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UNDERSTANDING PRIVILEGED PARTNERSHIP DISCOURSE ON THE BASIS OF TURKEY AND THE EUROPEAN UNION RELATIONS

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ABSTRACT

This study elaborates on the discourse of “Privileged Partnership”, a concept which is frequently visited particularly in the relations between Turkey and the European Union. The word privilege may be defined as special rights and conditions not granted to everyone bearing positive repercussions in its meaning. Although this term is considered have a positive impact on the relations between Turkey and the EU, it is observed to cause a negative impact on the contrary. In this context, the option of Privileged Partnership brought to the agenda with the relations between Turkey and the EU will be tackled along with all its details pertaining to both the relations of the EU with third parties and Turkey. This study will explore the definition of the concept Privileged Partnership via various examples.

Key Words: Turkey, European Union, Privileged Partnership, Third Country, Association Relation

İMTİYAZLI ORTAKLIK SÖYLEMİNİ TÜRKİYE- AVRUPA BİRLİĞİ İLİŞKİLERİ ÜZERİNDEN ANLAMAK ÖZET

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Bu çalışma, özellikle Türkiye-AB ilişkilerinde sıkça kullanılan “İmtiyazlı Ortaklık” söylemini ele alacaktır. Başkalarına tanınmayan özel hak ve şart olarak tanımlanabilecek olan imtiyaz, pozitif bir anlam da taşımaktadır. Türkiye-AB ilişkilerinde de pozitif bir yanının olacağı düşünülen İmtiyazlı Ortaklık seçeneği Türkiye ile AB arasındaki ilişkilerde tam tersine negatif bir etkiye neden olmaktadır. Bu bağlamda Türkiye-AB ilişkilerinde gündeme gelen İmtiyazlı Ortaklık seçeneği hem AB’nin üçüncü ülkelerle ilişkilerinde hem de Türkiye ile ilişkilerinde bütün detaylarıyla ele alınacaktır. Bu şekilde çalışma, öncelikli olarak İmtiyazlı Ortaklık kavramının tanımını örneklerle anlatmaya çalışacaktır.

***Anahtar Kelimeler:** Türkiye, Avrupa Birliği, İmtiyazlı Ortaklık, Üçüncü Ülke, Ortaklık İlişkisi*

1. INTRODUCTION

“*Privileged Partnership*”, which is first referred to by former French President Valery Giscard d’Estaing in April 2000 within the framework of Turkey-EU relations and later by German leader Angela Merkel in 2004 has been uttered with different names such as “*Exclusive Partnership*” or “*Strategic Partnership*” after Turkey regarded as candidate state at Helsinki Summit on December 10-11 1999. In fact, it is possible to date the historical roots of this concept back before it came at the top of the agenda with regard to Turkey-EU relations. For instance, Italian city-states in the Middle Age developed commercial relations with the Western states and these states started to gain certain authorities as a result of their mutual trade and officials called as consuls started to serve in those regions (Mahlut, 2010: 405). Those authorities did not remain limited only to regions where their citizens resided but disseminated across other regions over time. As of the mid-11th century, Italian city-states started to obtain a set of privileges from the weakening Byzantine Empire. It is possible to observe another setting where the concept flourished in the Ottoman Empire as well. The Ottoman State granted certain commercial privileges to Republic of Ragusa in return for five hundred Venetian golden coins in 1365 during the reign of Sultan Murad I (Pamir, 2002: 83). In 1397, on the other hand, Byzantine ambassadors and consuls coming to the Ottoman country were granted certain privileges on condition that the Byzantine Empire established a Turkish neighborhood in Istanbul, appointed a *kadi* or a Muslim judge to hear the cases of Turks living there as well as a *mufti* to regulate religious affairs. The concept of “*Privileged Partnership*” was also used in the 18th century in regions other than the Ottoman Empire.

