

Political Arguments against Turkey's Accession to the European Union

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During more than five decades of trying to unite the states of Europe democratically the inclusion of a new state in the project has never been as controversial, difficult and problematic as in the case of Turkey. This article summarizes, from a European point of view, the argument against Turkish EU membership. Its key elements are, first, the historical and legal basis of the issue (i. e. the general limitations on accession) and its political and cultural aspects in the widest social sense (called here »European and Turkish uncertainties«); and second, the effect that Turkish membership would have on the future of the EU both internally and in terms of international relations. While it seems that the political, social and cultural aspects are in the foreground of public interest it is the possible effects of Turkish EU membership that seem to be keeping the political classes busy. Unfortunately in public discussions far too little attention is dedicated to those important parts of the historical, legal and political foundations of the EU that lay down strict rules and limits for any accession of new members.

The Limits on EU Accession

The original six western European states founded the European Community for Coal and Steel in 1952, followed by the European Economic Community (EEC) in 1957 (what is now the EU). In the preamble of the EEC treaty they inserted the solemn declaration that they had made this treaty »determined to lay the foundations of an ever closer union among the peoples of Europe.« Article 237 of the same treaty stipulates accordingly: »Each European state can apply to become a member of the Community.«

Since then this aim and this provision have been integral parts of the legal and political basis of the EU and its basic policy to unify Europe. They can be found again in the Treaty on the European Union (EU) of

1993 (the so-called Maastricht Treaty that contained the whole of the EEC treaty) and most recently they can be found in the project for a Treaty on a Constitution for Europe signed by the EU member states on October 29, 2004. This treaty unites all principles and continuing elements of the preceding treaties and stipulates in Article I-58 (1) on the subject of accessions: »The Union is open for all European states ...«. And article I-58 (2) explains: »Any European State which wishes to become a member of the Union shall address its application to the Council.« The Constitutional Treaty has not yet been ratified by all EU member states. But the ideas and convictions on which the provisions quoted here are based remain part of the legal foundations of the EU and are undisputed in all member states.

These contractual provisions are thus part of the common law established by the European treaties. They bind the member states and the institutions of the EU. The member states could change them but with regard to the legal provisions for accession to the EU so far this has not been considered an option. Therefore, there is no doubt that according to the basic and legal principles of the EU only European states and peoples can become members. And there is no doubt either that Turkey is not a European state and that its citizens are not a European people. Turkish accession to the EU would thus be a gross violation of the European treaties. If the EU member states decided otherwise some would say that it would be a kind of suicide on the part of the EU.

The EU's difficulties arising from the Turkish application for membership are certainly home made. It is an internal EU problem whether its member states respect their treaties. In particular, and beyond the Turkish issue, they neglect their undisputed legal and political consensus that the EU is not just one more organization for international cooperation for specific purposes, like other international organizations. There is a general consensus that the prime and basic project of the EU is to unify Europe and so it is logically restricted to the territory of Europe.

The geographical borders of Europe define the borders of the EU. Europe's northern, western and southern borders are clearly defined by the seas and towards the east the border is no less clearly drawn by centuries of political, cultural and social history. Of course, during the period of the Cold War every policy of European unification ended inevitably at the so-called Iron Curtain that divided Europe into a western and an eastern part. Therefore, during that period which covered roughly half a century of European efforts towards unification there was no need for a geographical definition of Europe. But today there is evidently a need to

reconfirm the foundations of the core of all EU policy and in particular its geographical definition.

When in 1957 the political leaders of the EEC member states had with their treaty laid the foundations of today's common European policy and the EU they solemnly declared in relation to the division of Europe that they understood their policy as being developed for Europe as a whole and accordingly that their organization was to be open to all European peoples and states. They did not define at that time what they meant by »Europe as a whole« geographically. The reason was very simple: it was not necessary. It would even have been ridiculous because nobody inside or outside Europe had any doubts about that question.

