




**DIRECTORATE-GENERAL FOR EXTERNAL POLICIES
POLICY DEPARTMENT**



**Analysis of the 2009
annual programme for
Turkey
under the Pre-accession
Instrument (IPA) in the
context of the 2009
enlargement package**

AFET



EUROPEAN PARLIAMENT

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION

DIRECTORATE B

POLICY DEPARTMENT

BRIEFING

ANALYSIS OF THE 2009 ANNUAL PROGRAMME

FOR TURKEY

UNDER THE INSTRUMENT FOR PRE-ACCESSION

ASSISTANCE (IPA)

IN THE CONTEXT OF THE 2009 ENLARGEMENT PACKAGE

Abstract

This Briefing Paper analyses the coherence of the IPA Annual Programme (AP) 2009 for Turkey with the EU overall policy objectives as further specified in the pre-accession process in general and for Turkey in particular. It assesses the pertinence of the elements of analysis included in the AP and their potential to respond to the conditions/needs identified in Turkey. In responding to this task, the AP's allocation of funding and composition of projects are projected against Turkey's specific needs as identified by the European Commission's (EC) Progress Report (Commission 2009a) and the Enlargement Strategy (Commission 2009b). On the basis of this analysis, the briefing provides recommendations concerning the adjustments that could be made to planning and implementing future EU activity in Turkey.

This study was requested by the European Parliament's Committee on Foreign Affairs.

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EXECUTIVE SUMMARY

Scope of the briefing: This Briefing Paper analyses the coherence of the IPA Annual Programme (AP) 2009 for Turkey with the EU overall policy objectives as further specified in the pre-accession process in general and for Turkey in particular. It assesses the pertinence of the elements of analysis included in the AP and their potential to respond to the conditions/needs identified in Turkey. In responding to this task, the AP's allocation of funding and composition of projects are projected against Turkey's specific needs as identified by the European Commission's (EC) Progress Report (Commission 2009a) and the Enlargement Strategy (Commission 2009b). On the basis of this analysis, the briefing provides recommendations concerning the adjustments that could be made to planning and implementing future EU activity in Turkey. This briefing is divided into a political, an economic and a community *acquis* section, thereby following the structure of the Progress Report. Each section provides an analysis of the current situation, the projects identified by the AP and an assessment referring to the tasks above. The briefing closes with conclusions and recommendations.

Main conclusions:

- Aims and objectives of the AP in the areas of democracy and the rule of law, human rights and protection of minorities, correspond to the broad objectives of assisting Turkey towards fully meeting the Copenhagen political criteria;
- The projects under the political criteria do not address key issues such as the reform of the education system, gender equality and children's rights at a sufficient level. Civil society dialogue is rightly addressed in the AP. Yet, this is a crucial area for enhancing the legitimacy of the EU as a normative actor applying successful political conditionality in Turkey. In this framework, it is essential that trust-enhancing measures, such as visa facilitation, should be undertaken at the macro level. Visa facilitation between Turkey and the EU is a major issue that needs to be tackled in this respect. EU countries are now the major destination of travel for millions of Turkish citizens. However, EU's visa policy towards Turkey has particularly been of concern to Turkish business people, students, artists and journalists who have bitterly complained about these restrictions. They have often argued that visa restrictions leave them at a disadvantage in relation to their counterparts in the EU or other candidate countries. Complaints regarding high costs, excessively long queues, processing time, documentation requirements and attitudes of consular officials abound among all groups that wish to travel to the EU. These experiences decrease the level of trust towards the EU in Turkish society, in turn jeopardising the perception of Europe as a credible, normative actor inducing democratic change;
- Since IPA Components III, IV and V are not yet fully in function, it is not possible to make a conclusive assessment regarding the economic criteria. Nevertheless, the EU is often perceived in Turkey as an international organisation that puts primacy to issues of economic efficiency and macroeconomic stability, rather than social issues in a candidate country. Progress Reports are also commonly given as an example to this situation, with social issues given only a minor role under the sections on the political criteria and alignment with the *acquis*;
- The projects chosen for funding under the Priority 2 axis of the IPA are fully in line with the areas identified in the Progress Report. Especially the heightened focus on environment, agriculture (which will further be covered by IPA Component V), energy, customs union, industrial policy, and justice, freedom and security, as well as the cross-cutting issue of administrative capacity building corresponds with the needs of Turkey in the alignment phase. Nevertheless, projects regarding alignment with the Community *acquis* do not sufficiently address key problematic areas such as social policy, employment, poverty, gender equality and justice, freedom and security.