In his study, Haig Simonian underlines that France is acknowledged to be more in the forefront and effective in world politics

between the years 1969 and 1984, however he asserts that a number of travels and meetings were conducted between Germany and France in the same period. Even though they exhibited different attitudes with regard to certain situations, they usually acted together and determined many issues pertaining to the Union in collaboration, qualifying the two states as “*privileged partners*” (Schmitt, 1987: 564). Despite going back to ancient times in history, this study mainly dwells upon the discourse of Privileged Partnership which is often uttered in the context of Turkey-EU relations. Explaining the definition of the concept of Privileged Partnership with certain cases and examples from the history, it is further explored in the study how such a partnership model was established within the European Union with a reference to its legal basis, while questioning the nature of such a partnership model between the EU and third parties, if any. Moreover, the discourse of Privileged Partnership will be scrutinized in the context of Turkey-EU relations and as a result, it will be observed that such a partnership between these two parties will end up with a model that yields negative results. The study is conducted on the basis of comparative analysis method and within this scope, the EU’s partnership with third countries will be compared and contrasted with the model that is desired to be established with Turkey. It will be argued in detail that a Privileged Partnership Agreement between Turkey and the EU will lead to negative results.

2. PRIVILEGED PARTNERSHIP MODEL TO BE ESTABLISHED BETWEEN THE EUROPEAN UNION AND A THIRD COUNTRY

Certain groups from EU member countries such as Germany, France and Austria claim and lead to various discussions purporting that an option of “*Privileged Partnership*” with Turkey is not present in the EU acquis and the EU has never entered into such a partnership with any country before. Nonetheless, it is possible to argue when its integration process is examined that the EU has entered into similar relations. For instance, the EU signed the European Economic Area Agreement with seven member countries of the European Free Trade Agreement (EFTA) in May 1992. Thanks to this agreement which entered into force on January 1, 1994, EFTA’s member countries built good and efficient relations, especially on trade relations, with the EU. Indeed, Norway obtained the right to free movement of goods, capital, services and persons through this agreement. In addition, significant rights were obtained in the fields of social policies, statistics, education, tourism, insurance business, corporate law, transportation, cooperation in economy and monetary policies,

security, consumer protection, information services, research and technological development. However, agriculture and fishery industries were left out of the scope of the agreement due to national interests of Norway. The reason for this is that Norway is one of the most important countries of the world with regard to the fishery industry and seafood export. Therefore, Norway aspired to protect its interests in this field (Official Journal of the European Union, 1994). Furthermore, the European Economic Area (EEA) boosted the trade between Norway and the EU. Indeed, while 80% of Norway's total imports is from the EU, 70% of its exports is to the EU (Atılğan and Klein, 2006: 536).

On the other hand, Norway does not have the right to vote in the decision-making mechanism of the EU, although it has close cooperation relations with the Union and has the right to assign an expert in preparation of laws drafted by the European Commission. Yet, Norway is obliged to accept laws and directives brought by the EU organs in specified dates and forms as per the EEA (Atılğan and Klein, 2006: 534). At the same time, Norway has to pay the cost of participating in various programs of the EU. This situation reveals as disadvantages of the aforementioned agreement.

In addition to EEA, the EU signed another agreement, which might be considered as Privileged Partnership Agreement with Tunisia on November 19, 2012. This is the first agreement the EU signed with a third country in the name of "Privileged Partnership". Aiming to contribute to the democratization in Tunisia after the Arab Spring and enhance cooperation in certain areas between the two parties, this agreement was felt within the scope of Article 8 of the Treaty on European Union (European Commission, 2012: 5). Analyzing its content, it can be observed that cooperation is envisaged in the fields of democracy in political field, rule of law, fundamental rights and freedoms, protection of human rights, political – strategic cooperation, justice and security, migration and mobility, sustainable development in the economic area, commercial and financial cooperation, and economic recovery. In addition, it was decided with this agreement to build cooperation between European countries and Tunisia in the fields of employment and social security, competition, environment and regional development, science and research, freedom in human mobility, freedom of business establishment, agriculture, industry, energy, tourism, transportation, climate, consumer protection, visual and printed media, education, and culture (European Commission, 2012: 6). It was stipulated that the EU would cooperate with Tunisia with regard to providing technical and financial support for participation to EU agencies and programs (Füle, 2012). With this five-year agreement, the EU committed to build cooperation in the aforementioned fields and aimed to

boost and strengthen Tunisia's national economy as well as its position in the Mediterranean region. By this means, the EU values would disseminate in the international field and contribute to the democratic transition in Tunisia after the Arab Spring. Furthermore, the intended economic boost and cooperation in the field of migration would curb illegal migration and ensure effective cooperation in fight against organized crimes.

