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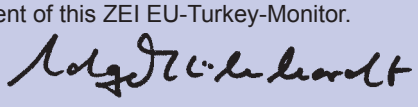
Editorial

The decision of the European Council in March 2008 to initiate the Union for the Mediterranean has no immediate implications for EU-Turkey-relations and the membership negotiations. But the decision to strategically enhance the quality of Europe's neighbourhood policy toward the Southern Mediterranean partners indicates the increased awareness across the European Union about the role of the Mediterranean and its impact on Europe's future. In all relevant areas related to developments, trends and uncertainties in the Mediterranean, Turkey plays an important, mostly stabilizing role. The more the European Union will reflect about the content and perspective of the Union for the Mediterranean, the more will understanding grow about how important and irreplaceable Turkey is for the stability and future positioning of the European Union in its nearer and wider neighbourhood.

The intricate agenda of Turkey's preparation for EU membership has reached the floors of many national parliaments in the European Union. Since the possible ratification of a negotiation result with Turkey will very much depend on the votes of national parliamentarians, this EU-Turkey Monitor will look with special focus to some of the debates on Turkey in several EU member state parliaments. The ongoing Turkish constitutional transformation is a revolution in its own right. We look more intensive into some of its most widely discussed aspects since they are the focus of broad public attention both in Turkey and across the European Union. Again, this ZEI EU-Turkey-Monitor is the joint effort of colleagues and experts on both sides of the Bosporus. This makes our monitor a unique expression of partnership which we would love to see flourishing also where scepticism tends to be strong. As usual, we invite our readers for constructive critique and innovative thoughts on the content of this ZEI EU-Turkey-Monitor.



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At the Accession Conference on 19 December 2007: Ali Babacan, Minister of Foreign Affairs of Turkey, Luís Amado, Minister of Foreign Affairs of Portugal, and Olli Rehn, Commissioner for Enlargement. *© The Council of the European Union*

The Continuous Course of Adaptations

Progress in reforms and negotiations

Peter Heuchemer

On 6 November 2007 the European Commission had presented its latest Progress Report on Turkey.[1] During the last year, Turkish EU-reforms had been eclipsed by the crisis around the Presidential elections and the escalation between the Turkish Military and the Kurdish Worker's Party. Despite these developments, the Commission delivered a report that in face of stagnation still succeeded in highlighting positive developments. Yet there is criticism. When presenting the report, EU Enlargement Commissioner Olli Rehn demanded to advance more quickly on political reforms. Especially Article 301 of the Turkish penal code, which makes "insulting of Turkishness" punishable, had to be immediately changed or abolished, said Rehn. In addition, he called for Ankara to further limit the Turkish military's political power, while at the same time commending the peaceful resolving of the 2007 conflict concerning the Presidential elections.[2]

Since the publication of the Commission's progress report, substantial progress has been achieved. This concerns inter alia the issue of minority rights. On 20 February 2008, the Turkish parliament signed a law to return property confiscated by the state to Jewish and Christian minority foundations.[3] The decision came just a few days after the EU foreign ministers had approved a revised Accession Partnership with Turkey. The document names the protection of minority rights as one of the "short-time priorities". Other conditions listed refer to the strengthening of democracy, the rule of law and human, political and social rights, as well as economic criteria.[4]

In addition to these substantial advancements, two further chapters were opened for negotiations on 19 December 2007 during the fourth meeting of the Intergovernmental Accession Conference with Turkey:
Chapter 21 on Trans-European Networks;
Chapter 28 on Consumer and Health Protection.[5]

Trans-European Networks

Turkey and the European Commission have agreed on the future Trans-European transport networks (TEN-T networks) and on a priority project of European interest in the framework of this network. The TEN-T networks are part of a wider system of Trans-European Networks (TENs), which were implanted in the Maastricht Treaty of 1992. The aim is to link the various regional and national transportation and energy networks by modern and efficient infrastructure to provide the construction of the common European market with freedom of movement for goods, persons and services.[6]

The Turkish 9th Development Plan concerning transport covers the period from 2007-2013 and aims at "the establishment of rapid and safe transport infrastructure that will increase the competitive power of the country", and the "integration with Europe."[7] The Commission certifies Turkey has made good progress in the sector of Transportation Networks so far, yet the Commission demands that Ankara need to strengthen the administrative capacity as a condition for the implementation of major infrastructure projects.[8]

Consumer and Health Protection

In this area the European Commission requires Turkey to revise its legislation on general product safety, further amend its legislation on consumer protection and also demonstrate that adequate administrative structures and enforcement capacity, such as the necessary means to participate in the System for the Rapid Exchange of Information (RAPEX), will be put in place.

RAPEX is the EU rapid alert system for all dangerous consumer products, with the exception of food, pharmaceutical and medical devices. It allows for the rapid exchange of information between Member States and the Commission of measures taken to prevent or restrict the marketing or use of products posing a serious risk to the health and safety of consumers.[9]

In the field of communicable diseases, Turkey is to demonstrate that adequate institutional and administrative capacity will be put in place. Other obligations are legal amendments aimed at transposing the Commission implanting directives in the area of technical requirements for blood, blood components and medical hygiene.

Ankara also needs to achieve substantive progressions in transposing the tobacco advertising *acquis*, including a broad ban of promotion, as well as the tobacco product regulation *acquis*. The latter contains an obligation for manufacturers and importers to submit lists of product ingredients, new labeling on products with additional warnings and a ban of misleading product descriptions. A Turkish national action plan on tobacco control has already been drafted in order to decrease the rate of smokers drastically by 2010.[10]

So far, negotiations on three more chapters continue (industrial policy, statistics, financial control) while one is provisionally closed (science and research). In addition, the EU informed Turkey about the progress needed to reach a satisfactory level of preparedness to start negotiations on 14 more chapters.