- The breakdown within the assistance provided, between the three priority axes (15%, 33,7% and 49% respectively) can be considered as being appropriate, given the heightened importance that should be given to civil society cooperation and the adoption of the *acquis* in the pre-accession phase.

Recommendations:

- Projects on improving the quality of education should be developed further to focus on a variety of areas from women's rights to civil-military relations. At a broader level, a national education strategy, with the input of Turkish civil society, should be developed in collaboration with the Turkish government, to improve both the quality and quantity of education in the country;
- More emphasis should be given to increasing the participation of local and regional governments in the reform process, in order to improve democratic governance mechanisms through enhancing public participation. Measures to attain a modernised and merit based civil service should be intensified;
- As regards gender equality, in addition to projects that focus on the fight against domestic violence (that are already underway), emphasis should be given to projects that aim to increase the role of women in the labour market, to enhance women's access to education and to increase their awareness of their rights under the law. Administrative capacity needs to be strengthened, particularly in the fight against child labour, and more focus should be placed on improving the standards in health, education and justice for children;
- Supporting projects to build trust, particularly in the area of visa facilitation, would help strengthen EU political conditionality in Turkey. This is required for the EU to have a positive impact on the political reforms that Turkey needs to undertake at the macro level, in addition to the support provided through projects within the framework of pre-accession assistance;
- There should be a strong orientation towards tackling social issues directly and visibly, which would also help enhance the EU's legitimacy in Turkey. The national mechanisms for monitoring poverty and social inclusion are weak and thus need to be strengthened;
- Emphasis should also be placed on the establishment of a rights based welfare system of the state in Turkey. Efficient planning, coordination and provision of social protection, social assistance and social services should be promoted in order to prevent the arbitrary delivery of services and benefits without objective and transparent criteria;
- Cooperation should be enhanced in various areas such as increasing the capacity of accommodation for illegal migrants, establishing country of origin and asylum case-management systems, improving training for asylum and migration staff, increasing the capacity of the Office on Asylum and Migration Legislation and Administrative Capacity and fostering judicial cooperation in civil and criminal matters;
- While there are several projects in the AP regarding alignment in environment, more emphasis should be placed on air quality (especially strengthening the administrative capacity to implement the directive on regional air quality), nature protection, water quality, establishment of a national environment agency, strengthening of administrative capacity for improved coordination between relevant authorities and the successful mainstreaming of environmental protection on to other areas. Institutional capacity needs to be strengthened for legislative approximation and implementation in the field of public health.

CONTENTS

EXECUTIVE SUMMARY	III
MAIN CONCLUSIONS:	III
RECOMMENDATIONS:	IV
1 INTRODUCTION	2
2 POLITICAL CRITERIA	2
2.1 POLITICAL SITUATION	2
2.2 THE ANNUAL PROGRAMME	4
2.3 ASSESSMENT	4
3 ECONOMIC CRITERIA	6
3.1 ECONOMIC SITUATION	6
3.2 THE ANNUAL PROGRAMME	6
3.3 ASSESSMENT	7
4 COMPLIANCE WITH THE COMMUNITY ACQUIS	7
4.1 SITUATION WITH REFERENCE TO COMPLIANCE WITH THE COMMUNITY ACQUIS	7
4.2 THE ANNUAL PROGRAMME	9
4.3 ASSESSMENT	9
5 CONCLUSIONS	10
5.1 RECOMMENDATIONS :	11
BIBLIOGRAPHY	13

1 INTRODUCTION

The initial request for this Briefing Paper specifies that the Briefing Paper should :

- analyse the coherence of the annual programme with the EU overall policy objectives as further specified in the pre-accession process in general and for the concerned country in particular;
- assess the pertinence of the elements of analysis included in the action programme and their potential to respond to the conditions/needs identified in the country concerned;
- provide, on the basis of the above, recommendations concerning the adjustments that could be made to planning and implementing future EU activity in the country concerned.

In responding to this task, we analyse the Annual Programme (AP) and project its allocation of funding and composition of projects against Turkey's specific needs as identified by the European Commission's (EC) Progress Report (Commission 2009a) and the Enlargement Strategy (Commission 2009b).

We divide this paper into a political, an economic and a community *acquis* section, thereby following the structure of the Progress Report. Each section provides an analysis of the current situation, the projects identified by the AP and an assessment referring to the tasks above. The briefing closes with conclusions and recommendations.

