ciprian Goriță, *Negocierile de aderare la Uniunea Europeană*, București, Edit. Economică, 2008, p. 13.

In parallel with the aforementioned notions, the European Commission deals with the monitoring process regarding the European legislation by which it observes the way in which the countries interested in integrating have evolved<sup>7</sup>.

In this section I will analyze the most important negotiation chapters from the European Commission reports on Turkey. They will have the following structure: introduction (presentation of the issue, the circumstances); points of agreement; points of disagreement and conclusions. There are official documents of studying the international elements. The paper studies the official Occidental perspective of documents.

The reports from 2017 contains the information for the progress for 2016. In relation to this mode of analysis, personal contribution will be highlighted.

For a main analysis of the trading domains, rational choices theory is used for document analysis. A decision is made by security:

- identification of the nature of the problem,
- there is a hierarchy of one's own preferences for selecting the goal,
- the choice is made by efficient means to reach the objective, taking into consideration the efficiency, the cost, the confidence,
- analyzing and comparing the consequences of each action (costs and benefits, advantage and disadvantage).

In the case of accession negotiations the advantages and disadvantages are represented points of agreement and points of disagreement<sup>8</sup>.

Alternatively, you can decide between alternative care of tea care, in order to maximize interest.

In the chapter on the **judiciary and fundamental rights**: the EU has the highest standards of state compliance law and fundamental rights, in line with Turkey's international commitments and candidate country status<sup>9</sup>.

**Points of agreement:** adopting a new anti-corruption strategy and action plan is a step forward and the level of preparedness against organized crime is quite advanced. Administrative and institutional capacity has increased and new strategies and action plans have been adopted (the number of cases solved has increased, following the progress of previous years). Some steps have been taken for introducing a reliable

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<sup>7</sup> Călin Felezeu, Radu Gabriel Safta, *Turcia contemporană între moștenirea kemalistă și Uniunea Europeană*, Cluj-Napoca, CA, 2011.

<sup>8</sup> Graham Allison, Philip Zelikov, *Esența deciziei*, Iași, Edit. Polirom, 2010, p. 32.

<sup>9</sup> The European Commission, *Turkey 2016 Report*, 2016, [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2016/20161109\\_report\\_turkey.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_turkey.pdf), accessed on 30.06.2020, p. 4.

registration system and for developing indicators to measure the efficiency of the justice system<sup>10</sup>.

**Points of disagreement:** the anti-corruption strategy and action plan was limited to enforcement and financial investigations remained underutilized.<sup>11</sup> The level of implementation of the *acquis communautaire* was at a low level. The implementation of the action plan for preventing the violation of the European Convention on Human Rights remained limited<sup>12</sup>. There were gaps in the judiciary domain<sup>13</sup>.

**Conclusions:** although it will not be long before this chapter will be closed, we can see elements related to the slowing of democracy in Turkey in 2016. The chapter is advanced, according the Commission's recommendations.

In the chapter on **justice, freedom and security:** Turkey and the EU strengthened their foreign and security policy dialogue, including the fight against terrorism in Syria, Libya and Iraq, regarding to two meeting from January and September 2016<sup>14</sup>.

**Points of agreement:** progress has been noted, even if the environment from 2016 was uncertain. Efforts to provide a massive and unprecedented humanitarian aid for a continuous influx of more than three million refugees from Syria, Iraq and other countries, including extending legislation on temporary protection and allowing access to the labor market, are welcome. Reforms have been adopted to ensure that the Turkey meets all the requirements of the visa liberalization plan. This has prompted the commission to propose placing the Turkish state on the list of visa-free countries in understanding that Turkey fulfills the seven remaining benchmarks in the visa liberalization roadmap. In their joint statement in March 2016, the EU and Turkey reaffirmed their joint commitment to put an end to the illegal migration to the EU.

**Points of disagreement:** the EU - Turkey Declaration of March, 18 and the EU – Turkey Readmission Agreement have not been implemented yet in all its provisions<sup>15</sup>. It has not aligned the legislation on the protection of personal data with European standards and therefore it has not negotiated an operational cooperation agreement with Europol. It has not revised legislation and practices on terrorism, in line with the jurisprudence, the *acquis* and European practices, without reducing its ability to fight against terrorism and the principle of proportionality must be respected in practice.

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<sup>10</sup> *Ibidem*, p. 6.

<sup>11</sup> *Ibidem*, p. 66.

<sup>12</sup> *Ibidem*, p. 6.

<sup>13</sup> *Ibidem*, pp. 62-63.

<sup>14</sup> *Ibidem*, p. 4.

<sup>15</sup> *Ibidem*, p. 66.

**Conclusions:** is is moderately prepared in this area (there was good progress in a difficult environment). The Turkish state continued making considerable efforts to provide massive and unprecedented humanitarian aid<sup>16</sup>.