When historians, jurists, politicians, scholars or just interested citizens want to know how a notion or a wording in an important document or treaty is intended, they try to find out what those who had drafted and signed the document may have had in mind. As far as those European politicians are concerned who in 1957 drafted and signed the EEC treaty there can be no doubt that what they had in mind was the Europe that existed before the Second World War. All of the signatories of this basic document of 1957 were already adults and many of them active politicians in the period between the two World Wars. They instigated their common European policy in the Fifties because they wanted to stabilize order in their Europe.

The Europe to be united in 1957 and the one that is to be united today is the Europe with the borders of 1939. The only difference is that the Polish part of its eastern border today, as a result of the Second World War, is situated further towards the West than it was in 1939. The borders of the European Union are to be the borders of Europe, with the exceptions of Norway and Switzerland, that currently do not want to join the EU, and of the European peoples and states in the Balkans located between members Slovenia and Greece that may join in future. The geographical limitation of the policy of European unification as legally defined is not merely a legal question, however. It is the historical, cultural and political core of the entire policy of the EU.

European Uncertainties

Against this background it is certainly regrettable that the member states of the EU, despite their clear treaties, have not been able to develop a

common position with regard to the Turkish application for EU membership. Instead they have produced uncertainties which ever since have governed every discourse or discussion on the issue. On the other hand, it cannot be ignored that the current situation is the result not only of a common decision by the member states or just a reaction of them, but also of continuous political pressure exerted over a long period by the United States, both on the EU as a whole and on individual member states to start up negotiations with Turkey. The European uncertainties of today have their origin more in transatlantic than in European–Turkish relations. And they are the result of the inability of the EU states to develop an adequate joint response to US pressure.

For a long time, however, the EU managed successfully to resist the demands of the USA. In the 1960s delaying tactics were successful with regard to EEC membership, and in 1987 and again in 1997 the EU member states decided not to open negotiations with Turkey. At the European Council of December 1999 in Helsinki, however, the decision was taken to begin negotiations. This decision not only contradicted the basic treaties concluded after the foundation of the EEC (1957), in Maastricht (1992), Amsterdam (1997) and Nice (2001), but only five years later, while preparing for negotiations with Turkey, they signed the treaty on a constitution for Europe (2004) that included provisions on membership as quoted above. In 1999 the aim was to accede to the wishes of the United States without at the same time making a preliminary decision on the issue of Turkey's accession to the EU. This political tightrope act of keeping all possibilities open instead of defining a clear policy surprisingly worked. The wording of the Helsinki decision and of all EU declarations since is such that nobody could bring the issue of Turkish EU membership to the European Court of Justice as a case of violation of the European Treaties.

The real effect of the Helsinki decision, however, and most probably the real intention of EU members, was to buy time. This was confirmed when in 2005 at the beginning of the negotiations with Turkey on EU accession the EU states declared that these negotiations could go on for ten or fifteen years. Therefore, these so-called negotiations are in fact nothing more than consultations on the progress Turkey is making with its efforts to become fit for EU accession. But no amount of maneuvering can put off the evil day forever when the question of whether Turkey can become a member of the EU must be answered by a simple »Yes« or »No«. This is why EU member states are headed for a crisis, even a viola-

tion of the legal and political foundations of the EU. But it seems that they hope that future developments will allow them to bypass the problem.

The inability of the EU to develop a clearer policy with respect to Turkish EU membership is part of larger changes caused by the end of the Cold War. Since then the idea of a united Europe seems to have become somewhat vague because globalization and other new developments have affected internal EU cooperation. One significant development has been the renationalization of policy by EU member states. As the military and political menace from the former Soviet block dwindled there no longer appeared to be a need for a strong and common response from the western European states and no need for such close cooperation. Thus the idea of an increasingly tightly organized and unified Europe came to be undermined.