Though the opening of the new chapters is a positive signal, still unsolved political issues are blocking further proceedings. Due to the dispute about the final status of Cyprus, Ankara is still refusing to recognize the EU member state Republic of Cyprus and to open Turkish ports and airports to vessels and planes originating from there.[11] Since the EU considers this a violation against custom agreements between the EU and Turkey, contracted in the Additional Protocol to the Association Agreement, 8 out of 35 chapters of the negotiations are currently put on hold, as decided on December 2006. In addition, no chapter will be provisionally closed until Ankara fully implants the Additional Protocol. Hopes are now on Dimitris Christofias, new President of the Republic of Cyprus, who has announced the resumption of negotiations with the Turkish northern part of the Island about the reunification. Former President Tassos Papadopoulos, something of a hardliner on the issue, was accused of blocking the proceedings and trying to isolate the Turkish Cypriots.[12]

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1) European Commission: Turkey 2007 Progress Report, SEC(2007) 1436, 06.11.2007, http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/turkey_progress_reports_en.pdf.
2) "EU calls on Turkey to speed up reforms", http://euobserver.com/?aid=25768.
3) "Turkey removes key obstacle to EU membership", http://www.euractiv.com/en/enlargement/turkey-removes-key-obstacle-eu-membership/article-170471.
4) Council of the EU: Council adopts a revised Accession Partnership with Turkey, 6614/08 (Presse 44), 18.02.2008, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/misc/98784.pdf.
5) Council of the EU: Fourth meeting of the Accession Conference at ministerial level with Turkey, 16734/07 (Presse 302), 19.12.2007, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/misc/97762.pdf.
6) http://ec.europa.eu/ten/transport/index_en.htm.
7) Screening Report Chapter 21, 20.06.2007, http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report_21_tr_internet_en.pdf.
8) European Commission: Turkey 2007 Progress Report [Fn. 1].
9) http://ec.europa.eu/consumers/dyna/rapex/rapex_archives_en.cfm.
10) Screening Report Chapter 28, 03.05.2007, http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report_28_tr_internet_en.pdf.
11)"Turkey removes key obstacle to EU membership", [Fn 3].
12) „Zypern hofft auf neue Verhandlungen", http://www.tagesspiegel.de/politik/international/Zypern-Wiedervereinigung;art123,2479316.

Current Negotiating Status

No.	*Title of Chapter*	
1	Free movement of goods	(●)
2	Freedom of movement for workers	●
3	Right of establishment and freedom to provide services	(●)
4	Free movement of capital	●
5	Public procurement	●
6	Company law	●
7	Intellectual property law	●
8	Competition policy	●
9	Financial services	(●)
10	Information society and media	●
11	Agriculture and rural development	(●)
12	Food safety, veterinary and phytosanitary policy	●
13	Fisheries	(●)
14	Transport policy	(●)
15	Energy	●
16	Taxation	●
17	Economic and monetary policy	●
18	Statistics	●
19	Social policy and employment	●
20	Enterprise and industrial policy	●
21	Trans-European networks	●
22	Regional policy and coordination of structural instruments	●
23	Judiciary and fundamental rights	●
24	Justice, freedom and security	●
25	Science and research	●
26	Education and culture	●
27	Environment	●
28	Consumer and health protection	●
29	Customs union	(●)
30	External relations	(●)
31	Foreign, security and defence policy	●
32	Financial control	●
33	Financial and budgetary provisions	●
34	Institutions	●
35	Other issues	●

Legend: ● not yet opened (●) suspended ● opened ● provisionally closed

Data as of March 2008

The European Union's Impact on Turkish Politics

Necati Iyikan

Discussions on Turkey's possible accession to the European Union frequently focus on issues like "Turkey's obligations" to enter the EU, the non-solution of "the Cyprus dispute" or the interpretation of the "Armenian genocide issue". Although these topics are continuously being recited and repeated, there are not too many new things that could be said about their recent developments – because there have not been fundamental developments. However, apart from these common issues that might even be labelled mainstream issues, another question seems to be much more important – and often neglected: What is the European Union's impact on (European) policy making in Turkey and its various political parties? The aim of this article will therefore be an attempt to answer this rather simple but fundamental question.

The Turkey Policy of the European Union

One of the initial purposes to found the EU was to enhance the economic and political influence of the Western European countries. By doing so, they set out to become a united international actor with necessary clout to have a say in the formulation of world politics and economy – an aim these European states could never have achieved in isolation.

The pursuit of Europe's ambitions requires strategic thinking, including geographical and geo-strategic considerations. It therefore requires a particular focus on neighbouring areas of potential influence, such as the Mediterranean, the Caucasus, the Balkans or even Central Asia that have partly become problem areas in the post-Cold War world. As much as the EU can exercise an influence on these regions, these regions – and their conflicts – influence the EU as well.

Looking beyond the scope of European neighbours, the EU is also trying to position itself as one of the leading players in the world. On this stage, the EU realises more and more that its economic power alone does not make it a major power. Accordingly, it is increasingly striving to become a full-fledged international actor – a process that has political and even military implications. This process also often implies not only an economic but even a political and strategic competition or even rivalry with the USA within the international system.

According to its ambitions, it would be natural for the European Union to also consider its present and future relations with Turkey from a strategic standpoint. At the latest the terrorist attacks of 9/11 in the USA should have marked the start of a strategic Turkey policy of the Union, aiming at Turkish accession to the EU. There are four major reasons for doing so from a strategic point of view:

1. With Turkey becoming a member of the Union, the EU could no longer be viewed as a "Christian club", thus highlighting the universal, non-discriminatory quality of the EU;
2. A developed and secular Turkey, full member of the EU, could serve as a model for other Muslim societies;
3. It would disprove the hypothesis of Samuel P. Huntington that: "Turkey is [...] a bridge connecting two continents; yet it does not belong to either side" – it would then be evident where Turkey belongs;[1]
4. In the long run, Turkey's entry into the EU could promote the idea in Islamic states that "a separation of religion and politics will improve the prestige of Islam". This could then mark the end of possibilities to exploit religion for politics and for terrorism – then probably the most efficient response to so-called Islamic terrorism.

However, in the particular case of Turkey, the EU evidently fails to follow a clear strategic reasoning. Although having started accession negotiations in 2005, the EU – or rather many Europeans and their governments – do not seem to consider Turkey as a real candidate for further enlargement. As a result, many European politicians rather focus on issues excluding Turkey. The continuous and frequent demand for the realisation of values such as "human rights", "democracy" or the compliance with the "Copenhagen criteria" do not pose a problem for bilateral relations. However, the style used to communicate these issues by some European leaders is often perceived as being hurtful and disrespectful in Turkey. This becomes particularly evident if one considers that some Eastern European member states could join the EU despite failing to portray a positive graph considering the above mentioned set of values. By having the impression of Europe applying double-standards, Turkey is often regarding itself as being "excluded". In addition, this often leaves the impression that the EU is not really sincere about its values – and its policy towards Turkey.

