

Entrapped Again: The Way to EU Membership Negotiations with Turkey

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Entrapped Again: The Way to EU Membership Negotiations with Turkey

Abstract

The membership of Turkey is one of the most controversial external relations issues of the EU. In a comparison of four instances of decision-making on accession negotiations with Turkey between 1997 and 2006, this paper explains why and under which conditions Turkey has progressed on the way to EU membership in spite of persistent and increasing divergence of membership preferences. In line with the entrapment hypothesis of normative institutionalism, the analysis shows that Turkey and its supporters within the EU have been able to overcome the opposition to its membership bid to the extent that Turkey followed the fundamental norms of the EU.

Introduction

The opening of accession negotiations with Turkey was one of the most controversial external relations decisions the European Union (EU) has ever taken. Whereas there is general agreement among the member states that Turkey is an important strategic partner and should be closely associated with the EU, the prospect of full membership was bound to arouse skepticism. First, the country is relatively poor and agricultural. According to figures for 2005, Turkey's GDP per capita reached only 28 percent of the EU average – less than any of the member states.¹ The Turkish agricultural sector is still the largest economic sector and employs around one third of the workforce (as compared to an average of 5 percent in the EU). Turkish membership is thus likely to increase the divergence of living standards in the EU, create a high potential for labor migration, and instigate demand for high net payments from the structural and agricultural funds.

Second, the impact of socio-economic divergence is magnified by the size of Turkey's population. With more than 70 million inhabitants, Turkey would currently be the second-largest member state and is likely to surpass Germany by the time it joins the Union. Although the EU's institutional rules reduce the effect of population size on political power, Turkey would rank among the big member states with regard to seats in the European Parliament and votes in the Council and could gain at least considerable blocking power.

Third, Turkey's European identity is controversial. Obviously, the largest part of Turkey's territory is geographically located in Asia. The core issue, however, is culture. Even though the Turkish state is staunchly secular, Muslim religious beliefs are deeply entrenched in a population that has been relatively untouched by secularization and religious tolerance.² In addition, democracy – a core marker of EU identity – has been of a comparatively authoritarian and illiberal variety in Turkey. The strong involvement of the military in politics, the lack of rights for national minorities, limits on the freedoms of belief and expression, and the practice of torture have been among the most frequently named deficiencies. In sum, Turkey would increase heterogeneity in the EU considerably and add to the decision-making and distributional problems of the Union.

Correspondingly, public skepticism and opposition toward Turkey's accession has been strong in the EU. Support for Turkey's membership has remained at only around 30 percent for the last decade – the lowest approval rating for all candidate countries. What is more, popular opposition to Turkish membership has increased rather than weakened during Turkey's candidacy – from 47 percent in 1999 to 55 percent in 2005.³ In addition, Turkish accession to the EU has become a divisive issue of domestic politics in many old member states – including France and Germany.

Finally, the decisions to give Turkey a membership perspective and to open accession negotiations have been highly controversial among member state governments and have tended to produce long and conflictive negotiations as well as uneasy compromises at intergovernmental meetings. After Turkey's application for membership in 1987, the Commission formulated a negative Opinion in 1989. During the 1990s, a substantive group of member state governments blocked giving Turkey a general prospect of membership similar to that of the Central and

Eastern European countries. When the EU finally accorded Turkey candidate status at the Helsinki European Council in 1999, deep divisions regarding the desirability of Turkish accession persisted. In 2005, before the EU opened accession negotiations with Turkey, Austria and Cyprus threatened to veto the decision. Reflecting the divisions among the member states, the Negotiating Framework declared accession negotiations as ‘open-ended’ and contained provisions for the suspension of talks. They envisaged no less than ten years of negotiations, long transition periods and permanent safeguard clauses. Moreover, Austria and France announced that they would hold referendums on the accession of Turkey – the first referendums on enlargement in an old member state ever. In 2006, after Turkey had failed to extend the Customs Union to Cyprus, some member governments demanded to suspend the accession talks altogether. The compromise reached in December 2006 froze eight negotiating chapters.

Given the fundamental problems of Turkish membership, the popular skepticism and the strong and persistent divisions among the member states are hardly surprising. Rather, it is puzzling that the EU has been able to agree on offering Turkey the concrete prospect of EU membership in 1999 and opening accession negotiations in 2005. This is what the paper seeks to explain. More precisely, it traces the process from divergent member state preferences to common policies toward Turkey. Rather than discussing once again the costs and benefits or the merits and liabilities of Turkey’s membership, and rather than explaining why individual governments are for or against the accession of Turkey, the paper takes the divergence of member state preferences in the late 1990s as its starting point.