A cause for delaying judicial progress may have its roots in the Armenian genocide. Its unfortunate consequences were wider and more lasting than expected for what would be described as the first genocide of the 20th century. The mention of the genocide in connection with the events of 1915 - 1918 in the Ottoman Empire reveals first of all the physical annihilation. The second aspect in those years was the denial of genocide. As a result of the policy of destroying the Armenian population in Asia Minor, a new diaspora emerged, consisting of those who survived the massacres and deportations. If the armenocide failed to completely exterminate an ethnic group, it was supplemented by a white genocide, by assimilating the Armenian diasporans into the foreign nations that host them, and the exemplary genocide, as a whole, as ethnocide continued in the decades after the events had taken place<sup>17</sup>.

### **The Europe's reaction against integration**

Europe's decision on Turkey's accession talks has sparked a heated debate in Bulgaria between nationalists fighting the European ambitions of Ankara and firm supporters of EU enlargement ten years ago. The two countries are important trade partners, Turkey being one of the countries that most firmly defended Bulgaria's bid to join NATO in 2002. More than 800,000 ethnic Turks (10 per cent of the entire population) lives in Bulgaria and The Turkish Movement for Rights and Freedoms is an important player on the country's political scene. Turkey also hosts over 350,000 turks who were expelled from Bulgaria between 1950 and 1989, most of whom regained Bulgarian nationality in the year 2000. Even if they remain in Turkey, they also vote in the Bulgarian elections. Some of them still want to go back to Bulgaria and already buy property in southeastern Europe.

Despite Turkey's major potential to influence Bulgaria in the political and economic domains, neither political class nor society itself paid attention to Ankara's European efforts until 2007<sup>18</sup>.

On the other hand, the main opposition in the EU comes from the great powers that do not want Turkey to have a great influence due to the potential integration, because, having a large population, it should automatically have to govern in the

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<sup>16</sup> *Ibidem*, pp. 77-78.

<sup>17</sup> Sergiu Selian, *Genocidul armean*, in „Siamanto”, no. 1, 2013.

<sup>18</sup> Albena Shkodrova, *Integrarea Turciei stârneşte controverse în Bulgaria*, in ”Hotnews”, 2005, [http://m.hotnews.ro/stire/1205882\\_](http://m.hotnews.ro/stire/1205882_), accessed on 30.06.2020.

European Parliament a number of politicians directly proportional to the number of the population. As a result, Turkey would be the second decision-maker after Germany. The great powers would not accept that a majority Muslim country to be an important decision-maker in the European Union.

### **Recep Tayyip Erdoğan - the new Turkey**

Recep Tayyip Erdogan is the most controversial public figure in recent Turkish political history. His preponderance in political domain is remarkable even by Turkish standards. The power of Erdogan has effectively weakened most internal checks on his power, any attempt to explain Turkey's recent foreign policy outcomes will be seriously lacking without considering his leadership impact<sup>19</sup>.

As shown above, the AKP constructed a sprawling surveillance control-censorship regime during 2013 - 2016 mainly in response to the political fallout from Gezi protests and the corruption scandal as well as security-related incidents such as terrorist attacks and in the aftermath of the failed coup, the AKP's internet policy was similarly shaped by political anxieties which ultimately expanded and fortified the existing online control regime and in the immediate aftermath of the failed coup, the AKP government under the leadership of the president Erdogan declared a state of emergency and embarked on a massive purge of security officers, civil servants, educational and media workers it accused of being affiliated with the religious movement of Fethullah Gulen – the alleged mastermind of the coup<sup>20</sup>.

Recep Tayyip Erdoğan supported the need to amend the Turkish Constitution in a short time, an essential act, with the aim of transforming the country into a true regional power, and not only, under its leadership. The challenges for Ankara will be numerous in the future, both externally and internally, in a context in which the president's supporters believe that by changing the constitution the state will be more stable, but its contestants are talking about building an authoritarian system. Thus, according to the parliamentary debates, it was desired to move from a parliamentary political system to a presidential one, which will confer full powers on the president-elect by popular vote.

The president is be able to hold a maximum of two terms and will be able to directly appoint not only his deputies, but also members of the government, members he can dismiss at any time without the consent of the parliament. He will have the right

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<sup>19</sup> Aylin Gorenen, Metlem Ucal, *The personality and leadership style of Erdogan: implications for Turkish foreign policy*, in "Turkish studies", nr. 3, 2011, p. 357.

<sup>20</sup> Bilge Yeşil, Efe Sozeri, Emad Khazraee, *Turkey's internet policy after the coup attempt in «Scholarly commons»*, 2017, pp. 12-13.

to be a political partisan, and he can directly intervene in justice by promulgating decrees.