The impact of "Europe" in the 2007 pre-election phase

As foreign policy constituted one aspect of the agenda in the general elections of 22 July 2007, it would have been quite natural if EU-Turkey relations had ranked high on the election agenda. Looking at the development of public opinion, however, a significant decrease in EU-support can be detected. Accordingly, the camp of those expressing rather sceptical views about the EU is growing stronger. In his analysis of opinion polls, Sami Kohen regards the apparent anti-EU trends as "alarm signals". Some examples might be fit to highlight this assessment: The rate of those saying "We must definitely accede to the EU" was 67.5% in 2004. In 2006, it had decreased to 32.2%. The share of those arguing against accession increased from 17.9% to 25.6% in the same period. One of the reasons for the significant change in attitudes can be deduced from the answers to the question "How much do you trust in the EU?" The rate of those who do not trust the EU is 78.1%! Kohen holds that the ambivalent Turkey policy pursued by the EU constitutes a major factor in the negative outcome of the polls.[2]

These tendencies have also been reflected in the campaigns of political parties prior to the general elections in July 2007: The Nationalist Movement Party (MHP) clearly stated its conviction: "EU relations are in vegetative state today. It has been understood that the EU, a civilization project based on Christian values, will not include secular and Muslim Turkey." The Democratic Party (DP) stroke a more conciliatory but still critical chord: "We support full membership of Turkey in the EU; yet we are also aware of the initiatives to make Turkey a second class candidate. We do not accept that." The leading AKP pursued its pro-EU policy by at the same time highlighting its expectations concerning the EU's behaviour in the accession process: "Reforms will be rapidly pursued. We expect the EU to respond to the sincere approaches of Turkey in the same manner."[3] The Republican People's Party (CHP) also stated that they were supportive of Turkey's EU candidacy.[4] However, this did not help to reduce the continuing distance CHP evidently has toward the project. Their ambivalent position is illustrated by CHP's position within the Socialist International, in which CHP is a member: The organization has been distant to CHP in recent years, because all leftist parties in Europe had supported the candidacy of their states in the EU, while CHP is not being considered to make such an effort for Turkey.[5] For other parties' or the 2007 "independent candidates'" campaigns, the EU did play an even minor role.

With this ambivalent picture of variable rifts, reduced enthusiasm and increased frustration concerning the parties' interpretation of Turkey's EU bid, none of the political leaders had the heart to make EU policy one of the major topics of their campaign. The AKP's success in 2007 had – in contrast to the past – no relation to AKP's "EU-reform policies".[6] In other words, Prime Minister Erdogan, who was the winner of 2002 elections, did not use the EU candidacy card in his 2007 election campaign. One of the major reasons for this lies evidently in the decreased value of EU policy in the eyes of the Turkish public, due to an ambivalent approach as conducted by the EU.[7]

Conclusion

The unclear Turkey policy of the EU is at the basis of doubts about the EU as expressed by the Turkish public and political parties alike. The outspokenly negative attitude of some leading European politicians toward Turkey's possible EU membership has made the EU follow a Turkey policy which is far less strategic and consistent than might be expected if one looks at the EU's international ambitions. Inside Turkey, this negative attitude has provoked a significant decrease in interest and confidence of the Turkish public vis-à-vis the EU. In sum, this leads to a dilemma in EU-Turkey relations: The negative positions as expressed in many European capitals make Turkey become more reluctant to

push the reform agenda forward; the decreased efforts of Turkey as evaluated in the annual progress reports issued by the European Commission make European leaders and publics become even more reluctant and so forth. At the latest with 9/11, the EU should have seized the opportunity to pursue Turkey's accession as one of the best responses to so-called Islamic ideologies that resort to terrorism. To put it differently, if Turkey had not applied for European Economic Community membership in 1987, after 9/11, the EU should have done everything in its might to encourage and support Turkey in its "European quest".

1) Samuel P. Huntington: Kampf der Kulturen: Die Neugestaltung der Weltpolitik im 21. Jahrhundert, Munich/Wien 1997, p. 235f.
2) Kohen Sami: Polls Alarm Signals for EU, Milliyet, 29.10.2006.
3) Radikal, 18.07.2007.
4) Radikal, 18.07.2007.
5) Yalcin Dogan: SHP progress outside, 03.11.2005.
6) Yeni Safak, Vahap Coskun, 26.07.2007.
7) Mehmet Ali Birand: Real intention of AKP will be understood in 2008, Hürriyet/Internet, 29.12.2007.

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ZEI Publications

Jeffrey Herf: "The Jewish Enemy" Rethinking Anti-Semitism in the Era of Nazism and in Recent Times, ZEI Discussion Paper, C 180/2008.

Marcus Höreth/Jared Sonnicksen: Making and Breaking Promises. The European Union under the Treaty of Lisbon, ZEI Discussion Paper, C 181/2008.

EU-Turkey Relations and the Greek Factor

Present Situation and Future Prospects

Yannis Tsantoulis

The road to rapprochement and the current situation

It is widely argued that the European Council (EC) Summit in Helsinki in 1999 was the turning point in the contemporary history of the Greek-Turkish relationship.[1] Until then, both countries had been captured in a "prisoner's dilemma" situation and had approached the brink of war many times. To sum up, their relationship was characterized by tensions, hostility and mutual distrust. Indeed, Greece and Turkey have been at odds over the Aegean Sea and Cyprus and power politics had been dominating the agenda of their respective foreign policies. On both sides of the Aegean, the logic of a "zero sum game" had prevailed and no one believed in a "win-win situation". However, that changed to a certain degree when the Greek government at the time made a historical U-turn and gave the "green light" for Turkey to officially start negotiations with the European Union (EU), introducing a "honeymoon" period for both countries.[2]