The paper puts forward a normative institutionalist explanation (Thomas 2008) of how agreement on the opening of accession negotiations was reached and maintained in spite of persistent and, indeed, increasing differences among major member states. More precisely, it

follows the entrapment hypothesis: Its fundamental community norms oblige the EU to consider all applications from European countries according to the same standards of liberal democracy. Turkey's application could thus not be dismissed by reference to socio-economic or cultural incompatibility. To the extent that Turkey complied with liberal-democratic norms, member states opposed to Turkish membership for economic or cultural reasons could not legitimately block the path to accession but were rhetorically entrapped. This entrapment process was supported by the fact that the Commission was in charge of preparing the progress reports on Turkey. By basing its assessments and conclusions on the liberal-democratic accession criteria, it set the agenda for the ensuing intergovernmental negotiations and framed them in favor of norm-consistent decisions. With regard to the alternative hypotheses, the paper will show, on the one hand, that governmental preferences have not converged over time. Even though some governments have modified their positions, such changes have been the result of changes in government – and not the outcome of policy learning or normative suasion. On the other hand, whereas competitive bargaining on the basis of exogenous preferences was indeed the dominant pattern of interaction, normative constraints prevented the process from resulting in deadlock or Lowest Common Denominator (LCD) policy.

The opening of accession negotiations with Turkey provides a 'hard case' for the normative-institutionalist explanation of enlargement developed in the context of the EU's Eastern enlargement (Schimmelfennig, 2001; Sedelmeier, 2005). While the initial conditions are similar in both cases – divergent member state preferences and net costs for the EU in comparison with the status quo of association – the opposition to Turkish accession runs deeper, and the potential costs of Turkish membership are higher, than in Eastern enlargement. If it can still be shown that the decision-making process was effectively constrained, and that skeptical

member state governments were rhetorically entrapped, the normative-institutionalist explanation will be further strengthened. This makes the study of accession negotiations with Turkey a ‘crucial’ case study (Eckstein, 1975).

More precisely, the study will consist of four sets of observations over time. The distribution of preferences ahead of the Luxembourg European Council in 1997 and the decision not to advance Turkey’s prospect of membership serves as the starting point. The process leading to the granting of an official candidate status to Turkey in 1999 constitutes the second set of observations. This is followed by the analysis of the (linked) decisions in 2004 and 2005 to open accession negotiations. Finally, I will include the decision of December 2006 to partially suspend the accession negotiations until Turkey fully extends the Customs Union to Cyprus. In all of these decisions, member state preferences have been divergent. Comparing two decisions advancing (1999 and 2004/2005) and two decisions inhibiting Turkey’s progress toward membership (1997 and 2006) gives us the opportunity to learn more about the conditions under which divergent preferences are transformed into common policies. On the one hand, the comparison shows that entrapment has increased in strength over time. While it has contributed to but was not ultimately relevant for the favorable decision of 1999, the decision to give Turkey an explicit membership perspective and link the opening of accession negotiations to the fulfillment of liberal-democratic political set the stage for the rhetorical entrapment that was to follow in 2004/2005, when the Commission certified that Turkey had made significant progress in complying with the EU’s political norms. On the other hand, the 2006 decision demonstrates that rhetorical entrapment only works to constrain the skeptical member-state governments if candidates continue to comply with fundamental community norms and fulfill their promises. By refusing to implement the Customs Union with Cyprus, Turkey provided those member states

that were principally opposed to Turkish accession with legitimate grounds to demand the partial suspension of the accession negotiations. In the remainder of the paper, I will analyze the preferences of the member states over time, develop theoretical expectations about the path from divergent preferences to common policies, and finally trace the intergovernmental negotiation processes of 1999, 2004/2005 and 2006.

Member State Preferences

The analysis of preferences is based on a selection of those member state governments that have actively participated in the debate during the period of observation by taking a public position for or against advancing or blocking progress toward Turkish accession. The selection privileges those governments with extreme positive or negative positions and is likely to neglect governments that were undecided or held moderate views. It is not the aim of this section, however, to give an accurate description or explanation of the distribution of preferences. Rather, it is intended to show that member states have held intense and highly divergent preferences on Turkish membership; that divergence has persisted over time; that changes in government preferences have been the result of domestic developments; and that reluctance toward the accession of Turkey has increased rather than decreased during Turkey's candidacy. Thus, this section provides evidence against the hypothesis of preference convergence as a result of policy learning or normative suasion. The sample contains the 'big four' member states Britain, France, Germany, and Italy, Turkey's two neighbors Cyprus and Greece, and a few smaller countries from different groups of member states (Austria, Denmark, the Netherlands, and Poland).

Table 1 shows the positions of the governments. The plus sign stands for a position in favor of advancing Turkey's membership prospects; the minus sign indicates a preference for

blocking these prospects. In 1997 and 1999, this meant being in favor of or opposed to giving Turkey a concrete membership perspective by according the country candidate status. In 2004/05, this meant being in favor or opposed to opening accession negotiations with Turkey. In 2006, the minus sign stands for suspending many negotiating chapters and creating institutional hurdles for resuming negotiations; the plus sign indicates a preference for not freezing negotiations at all or suspending only a few chapters.