IPA assistance to Turkey is implemented under decentralised management according to five IPA components: Component I refers to Institutional Building, Component II covers cross-border cooperation and Components III, IV and V refer to regional development, human resources development and rural development respectively. The annual programme that is available in the case of Turkey belongs to Component I that addresses institution building through four priority axes: progress towards fully meeting the Copenhagen political criteria, adoption and implementation of the *acquis communautaire*, promotion of an EU-Turkey Civil Society Dialogue and supporting activities.

The IPA Component I programme includes 34 projects, with a financial scope of €204,550,810 whereby 15.1% of the programme's budget is allocated in priority axis 1 (progress towards fully meeting the Copenhagen political criteria), 33.7% in priority axis 2 (adoption and implementation of the *acquis communautaire*), 48.7% in priority axis 3 (promotion of EU-Turkey civil society dialogue) and 2.5% in priority axis 4 (supporting activities).

2 POLITICAL CRITERIA

2.1 Political Situation

Turkey continues to sufficiently fulfil the Copenhagen political criteria. Some progress has been attained in the areas of judicial reform, cultural rights and civil-military relations. Nevertheless, further reform is necessary in most areas under the political criteria in order to attain the consolidation of Turkish democracy.

Much of the year 2009 was focused on the investigation of the alleged criminal network of "Ergenekon", plotting to overthrow the government and bringing in an isolationist dictatorial regime under the guise of regaining national sovereignty. The case led to serious criminal charges, involving military officers, former high ranking military personnel, academicians and journalists. The case, in principle, can be considered a significant step towards purging the state system from anti-democratic forces. Yet,

although the precise facts of the case are not yet clear, the way in which the case is conducted, especially regarding the rights of the defendants, suggests that this may result in a wasted opportunity.

There has been progress in the area of civil-military relations, particularly regarding the limitation of the jurisdiction of military courts, and more indirectly, through the debates in the public sphere which now openly question the role of the military in Turkish politics.

There is a significant degree of polarisation amongst the public and between the political parties, mainly on issues that concern religion and secularism. There is growing mistrust, along with a rising degree of conservatism (Çarkoglu and Kalaycioglu 2009), that hinders the societal basis of democratic consolidation in Turkey. In a similar vein, inter-institutional trust between the military, the government, the judiciary and the police force is also low.

Progress has been observed regarding judicial reform, mainly through the adoption by the Government of a judicial reform strategy that includes measures to increase staff and funding. Nevertheless, the most problematic area with respect to the reform of the Turkish judicial system concerns independence and impartiality, which is still hampered through various institutional mechanisms such as the composition of the High Council of Judges and Prosecutors.

Political parties' law remains a problematic area, particularly regarding its provisions on the closure of political parties. The law needs to be changed further in order to make it more difficult to close down political parties. The government did not pursue its efforts to change the law after the Constitutional Court decided not to close the Justice and Development Party (JDP) in June 2009. Subsequently, the Court decided to close down the Kurdish origin Democratic People's Party (DTP) in December 2009.

The legislative framework to fight against corruption has been improved, yet corruption still remains prevalent in many areas.

Some progress was incurred in the field of human rights and the protection of minorities, especially regarding the observance of international human rights law. In the area of torture and ill-treatment, impunity for perpetrators is still a cause for concern. Although Article 301 of the Turkish Criminal Code is no longer used systematically to restrict freedom of expression, political pressures on the media have served to restrict the freedom of press in practice. In the field of freedom of association, the legal framework is broadly in line with European standards, yet progress is needed to strengthen implementation. Regarding freedom of religion, there has been a smooth implementation of the law on foundations. However, non-Muslim community foundations still face problems with respect to their properties seized and sold to third parties, or of properties merged before the adoption of the new legislation. The issues concerning the rights of the Alevis still remain unresolved.

The legal framework establishing women's rights and gender equality is now broadly in place. Nevertheless, implementation problems remain, particularly with respect to women's participation in the workforce as well as the social and political empowerment of women. There are remaining problems with children's rights, particularly regarding child labour, health, education and the juvenile justice system.