The rationale was to escape from the long-lasting "zero-sum" relationship of the past and to forge carefully the way to a "win-win situation". However, it is interesting to note that since 1999 the decision to promote Turkey's candidacy has been supported not only by the current government but by the majority of the Greek political (i.e. the political parties) and the economic elite as well. Certainly there have been – and still are – differences in terms of the tactics adopted, but the central strategic choices shared by the main political parties, when it comes to Greece's eastern neighbour country, remain the same. Actually, one could go even further and argue that in recent years Greece seems to have developed a robust doctrine of Foreign Policy with regard to Turkey's path to Europe. How can this doctrine be summarised? First of all, the enhancement of the "Europeanisation" of Turkey and support of its reforms through the negotiation process, and secondly, working towards solutions for the bilateral problem(s) under a "European" umbrella, albeit the definition of what constitutes a bilateral issue is still disputed.[3] Or, to cut a long story short and to adopt what the Greek Prime Minister explicitly said in his recent visit to Turkey – the first one in 49 years – "Full Compliance – Full Accession" showing once again that Greece after the EC in Helsinki in 1999 is committed to Turkey's EU membership.[4]

Nevertheless, the situation is not that simple. Indeed, with the passage of time the picture is becoming blurred. The optimism for the future accession of Turkey to the EU has been replaced to a large extent by disappointment and euro-skepticism, and when it comes to the unresolved issue(s) between the two countries, it seems that there is no incentive or political energy left to deal with these. On the one hand, the Greek government has bet on the long-term process of Europeanisation as well as on the possible spillover effects from the positive atmosphere in economic relations (increased trade, joint energy projects, foreign investments etc.) between the countries.[5] On the other hand, Turkey seems to be basically preoccupied with: i) the situation in North Iraq and the PKK's action in the region; ii) the improvement of its fragile relations with the United States; iii) the accession negotiations with the EU, and iv) the Cyprus issue. One could also argue that the AKP government seems to focus more on domestic issues (i.e. reforms, legislation etc.) and tries to strike a balance with the military establishment, thus leaving no room for maneuver in other foreign policy issues.

The Greek debate over Turkey's European future

With regard to Greece, the first observation is that foreign policy issues, let alone EU-Turkey relations, are not as high on the political agenda as they used to be in the past. For example, during the last parliamentary election campaign (2007) in Greece, there was deafening silence when it came to issues related to Turkey. In this regard, it is also important to make a comparison with what happened in the last elections in France and Germany, where the Turkey conundrum was definitely high on the agenda. However, in Greece, and with the exception of the name dispute with the Former Yugoslav Republic of Macedonia (FYROM), one could argue that this lack of foreign policy debate has had to do with the following parameters, namely: i) a brief election campaign that did not give the political parties the opportunity to express and justify in a sophisticated manner their positions on foreign policy issues; ii) the devastating wildfires that, to a considerable degree, curtailed the fleeting campaign period; and iii) the cynical remark that, for the majority of the voters, at the end of the day what really matters is the state of the economy, i.e. the level of personal wealth and prosperity and not "how many Chapters of the EU-Turkey negotiations framework are currently open". To put it bluntly, when examining Greek public opinion, Turkey does not matter much at this point in time.[6] Whether this is good or bad remains to be seen.

Although the above-mentioned remarks have a strong explanatory power vis-à-vis the "silence" over these issues during the pre-election period, they do not completely explain the absence of a serious debate on foreign policy issues in general, and on EU-Turkey relations before and after the election, in particular. What fills this void is the fact that, concerning Turkey's accession, there is a silent but clear consensus between the two main political parties, i.e. Nea Demokratia (41.83%) as the governmental party and PASOK (38.10%) as the leading opposition.7

The standpoint of the Greek political world

The Position of the Greek Government: The Minister for Foreign Affairs, Dora Bakoyanni, at the end of May 2006, argued before the Standing Committee on Defense and Foreign Affairs of the Greek Parliament that:

"Greece, and as you already know this not a position supported only by the government but also by the vast majority of the political forces in Greece, has interest in aiming, with persistence and patience Turkey's compliance with the *acquis communautaire*, the European values, principles and patterns of behavior. Supporting Turkey's Accession is a choice of strategic character."[8]

The key point here is not only the support towards Turkey's Accession, but that the Minister stresses that the current government has – even indirectly and silently – the support of the main political forces. Within this context, the Deputy Minister for Foreign Affairs, Yannis Valinakis, has also highlighted the consensus among the main Greek political parties on the main axes of Greek foreign policy and furthermore argued that prosperity in the region can be achieved only through the *acquis communautaire*.[9] Speaking in front of a targeted group, i.e. the Greek Ambassadors

Forum, he stated: "We support Turkey's accession into the EU, as a full member, under *strict* conditions. …Such a Turkey will be a 'European one'. This is what we wish for and this is what our strategy is about."[10]
Adopting the same approach, the former Deputy Minister for Foreign Affairs, Evripidis Stylianidis, stated, in front of the Commissioner Olli Rehn: "…our commitment to the European perspective of Turkey, Croatia and the Western Balkan countries remains strong".[11]

The approach of the main opposition party, PASOK, towards Turkey is, more or less, the same. The leader of the Opposition and former Minister for Foreign Affairs, Giorgos Papandreou, as one of the architects of Greece's policy towards Turkey, has clearly stated:

"Our position has always been clear and consistent. We say yes to Turkey's European future, yes to full accession, not a special relationship…We say yes to the further improvement of relations between Greece and Turkey within the EU framework, as we agreed in 1999."[12]

Furthermore, Theodoros Pangalos, member of the Greek Parliament with PASOK and former Minister for Foreign Affairs, agrees that the Greek support for Turkey's EU accession should by no means be interrupted. Although, he is sometimes a bit critical towards the European future of Turkey, he has clearly positioned himself in favor of continued Greek support for Turkey's EU accession.[13]

Concerning "the rest of the Greek political world", the other political parties, SYRIZA (5.04%), being placed on the left wing, has expressed its support towards Turkey's accession. The party's parliamentarian leader, Alekos Alavanos, has clearly stated that: "What I want to say is that we, SYRIZA, are in favour of Turkey's accession into the EU."[14]
Although, SYRIZA questions the benefits of Greece's support towards Turkey's accession, stating that so far there has been no telling improvement in the domestic situation in Turkey (freedom of speech, religion rights, the "Armenian issue") and in Greek-Turkish relations, it argues that only if Turkey follows the path to Europe will the relationship improve and all the problems be solved.
On the other hand, the right wing party LAOS (3.80%) and the communist party KKE (8.15%) have declared their disagreement towards Turkey's accession, mainly on ideological grounds. More specifically, according to the Official Programme of the LAOS party, where there is also a proposal for a referendum *vis-à-vis* possible accession of Turkey into the EU: "Turkey should not access the European Union for geographical, cultural, religious and political reasons".[15]
The Communist Party's overall position is anti-European Union. In this context it is interesting to note that the Turkish Communist Party also opposes the country's entry into the European Union.
All of the aforementioned statements made by prominent members of the Greek Parliament, including the Prime Minister, the Minister for Foreign Affairs, the Deputy Minister for Foreign Affairs, and the leaders of the Opposition, demonstrate that the consensus has a strong basis indeed. An analysis of the last election result will inevitably lead to the conclusion that, among the political parties represented in the Greek Parliament, the percentage of the official political/parliamentarian world that is in favor of Turkey's accession is almost 85%! Bearing in mind that in recent memory Greece and Turkey have been on the verge of war several times, this consensus is surprising.