-- Table 1 about here --

In 1997, the opponents of granting Turkey candidate status were in a clear majority. Principled opposition based on cultural grounds could be found among the Christian Democrat and conservative parties. In March 1997, the group of the European People's Party in the European Parliament framed the EU as a Christian community and categorically excluded the membership of a Muslim country. The conservative heads of government of Belgium, Germany, Ireland and Spain supported this declaration (Reuter, 2000, 51). Because of its territorial conflicts with Turkey and the Turkish occupation of Northern Cyprus, Greece was another principled opponent of Turkish membership. Other member states, in particular in Northern Europe, stressed the deficient human rights situation in Turkey. This position, however, resulted in a conditional rather than principled rejection of Turkish membership. Whereas Turkey could hardly change its Muslim population, it could do something to improve its human rights record. Moreover, this position would not have precluded linking progress toward membership to liberal democratic reforms. France and Italy appeared to be most inclined to grant Turkey a more concrete membership perspective. After the Luxembourg summit, both French president Jacques Chirac and Italian foreign minister Lamberto Dini expressed their regret that a more open policy toward Turkey – an important strategic partner for stability in the Mediterranean – had not been

possible because of mainly German and Greek opposition.⁴ Italian Prime Minister Romano Prodi claimed to have been the only Christian Democrat leader to have dissociated himself from the principled, culture-based opposition of his party family (Engert, 2004: 57). Finally, while the UK has been the most consistent advocate of integrating Turkey among the member states, Austria has been an equally consistent adversary through the period of investigation.

In light of this constellation, the most consequential change between 1997 and 1999 was the softening of the German and Greek positions. The causes of this change were predominantly domestic. In Germany, the center-right government was replaced by a coalition of the Social Democrats and the Greens in 1998. Whereas the Christian Democrats continued their principled rejection of Turkish membership in the opposition, the new government did not share the religious-cultural concerns of its predecessors and advocated a proactive strategy to bring Turkey in line with European norms and closer to membership.⁵ In Greece, the hardliner foreign minister Theodore Pangalos was replaced with George Papandreou in 1999. He stood for a new foreign policy outlook advocating the inclusion of Turkey as a way of solving the security problems in the Aegean Sea cooperatively. In addition, the earthquakes in Turkey and Greece in the summer of 1999 brought about a wave of mutual sympathy and help in the Greek and Turkish publics, which supported a more accommodating foreign policy. The positions of the other member states remained basically stable (Önis, 2000, 473).

Due to domestic changes and pressures in the member states, the overall constellation of preferences became less favorable to Turkish accession in 2004 and 2005.⁶ In France, President Chirac continued to support the opening of accession negotiations but his own center-right political camp voiced clear opposition against admitting Turkey. This weakened the French support for Turkey, which became even more lukewarm after the government's defeat in the

referendum on the Constitutional Treaty in 2005. In Germany, the situation changed in a similar direction when the Grand Coalition took over in 2005. Whereas in 2004, the 'red-green' government had been strongly in favor of opening accession negotiations, the new chancellor Angela Merkel and her party proposed a 'privileged partnership' rather than membership during the election campaign. In the Netherlands, Prime Minister Jan-Peter Balkenende and his foreign minister had advocated a quick start of negotiations but also came under increasing domestic pressure from their own center-right camp, not least after the failed referendum on the Constitutional Treaty.

The new member state Poland followed the UK (and US) lead in welcoming the eventual accession of Turkey to the EU. So did the Danish, Italian and Spanish governments. By contrast, the government of Cyprus (representing the Greek part of the Island) sought to block any further accommodation of Turkish membership interests unless Turkey fully recognized the Republic of Cyprus.⁷ Greece aligned itself with the Cypriot position and put its own territorial conflicts with Turkey on the agenda again. Austria threatened to block the opening of accession negotiations unless the Negotiating Framework explicitly named alternatives to full membership as the goal of negotiations.⁸

Finally, at the end of 2006, the member state governments remained split in similar ways over the question of sanctioning Turkey for not extending its Customs Union with the EU to Cyprus. Whereas the pro-Turkey faction advocated milder sanctions, the opponents of Turkish membership used Turkish non-compliance to demand the suspension of more than eight chapters or even a new consensual decision of the Council before accession negotiations could be resumed. Both Merkel and Chirac asked for an 18-month deadline for Turkey to comply with the Additional Protocol to be followed by a review of the accession negotiations in the Council.

Cyprus, Greece, and Austria were also reported to favor tougher measures against Turkey. In contrast, the UK, Sweden, and Spain opposed further obstacles and would have preferred suspending less or none of the negotiating chapters. Denmark's Prime Minister Fogh Rasmussen supported the partial suspension proposed by the Commission.⁹

In sum, three patterns can be detected. First, member government preferences have remained divergent throughout the period of investigation. Second, whereas the positions of some governments have changed over time, these changes are best explained by domestically induced changes in government and not as the product of international processes of learning or persuasion. Third, from 1999 to 2006, the distribution of governmental preferences has become more negative for Turkey. At the same time, the EU has paved the way for entering into accession negotiations. This opposite movement of preferences and policies constitutes the main puzzle to be explained.