As regards minority rights, progress has been attained particularly on cultural rights. Turkey's state-run radio and television network TRT's new TV channel, TRT 6, officially started a 24-hour broadcast in Kurdish language on 1 January 2009 without any challenge from society. It has also been stated by the President of the Board of Higher Education (YÖK) that a Department of Kurdish language and letters will be established at two leading universities in Turkey. Kurdish is now an optional language course in a few foundation universities. The government has recently initiated a process of broad consultation with political parties and the civil society with the goal to address the Kurdish issue in Turkey. Yet, this

process has not led to any concrete measures so far. It is now understood that without having the support of the two major oppositional parties (Republican People's Party and Nationalist Action Party) the ruling party cannot proceed further. It has also become very clear after the closure of the DTP in December 2009 that a Kurdish initiative, which does not have any specific plans to change the political parties' law, and to lower the 10% threshold to enter into parliament in general elections, can not be considered viable. As long as the legal means of expressing political demands of the Kurdish minority are restricted by law, little can come out of granting minority rights in other spheres.

2.2 The Annual Programme

In the light of the analysis provided by the country's "Progress Report" and the "Enlargement Strategy Paper", the AP adopted in November 2009 fully reflects Turkey's priority needs in view of EU approximation in the field of political criteria. Aims and objectives in the areas of democracy and the rule of law, human rights and protection of minorities, correspond to the broad objectives of assisting Turkey towards fully meeting the Copenhagen political criteria.

The Priority 1 axis of the AP that covers activity in attaining progress towards fully meeting the Copenhagen political criteria includes 9 projects, covering 15.1% of the programme's total budget, focusing on judicial reform, support to law enforcement services and civil society. Strong emphasis is given on the promotion of human rights through several of these projects, including a project to improve the appliance of human rights standards in the criminal justice system, a project to continue the training of law enforcement agencies on human rights issues, and a project to enhance democratic citizenship and human rights teaching at all levels of school education.

As regards the fight against corruption, projects are devised to expand the cooperation with the Council of Europe to ensure effective dissemination and implementation of the Code of Ethics, and to help achieve a more effective fight against corruption in Turkey. As regards the reform of law enforcement services, a project to improve the capacity of Civil Enforcement Offices and a project to improve mental healthcare and drug addiction treatment services in prisons are devised. Regarding women's rights and social inclusion, a project on women shelters (as a continuation of a previous project) and a project with civil society organisations to improve integration of disabled persons into society are prepared.

The Priority 3 axis of the AP covers activities geared towards the promotion of EU-Turkey civil society dialogue. This is a particularly important dimension in strengthening the legitimacy of the EU as a normative actor in Turkey, in assisting the country towards further democratic reform. This priority axis includes 3 projects, covering 48.7% of the programme budget, and focusing on the development of the civil society dialogue between Turkish and EU chambers and on the participation of Turkey in Community programmes and agencies.

2.3 Assessment

The projects cited above all touch upon key problematic areas in Turkish democracy. Regarding civil society dialogue, further cooperation between business groups can be considered necessary given the role of the Turkish business community in the integration process. Similarly, Turkey's participation in Community programmes and agencies makes the EU more visible to various crucial institutions, such as universities, that take part in the projects/initiatives under these programmes and agencies. Nevertheless, certain caveats are in order.

The education system in Turkey is key to the improvement of democratic standards in the country. Human rights education is rightly included among the priority projects. Nevertheless, projects on improving the quality of education should be developed further to focus on a variety of areas from

women's rights to civil-military relations. At a broader level, a national education strategy, with the input of Turkish civil society, should be developed in collaboration with the Turkish government, to improve both the quality and quantity of education in the country.

More emphasis should be given to local and regional governments in order to improve democratic governance mechanisms through enhancing public participation and to let the local actors (provincial governments, municipalities and non-governmental organisations) communicate better without direct interference of the central government. Projects geared towards contributing to capacity building at the regional and local levels should be undertaken. With respect to institutional capacity building, more focus should be given to public administration, in particular to the strategy development units, which are pillars of financial management and policy-making in the state system. Measures to attain a modernised and merit based civil service should be intensified.

As regards gender equality, in addition to projects that focus on the fight against domestic violence (that are already underway), emphasis should be given to projects that aim to increase the role of women in the labour market, to enhance women's access to education and to increase their awareness of their rights under the law.

Although it is an area of significant concern, children's rights are not covered by the projects under the 2009 AP. Administrative capacity needs to be strengthened, particularly in the fight against child labour, and more focus should be placed on improving the standards in health, education and justice for children.

It is also necessary that the input of Turkish civil society is encouraged in the drafting and the preparation of these projects in the scope of the IPA. Civil society organisations often complain of the projects being a highly closed endeavour between the Turkish state institutions and the European Commission, with little input from Turkish civil society organisations. Enhanced civil society input is necessary to increase both the legitimacy and the visibility of the projects undertaken.