Prospects for the future – What next?

In light if the above, it can be anticipated that:

1. Greek support will continue: Greece's support towards Turkey's accession to the EU remains strong despite the difficulties presented during the past years. Most probably, it will remain as such although there might be an emphasis on the improvement of the bilateral relations regardless of the prospects of future accession. The two strongest political parties in Greece (i.e. Nea Demokratia and PASOK) have explicitly stated their support towards Turkey's accession and that most probably will not change in the near future.

2. Greek-Turkish rapprochement matters: Despite doubts over the benefits of Greece from its support to Turkey's EU accession due to the lack of real progress on resolving the main bilateral dispute(s), the marked improvement in economic terms, as mentioned earlier, remains important and provides justification for the current foreign policy. Furthermore, one could also agree that, compared to the past, a more efficient crisis management mechanism is in place. Overall, new actors (mostly from the business community) have emerged and new networks (e.g. banking sector and constructions sector) are established thus creating synergies and common interests bringing the two countries closer, i.e. what might be called an "elite driven rapprochement". Nevertheless, it is still an "elite" rapprochement, albeit there is an endeavour to engage medium size actors as well. In this new context, many believe in – and hope for – a spillover effect from low to high politics issues.

3. New dynamics and new controversies: Turkey's accession into the European Union has become, during the last couple of years, an even more ambiguous and controversial issue. In this new context, Greece might want to avoid clashes and promote Turkey's accession, in a more "discreet" way.

4. Cyprus as the most significant parameter: The Cyprus issue as the most disputed issue is considered to be the x Factor. Most probably, it will affect to a certain degree, either positively or negatively, the tendencies in the "EU-Turkey-Greece" triangle in the near future. In short, as long as the issue remains unsolved, it will continue to burden the relations in the region.

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1) Helsinki European Council, "Conclusions of the Presidency", Helsinki 10-11 December 1999, especially see Par. 12.
2) According to a recent survey conducted by ΚΑΠΑ Research, 69,5% of the people that were asked in Turkey believe that the relationship between the two countries has improved and only 23,1% believe that it has deteriorated. Concerning the people asked in Greece, 48,6% believe that it has improved and 34% that it has deteriorated. It is interesting to note that a relative high percentage (i.e. 17,4%) in Greece has no clear answer on the question. To see the survey: http://www.kapa-research.com/Default.aspx?grm2id=15&tabid=95 (accessed February 22, 2008).
3) Greece recognizes only the dispute over the continental shelf and argues that this dispute should be settled according to International Law under the aegis of the International Court of Justice while Turkey has a broader agenda and is in favour of bilateral settlement and of an intergovernmental bargaining of the disputes.
4) Statement of the Prime Minister after his meeting with the Prime Minister of Turkey Recep Tayyip Erdoğan, Ancara, 23 January 2008. For further information see: http://www.primeminister.gr/index.php?option=com_content&task=view&id=5996 (accessed February 21, 2008)
5) The trade volume between Greece and Turkey is nearly 3 $ billion and in terms of investments, Greece has shown more activity, having invested nearly 5.5 $ billion in Turkey. For further information see: "Greece, Turkey aim to strengthen business ties", *Turkish Daily News*, Istanbul, 26 January 2008 and Ariana Ferentinou, "Trade mends Greece-Turkey ties", *Turkish Daily News*, Istanbul, 17 December 2007.
6) In November 2007, ΚΑΠΑ Research conducted a survey regarding the main concerns of Greek society. Among the primary concerns were issues such as: unemployment, inflation, education, pension reform, etc. Foreign policy issues are not among the top responses. For further information see: http://www.kapa-research.com/Default.aspx?grm2id=20&tabid=95 (accessed February 24, 2008).
7) These percentages demonstrate the power of the consensus and in this sense next to the name of every political party there will be the percentage it took in the last elections in order to show its parliamentarian power. For a detailed presentation of the results of the national elections in Greece see: http://ekloges.ypes.gr/pages_en/index.html (accessed February 12, 2008).
8) The full text of the speech can be found at: http://www.mfa.gr/www.mfa.gr/GoToPrintable.aspx?UICulture=el-GR&GUID=%7BDE34FB95-5927-474E-AF15-3AD78C0D8DE4%7D (accessed February 23, 2008).
9) "Greece-Turkey and the European Union", public debate organized by the Hellenic Foundation for European and Foreign Policy (ELIAMEP). For further information on this debate, see the Report at the official site of ELIAMEP. Available for downloading at: http://www.eliamep.gr/eliamep/content/home/events/2006/greece_turkey_and_eu/en/ (accessed February 18, 2008).
10) Yannis Valinakis, Speech delivered during the Ambassador's Forum, Athens, 1 August 2006, Available for downloading at: http://www.mfa.gr/www.mfa.gr/Articles/el-GR/010806_E1114.htm, (accessed February 28, 2008).
11) Address by (former) Deputy Foreign Minister Mr. Stylianidis at "Europe's next transformation: Enlargement and the future of the EU", ELIAMEP, Athens, 20 October 2006. Available for downloading at: http://www.eliamep.gr/eliamep/content/home/events/2006/europe_s_next_transformation/en/, (accessed 18, February 2008).
12) George Papandreou, *The New Challenges for Greece in 21st Century Europe*, Hilton, Athens, 30 June 2006, Available for downloading at: http://www.papandreou.gr/papandreou/content/Document.aspx?d=6&rd=7739474&f=1359&rf=1307755822&m=7244&rm=23694652&l=1 (accessed February 19, 2008).
13) "Greece-Turkey and the European Union", op.cit.
14) His exact words in Greek were: «Θέλω να πω ότι εμείς, ο ΣΥΡΙΖΑ, είμαστε υπέρ της ένταξης της Τουρκίας στην Ευρωπαϊκή Ένωση» For further information see: http://www.syn.gr/gr/keimeno.php?id=4167 (accessed February 22, 2008).
15) For further information see: http://www.laos.gr/PROGRAM_LAOS.pdf , p. 22 (Accessed 28 February 2008).