Democratic norms and European promises: the normative context of EU-Turkey negotiations

The institutionalized normative context of the European Union – its 'community environment' – constrained the EU negotiations on the question of Turkish accession in significant ways. It assigned different degrees of legitimacy to the divergent preferences of the member states and to their arguments for or against Turkish membership. It thereby strengthened the negotiating power of those actors whose preferences and arguments were in line with the community norms of enlargement and worked in favor of a norm-consistent negotiation outcome.

The core identity of the European Union as established in the Treaties is that of a pan-European liberal democratic community. States that share this identity are legitimate members of the community. Correspondingly, the core enlargement criteria of the European Union state that candidates need to belong to 'Europe' and conform to the basic norms of liberal democracy. Article 6(1) of the Treaty on European Union (TEU), first codified in the Maastricht Treaty of 1991, declares that the 'Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States'. Accordingly, the Treaty's enlargement article (Article 49) stipulates: 'Any European state which respects the principles set out in Article 6(1) may apply to become a member of the Union.' These principles were reaffirmed in the so-called Copenhagen criteria of enlargement agreed at the European Council of June 1993, which required of prospective members 'the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities' and 'the existence of a functioning market economy'.

The Association Agreement between the European Economic Community and Turkey was signed in September 1963 and, in Article 28, envisaged that 'the Contracting Parties shall examine the possibility of the accession of Turkey to the Community', as soon as the economic association and the customs union had 'advanced far enough'. Although the Agreement did not prescribe an automatic transition from association to membership, it established an unequivocal membership perspective for Turkey. At the time, Commission President Walter Hallstein also clearly declared that 'Turkey is a part of Europe [...] geographically [...] historically [...] militarily, politically, and economically'.¹⁰ In 1996, the Customs Union between Turkey and the EU entered into force. Thus, the objectives of the Association Agreement had been put into

practice. The only remaining legitimate criteria for blocking the path towards Turkey's membership in the EU were the democratic and human rights conditions in the country.

The entrapment hypothesis thus generates the following testable expectations for different stages of the accession process:

1. The EU officially judges and decides the eligibility of Turkey to accession negotiations on the basis of the democratic and human rights situation in the country. Conversely, all other criteria that shape the preferences of the member states and the debate on Turkey's membership in the EU – be they religious-cultural, economic, geographic, or military-strategic – are of lower legitimacy and therefore not part of the discourse of the EU, or only marginally so, as represented in the official documents of the EU organizations. Moreover, the general eligibility of Turkey to EU membership is not questioned officially.

2. Turkey's status of candidate for membership is a consequence of its recognized status as a 'European' country and the attainment of the preceding and preparatory institutional steps. Blocking candidate status becomes the more difficult to sustain, the more countries in a similar situation are granted a membership perspective. Advocates of candidacy status point successfully to the need of the EU to keep its membership promise (made from the Association Agreement onwards) and to treat all applicants equally according to the enlargement criteria of the EU.

3. The opening of accession negotiations depends on Turkey's compliance with the constitutive political norms of the EU. Blocking accession negotiations becomes the more difficult to sustain, the more Turkey complies and the more the European Commission, the authoritative EU organ for reviewing the fulfillment of accession criteria, confirms compliance. Advocates of accession negotiations with Turkey point towards Turkish progress in meeting the EU's criteria and call on the EU to keep its conditional promise of membership.

4. Progress in accession negotiations equally depends on compliance with the constitutive political norms of the EU (in addition to the technical rules of the *acquis communautaire*). Only a breach of these norms (or the promises made to respect them) constitutes legitimate grounds for suspending or cancelling these negotiations. Opponents of Turkish membership are generally entrapped as long as Turkey conforms to EU norms but otherwise can successfully point to norm violations.

Granting Turkey Candidate Status: Strategic Interests and Preference Change

At the meeting of the EC-Turkey Association Council in April 1997, the EU reaffirmed that Turkey was eligible for membership and that it would be judged on the same criteria as the other applicant countries. In December 1997, however, the European Council at Luxembourg followed the Commission's 'Agenda 2000' recommendations to further develop relations between the EU and Turkey but to exclude the country from the list of candidates for membership and from the Union's 'pre-accession strategy'. The Commission justified its recommendation on the grounds that Turkey did not fulfill the Copenhagen criteria. The Freedom House ratings for liberal democracy listed in Table 2 reveal that this recommendation was entirely consistent with the fundamental community norms of the EU and did not constitute a discrimination of Turkey. On the scale of the Freedom House Index (FI), which runs from 1 (full liberal democracy) to 7 (full autocracy), Turkey scored a poor 4.5. A southeast European regional comparison shows that Bulgaria and Romania, which were given candidate status in 1997, scored significantly better (2.5 and 2), whereas Croatia, which was rated only slightly better than Turkey, was also excluded.

-- Table 2 about here --

Although only a few, mainly Northern, member states had focused on Turkey's domestic political deficiencies as their main reason for refusal, the 1997 decision not to grant Turkey candidate status was thus in line with the community norms and could not be challenged legitimately by Turkey or the proponents of a more accommodating strategy. In its conclusions, the European Council reaffirmed Turkey's eligibility to membership in principle and reminded Turkey that progress in its relations with the EU depended on the continuation of political and economic reforms. Thus, neither the culture-based and categorical opposition of the Christian Democrat governments nor the strategic interests of the UK and some of the Mediterranean countries were officially recognized as legitimate grounds.

