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# Special newsletter



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## Is Turkey ready to join the European Union?

Little more than one year has passed since the EU Council of Ministers decided in October 2005 to open negotiations with Turkey concerning its long time aspiration to join the EU. Yet today Turkey's accession seems further away than ever with metaphors concerning 'train crashes' and 'climate change' seemingly peppering every mention of the subject. What has gone so disastrously wrong to cause this?

To any seasoned observer of Turkish foreign policy none of these difficulties negotiating with Turkey should come as a surprise. For decades Turkey has threatened and bullied its neighbours, often militarily, for example Greece, Cyprus and Armenia, or its own oppressed ethnic communities, such as the Kurds, under the spurious pretext of "protecting the national interest." This paranoia and extraordinary behaviour is however also now being inflicted on those in Brussels whom Turkey is desperately trying to impress in order to join the EU. How the EU now chooses to respond will test the extent to which it has the power to regulate its own rules and to insist on common principles and values adhered to by its existing members and which constitute the essence of a political and economic union of states within Europe.

It had been thought that the European Council decision of 5 October 2005 marked the dawning of a new era in EU/ Turkish relations. It had been assumed, clearly naively by Member States, that Turkey was going to change its pattern of behaviour and would harmonise its laws with those of the EU in accordance with the *aquis communautaire*. In particular the EU and its Member States have clearly stated a number of important and binding decisions, most notably the Presidency Conclusions of 16 June 2006, the precise obligations that Turkey needs to fulfil in order to make progress in the negotiations. These obligations were outlined originally in the Declaration of the EU and its Member States of 21 September 2005 and included the following:

- The immediate and non-discriminatory implementation of the Additional Protocol to the Ankara Agreement and the lifting of all restrictions on Cypriot shipping and aviation. These restrictions violate Turkey's own obligations under its Association and Customs Union Agreement with the EU. They also clearly violate international law, but this will be of less concern to Turkey given its customary disregard of international law in so many different fields.
- The normalisation of its relations with one of the Member States that is responsible for deciding on the fate if the Turkish negotiations, the Republic of Cyprus and the recognition of the Republic.
- The immediate termination of the policy of vetoing the accession of the Republic of Cyprus to a number of regional and international organisations and mechanisms.
- However as is now well known Turkey has obstinately refused to abide by any of these obligations and thus jeopardised its entire EU accession course. It is obvious that according to the strict terms of the above mentioned Declaration failure on the part of Turkey to implement its obligations towards the EU and its Member States will adversely affect the overall progress of the negotiations. The forthcoming review of the progress, or lack of it perhaps, achieved so far will compel the EU to consider whether Turkey's accession process should be allowed to continue.

It is important to note that this Declaration forms an integral part of the negotiating procedure itself, since it was included in the Common Position of the EU for the opening of Chapter 25 (Science and

Technology) and will be repeated in the General part of the Common Position for every chapter which will be opened for Turkey.

Turkey will no doubt now seek to pretend that these obligations were either not binding or not a necessary component within its EU accession process. But that of course is an utter nonsense. Turkey cannot proceed without implementing in practice the commitments which it *voluntarily* undertook in order to convince the EU and its Member States of its suitability for EU membership. The EU in turn cannot act as if nothing has happened. To do so would destroy the credibility of the twenty five members.

It should be noted however that for Turkey to manufacture an argument that it is not bound by these clear and unambiguous

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obligations would be entirely consistent with its historical attitude when confronted with the plethora of international laws and obligations which it has either flagrantly breached or conveniently ignored.

For example Turkey violates the air space of not one but two Member States, the Republic of Cyprus and Greece, on a daily basis. Turkey has consistently refused to abide by or implement hundreds of UN resolutions on the Cyprus question. Turkey continues to not face up to its past and acknowledge the Armenian genocide to the dismay of its many, but dwindling, friends. Any other state that wanted to join the EU would not only acknowledge its role in these terrible events but would apologise to the victims and even offer reparation. But not Turkey, the rogue state that seeks to have one law for itself and other laws for everyone else. How can Turkey expect the EU to treat its accession seriously when it refuses to recognise one of the EU Member States?