The EU also aimed with this agreement to ensure respect to democracy, rule of law, human rights and freedoms, unlimited internet access, gender equality, fight against corruption, strengthening of NGOs, reforms against torture, and regulation of prisons and inmates perpetrating violence against women's rights in Tunisia. In economic terms, on the other hand, the EU aspired to implement necessary reforms to vitalize and accelerate economic growth, ensure budget transparency in the medium term, tax reforms for justice of taxation and improve Small and Medium Sized Enterprises (SME) (Atılgan and Klein, 2006: 532).

In addition to Tunisia, the EU has also declared that it will propose "*Special Privileged Partnership*" status to Israel and Palestine. Uttering that they support solutions provided by the USA to the peace process in the Middle East, the EU aims with this status and a future agreement to ensure peace and security in the Middle East. Within the scope of such an agreement and status, it is aimed to build cooperation in the fields of trade, investment, regional development, environmental protection, education, research and development, cultural collaboration, deeper political dialogue and security. Thereby, both Israel and Palestine will have better access to the EU markets and contribute to the peace building process in the Middle East by means of closer and deeper relations in the fields of politics and security (Ahren, 2014).

The legal basis of these relations entered by the EU, on the other hand is Article 8 of the Treaty of European Union. According to this article, the Union shall build special relations with neighboring countries based on the values of the Union and cooperation which become evident in closer and peaceful relations in order to form an area of welfare and good neighbor relations. In line with these purposes, the Union may enter into special agreements with relevant countries. These agreements may contain the opportunity to carry out joint activities in addition to mutual rights and obligations. Regular consultations are stipulated to be held in order to implement these agreements (Eur-Lex, 2012). In other words, Article 8 of the Treaty of European Union envisages special relations with neighbors and aims by these relations to build an area of welfare, disseminate the

values of the Union in third countries and develop closer relations on the basis of cooperation (Hillion, 2013: 4)

3. PRIVILEGED PARTNERSHIP IN THE RELATIONS BETWEEN TURKEY AND THE EUROPEAN UNION

“*Privileged Partnership*”, which is first referred to by former French President Valery Giscard d’Estaing in April 2000 within the framework of Turkey-EU relations and later by German leader Angela Merkel in 2004 has often been uttered with different names such as “*Exclusive Partnership*” or “*Strategic Partnership*” after Turkey regarded as candidate state at Helsinki Summit on December 10-11 1999. In the beginning, there was not a common definition pertaining to “*Privileged Partnership*” put forward by certain groups from EU member countries such as Germany, France, Austria and Netherlands which did not want Turkey to become a full member. The concept is generally tackled as a political tool used to measure the reaction of public opinion in Turkey and EU member countries (Afacan, 2011). By definition, it is observed that the option “*Privileged Partnership*” bears an ambiguous and open-ended trait. In this regard, “*Privileged Partnership*” is defined by states that do not wish Turkey to become a full member of the EU but avoid from rupturing of relations in complete terms due to their interests and such a partnership is asserted as an option that is less than full membership but more than current partnership relations, in other words, an attempt to connect Turkey to the EU without granting full membership (Köksal, 2011: 32). On the other hand, this option is also referred to as an “*indecent proposal*” purporting that Turkey would be affected by all the decisions of the Union with this option but remain in the status of non-participant to the decision-making mechanism (Carey, 2013).