Two years later, at the Helsinki summit of 1999, the European Council concluded that 'Turkey is a candidate country destined to join the Union on the basis of the same criteria as applied to the other candidate states' and 'will benefit from a pre-accession strategy to stimulate and support its reforms'. However, this change in EU policy cannot be attributed to an improved compliance of Turkey. Although the Helsinki Council welcomed 'recent positive developments in Turkey', the political situation had not substantially improved. In its Regular Report of 1999, the Commission found that 'the situation concerning civil and political rights in Turkey has not evolved significantly'.

Yet Turkey's non-candidate status became more and more awkward as an increasing number of countries in Turkey's neighborhood obtained a membership perspective. First, the EU decided to open accession negotiations with another group of five candidate countries in 1999, including Bulgaria and Romania. The other countries of the Balkans were promised eventual membership at the Cologne Council in June of the same year. In this situation, the advocates of a

candidate status for Turkey invoked the credibility of the EU and referred to its obligation to heed past promises. For instance, the new Commissioner for enlargement Günter Verheugen stated that ‘if there were no history to the Union’s relations with Turkey, we could consider a completely different strategy’, such as ‘a highly developed association. ... History, however, precludes this option.’¹¹ Whereas the advocates conceded that Turkey did not currently fulfill the political criteria to open accession negotiations, they claimed that candidacy status would provide a strong incentive to reform.¹²

It is questionable, however, whether these arguments were either necessary or sufficient to bring about the decision to grant Turkey candidate status. A more plausible explanation combines the perceived need to upgrade the Turkish status for strategic reasons with a change in pivotal member state preferences. For one, the member states were surprised by the harsh reaction of the Turkish government to their 1997 decision. Turkey refused to participate in the European Conference set up in Helsinki for the ‘European states aspiring to accede to’ the EU, blocked meetings of the EU-Turkey Association Council, suspended talks on the solution of the Cyprus conflict, and threatened to veto the use of NATO facilities for EU military missions. There was a widespread perception that the EU had to make an accommodative gesture to safeguard the strategic partnership and to ensure Turkey’s cooperation on these important security issues (Önis, 2000, 470).

Crucially, the change in German and Greek preferences made this concession possible (Müftüler-Bac and McLaren, 2003). Whereas the new German government under Chancellor Schröder had already declared itself in favor of ‘candidacy status’ at the Cologne Council of June 1999, Greece still prevented the Council from adopting any new conclusions on Turkey. It required the change at the top of the Greek foreign ministry and the improved climate after the

earthquakes in the summer of 1999 to overcome Greek resistance. This sequence of events prior to the Helsinki Council demonstrates the relevance of exogenous changes in preferences. 'For the first time in EU history, no country was determined to prevent Turkey from becoming an eventual member' (Rumford, 2002, 55).

In sum, the 1999 decision to accord Turkey the status of a candidate for membership was not the result of learning, suasion, entrapment, or cooperative bargaining. Rather, the domestically induced softening of the preferences of the two main opponents of Turkish membership moved the lowest common denominator from 'no candidate status' to 'candidate status'. Thus, the 1999 decision is best explained in an intergovernmentalist perspective. At the same time, however, this decision created the conditions for entrapment to become effective in the future.

Opening Accession Negotiations: Normative Coherence and Rhetorical Entrapment

The common policy decided at the Helsinki Council reflected member state agreement on enhancing Turkey's status but not a consensus on the desirability of Turkish membership. In addition, it was certainly facilitated by the perception that actual accession negotiations would be a matter of the distant future. Together with granting Turkey the status of a candidate, the EU emphasized that the opening of accession negotiations would require compliance with the Copenhagen political criteria on which Turkey had made no substantive progress in the past.

At the same time, candidate status changed the institutional context of future decisions on Turkey's membership. First, it not only renewed but also considerably strengthened the rather vague membership commitment of the 1963 Association Agreement. Second, it strengthened the

role of the Commission in the process. It was now up to the Commission to assess Turkey's progress with regard to the Copenhagen criteria and to recommend the opening of accession negotiations. Third, it constrained the EU to use the same criteria for Turkey that it had used for the Central and Eastern European countries. Consequently, Turkey's application would be judged primarily on the merits of democracy, human and minority rights, and the rule of law. Cultural, religious arguments were excluded from the assessment, and criteria of economic performance were of secondary importance only. This meant that Turkey could be certain to enhance its prospects for accession negotiations by improving its dismal human rights record and that it would become difficult for the principled opponents of Turkish membership to block the opening of accession negotiations if Turkey fulfilled the political criteria. As a result, the credibility of Turkey's membership perspective was significantly enhanced: it became worthwhile for the Turkish government to engage in domestic reform.