So what of the Republic of Cyprus? Cyprus clearly had every right to oppose the decision in October 2005 to open negotiations with Turkey given the continuing violations of human rights by Turkey in Cyprus and Turkey's refusal even to recognise the republic. However in contrast to Turkey's obstinacy, Cyprus has adopted at all times a constructive approach and has not vetoed Turkey's progress to date. In contrast it looks as if the patience of the Republic of Cyprus could run out soon. Cyprus has, unsurprisingly, stated many times that it will not accept the opening of chapters for Turkey whilst this grossly unsatisfactory state of affairs continues and unless and until Turkey implements all its commitments towards the EU and its Member States.

To date Turkey has tried to link its duty to fulfil its obligations with obtaining in exchange certain concessions from the Republic of Cyprus. These include opening up the occupied northern area in Cyprus to direct trade in order to ease the alleged 'isolation' of the Turkish Cypriots. There are a number of points that need to be made about this.

First, Turkey's obligations as set out in 21 September 2005 are perfectly clear and transparent. They were reiterated in the Presidency Conclusions of 15/16 June 2006. There is and cannot

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be any confusion. There is not and cannot be any linkage of Turkey's clear obligations towards the EU and its Member States with developments in the Cyprus question.

Second what is this alleged 'isolation' anyway and how real is it? There is no doubt that the occupied area in the north of Cyprus has underperformed economically since the north of the island was ethnically cleansed of Greek Cypriots by Turkish forces in 1974. But with whom does this responsibility lie? After all, Greek Cypriots saw their own economy devastated by the 1974 invasion, particularly in the tourist sector. And yet the free areas under the control of the Republic of Cyprus have not only recovered spectacularly since then but have also met all the relevant economic criteria for joining the EU.

On any economic analysis it is obvious that the real reasons for the underdevelopment of the occupied area are:

- The illegal status of the Turkish military occupation and the declaration of attempted secession, which was unsurprisingly recognised by no one other than Turkey.
- The inept and inefficient economic system based on massive public intervention underwritten by Turkey.
- The massive presence of Turkish illegal immigrants in Cyprus (now believed to exceed 160,000 colonists).
- The crippling dependency on Turkey.
- Inadequate macroeconomic policies.
- Political uncertainty as to the solution of the Cyprus issue.

However it hardly takes an economist to appreciate that it is the illegal presence of 40,000 Turkish troops in the occupied area that is putting the rest of the world off doing business with the Turkish Cypriots.

Thirdly, if any linkage is to be made, surely the most appropriate action is to open up for the benefit of Greek and Turkish Cypriots the port of Famagusta and to allow the Greek Cypriot owners of the fenced off area of the town to return to their homes, something that Turkey stubbornly refuses to do. Turkey is in fact legally obliged as a result of the Aresti decision of the European Court of Human Rights to allow Mrs Aresti to return to her property in the fenced off area of Famagusta but, once again, in breach of its international legal obligations, Turkey is putting two fingers up to Europe. Yet Turkey could both comply with its international obligations and ease the so-called 'isolation' of the Turkish Cypriots (if it really wished to do so) simply by opening up Famagusta thus triggering Cyprus' acceptance of trade via Famagusta port on behalf of all Cypriots. Indeed Turkey's refusal to do this betrays its true motives of exploiting (yet again) the Turkish Cypriots as a pretext for furthering Turkey's own interests in Cyprus, exposing once again its political immaturity in European matters.