According to Ben Katcher (2013), “*Privileged Partnership*” is a process of closer relations instead of full membership to the EU due to that fact that the negotiation process in the relations between Turkey and the EU is open-ended, full membership is not guaranteed and that Turkey has been experiencing difficulties in fulfilling certain criteria. This concept is regarded as one that is tried to be consolidated, mostly explaining the process as an offer aiming to include Turkey in the Union in a rapid way (Birand, 2013). With the “*Privileged Partnership*” option, the Union’s doors will not be completely closed to Turkey, however, it is also aimed to prevent free movement of Turkish people within the Union (Kardaş, 2013). There is no willingness for Turkey’s free movement due to possible problems with regard to irregular migration and border security within the EU as well as the fears of increasing unemployment rates. Although free

movement of persons in this regard is not considered within the option of “*Privileged Partnership*”, it is stated that certain conveniences will be provided to Turkey. The reason for this is stated by Angela Merkel that Turkey lacks adequate security measures in its borders with regard to prevention of irregular migration and therefore, full freedom of movement for Turkey does not seem as an advantage for the EU. Within this scope, privileged partnership is considered to leastwise relieve the challenges Turkish citizens face when trying to obtain Schengen visa. This includes providing certain conveniences with regard to time that is necessary for visa application, high visa charges, length of visa duration and excessive number of documents asked for visa procedures. By this means, the number of documents required to obtain visa will be reduced, visas will be granted faster and more easily with longer duration and multiple entries. In addition, managers, businessmen and academicians will travel more frequently and the risk of cost brought along with visas will be diminished as well. However, there are also discussions that Turkey will not lean towards such an option in case the EU does not grant Turkey the right to free movement without visa (Barysch, 2011). Nevertheless, it does not seem possible that the EU will grant freedom of movement in full sense. Therefore, it is purported that the most reasonable route within the scope of “*Privileged Partnership*” is to provide convenience, ease and certain privileges with regard to freedom of movement.

In this sense, “*Privileged Partnership*” seems as a plan B that is suitable to the situation of Turkey without much offense (Aybet, 2006: 540). The reason for this is that although Turkey continues with its target of full membership, it is understood that Europe does not share similar ideas and Turkey’s membership process will not receive support in any circumstance (Barysch, 2007: 3). Thus, the “*Privileged Partnership*” option is considered as a model of cooperation that strives to render Turkey dependent upon the EU rather than full membership. Indeed, Cemal Karakaş (2006: 320) evaluates this option differently from regular partnership relations arguing that it is an option that will preclude full membership of Turkey.

While countries that do not wish Turkey to be included in the EU offer the option of “*Privileged Partnership*”, they most often base their arguments on identity. Accordingly, Europe would lose its identity if Turkey became a full member and the values that ensure unity and solidarity of the Union would disappear. Here, the European identity reveals in two dimensions: On the one hand, the European identity is regarded to incorporate values such as democracy, human rights, and rule

of law and on the other hand, it is also expressed through cultural values that go beyond universal norms. One of the most important cultural values is accepted as Christianity. According to this ideal, which is purported by Christian Democrats and which brings the European culture to a common ground in terms of culture and religion, Islam has been accepted as the “*other*” ever since the conquest of Spain and Sicily by Arabs in the 8th century. This otherness was consolidated in the Ottoman period as of the mid-15th century and Ottomans accepted Turks and Islam as the common enemies of Christianity. This situation is still ongoing. In that regard, certain cities in Austria and Germany are called with names that remind wars won against Turks (Polenz, 2009: 12). Controversy against Islam increased once again after the incidents of 9/11 and this situation led to negative attitudes in European public opinion against Islam. As a country with predominantly Muslim population, Turkey had its share from these negative repercussions as well, and this factor was considered as a strong obstacle against Turkey’s full membership to the EU (Kösebalaban, 2007). As a matter of fact, Meltem Müftüler-Baç (2007: 34) similarly argues that one of the biggest obstacles in front of Turkey’s full membership to the EU is Europe’s differing definition of culture and identity.