In October 2001 and August 2002, the Turkish government introduced two reform packages. By abolishing the death penalty in peacetime and allowing the teaching of Kurdish and its use in radio and TV broadcasts, Turkey fulfilled two core EU demands in the fields of human and minority rights. In its Regular Report of 2002, the Commission therefore concluded that 'Turkey has made noticeable progress ... [but] does not fully meet the political criteria' (2002, 139). Moreover, the Commission demanded to see the implementation in practice as well as further progress especially in the fields of freedom of expression, the fight against torture and civilian control of the military (2002, 47).

The European Council meeting in Copenhagen in December 2002 also welcomed 'the important steps taken by Turkey towards meeting the Copenhagen criteria' and concluded: 'If the European Council in December 2004, on the basis of a report and a recommendation from

the Commission, decides that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay.’ This promise demonstrates the institutional and normative constraints set up by the candidate status. The decision was to be based on the *political* Copenhagen criteria only, and the assessment on whether these criteria were met was delegated to the Commission. This tangible goal prompted the Turkish government to accelerate the pace of reform. In addition, the prospects for success were strongly improved after the change in government to the moderately religious AKP, which was not part of the Kemalist establishment.

Among other things, Turkey continued judicial reform (including the abolition of the State Security Courts), amended the Penal Code, and ratified Protocol 13 to the European Convention on Human Rights abolishing the death penalty under all circumstances. In 2003 and 2004, Turkey also tackled the two main remaining and most politically sensitive demands of the EU: the civilian control of the military and Cyprus. The National Security Council, formerly a military-dominated *ubergovernment*, was transformed into a civilian-led and consultative body. It was further decided that the defense budget would be monitored by parliament and that the military would cease to be represented in civilian fields such as education and broadcasting. Finally, in April 2004, the Turkish northern part of Cyprus accepted the United Nations’ Annan plan for a peaceful reunification of Cyprus.

Turkey’s undeniable progress on the way to liberal democracy (see Table 2) and its compliance with the Copenhagen political criteria could, of course, not convince those that opposed the membership of Turkey in principle. Not only were the member state governments divided as ever (see Table 1) but two of the major leaders in favor of Turkish membership – French president Chirac and German chancellor Schröder – came under increasing domestic

pressure. Whereas in the German case, resistance was mobilized only by the opposition, Chirac lost the support of his own party. On the one hand, Chirac (usually not an ardent supporter of Commission power) began to hide behind the reports of the Commission and the promises made to Turkey and claimed that governments had to follow the Commission's recommendations and open accession negotiations if Turkey fulfilled the Copenhagen criteria. On the other hand, he began to cater to the domestic opposition by stating that France pursued a neutral stance toward Turkish membership¹³ and by conceding, in October 2004, that the ratification of Turkish accession would become the subject of a referendum. During the intergovernmental meetings at European level, however, he remained in line with the common policy.

In its Regular Report of 2004, the European Commission presented a very detailed and balanced assessment of the political Copenhagen criteria. 'In conclusion, Turkey has achieved significant legislative progress in many areas, through further reform packages, constitutional changes and the adoption of a new Penal Code, and in particular in those identified as priorities in last year's report and in the Accession Partnership. Important progress was made in the implementation of political reforms, but these need to be further consolidated and broadened' (Commission 2004a, 55). However, the Commission's recommendation was unambiguous: 'In view of the overall progress of reforms, and provided that Turkey brings into force the outstanding legislation mentioned above, the Commission considers that Turkey sufficiently fulfils the political criteria and recommends that accession negotiations be opened' (2004b).

In December of the same year, the European Council accepted the Commission's assessment and followed its recommendation under two conditions. First, Turkey needed to adopt six additional pieces of legislation. Second, and more controversially, the Turkish government agreed to sign an Additional Protocol to the Ankara Agreement of association that

would extend the Customs Union to all new member states including Cyprus. The Turkish Prime Minister Erdogan refused to sign the Additional Protocol at the summit but promised to do so before the actual opening of negotiations on 3 October 2005. At the same time, he insisted that this signature would not be tantamount to recognizing the Republic of Cyprus.

The year 2005 brought more difficulties for the supporters of Turkey's accession bid. First, the failed referendums in France and the Netherlands were widely interpreted not only as a negative vote on the Constitutional Treaty but also on the rapid enlargement of the EU. The opponents of Turkish accession used the referendum results as evidence for the need to change course. More directly, the referendum further weakened President Chirac. Second, the early parliamentary elections in Germany resulted in the defeat of the Social Democrat-Green government. The Social Democrats stayed in government with the Christian Democrats but had to accept Angela Merkel as chancellor, who had consistently campaigned for 'privileged partnership' rather than full membership. Thus, two key advocates of accession negotiations had become neutralized. On the other hand, the Republic of Cyprus, which had the strongest stake in Turkey's decision on the Additional Protocol, had become a member state. Thus, whereas the pro-camp was weakened, the anti-camp was reinforced by a country with particularly intense preferences.

The opponents of Turkish membership could not deny Turkish progress on the way toward liberal democracy and could not legitimately call into question the Commission's report and recommendation to open accession negotiations. However, they brought up alternative routes to block or prevent the talks and eventual membership. For one, they tried to include alternatives to full membership such as 'privileged partnership' into the Negotiating Framework. In addition, they sought to exploit the Turkish reluctance to recognize Cyprus.