The Turkish opinion was requested in April 2017, when they were called to the polls, this one was the final step. The difference between this referendum and others from the last period in other countries is the fact that Recep Tayyip Erdoğan does not hold a referendum to lose, especially when his name is the synonym of power.

New Turkey is under construction, but supportive leaders believe that this does not affect the democratic values, giving the example of France, a state that, like Turkey, was on alert following terrorist attacks, but did not hold presidential elections in April 2017. The difference is that in France, tens of thousands of people were not arrested and the media censored against the state of emergency.

Currently, Recep Tayyip Erdoğan's support is most likely to come from the United States, with Americans trying to reopen the Turks to maintain the regional status quo and limit the Russian influence in Syria. For President Donald Trump it is difficult to resolve for the president of Turkey two major demands in the short term: the extradition of cleric Fetullah Gülen and the withdrawal of military support to Kurds in Syria. It may put pressure on the Hizmet movement in the United States, but Fetullah Gülen's extradition is not a political act, requiring a court decision, and settling the trial may take even longer than Donald Trump's current term.

Instead, the White House will most likely close its eyes on future democratic skids, strengthening an authoritarian-competitive regime in Turkey. It is paradoxical that a country that was viewed as a political model for Middle Eastern states risks developing a political system like Syria<sup>21</sup>. Also, the unification of the education system that led in the past to the abolition of old-fashioned universities and a large program of large-scale scientific transfer in Europe has influences of the political system<sup>22</sup>. As a result of the political events in Ankara, there was a closer proximity to Islam, losing the elements of secularization that have been sustained since the last century, by Mustafa Kemal Atatürk<sup>23</sup>.

From an economic point of view, Turkey is important for the U.S. due to the huge size of its market that is still developing. While Turkey has a population of 79,810,000 inhabitants, its market size is smaller, for example, than Netherlands, which has a population of 17,080,000 inhabitants. On the other hand, an important

<sup>21</sup> Răzvan Munteanu, *Noua Turcie: O construcție sub stare de urgență*, in „Adevărul”, 2017, [http://adevarul.ro/international/in-lume/noua-turcie-construcție-starea-urgenta-1\\_588217815ab6550cb89ef4ea/index.html](http://adevarul.ro/international/in-lume/noua-turcie-construcție-starea-urgenta-1_588217815ab6550cb89ef4ea/index.html), accessed on 30.06.2020.

<sup>22</sup> Regine Erichsen, *Scientific research and science policy in Turkey*, in „Cemoti”, nr. 25, 2003, p. 5.

<sup>23</sup> Nathaniel Bennett, *Turkey and the United States: friends or foes?* in ”M.G. Robertson Global Centre for Law & Public Policy Research Paper”, no. 15, 2015, pp. 221-222.

problem is the jeopardizing of relations between Turkey and Greece, which worsens the problems within the state. At the beginning of February (2017) they were on the brink of a naval confrontation around the Greek islands of Imia. It all happened after a rocket launcher and two other Turkish naval forces entered Greek territorial waters, sailing around the small islands that are five kilometers away from the Turkish village of Bodrum. Shortly after, the Greek navy sent his forces to the east of the Aegean Sea, forcing the Turks to leave the waters of Greece after only seven minutes, followed by an extremely tough dialogue between Athens and Ankara<sup>24</sup>.

Recep Tayyip Erdoğan, as a result of reprimands received from the EU for non-observance of principles, it has increasingly shown its interest in joining other structures, such as the Eurasian Union. Russia has endorsed such a move by the Turkish state.

### **The evaluation**

Turkey has had a good start in the accession negotiations with the European Union. It was a rapprochement to Europe or a more interdependent trade between the Turks and the West, etc. Unfortunately, the current crises put Turkey in a difficult situation, in the last few years a regression has been registered regarding democracy in that state, the influence of the islamic religion in the leadership is increasingly felt. The negotiation chapters that are related to the law are considered advanced or medium regarding the stage, but could not be closed due to the democratic regress.

Recep Tayyip Erdoğan's reaction to the demands of the European Union in recent times has been rather distant from Europe, expressing dissatisfaction by trying to approach similar structures, such as the Eurasian Union. However, it is still not possible to specify exactly which route to choose...

It remains to follow international reactions that can influence the situation in one way or another.

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<sup>24</sup> Răzvan Munteanu, *Turcia și Grecia: Noi tensiuni în Marea Egee*, in „Adevărul”, 2017, [http://adevarul.ro/international/in-lume/turcia-grecianoi-tensiuni-marea-egee-1\\_5897e3e35ab6550cb82ce1bb/index.html](http://adevarul.ro/international/in-lume/turcia-grecianoi-tensiuni-marea-egee-1_5897e3e35ab6550cb82ce1bb/index.html), accesses on 30.06.2020.