Finally, Turkey's refusal to comply with its EU obligations are very significant in one other regard. It will be recalled that Greek Cypriots voted by a large majority against the imposition of the Annan Plan and were heavily criticised for having done so. High amongst the Greek Cypriot concerns

were the fear that immediately following the referendum Greek Cypriots would agree to the Republic of Cyprus ceasing to exist whereas in return Turkey would agree to withdraw its occupying troops over a three year period. Greek Cypriots were concerned that based on previous experience Turkey would ignore its legal obligations. Turkey's outrageous disregard in fulfilling its EU obligations shows that Greek Cypriots were absolutely correct to remain sceptical of Turkey's willingness to keep its word and were very wise to reject the Annan Plan.

**So in conclusion, is Turkey fit for EU membership? At the moment the answer must be no and all Member States that wish to see the decisions and declarations of the Council of Ministers and other European institutions respected must oppose further negotiations with Turkey until it shows the political maturity to implement its obligations as regards the Republic of Cyprus. ■**

### Other obstacles to Turkish membership of the EU

In addition to Turkey's continuing refusal to honour its legally binding commitments for EU accession regarding Cyprus, there are further reasons why it is not suitable to become a member of the EU. Critical cornerstones of the EU's democratic values continue to be violated in Turkey, as listed below:

- The continuing role of the armed forces. European Commissioner for Enlargement Rehn expressed concern over "...cases of interference of the military in the functioning of the judiciary and in the political agenda". The 2005 report of the European Commission concluded that "the armed forces still exert significant influence".
- Worsening reports of human rights violations by the Turkish security forces, in particular in the Kurdish areas of the southeast, as highlighted by the European Parliament's fact finding delegation of September 2006.
- Severe restrictions on freedom of speech. Turkey continues to prosecute and imprison journalists, authors, publishers and activists who express non-violent opinions. Turkish law (Article 301 of the penal code) makes it an imprisonable offence to call for the withdrawal of Turkey's occupation troops from Cyprus or to state that Turkey committed genocide against 1.5million Armenians in 1915-23. The European Commission and human rights organisations such as Amnesty International and Reporters Without Borders, call for Turkey to abolish Article 301.
- Restriction of minority and religious rights. The November 2005 report of the European Commission stated "...non-Muslim religious communities continue to encounter significant problems: they face restricted property rights and interference in managing their foundations, and they are not allowed to train clergy" and that non-Muslim communities had been subject to "violent or threatening behaviour".
- Women's rights. The EU requires Turkey to improve implementation of legal provisions regarding the punishment of 'honour crimes' committed against women. ■

### Quotations

**"I find it rather shocking... that because you write a letter to me, you are being accused of violating the law... It is shocking that it can take place in a country which is seeking EU membership."**

Danish Prime Minister Rasmussen, on the arrest of 56 Kurdish mayors in Turkey for writing to the Danish PM to request that a Danish-based Kurdish TV station is not closed. The mayors face up to 15 years in prison if found guilty.

**"I call for the suspension of opening of new chapters with Turkey while it has not ratified and clearly has not implemented the Ankara protocol."**

French Interior Minister Nicholas Sarkozy, September 2006

**"An EU delegation on a fact-finding mission to Turkey has reported a "worrying" increase in allegations of torture and abuse in the country... they said they had heard reports of a resurgence of torture, abductions and beatings by security forces. "These are very, very worrying times in Turkey indeed... the impression is that the situation is going backwards."**

BBC News online, quoting European Parliament human rights committee members who conducted a fact-finding mission to Turkey, September 2006

**Turkey's refusal to implement the Ankara protocol "will have serious implications for the EU negotiating process and could lead to its stopping."**

Camiel Eurlings, EU Parliament rapporteur on Turkey, September 2006

**"Turkey should open its ports to vessels under flag of all Member States, including the Republic of Cyprus."**

Olli Rehn, European Commissioner for Enlargement, 26 September 2006

**"I can only say Turkey has to open its ports for ships from Cyprus: this is a must. It is a necessity."**

German MEP Hans Gert Poettering, September 2006



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