After the end of the Cold War new nation states emerged and the EU could extend eastward beyond the former Iron Curtain. This had loosening effects on the internal composition and cohesion of the EU and also on opinions on the inclusion of Turkey. The near doubling of the number of member states from 15 to 27 has also been significant. The citizens of eight of the 10 new EU member states had been living for fifty years under Soviet communist political, military and economic rule, cut off from western European developments. The citizens of six of these states had an opportunity to live under a national government only between the two World Wars.

The new members' motives for membership seem to have been primarily economic and national. Most of these states seem to understand their membership less as participation in building a unified Europe, even at the price of restricting national sovereignty in favor of common European action and solidarity, than as an opportunity to strengthen their national sovereignty and independence. It is therefore not surprising either that further extensions of the EU in general and the accession of Turkey to the EU in particular are regarded less critically in the new member states than in the old.

But there is certainly no reason for the older members of the EU to reproach the new members for their high esteem of national identity because renationalization within the EU was a general trend before these new members joined. The so-called Principle of Subsidiarity that was put into the Treaty of Maastricht of 1993 illustrates the point. Until then it was the consensus that for the sake of an ever closer union as much as

possible should be done together and cooperation should be as close as possible. The principle of subsidiarity, on the contrary, provides that in the highly important field of the economy EU member states shall act collectively only if they have the impression that they cannot reach the same or a better result nationally.

To sum up: Until the end of the Cold War European unity was understood as a common policy of the states of Europe aiming at a commonly and closely united legal and political entity called Europe. Since then, however, there has been a weakening of the willingness of member states to continuously act collectively, both within the EU and in world affairs. A debate has got under way on whether the EU and with it European unification should generally be organized more closely or more loosely.

There have, of course, always been different views on this question within the EU and above all among the wider public. However, significant problems have emerged: the unsolved problems of the European Constitution, the inability of the EU to define and pursue a policy on the Middle East, and the profound disunity and indecision vis-à-vis the deterioration of relations between Europe and the USA. There is close interaction between the uncertainties regarding a more closely or a more loosely constructed EU and the uncertainties created by the EU's dubious policy on Turkey's application for EU membership.

These uncertainties also promote all kinds of vague arguments for Turkey's EU accession. A typical argument is that an important international function of future EU member Turkey would be to act as a bridge or mediator between Europe and the Islamic world. This would be of such a high strategic value for Europe that all the risks of Turkish EU membership presently being discussed would be of minor importance. This idea is certainly strategic and far-reaching. However, bridges are always firmly based on two different shores, and mediators always mediate between two sides different from each other, taking care not to commit themselves to either.

Similarly, there are imaginative opinions related to Eastern Europe. The fact that, at the end of the Cold War and of the division of Europe due to the decay of the Soviet Union, the three new states Belarus, Ukraine and Moldavia emerged beyond Europe's eastern border inspired thoughts of considering them as European states, although a cursory glance at history shows that this has never been so. The anecdotal wisdom of a tsarist officer that the Ural Mountains constitute the eastern border of Europe fortunately has rarely been acknowledged – as rarely as

the argument that Turkey, because of its small territory west of the Bosphorus, is part of Europe.

In addition to the legal and political limitations on EU extension there is the purely political problem of the inability of EU member states to define what the EU should ultimately be. Should it become an integrated legal and political entity – this idea governed European policy until the end of the Cold War – or should it be no more than a fully developed common market with a few political social and cultural decorations? Most Europeans appear to want to take the first route, but there are forces that want to take European policy in the other direction. The Turkish application for EU membership is thus not only another case of EU extension. Judging by the way this issue is being handled by the EU it is rather a decisive test of which future the EU is going to choose.

Turkish Uncertainties

These European uncertainties are matched by Turkish uncertainties. They are twofold. First, there are far more internal political, social and cultural uncertainties in Turkey than in any EU member state concerning application for membership. Second, there are specific Turkish uncertainties related to Turkey's future international position and role.