It is put forward that Turkey is not European according to Christianity, and full membership of a poor, large Muslim country to the EU would harm the European identity, common heritage and values. In this regard, Wolfgang Schauble expressed that full membership to the EU is peculiar to European Christian states and Muslim Turkey will definitely not become a full member despite the fact that it may benefit from certain advantages. Similarly, Willy Brandt and Jacques Delors utter that Turkey cannot become a full member to the EU due to its Muslim identity. The reason for this is pointed out as that migrants settling in Europe are not complying with the requirement of the European identity. This situation may pave the way for harming and disappearance of European values and its system. Hilmi Yavuz argues in the same line that Turkey is not European in terms of identity and ideal– although not geographically –and that it is necessary to rewrite the history in order to become a European state, claiming that Turkey will not be able to become a full member to the EU. Regarding “*Privileged Partnership*” as a second-class membership, Yavuz rejects this option by arguing that Turkey does not need such type of a membership (Kovacheva, 2013).

Contrary to these arguments, certain scholars argue that the main important factor in Europe’s integration is not identity but common trade policy, common foreign policy, and shared currency. They propound that

success is necessary in these tangible areas, pointing out to the fact that discussing the identity factor in the integration process does not go beyond a myth (Kovacheva, 2013). Certain countries within the EU are concerned that Turkey would become the fifth largest and strongest country within the EU after full membership and therefore, they object to the idea of full membership by Turkey. In this regard, full membership by Turkey to the Union would grant the country the opportunity to take place in the decision-making mechanism, which determines state activities and their strength within the EU, by the effect of Turkey's high population. Under such circumstances, Turkey would become a strong country in the European Parliament and the EU Council of Ministers as the country with largest population after Germany. This would pave the way for effective participation by Turkey particularly to decisions that are to be taken by means of qualified majority (Atılgan and Klein, 2006: 12).

Henceforth, it is considered that the current structure of the EU as well as its institutions is not ready to bear Turkey's full membership and therefore, there has been insistence over the option of "*Privileged Partnership*". From this perspective, specifically Germany and France persist that Turkey should be outside the decision-making mechanism of the EU. In surveys conducted in this regard, it is estimated that Turkey's population will reach 90 million in 2040 and in case the country becomes a full member to the Union, Turkey would be the most populated country of the EU (Gordon and Taşpınar, 2004: 2). There is concern over the fact that with such power, Turkey's right to vote would harm the operation of the Union through its effectiveness in decisions to be made through qualified majority. On the other hand, it is not possible for Turkey to become effective in the EU's decision-making processes by itself, while it is thought that Turkey may side and form a block with United Kingdom, Sweden and Spain against Germany and France to prevent certain resolutions. Thus, Germany and France do not want a competitor within the EU, where they are quite active and superior to others (Insel, 2002: 3). Particularly German Christian Democrats are concerned that Turkey would become a great power, since it is believed that Turkey would become a challenger in the future. Therefore, it is claimed that the "*Privileged Partnership*" option for Turkey is better. Under these circumstances, Germany and France will continue to be effective in the EU's decision-making processes while Turkey would still be connected to the Union. However, this situation may well result in problems for Turkey.

States such as United Kingdom, Sweden and Poland, which are willing to accept Turkey's involvement within the European Union, on the

other hand, argue that the EU's potential of becoming a significant political power in the future depends on including Turkey within the Union and not exempting itself from the existing problems in Islamic countries. As a matter of fact, it is not possible for the EU to keep itself distant from Islamic countries which are experiencing problems such as drug trafficking, arms smuggling, illegal migration, and human trafficking, since approximately 20 million Muslims are living in the European continent. In this sense, Islam is not the "other" anymore, but a factor that is embedded within Europe. Due to these reasons, it is argued that the EU may encounter radical Islamic movements from time to time (Hugg, 1999: 27). Therefore, cooperation is considered within the scope of Justice and Internal Affairs by means of the "*Privileged Partnership*" option. From this perspective, the aim of Justice and Cooperation through "*Privileged Partnership*" is to ensure that Turkey participates in the area of protection of personal data and Schengen Europol information system, while fostering cooperation between Turkey and the EU with regard to facilitative measures to visa procedures, fight against drug trafficking, organized crimes and money laundering. This option further envisages judicial cooperation in penal lawsuits along with certain conveniences that would be granted to Turkey. Indeed, the European People's Party within the European Parliament also advocates that cooperation can be established between Turkey and the EU via the "*Privileged Partnership*" option in the fields of judiciary, migration control, maritime security, development aid, common actions in defense and foreign policies as well as culture and education (Pope, 2013).