Spanish inexistent debate on Turkey: not even in Parliament

Eduard Soler i Lecha

Spain differs from other major countries of the EU such as Germany and France because of the low degree of opposition to Turkey's EU membership, both at the political and social levels. This does not necessarily mean that the Spanish political class and Spanish citizenry are particularly enthusiastic regarding Turkey's European vocation, but rather that there is a high degree of indifference. Parliamentary debates, or the inexistence or marginality of these debates, are revealing of this trend.

Since the restoration of democracy in Turkey and regardless of the party in power in Madrid, Spanish governments have always backed a deeper integration of Turkey in EU structures. This unchanged support is remarkable if one takes into account the confluence of three negative context factors. First, Spain has made this support more outspoken at the very moment in which the debate in other European countries was becoming harsher and when some important allies, like France and Germany, were turning more sceptical regarding the convenience of integrating Turkey in the EU. Second, support for Turkey's accession has been a consensual issue between the Popular Party and the Socialists, in a moment in which both forces have broken a longstanding consensus on foreign policy and have clashed on issues such as transatlantic relations, the policy towards Cuba and Venezuela or Spanish-Moroccan relations. Third, the Spanish right maintained its support for Turkey's EU accession despite the fact that the Popular Party was defending, at the EU level, the need to include mention of the Christian roots of Europe in the unborn European Constitution.

Many people, in Spain and also abroad, wonder what lies behind Spain's support to Turkey EU bid. There are a number of reasons for this unanimous and continued support, one of the most commonly mentioned being commercial interests, and the fact that Turkey is Spain's ninth most important trade partner. Besides that, it is often said that Turkey's entry into the EU could strengthen the Mediterranean axis and reorient Europe's geopolitical centre southwards. Simultaneously, one should note that Spain's elites -- and particularly those who have a vivid memory of Spain's process of transition and entry into the Union -- consider that they do not have the right to refuse a country such as Turkey something that has proved so beneficial to Spain over the past two decades. This same reasoning also goes to explain why Spain never considered vetoing the eastern enlargement of the EU, despite the fact that this enlargement would not benefit Spain, and might even have detrimental results.

Nevertheless, in order to understand the reasons for this unchanged support, one should keep in mind that no political party has attempted to use the issue as a weapon to win votes or to weaken the government. As said before, parliamentary activity is a perfect indicator of the high degree of indifference among Spanish political parties on Turkey's EU vocation. In contrast to France, neither the Spanish Parliament, nor the Senate, have produced reports evaluating the pros and cons of Turkey's EU membership. Even more striking is that in crucial moments like in December 2004, when the European Council had to decide whether or not the EU should propose the start of accession negotiations to the Turkish government, the Spanish Parliament played an irrelevant role in the configuration of the Spanish position. This issue was discussed in the plenary and in the Foreign Affairs and European Union Committees. However, in contrast with most other European Parliaments, this issue was only tackled once the 17 December decision was already taken. Thus, it was more an informative session offered by several Spanish officials on the results of the 17 December European Council rather than a focused monographic debate on which should be the Spanish policy regarding Turkey's accession.

Nevertheless, the parliamentary activity in Spain during the last decade allows us to better depict the Spanish government position towards Turkey's EU membership as well as to identify changes in the position of smaller political parties. Regarding the first issue, there are some aspects to which Spanish officials always refer to when explaining Spain's support to Turkey's accession. Among them are: the need to avoid discriminatory practices and the strategic importance of bringing Turkey as close as possible to the EU. This results in a Spanish policy of asking Turkey no less and no more than any other European country which aims to become member of the EU. The two bigger Spanish parties, the Socialist and the Popular, have agreed on these points.

The rest of Spanish political parties have reflected in their parliamentary interventions softer or more significant changes of position. One of the most interesting cases is that of the Spanish former communists (*Izquierda Unida* and *Iniciativa per Catalunya*). In the nineties the speakers from these coalitions criticised the Spanish government for closing their eyes to the violations of Human Rights in Turkey and for being subordinated to US policy. However, since the reforms of 2002, the Spanish leftists became much more supportive of Turkey's accession. Not only was this the best way to strengthen the democratic and human rights reforms, but it was also a move to oppose those that defended that Europe is (or should be) a Christian Club.

As for the Basque and Catalan nationalist parties it is necessary to differentiate between left-wing and centre-right ones. Regarding the first group, the trajectory of *Esquerra Republicana de Catalunya* (ERC) is revealing. ERC has always put the Kurdish issue on the centre of the agenda and more recently, the Armenian genocide claims have also been incorporated into the discourse of some ERC deputies. However, similarly to the former communists and thanks to the reforms undertaken since 2002, ERC is now in favour of Turkey's EU accession although strong criticism persists among party members regarding the situation of cultural and political rights in Turkey. As for the second group, the positions of the centre-right nationalist Basque Party (*Partido Nacionalista Vasco,* PNV) and the Catalan coalition *Convergència i Unió*, (CiU) can be labelled as moderately reluctant towards Turkey's full membership. Members of both parties have expressed their preference for a privileged partnership status, in line with the German Christian-Democrats, with which strong links exist. However, this is not a major issue in the international and European agendas of both parties.

Taking all this into account, the result of Spanish legislative elections of March 2008 is not likely to have a significant impact in the Spanish policy towards Turkey. In the next years, Socialist Party or Popular Party governments shall maintain their support to Turkish EU membership if Turkey complies with all requirements. Furthermore, the parliamentary support that these parties might need from smaller political parties is not likely to determine the Spanish policy on this particular issue.

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Chronology

compiled by Volkan Altintas

2007 6 November: The EU releases a new Progress Report on Turkey. The report acknowledges the latest political developments in Turkey but also calls for more and faster reforms in Turkey – just like in 2006.

2007 13 December: The European Union Reform Treaty is signed in Lisbon.

2007 19 December: The Accession Conference meets at ministerial level in Brussels and decides on the opening of two new chapters: Chapter 21 (Trans-European networks) and Chapter 28 (Consumer and health protection).