The internal Turkish uncertainties are causing anxiety among the wider public all over the Union. They have a long history. After the First World War the former Ottoman officer Kemal Pasha, who took the name Kemal Atatürk, launched the project of transforming the remaining central part of the Ottoman Empire into a modern nation state. In the beginning his state model was France. For modernization the model was Europe. Thus Atatürk's project was the Europeanization of Turkey and the Turks. But this did not mean that Turkey was to be considered a part of Europe.

It is necessary to recall that even after more than 80 years Atatürk's project is still unfinished and it seems uncertain whether it will ever be finished in a satisfactory way. This is because the policy shows too little consideration for the individual needs of citizens, and in particular of those of them who are not ethnic Turks.

Today Turkey presents itself to Europe as a country in which radical nationalism and religious fundamentalism are decisive political forces, and where much depends on military rule, and democratic procedures,

independent jurisdiction, and the protection of human and civil rights are below the standards of all new member states at the time of accession. The problems connected with the Armenians and Kurds create strong and lasting doubts in Europe concerning whether satisfactory standards will be reached in the foreseeable future.

Certainly, there have been improvements in recent years. But a number of the changes claimed by Turkey seem to exist only on paper and the will for further improvements seems to have waned. The list of shortcomings is long, including in areas of great importance to the EU and its citizens. For example, while in Europe it is an official offense to deny the Holocaust, in Turkey it is an official offense to acknowledge the massacre of the Armenians. While in the EU Gaelic, the Irish language, was recently declared an official language, minorities in Turkey still have difficulties using their own languages. Furthermore, in the EU Muslims have more rights than Christians in Turkey, while the Turkish offense of insulting the Turkish state looks rather exotic in European eyes, to say the least. Apart from all that, the necessary changes concern matters which are deeply rooted in history, political culture and religious belief and so will be extremely difficult to handle. Further, there seems to be no power in Turkey strong enough to do the job. The military community backs secularism against religious fundamentalism, but is equally enthusiastic for extreme nationalism, including suppression of the liberties of ethnic and cultural minorities (to force them to become really »Turkish Turks«).

Another Turkish uncertainty was demonstrated in summer 2005 when the European Commission presented to the European Council its report on whether Turkey had fulfilled the requirements for negotiations on EU accession. Practically at the same time, in the Turkish Parliament some deputies of Prime Minister Erdoğan's party initiated a law that would make divorce (once again) a criminal offence. In Europe the reaction was a wave of criticism, especially in the mass media. Prime Minister Erdoğan's comment was that Turkish laws are made in Turkey and nowhere else. By this statement he made clear that every change in Turkey made now with a view to Turkey's EU accession could subsequently be changed back.

The European treaties have two kinds of contents: first, regulations that establish common European law and second, declarations that set out common values and convictions: the former concern primarily the economy, the latter primarily ethics, human and civil rights, freedom of

the media and so on which can be found in the Charter of Basic Rights. Violations of the regulations can have substantial consequences, but violations of principles have none. If a member state of the euro-zone violates euro-rules it can be fined, but if a member state violates the civil liberties of its citizens nothing serious can happen. And it is exactly this field of common European values and convictions in which most Turkish shortcomings can be found.

Europeans are receiving an uninterrupted flow of disturbing news from Turkey and many are afraid that Turkey's political culture would not change with EU accession. Many Europeans are afraid that changes made now with a view to EU accession would be reversed once Turkey becomes – irrevocably – an EU member. It cannot be denied that all these apprehensions seem to be based on an underlying cultural fear: the cultural effect which 90 million Muslim Turkish citizens could cause in the Union. This fear might be unfounded but it cannot be denied that there are historical, cultural and social differences between Europeans and Turks which can be summarized by a statement of the former German Chancellor Helmut Schmidt: »They are not suited to us.«

Effects of Turkish EU Membership

The possible effects of Turkey's accession to the EU cannot be predicted with precision. But it can be assumed that there would be three kinds of problem: first, problems within the existing EU states related to the harmonization of specific elements and structures of Turkish civilization and society with European civilization and society; second, problems within the EU caused by the entry of a nation state of the size of Turkey; and third, the international effects of Turkish EU membership.