On the other hand, it is also observed that Muslims living in Europe are endeavoring to purify themselves from radical Islamist groups (House of Commons Business and Enterprise Committee, 2008: 9). Hence, it seems to be considerably important that Turkey's joining the European Union despite all the concerns will assure that it serves as a buffer zone, represents true Islamic values as well as secularism and democracy in the context of contributing to the European countries. In addition, states wishing to see Turkey among the full members of the European Union assume that Turkey will constitute an extensive market for the EU in economic terms since it is the largest trading partner of the Union. Turkey's current potential of labor force, its proximity to the Middle East, Central Asia, the Balkans and Caucasia as well as energy sources, its strategic location, and military capacity will also contribute to the growth of the Union (Independent Commission on Turkey 2004). As a matter of fact, certain structural and technical problems within the EU can be solved by

Turkey's full membership, while Turkey will continue to be a large market for the EU (Akdeniz, 2013).

Despite the opinions of the states supporting Turkey's full membership to the EU, it is stated that in case Turkey becomes a full member, the European Union will be unable to carry through the finances, language and culture issues; hence full membership seems quite impossible. Indeed, the EU is concerned that Turkey is not acting in a coordinated manner with the EU policies since Turkey opposed to the United Nations Security Council's resolution to impose additional sanctions on Iran, its relations with Israel deteriorated after the attack against the aid convoy to Gaza Strip, and it failed to implement the protocols to normalize the relations with Armenia although they are already signed. This situation constitutes an important obstacle against Turkey's full membership process (Lindsey, 2013).

On the other hand, some scholars also stated that the content of "*Privileged Partnership*" should be determined on the basis of the EU's internal structure. For instance, Sylvie Goulard elaborates on the "*Privileged Partnership*" within the scope of the EU's capacity to accept Turkey (European Commission, 1993). This capacity is defined as the degree of preparedness of the Union for new members to be included in the EU's corporate conditions, financial system, labor force, domestic markets, EUROZONE and its Common Foreign and Security Policy (Raigh-Aghsan, 2011: 47). In this regard, it is argued by many that the EU is not ready to accept a large country as Turkey with full membership and instead, "*Privileged Partnership*" is beneficial for both Turkey and the EU. The reason for this unpreparedness is that there have been concerns over possible harmful effect by Turkey's full membership primarily on the common European identity, markets of goods and services, labor markets, EU budget and funds, as well as EU institutions. It is argued that there will be a significant gap between the amount of funds Turkey will receive from the EU budget and the one that Turkey will bring to the Union. For instance, Turkey will receive nearly 14– 15 billion Euro from the EU's structural and agricultural funds when it becomes a full member, while Turkey's contribution to the EU will only be 2 billion Euro, which counterparts 1,27% of the Gross National Product (GNP) (Altıntaş and Marchetti, 2005: 6). Furthermore, President of Istanbul Agricultural Engineers Chamber Gökhan Günaydın argues that compliance of Turkey to the EU's Common Agricultural Policy means that six million out of seven million agricultural workers will lose their jobs and unemployment rates will increase tremendously. Moreover, Eruxin Faul also claims that

in case Turkey becomes a full EU member, the Union will lose its capacity of integration and acceptance, and this membership will bring the EU to an end. For this reason, Günaydın asserts that Turkey will be outside the Common Agricultural Policy even if the country receives the status of full membership (Günaydın, 2006: 3)

Along with this, it is necessary to assess the option of “*Privileged Partnership*” through the concept of expansion exhaustion. The European Union increased its number of members to 27 by accepting 12 new members on May 1, 2004 and January 1, 2007. The fifth enlargement members of EU are lagging behind the other 15 members in average in all areas and therefore, these 15 member countries have started to provide economic aid to the new members. As a consequence, the EU has had to encounter economic difficulty and is aspired to cease its expansion for a while, which reinforces unwillingness to expanding the borders of the Union. This situation is referred to as *expansion exhaustion*. Due to this exhaustion experienced by the EU, there has been antipathy against Turkey – a country with dense population – and therefore, some members have exhibited reluctance to take Turkey within the scope of the EU expansion process (Council of the EU, 2006). As a matter of fact, there has been increasing concern that the inherent inconsonance inside the EU will aggravate with the participation of a country such as Turkey due to its high rate of population and different culture.