2008 1 January: Slovenia takes over the EU Presidency from Portugal. The "European Year of Intercultural Dialogue" is launched.

2008 10 January: 400 Muslim groups sign a Charter for the Muslims in Europe, spelling out rights and responsibilities of Muslims in Europe.

2008 23 February: Turkey takes cross-border military action against the PKK. By doing so, Turkey intends to prevent the PKK from continuing to attack targets in Turkey from bases in northern Iraq.

2008 14 March: Abdurrahman Yalcinkaya, Turkey's chief prosecutor, files a suit to outlaw the ruling AK Party and to ban several of its members from politics, including Prime Minister Recep Tayyip Erdogan.

Sources: www.abhaber.com, www.cnn.com, www.euobserver.com.

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The Voice of Europe?

The European Parliament and Turkish membership

Nazire Oral

The aim of Atatürk, the father of the Turks, was to create a Turkish republic, which should be peer to the European states. As in the end of the 1950´s these European states began to unify, Turkey saw a chance to crown its Westernisation. So it made an application for association with the EEC which resulted in the so-called "Ankara-Agreement" in 1963. The constitution of a customs union in three phases should be an instrument to deepen the integration of Turkey into the EEC, which came into force in 1996. In 1987 Turkey applied for full membership but received the status of a candidate country only in 1999. In October 2005 accession negotiations finally were opened.

Although Turkey is on the way to Europe and will presumably become a member as soon as it complies with the criteria connected to full membership in the EU, the discussions about the "Europeanness" of the country do not fade. A prospective Turkish membership polarises like no other accession effort before and the words of Walter Hallstein, that Turkey belongs to Europe, are by far not shared by all Europeans.

According to the figures of Eurobarometer, generally scarcely half of the Europeans (49%) are in favour of an enlargement of the EU, whereas Norway, Switzerland and Iceland receive notably high acceptance as potential members. This changes when it comes to Turkey. More than half of the European population (59%) is opposed to a prospective Turkish membership. 61% of the respondents perceive the cultural differences as too great. 50% of the interviewees do not think that Turkish accession will contribute to the rejuvenation of the European society. And scarcely half of the Europeans do not share the argument that Turkey will contribute to the stabilisation of the region or to a better understanding of cultures. This means that the most significant arguments, especially voiced on the Turkish part, are not shared by a majority of the European population. The greatest expressed concern is a potential migration wave into the most developed EU states. Respect for human rights and a stable economic situation are prior conditions demanded for a prospective accession from the European people.

The expressed concerns and conditions are also voiced in the European Parliament in quite vivid and multi-faceted debates. The discussions concentrate on an economic level – with emphasis on the importance of a stable economy – and on a political level where the maintenance of human rights, the protection of minorities, the guarantee of freedom of expression and the curtailment of the role of the military in political life is demanded. Eventually, the discussions also have a cultural dimension. Here the Muslim faith of the vast majority of the Turkish population and the question to what extent religious values constitute "Europe" come to the fore.

In light of all the concerns, demands and criticism, the political groups in the European Parliament shape their own image of the prospective cooperation of the EU and Turkey. At this they differ with preferences ranging from the proposition of a privileged partnership to full membership – with an open ended or accession guarantee.

The Socialist Group of the European Parliament (PSE) sees enlargement as a chance to strengthen the role of the EU in the world. In view of Turkey the PSE affirms its support for a prospective accession as it sees Turkey as an important ally, especially in terms of security policy. Simultaneously, it points out that Turkish membership will only occur in 10 to 15 years' time. This calculation is used as an argument against the opponents to Turkish accession: Turkey will be different after this period, that is to say it will be a country able to join the EU. This is why Turkey should be supported in its accession efforts. Notwithstanding the expressed support, the PSE also voices clear criticism. It particularly demands to reform Article 301 of the penal code in order to assure the freedom of expression as well as it underlines the importance of minority rights and calls for a peaceful solution of the Kurdish question through cooperation with local Kurdish authorities. The PSE also underlines the importance of maintaining good neighbourhood relations with Cyprus by extending the Additional Protocol of the Ankara Agreement to this country. In case of the Armenian issue, the group stresses that coming to terms with the past is a sign of a maturing democracy but that it should not be imposed from a third party – neither should it be an obstacle to the accession aspirations of Turkey.

The Greens/European Free Alliance (Greens/EFA), also a great supporter of prospective Turkish membership, use arguments akin to the PSE. The Greens/EFA see enlargement as an effective means of conflict prevention. For the group the accession negotiations are open-ended but with the aim of Turkish full membership. It points out the importance of establishing freedom of expression – especially by reforming Article 301 of the Turkish penal code, of assuring the rights of religious minorities, and promoting and the peaceful solution of disputes with economic, social and cultural reforms.

Particularly these two part groups argue that an accession perspective serves as an engine for democratisation processes in Turkey and strengthens the Turkish reformers' position.

As regards the Alliance of Liberals and Democrats for Europe (ALDE), the group like the previous ones emphasises the importance of assuring human and minority rights as well as maintaining good neighbourhood relations. But unlike the previous ones, it is more divided about the way of the future cooperation between Turkey and the European Union, including the question of a possible Turkish membership. Some of its members argue for full membership, others favour alternatives like a privileged partnership or merely cooperation based on the extension of the customs union.

The Group of the European People´s Party (Christian Democrats) and European Democrats (EEP-ED) criticises the same points which have been expressed before. The vast majority of the Group is in favour of an alternative cooperation. It proposes a privileged partnership which aims for deepening the economic cooperation between Turkey and the EU and establishing a close association in foreign and security policy. Many in the group argue that Turkey and the EU do not share the same cultural identity which is primarily referred to the Muslim majority of the Turkish population.

The Independence/Democracy Group expresses more explicitly that Turkey is not European. It argues that Turkey has an entire different perception of democratic principles and human rights. The group sees future cooperation with Turkey limited to trade.

The controversies about Turkish membership are also a result of concerns about the EU´s own condition and ability to enlarge. After the enlargements in 2004 and 2007 the decision -making and -acting capacity of the Union have already been an area of concern. Critiques worry that prospective enlargements might lead to an institutional overload and a geographic overstretch. The new enlargement strategy tries to meet these concerns. It is based on three principles:

- *Consolidation* means to take into account the absorption capacity of the EU before deciding about enlargement;
- *Conditionality* means a more strict handling of the accession ability of candidate countries;
- *Communication* heads to highlight the advantages and challenges of a prospective enlargement.