One problem would be how Turks came to settle in other EU states, once they were granted full freedom of movement: primarily in groupings or individually, spread out all over the country of residence? Immigrants living in closed communities usually have more social, cultural and political difficulties living in harmony with the native citizens of their host country. The question is, would Turkish EU citizens living in other EU states rather become citizens of their host country or would they form parallel societies of their own? This question gains additional weight as Europeans are witnessing efforts made by Turkish political, social and cultural institutions to target Turkish immigrants in EU coun-

tries to manipulate them for nationalistic and other purposes. Ultimately the nature of such influence would depend on the Turkish uncertainties already mentioned, though they may change over time. Given the general freedom of movement within the EU internal instability in Turkey could increase migration flows to other parts of the EU. This, certainly, would be in full compliance with the European treaties, European policy and European normality, but it could be considered a threat by the countries receiving the migration flows.

None of this has anything to do with real or assumed differences between Islam and Christianity nor with ethnic considerations. Widespread European concerns rather have to do with social and political questions concerning Turkey after EU accession, above all the three basic questions: first, what role can basic European values play in future Turkish society and in particular in the communities living in other EU states? Second, would such values be fully consolidated within Turkish society? And third, would they be respected by Turkish institutions? These questions arise primarily because the cultural and national identities of European peoples and states are rooted in the common European cultural ground in which they have grown for nearly two thousand years. The non-European ground in which Turkish society is rooted is obviously of another kind. Therefore the question is whether social, cultural and political harmonization equal or similar to that existing between current EU states would be possible between the EU and Turkey. Or would Turkey's accession to the EU perhaps only be possible if either the Europeans or the Turks were ready to give up essential parts of their cultural identity? And if this were necessary, could it really be Europe's task to force such harmonization or standardization on Turks and Europeans for the sake of a political project?

These questions are related to the argument that Turkey's EU accession would be an historic opportunity to make Turkey a part of Europe, in other words to Europeanize Turkey and the Turks completely. But this argument awakes memories of European colonialism in the nineteenth and twentieth centuries. The question is: shall Turks be Europeanized in Europe the European way at a time in which the Kurds and other ethnic groups in Turkey are being made Turkish the Turkish way? On the other hand, so-called »European values« frequently contain in the public perception elements that would normally merely be summarized by the more modest term »European way of life.« This is certainly a rather narrow-minded or rather a wrong perception. But it is a political fact.

Apart from the internal Turkish and European-Turkish problems the EU itself, after its extension from 12 to 27 members, is in a fragile condition. It is in real danger of overstretch, with the risk of damaging its cohesion. Taking everything together, the experiment of including Turkey in the EU would be a tremendous and incalculable risk for the Union and there is not the slightest advantage for the EU that could justify such a risk. From the point of view of European interests the inclusion of Turkey in the EU would be irresponsible.

In this context it is no coincidence that exactly those Europeans and European governments who are striving for a more loosely conceived common-market EU also argue for Turkish EU membership. Among other things they reason that an ever larger EU would have an ever growing weight and influence in world affairs. This reasoning, however, is simply wrong. Experience inside the EU provides evidence that international organizations become weaker the more members they have. Today's EU lacks cohesion, something which is particularly visible in relation to the EU's position in international relations.

The EU's ability to act in world affairs as a single entity is still limited. The effects of Turkish EU membership on this could only be negative. The EU would have common borders with Georgia, Armenia, Iran, Iraq, and Syria. Politically it would thus automatically be part of the Middle East and its political problems, including above all the situation in and around Iraq and the Israeli-Palestinian conflict. The common European policy towards and within that region would quite naturally be strongly influenced by the interests and policy of its large member Turkey, which as an EU member would be neighbor and part of that region at the same time.