Although limitations will be brought to Turkey in many fields within the scope of “*Privileged Partnership*”, it is also aspired to provide Turkey certain conveniences. For example, it is put forward that Turkey will obtain certain advantages in regional and international spheres as well as the opportunity to improve its relations with the EU. Accordingly, Turkey will leave the solution of the Aegean, Armenian and Cyprus issues to a time after it acquires full membership. In this context, the more the negotiations take time, the more ambiguity comes along as per the resolution of these issues. It is considered that the “*Privileged Partnership*” will help Turkey improve its relations with the EU since it will be meaningless for Turkey to seek solutions for the aforementioned problems unless the country becomes a full member to the Union. In other words, there will not be any need for Turkey to resolve its internal and external problems in line with the EU’s demands.

Under these circumstances, Turkey persistently rejected this option. Former President of Turkey Abdullah Gül and Prime Minister Recep Tayyip Erdoğan as well as many other prominent names from Turkey, Turkish Industrialists’ and Businessmen’s Association (TÜSİAD)

and other non-governmental organizations have expressed that Turkey will never accept the “*Privileged Partnership*” option and Turkey’s target is full membership, arguing that the state that proposed such an option lacks vision and mission. The EU is interested in its integration and conducts studies on how this integration will be shaped in the future. The fact that President of the European Commission declared that there would not be further expansion in the next five years eliminates the option of the EU to tackle Turkey’s membership under these circumstances. On the other hand, the option of “*Privileged Partnership*” had not found sufficient amount of support within the EU itself and was ultimately rejected. Since Turkey has been tackling the issues of the Arab Spring processes, Presidential elections, works on the new constitution, etc., the relations with the EU have fallen under the expected level as well. Concomitantly, the “*Privileged Partnership*” has started to fall off the agenda in recent times (Maresceau, 2012: 37).

4. CONCLUSION

It seems highly improbable that Turkey will accept any such option as “*Privileged Partnership*” within the EU’s current structure, since this option prevents Turkey from participating in the decision-making mechanism of the EU. Therefore, Turkey rejects the “*Privileged Partnership*” option, while it is kept off the agenda – even though not de facto – by the EU member countries as well. In case Turkey accepts entering into such an agreement, it will be possible to revise or annul the Ankara Agreement and draft a new convention in order to establish the structure and content of “*Privileged Partnership*”. The reason for this is that “*Privileged Partnership*” is not a part of the Ankara Agreement and there will be a need to change and improve the current status quo pertaining to the bilateral relations between Turkey and the EU. Thus, it will be necessary to renegotiate, revise or annul the current agreement and draft a new one so that the option can be granted to Turkey.

Groups that regard the “*Privileged Partnership*” as an equal and balanced model between the parties argue that it is difficult for Turkey to become a full member to the EU and even if it does, full membership will not be as those of Greece, Austria due to permanent limitations. Accordingly, they put forward that the Negotiating Framework issued on October 3, 2005 manifests this situation as well, due to the fact that member countries have been differentiating in terms of politics, culture, economy and social character as the number of members to the Union increases. As a matter of fact, this differentiation is also demonstrated in the European Security and Defense Policy (ESDP). The EU has not been

able to establish a structure that may be qualified as a national army. On the other hand, it is also observed that there has been a change in the perception of full members after the Lisbon Agreement. From this perspective, full membership that adopts all policies is not replaced by another type of full membership which takes its place in certain sectors while leaving others.