It is a fact that Turkey is on the way to Europe. This path has never been an easy one. In the last few years, Turkey has undertaken great reforms in order to comply with the criteria of full EU-membership. But the country still needs time for undergoing a political and legal transformation: Time which Turkey should take in its own interest – and time the EU should grant likewise.

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1) European Commission:Standard Eurobarometer 67/ Spring 2007-TNS Opinion&Social, November 2007, http://ec.europa.eu/public_opinion/archives/eb/eb67/eb67_en.pdf.
2) European Commission: Standard Eurobarometer 66/Autumn 2006-TNS Opinion and Social, September 2007, http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_en.pdf.
3) Cf. Thomas Bruha (2007): Europäischer Integrationsauftrag und Integrationsfähigkeit der EU. Anmerkungen zur "Neuen Erweiterungsstrategie". In: Wolf Schäfer/ Wass von Czege/Andreas Graf: Das Gemeinsame Europa – viele Wege, kein Ziel? (Schriftenreihe des Europa-Kollegs Hamburg zur Integrationsforschung, 54), p. 201-218.

Constitutional Developments in Turkey

An overview from past to present

Christian Rumpf

The contemporary history of law and constitution making in Turkey belongs to the most popular examples of the reception of European legal institutions. Already in the first half of the 19th century European efforts of codification – at the time mainly influenced by revolutionary France – did not only reach Western and Central Europe but Eastern Europe as well – including the Ottoman Empire. In 1876, only five years after the foundation of the German Empire, with its by the time's standards relatively modern constitution, the Ottoman Empire got its first constitution, following the spirit of European constitutionalism. After World War I Turkey once again followed Central European developments towards a new republican constitutional order. In 1961, Turkey wrote the most modern constitution of that time in Europe comprised of an extensive protection of fundamental rights, constitutional jurisdiction, an independent judiciary, a two-chambered Parliament, an executive branch independent from Parliament and a President with rather representative functions as head of state. The constantly fragile balance of political powers – particularly in the aftermath of the 1968 movement and not least due to interventions by the military – led to variable developments in the constitutional process.

The coup d'état of 12 September 1980 constituted the last large scale intervention of the military into a political system that was unable to respond to civil war-like conditions. The constitution which was subsequently established in 1982, apart from all similarities with the constitution of 1961, revealed the intention of the military to strengthen the authority of the state. The protection of fundamental rights was weakened and Parliament reduced to one chamber. Nevertheless, the basic cornerstones as known from other constitutions and particularly the European Convention on Human Rights remained: the guarantee of the right to judicial review and independent courts to ensure an efficient protection of fundamental rights. However, based on the rather superficial argument that the "indivisible unity of the state's territory and people" needed to be protected, numerous laws were passed which could not bear comparison with a modern comprehension of fundamental rights. This applied to the law against terrorism, the law on the prohibition of languages – especially directed against the Kurdish language – the law on associations, the law on trade unions and so on.

Despite this hardly liberal constitutional framework, at the end of the 1980s Turkey finally opened to the jurisdiction of the Organs on Human Rights in Strasbourg. Over time, the economic liberalism of Turgut Özal also paved the way for substantial improvements in the constitutional order. The liberalization of the markets was accompanied by an opening of the constitution and laws towards the acceptance of international arbitration courts (1999-2001). Fundamental rights were improved and a clause to guarantee the constitutional core – which had already been part of the constitution of 1961 and which was then removed in 1982 – found its way back into the constitution. The principle of proportionality was explicitly named. By doing so, the Turkish constituent responded to the influences of Strasbourg and of course Brussels, regardless of different political currents and changing governments. One of the reasons for this was that the bringing into force of the Costums Union with the EU in 1996 – well-functioning since – was bound to the conditions of adjusting the constitutional and juridical framework to EU-standards – subjected to constant changes themselves.

Besides the frequent demand for a further opening of the Turkish constitution, particularly with regard to increasing protection of ethnic and non-Muslim minorities, other aspects have also been debated lately. A discussion pursued for twenty years on whether the President of the Republic should be elected by Parliament – as determined by the constitution until 2007 – or by the people, found its end with a constitutional revision in May 2007. The president's term of office has been reduced from seven to five years, but in return one reelection is now permitted. Furthermore, the president is now elected by the people. If this leads to the development of a real counterbalance to the government – like in France – is questionable and not even intended, as the competences of the president have not been changed. He particularly does not have any lawmaking competences, not even in a state of emergency.

In February 2008, another issue left its mark on the constitution: the "headscarf-question". By altering the principle of equality and the fundamental right of education, the Turkish constitutionmaker intended to enable women wearing a headscarf to attend university. Due to technical judicial reasons the wearing of a headscarf could not be allowed explicitly, explaining the rather complicated formula:

> Art. 10 (4): The government bodies and administrative organs shall act in compliance with the principle of equality before the law in all their actions and with regard to the availment of public services of all kind.

Consequently, a law leading to the exclusion of women wearing headscarves from university would be a violation against the right of equality. A convinced laicist will nonetheless find ways to sustain the legal framework to date by weighing the principle of equality up against passive religious liberty or the principle of laicism.

> Or the new art. 42 (7):
> Nobody may be deprived of his right of higher education without explicit regulation by law. The limits of the use of this right are defined by law.

The constituent evidently intends that women wearing a headscarf can only be denied access to university by passing a law explicitly stating this. This law, however, would violate art. 10 par. 4. But here again, a convinced laicist would probably not run into larger problems. Nonetheless, in a parliament with the current majority held by the AKP this last constitutional revision makes perfect sense: The administrative organs applying the existing laws have to mind and respect the constitution. However, this has not yet led to more legal clarity.

It is questionable if after these changes a complete constitutional revision will still be necessary, as reflected in an official draft by Prof. Dr. Ergun Özbudun and other university professors. Parliament apparently prefers single measures as adopted. Maybe this could be an opportunity for discussing a more active protection of minorities, a topic which Özbudun's draft does not address. Even so, the draft goes into the right direction as it is committed to "Kemalist nationalism" which is considered as softer – and therefore more open towards democracy – than "Turkish nationalism" propagated by the constitution of 1982.

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