Both attempts failed in 2005. Those conservative Commissioners that tried to include alternative objectives into the Commission's proposal for the Negotiations Framework had no success. The proposal listed accession as the only and 'shared objective' of the negotiations – even though these would be open-ended. Moreover, the Commission reiterated that, in contrast to the extension of the Customs Union, the recognition of Cyprus under international law was not a precondition of accession talks.¹⁴ Turkey signed the Protocol extending the Customs Union on 29 July 2005.

Yet French Prime Minister de Villepin as well as the Greek and Cypriot governments demanded the recognition of Cyprus as a precondition for opening accession negotiations.¹⁵ Moreover, the center-right majority of the European Parliament refused to ratify the Additional Protocol because Cypriot ships were still barred from Turkish ports. After weeks of debate, the EU on 21 September agreed to require Turkey to normalize relations with the Republic of Cyprus 'as soon as possible' in the course of accession negotiations (rather than before their end, as the EU had demanded before). In addition, the Additional Protocol was to be fully implemented by the end of 2006. But the Cypriot government did not achieve its goal of making recognition (and the full implementation of the Additional Protocol) a pre-condition of opening accession talks. Neither did the Austrian government succeed in including alternatives to full membership in the Negotiating Framework. After 'a pretty grueling thirty hours of negotiations',¹⁶ accession negotiations were opened in the night from 3 to 4 October without significant changes to the Framework proposed by the Commission.

In sum, the 2004/2005 decision to open accession negotiations with Turkey bears witness to the causal relevance of entrapment. The candidate status of 1999 anchored Turkey's application firmly in the normative and procedural rules of enlargement. After 1999, it was clear that Turkey's accession prospects would wax and wane with its achievements in liberal democratic reform, that the Commission would regularly assess the progress made and recommend opening negotiations when EU demands were met. When Turkey – rather unexpectedly and rapidly – demonstrated its willingness to reform and make substantial progress, the member states, including those that were principally opposed to Turkish accession, found themselves entrapped. After Turkey had fulfilled its part of the political accession conditionality deal, they were compelled to keep their part of the promise as well and could not legitimately deny negotiations. They could also not legitimately change the deal by adding new preconditions or altering the promise from membership to something less. Last-minute attempts to this effect failed. In order to placate their dissatisfied domestic constituents they could only put up a good fight and, as an instrument of last resort, promise them a referendum on Turkey's accession. As a further indication of effective constraints, the new German chancellor, Angela Merkel, has played according to the rules in spite of her domestic campaign against full membership for Turkey.

However, the opponents of Turkish membership could only be made to acquiesce in accession negotiations as long as Turkey continued to comply with EU norms and keep its own promises. Otherwise, the opponents could seize the opportunity to block the path to Turkish accession. This became obvious in the course of 2006.

Suspending Accession Negotiations: Reverse Coherence and Entrapment

With accession negotiations secured and parliamentary elections approaching, the reformist zeal of the Turkish government weakened in 2006. The Commission's regular report revealed a mixed picture with small progress in many fields and stagnation in others. The main bone of contention, however, was Turkey's refusal to fully extend the Customs Union to Cyprus. It continued to deny access to Cypriot vessels and aircraft (or those coming from Cyprus). The opponents of Turkish membership did not fail to seize this breach of international treaties and Turkish promises to demand sanctions. Now the supporters of Turkey were entrapped. The most they could try to achieve was to soften the tough sanctions demanded by the opponents.

On 29 November, 2006, the Commission presented its recommendations on the continuation of Turkey's accession negotiations: eight chapters relevant to Turkey's restrictions on Cyprus should not be opened, and no chapter should be declared provisionally closed, until Turkey lifted the restrictions against Cyprus. However, the Commission left sufficient room for the negotiations to continue, rejected calls for a deadline or the suspension of the entire negotiations, and made sure that it would be the Commission rather than the Council that reviewed Turkish compliance.¹⁷

At their meeting on 11 December, 2006, the foreign ministers of the EU accepted the recommendations of the Commission on time to get this contentious issue out of the way before the European Council meeting a few days later. After the policy was adopted, the foreign minister of Finland (holding the EU presidency at the time), stressed that 'nobody questioned the possibility of Turkey joining the EU after it fulfils all the criteria'. On the part of the brakemen, Austrian foreign minister Ursula Plassnik made clear that 'a number of areas of negotiation will have to remain on hold, but nobody will slam doors.'¹⁸ Within the camp of Turkey's supporters,

Spanish foreign minister Miguel Angel Moratinos conceded that ‘Turkey's refusal to extend an EU customs pact to all 10 nations that joined the bloc in 2004 left the EU with no option but to take action’.¹⁹

In sum, the decision of 2006 demonstrates that rhetorical entrapment cuts both ways. As long as Turkey complied with EU norms, it backed the supporters of Turkish accession and constrained the skeptics. However, when Turkey failed to comply, it gave legitimacy to the claims of the skeptics to slow down the accession process and forced the supporters of Turkey’s membership bid to join in. At the same time, however, those that had asked for a complete halt or a principled review of the accession process did not get their way. Turkey’s accession prospects, the normative conditions under which they would be realized, and the role of the Commission in the process remained intact.