Nonetheless, the EU does not wish to exclude Turkey from the EU completely due to Turkey's geopolitical location, advantages offered by the Customs Union to both the EU and Turkey and the contributions made to the EU in the fields of defense and security. Thus, an option that will not exclude Turkey from Europe completely but prevent large scale change by not involving Turkey in the institutional structure is regarded to be more suitable for Europe. While relevant countries underline this option, they are forming their foreign policies according to the attitude of the public opinion, ideology of the ruling party and its leader and domestic political structure. And the reason for this is to eliminate the risk of losing votes by ruling parties.

The option of "*Privileged Partnership*" is based on Article 8 of the Treaty on European Union. The EU signed a "*Privileged Partnership*" Agreement with Tunisia on October 19, 2012 in reference to this Treaty. Similarly, the EU declared that it will enter into similar agreements with Israel and Palestine. On the other hand, the European Economic Area Agreement made with EFTA member countries in 1994 is also considered to be close to the "*Privileged Partnership*" Agreement considered for Turkey. The content of the Agreement entered with Tunisia, on the other hand, is not standard. In other words, "*Privileged Partnership*" Agreements may vary from state to state.

Yet, Turkey has been rejecting the "*Privileged Partnership*" option ever since the beginning, since it would fall to the status of second-class country with such a partnership. Moreover, full membership for Turkey to the EU would be completely out of question if the country accepted the option of "*Privileged Partnership*". On top of that, Turkey would face difficulty in explaining the waiver from full membership to the public and certainly bear large economic and social losses due to failure to take right steps in revising of the Customs Union. Although it is rather difficult to explain such a technical issue to the public, it may also be possible for leaders in the ruling party to explain this situation to the public by means of public diplomacy. It is possible for Turkish leaders to convince people and prevent harms by saying and explaining that they act in line with the internal structure of the country, and requests of the public opinion and

interest groups, Turkey's full membership to the EU would cause damage, the EU does not want Turkey and they will take good aspects of the EU while leaving the bad aspects out, therefore "*Privileged Partnership*" is a better option for Turkey. However, Turkey has rejected this option and due to the fact that states within the EU have not provided sufficient amount of support to this option, the "*Privileged Partnership*" option has fallen off the agenda. What is currently important for the EU is the ongoing negotiations with Turkey. It is probable that the "*Privileged Partnership*" option will come to the agenda again in case the Accession Agreement will result negatively after completion of the negotiations.

Whether Turkey will be a full member to the EU has been a hot topic of discussion in both Turkey and the EU for many years, and recently, a new concept considered as an alternative model except to full membership has been offered. Even though this model has not yet been certain with regard to its meaning ever since the beginning, "*Privileged Partnership*" refers to a state that Turkey will be affected by all decisions of the EU, however it will lack the means to affect the Union's decisions. In other words, Turkey will not take place in the decision-making mechanism of the EU; however, it will be required to comply with all EU resolutions. This option is not different from the partnership relations of the EU with third parties. Furthermore, it can be stated that the option will take Turkey backwards more than the Ankara Agreement in legal terms. Signed on September 12, 1963 and known as the framework agreement, the Ankara Agreement forms the legal basis of the relations between Turkey and the Union. The content of the Ankara Agreement grants an economic area including free movement of goods, capital, services and people. And this agreement also lays the foundation of establishing the Customs Union gradually. In addition to these features, the Ankara Agreement regulates agriculture, free movement of workers, freedom of settlement, free movement of services, transportation, competition and taxation, harmonization of regulations and economic policies, and free movement of capital as well as payments. At the same time, these factors are included in the Additional Protocol and Association Council Decision No.1/95 in addition to the Ankara Agreement. On the other hand, Article 28 renders the Ankara Agreement as a partnership covenant that will pave the way for full membership. According to the relevant article, "When the execution of the Agreement shows that Turkey can undertake all obligations arising out of the Agreement made by the Union, the Contracting Parties will analyze the opportunity of Turkey to join the Union". In this regard, it is accepted that Turkey envisages full membership with this article in the Ankara Agreement. Therefore, Turkey

will lag behind the improvements made by the Ankara Agreement in legal terms in case it adopts the “Privileged Partnership” option, and this situation will cause a negative Privileged Partnership between Turkey and the European Union.

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