

THE EUROPEAN COMMISSION'S TURKEY 2013 PROGRESS REPORT

An Assessment by the American Hellenic Institute

PREFACE

Turkey has applied to become a member state of the European Union (EU). The EU has determined a set of criteria which Turkey must satisfy and which Turkey has agreed to satisfy to become a member state. Each year the European Commission, which is the executive organ of the EU, must report to the Council of the EU and the European Parliament, which are the legislative organs of the EU, as to the progress that Turkey has made in satisfying the criteria. The 2013 report covers on the period from October 2012 to September 2013 and includes the following items:

- a brief description of relations between Turkey and the European Union;
- analysis of the situation in Turkey in terms of the political criteria for membership;
- analysis of the situation in Turkey on the basis of the economic criteria for membership;
- a review of Turkey's capacity to assume the obligations of membership, that is, the *acquis* expressed in the Treaties, the secondary legislation, and the policies of the Union.

FINDINGS

On October 16, 2013, the European Commission issued an 80-page progress report on Turkey's EU accession process. The report was directed to the EU's Council of Ministers and to the European Parliament.

For Turkey, accession negotiations have opened on 13 chapters.

The issue of **Cyprus** is reviewed under Turkey's conduct in regard to regional issues and Turkey's international obligations. The report finds the following:

"Despite repeated calls by the Council and the Commission," Turkey still has not complied with its obligations as outlined in the Declaration of the European Community and its Member States of September 21, 2005 and in the Council conclusions of December 2006 and 2010.

The report also finds:

- Turkey continues to express public support for the on-going talks under UN auspices.
- Turkey granted the Committee on Missing Persons increased access "to a fenced military area in the northern part of Cyprus," and the EC views this as a welcomed step.
- Turkey does not meet its obligations of full, non-discriminatory implementation of the Additional Protocol to the Association Agreement, and has not removed all obstacles to the free movement of goods with Cyprus, including the removal of restrictions on direct transport links with Cyprus.
- There was "no progress" toward the normalization of bilateral relations with the Republic of Cyprus.

- Turkey has not lifted its veto of Cyprus's membership of several international organizations.

In addition, the report notes Turkey issued a circular to all of its multilateral embassies instructing them to avoid contacts with the EU Council Presidency in the last six months of 2012 when it was held by the Republic of Cyprus. *“Turkey froze its relations with the Presidency of the Council of the EU during the second half of 2012 and during that period did not align itself with EU positions or statements in international fora.”* The Presidency of the Council called for “full respect of its role.”

With respect to a solution to the Cyprus issue, the Council expects Turkey to actively support the negotiations aimed at a “fair, comprehensive and viable settlement” within the UN framework, in accordance with UN Security Council resolutions and in line with EU founding principles.

Finally, the report notes Turkey's objections to Cyprus exploiting hydrocarbon resources in its Exclusive Economic Zone (EEZ) “for the benefit of all Cypriots” and cited Turkey's retaliatory measures against companies that would participate in Cypriot exploration, including one EU company which was awarded a license. *“The EU stressed the sovereign rights of EU Member States, which include, inter alia, entering into bilateral agreements, and to explore and exploit their natural resources in accordance with the EU acquis and international law, including the UN Convention on the Law of the Sea,”* the report states.

With respect to Turkey's ability to assume the obligations of membership with regard to **Transport policy** as it pertains to Cyprus, the report notes:

- “As long as restrictions remain in place on vessels and aircraft registered in Cyprus or whose last port of call was in Cyprus, Turkey will not be in a position to fully implement the *acquis*.”
- “The lack of communication between air traffic control centres in Turkey and the Republic of Cyprus is seriously compromising air safety in the Nicosia flight information region.”

In the case of **Greek-Turkish relations** the report notes the threat of *casus belli* in response to any extension of Greek territorial waters still stands and a considerable number of formal complaints were made by Greece and Cyprus over continued violations by Turkey of their airspace and territorial waters. *“...the Union expresses once again serious concerns and urges Turkey to avoid of any kind of threat, or action directed against a Member State, or source of friction or actions, which could damage good neighborly relations and the peaceful settlement of disputes,”* states the report with regard to Turkey's threat of *casus belli*.

In addition, the report specifically cites Greece's objection to Turkey's launch of a tender for offshore oil and gas exploration, “including part of the continental-shelf off the Greek island of Castellorizo.”

The report does state Turkey and Greece have “intensified their relations.” The report notes that several high-level visits and meetings were held, including at the Prime Ministerial level, and several cooperation agreements were signed between the two countries. According to the report, 55 rounds of exploratory contacts were held to find common ground for the start of negotiations on the delimitation of the continental shelf since 2002.

On matters of **EU's common foreign and security policy**, which is of particular interest to Greece and Cyprus, the report notes that Turkey “did not align itself with restrictive measures imposed by the EU on

Iran.” Turkey did not sign the statute of the International Criminal Court because Turkey did not align itself with any EU declaration or statement when Cyprus held the Presidency of the EU Council. The report also notes a “process of normalization” with Israel began in March 2013.