Turkish foreign policy, moreover, is no longer the rather passive policy familiar since the Second World War and concentrating essentially on NATO and the alliance with the USA. Since the beginning of the war against Iraq and the Turkish refusal to let American forces pass through Turkey Turkish foreign policy has not only loosened its ties with the USA but has begun to be active in the Middle East on a pro-Islam and pro-Arab basis. A recent opinion poll, for instance, showed that in Turkey Iran is twice as popular as the USA. Therefore although what the advocates of Turkish EU membership cheerfully label the Turkish role of a bridge between Europe and the Middle East will come into being, its nature may be precisely what Europeans who hope for ever closer union and a common EU foreign policy fear: the possibility and perhaps even

the necessity of a Turkish orientation sometimes in the European, but at other times in another direction.

Furthermore, after Turkey's EU accession an application from Israel for EU membership could be expected with certainty. Israel considers itself as a European state situated geographically in the Middle East. The idea of Israeli EU membership is already being discussed in political circles in Israel and the USA. It is a fair guess that pressure from the USA in favor of Israeli EU membership would certainly not be weaker than the pressure in favor of Turkey. There can be few doubts concerning how the EU, taking into account history and with – by then – over 100 million Muslim EU citizens would react to such an application. With Israel as an EU member the EU among other things would be an integral part of the Israeli–Palestinian conflict and would have to find an answer to the question of whether the Palestinians, too, should become EU members.

In addition, accession of the non-European state Turkey to the EU could have consequences for other non-European countries. Algeria (i. e. the former three home »departments« of the founding EU member France) might take an interest in joining. So might the former French protectorates Morocco and Tunisia. In fact, Morocco has already applied for EU membership: in 1987 the EU – which in the same year had declined negotiations with Turkey – refused Morocco's application on the grounds that it was not a European state. An argument which, after Turkish accession, naturally could no longer be used.

Another particular problem would be created by Turkish EU membership in view of the EU's neighbors east of Europe. If non-European Turkey, which has only a very short common border with the EU, were to become a member of the Union, how could membership be refused to Belarus, Ukraine and Moldavia, which have long common borders with the EU and which believe strongly that they belong to Europe? Turkish EU membership would mean the end of Europe as an actor in world affairs, the end of a closely unified Europe and the beginning of all kinds of negative uncertainties for European cooperation.

Prospects

To sum up, the EU's legal foundations do not permit Turkey's accession to the Union. Further arguments against include the historical and political foundations of the EU, as well as the European and Turkish uncer-

tainties and the probable effects of accession. The arguments in favor of accession as presented within the EU, primarily by advocates of a more loosely constructed Union, and outside the EU by Turkey and the USA, are weak, and so far nobody has been able to explain what the real interest of the EU might be in such an extension. If the EU does not stick to the limits laid down in its treaties it will open up a Pandora's box which cannot be closed.

As far as further developments are concerned it is undeniable that the kind of political action taken by the EU, the USA and Turkey has brought the EU and Turkey into a situation from which there seem to be only two ways out: either Turkey is or is not accepted by the EU as a member. Both options would be equally bad and the positions of both sides have been emotionalized. But changes may have begun to occur in what surrounds the so-called negotiations between the EU and Turkey, changes due partly to the manner in which these negotiations are being conducted and partly to new ideas emerging within the political classes and wider public of both the EU member states and Turkey.

Recent public opinion polls show that in most member states approval of Turkish accession is in decline, even in the UK and Spain. This is due not merely to specifically Turkish factors, but also to a general concern within EU states about any further EU extension within the foreseeable future. The European Parliament voted last year by a large majority to develop, besides membership or non-membership of the EU, additional forms of partnership with its neighbors. Meanwhile, there are signs that the unanimity required for Turkey's accession may not be assured, while in Turkey there are signs that EU accession is no longer as popular as it once was. It seems not impossible that the EU and Turkey are getting on the right track to discover possibilities of close cooperation this side of full EU membership.