Conclusions

The case of accession negotiations with Turkey is a hard case for Normative Institutionalism. Because of its geography, economy, and culture, Turkey is the most contentious candidate for EU membership ever. Because enlargement requires unanimity, member governments with strong preferences against Turkish membership could have stopped the process at every stage, as they had done in 1997. Yet entrapment has worked. Once Turkey was accepted as a candidate in 1999, when the constellation of member state preferences was particularly favorable, its further progress to membership has only depended on meeting the institutionalized enlargement criteria of the EU. When Turkey had gone a long way in fulfilling the EU’s demands, the opening of negotiation could not be denied legitimately, even though member state opposition had increased rather than softened in the meantime.

Entrapment is a conditional process, however. First, its effects depend on the strength and legitimacy of the norm. In the case of Turkey, both the high constitutional status of the enlargement rules and the recent precedent set by the Central and Eastern European countries favored entrapment. Second, it must be clearly established that the norm applies to the case at hand. Relevance increased strongly when Turkey was recognized as a candidate for membership in 1999. Third, entrapment is facilitated when there is strong role of independent actors committed to the norm. The Commission's role in enlargement demonstrates this. Finally, entrapment only works if the beneficiaries of the norm act appropriately as well. Once Turkey failed to comply with its promise to fully apply the Customs Union in 2006, the opponents of Turkish membership were free to block the negotiations.

Endnotes

¹ GDP per capita in purchasing power standards for 2005 according to EU Rapid Press Release, STAT/06/166, 18 December 2006.

² See Alber (2006: 376-77) based on data from the European Value Survey and the European Quality of Life Survey.

³ See Standard Eurobarometer 52 (1999), p. 58; Eurobarometer 64 (2005), p. 137.

⁴ *Süddeutsche Zeitung*, 24 December 1997 (on Dini); *Le Monde*, 7 December 1997 (on Chirac); and press conference of Jacques Chirac, 13 December 1997 (available at <http://www.elysee.fr>).

⁵ *Süddeutsche Zeitung*, 9 June 1999.

⁶ For an overview of government positions in this period, see the compilation by Sven Prange, available at <http://www.europa-digital.de/aktuell/dossier/tuerkei/standpunkte.shtml>. Unless otherwise indicated, I draw on this compilation.

⁷ *Süddeutsche Zeitung*, 16 July 2005 and 3 September 2005.

⁸ *Süddeutsche Zeitung*, 1 October 2005.

⁹ 'EU leaders polarized over Turkey talks', *Turkish Daily News*, 30 November 2006; 'France and Germany step up pressure on Turkey', *EurActiv*, 4 December 2006.

¹⁰ Cited according to Engert (2004: 46-7).

¹¹ Günter Verheugen, Den Haag, 4 November 1999, SPEECH/99/151, Rapid Database, cited according to Engert (2004: 64). See also *Der Spiegel* 42/1999.

¹² 'I'm sorry', *Turkish Daily News*, 9 June 1999; Romano Prodi in a speech before the European Parliament, *Süddeutsche Zeitung*, 2 December 1999.

¹³ See e.g. *Süddeutsche Zeitung*, 10 April 2004.

¹⁴ *Süddeutsche Zeitung*, 30 August 2005.

¹⁵ *Süddeutsche Zeitung*, 3 August 2005; 3 September 2005.

¹⁶ UK Foreign Minister Jack Straw in a Press Conference on 3 October 2005, available at http://europa.eu/press_room/presspacks/enlarg/index_de.htm.

¹⁷ EU Rapid Press Release, 29 November 2006, IP/06/1652.

¹⁸ 'Turkey EU membership talks 'partially on hold'', EurActiv, 12 December 2006.

¹⁹ International Herald Tribune, 11 December 2006.

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Table 1: Member state preferences on Turkish accession

<i>Member state</i>	<i>1997</i>	<i>1999</i>	<i>2004/05</i>	<i>2006</i>
Austria	–	–	–	–
Cyprus	n. a.	n. a.	–	–
Denmark	–	–	+	+/-
France	+	+	+/-	–
Germany	–	+	+/-	–
Greece	–	+	–	–
Netherlands	–	–	+/-	–
Poland	n. a.	n. a.	+	+
Italy	+	+	+	+
UK	+	+	+	+

Table 2: Freedom House Index for Turkey and selected applicants for EU membership

<i>FI</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	2005
<i>Turkey</i>	4.5	4.5	4.5	4.5	4.5	3.5	3.5	3	3
<i>Bulgaria</i>	2.5	2.5	2.5	2.5	2	1.5	1.5	1.5	1.5
<i>Croatia</i>	4	4	4	2.5	2	2	2	2	2
<i>Romania</i>	2	2	2	2	2	2	2	2.5	2