Other key findings of note:

- Civil society in Turkey is active and growing. The Gezi Park protests in Istanbul and across the country in May and June illustrates the emergence of a vibrant, active citizenry. However, civil society “is still not widely considered by those traditionally involved in politics as a legitimate stakeholder in democracy.”
- Weaknesses remain in the area of freedom of expression and freedom of thought, conscience and religion.
- During the reported period, the European Court of Human Rights (ECtHR) issued judgments on 115 applications finding that Turkey “had violated rights guaranteed by the ECHR,” but the number of new applications to the ECtHR decreased for the first time in six years to 5,919.
- The human rights case, *Cyprus v Turkey*, involving issues of missing persons and restrictions on the property of Greek Cypriots displaced or living permanently in occupied Cyprus remain pending. A number of other human rights cases (*Xenides-Arestis v. Turkey*, *Demades v. Turkey*, and *Varvana v. Turkey*), Turkey has yet to “fully execute the decision” of the court. “The EU has called on Turkey to enhance its efforts to implement all the judgments” of the ECtHR.
- With regard to freedom of expression, despite a reform package that improve the legal framework on freedom of expression, the report concludes, “Problems remained, including continued pressure on the media by state officials, widespread self-censorship, the firing of critical journalists, frequent website bans and the fact that freedom of expression and media freedom are in practice hampered” by regulatory bodies.
- Moreover, Turkey’s media regulating agency fined a number of television stations for providing live coverage of the protests on the basis of “incitement to violence.” On several occasions, high-level officials criticized social media as a threat to society. A number of citizens were put in police custody, albeit subsequently released, for posting Twitter messages about the Gezi Park protests.
- In the area of freedom of thought, conscience and religion the report states, “Non-Muslim communities—organized as structures of religious groups—continue to face problems as a result of being unable to acquire legal personality, with adverse effects on property rights, access to justice, fundraising and the ability of foreign clergy to obtain residence and work permits.”
- A legal framework in line with the European Convention on Human Rights has yet to be established so that all non-Muslim communities can function without undue constraints, including the training of clergy. The report also notes:
 - The Halki Greek Orthodox Seminary “remained closed” despite announcements by authorities by government authorities that it would reopen.
 - The Ecumenical Patriarchate has received “no indication” from Turkish authorities that it may use the title “Ecumenical” freely. According to the report, the 2010 Council of Europe Venice Commission conclusion that “*any interference with this right would*

constitute a violation of the autonomy of the Orthodox Church under Article 9 of the ECHR has yet to be implemented.”

- A formal legal solution has yet to be adopted with regard to participation in religious elections that would ensure equal treatment of Turkish and foreign nationals in terms of exercising the right to freedom of religion according to European standards.
- Greek nationals have encountered problems with inheriting and registering property, including on the islands of Imvros and Tenedos.
- The report notes the reopening of a Greek minority school on Imvros Island in September 2013.
- Turkey’s respect and protection of minorities and cultural rights remain restrictive and is not yet in accordance with European standards.

CONCLUSION

The American Hellenic Institute (AHI) agrees with the findings in the 2013 EU Report on Turkey and welcomes the European Commission’s critical stance on Turkey vis-à-vis Cyprus. Essentially, Turkey has failed to fulfill its obligations under the EU Declaration of September, 21 2005 and the Council’s conclusions of December 2006 and 2010.

Taking the findings further, AHI contends:

- Turkey needs to move beyond public statements of its support of the UN sponsored talks and show in concrete terms its commitment to a functional solution on Cyprus.
- Public statements of support of the talks are meaningless in light of Turkish official statements violating fundamental principles of the UN Security Council resolutions on Cyprus.
- Turkey has violated legal commitments made for the commencement of its EU accession talks, including the recognition of the Republic of Cyprus, the free movement of goods and services through its ports and airports, etc.

In addition, it is important the report cites that:

- Turkey continues to veto the accession of Cyprus to international organizations like the OECD and the Wassenaar Arrangement on conventional weapons and dual technologies.
- Turkey continues to violate the airspace and the territorial waters/EEZs of Greece and Cyprus.

Moreover, the report comments that “In the Cyprus v. Turkey [ECHR] case, the issue of missing persons and restrictions on the property rights of Greek Cypriots living permanently in the northern part of Cyprus remains pending.” However, the report fails to even mention that Turkey was found to be and remains in violation of the Convention on the Protection of Human Rights of the Council of Europe and those judgments rendered by the European Court of Human Rights (ECHR), the court of the Council of Europe, which were not affected by the case of *Demopoulos and Others v. Turkey*. Each EU Member State and each prospective applicant nation which is also a member of the Council of Europe, like Turkey, must comply with the judgments that the ECHR has rendered.

With respect to Greek-Turkish relations, the American Hellenic Institute has for years warned policymakers about Turkey’s official policy of threats to Greece with war, *casus belli*. AHI strongly welcomes the report’s expression of serious concern regarding *casus belli* and its urging to Turkey that it

avoid any threats of this kind to EU member states. The report's specific mention of Castellorizo in this context is also welcomed.

Furthermore, the American Hellenic Institute finds it significant that the report cites specific examples of how Turkey is in violation of the European Convention on Human Rights with respect to the restrictions placed upon the Ecumenical Patriarchate. The report cites the inability of the Ecumenical Patriarchate to train clergy, the ongoing closure of the Halki Seminary despite public announcements to the contrary, the absence of any indication from Turkish authorities for the Patriarchate to use the title "Ecumenical" freely, and the lack of a legal solution with regard to participation in religious elections that would ensure equal treatment of Turkish and foreign nationals in accordance to European standards. The report correctly indicates Turkey has yet to establish a legal framework under which non-Muslim communities can function without undue constraints in line with the European Convention on Human Rights.

In cold technocratic language, this most recent report by the European Commission affirms what the American Hellenic Institute has argued for many years on issues relating to Cyprus, Greek-Turkish relations and the fate of the Ecumenical Patriarchate. Turkey, as an applicant for EU accession, is the country that has to conform to European standards. Turkey's continuing violations of international and European law, of the European Convention on Human Rights, and of its own commitments to the EU stand in its way to EU accession. The ball continues to be literally in Turkey's court.