In order for the EU to be a successful actor in the promotion of democratic consolidation in Turkey, a successful civil society dialogue, as highlighted by the Priority 3 axis of the AP is essential. The rising levels of Euroscepticism in Turkey (Commission 2009c) further render it necessary. A major issue that needs to be tackled in this respect concerns visa facilitation between Turkey and the EU. EU countries are now the major destination of travel for millions of Turkish citizens. However, EU's visa policy towards Turkey has particularly been of concern to Turkish business people, students and journalists who have bitterly complained about these restrictions. They have often argued that visa restrictions leave them at a disadvantage in relation to their counterparts in the EU or other candidate countries. Students and journalists complain about the inconsistency in the processing of visa applications among EU consulates and the administrative difficulties and obstacles raised. Business people complain that they feel unfair competition from their EU counterparts who are able to travel to Turkey freely while they face the situation of seeing their 'goods' circulating freely within the internal market while they face restrictions. Complaints regarding high costs, excessively long queues, processing time, documentation requirements and attitudes of consular officials abound among all groups that wish to travel to the EU. These experiences decrease the level of trust towards the EU in Turkish society, in turn jeopardising the perception of Europe as a credible, normative actor inducing democratic change. This situation worsened with the signing of several visa facilitation agreements in the EU's neighbourhood, and particularly with the establishment of visa liberalisation with Serbia, which is the most recent one that was signed amidst the rising controversy on this issue in Turkey.

Supporting projects to build trust, particularly in the area of visa facilitation, would help strengthen EU political conditionality in Turkey. This is required for the EU to have a positive impact on the political

reforms that Turkey needs to undertake at the macro level - such as changing the political parties' law, and lowering the 10% threshold to enter into parliament in general elections - in addition to the support provided through projects within the framework of pre-accession assistance.

3 ECONOMIC CRITERIA

3.1 Economic Situation

Turkey is a functioning market economy. It should be able to cope with competitive pressure and market forces within the Union in the medium term, provided that it continues implementing its comprehensive reform programme in order to address structural weaknesses.

The global economic crisis has negatively affected the real sector in Turkey, especially through making it more difficult for SMEs to access finance, but the impact remained limited thanks to earlier structural reforms and macroeconomic stability was largely preserved. The financial sector has shown a significant degree of resilience in the face of the global financial instability. The country diversified its trade towards new markets, hence partly alleviating the impact of the crisis. The size of the informal economy remains a significant problem. Turkey adopted a comprehensive action plan to reduce the informal economy, yet its implementation poses an important challenge. Wide socio-economic disparities, especially between regions, remain a resilient issue. Turkey is among the top three states (together with Mexico and Slovakia) that display the greatest disparity in GDP per capita across its regions (OECD 2009). The percentage of the population at risk of poverty is still high. According to the latest (2007) Poverty Survey, 18.56% of Turkey's population lives below the poverty line.

Annual inflation in Turkey fell to 5.3% in August 2009 from 11.8% a year earlier, yet unemployment rose significantly from 9.5% in mid-2008 to 13 % by mid-2009. Unemployment is recorded to be much higher among the youth, with 24% of the unemployed coming from the age group 15-24. Since the agricultural sector is characterised by many unpaid family workers, this leads to statistically lower levels of unemployment. The economic crisis presents a serious challenge to the already existing problems regarding human and physical capital in the country. Labour market conditions are becoming increasingly challenging, with the working age population growing by about 600,000 people ever year, in the face of the economy further contracting in the current crisis context. The problem becomes more acute when the state of the education sector is considered. The fact that the quality of education remains an important problem in Turkey contributes to the significant mismatch between supply and demand of skills on the labour market.

3.2 The Annual Programme

Economic criteria are not directly covered by the priority axes of the annual programme, except those projects that are related to the economic criteria, under the priority axis 3 of alignment with the *acquis* (institutional capacity building of inspection boards within Public Financial Management Control, strengthening of the coordination of anti-corruption policies and practices, strengthening the administrative capacity of Ministry of Industry and Trade in industrial strategy). Three of the IPA components, namely regional development (Component III), human resources development (Component IV) and rural development (Component V), can be considered to cover most of the activity relating to the economic situation.

As regards Components III and IV, Turkey finalised the institutional set-up and procedures for implementation of Components III and IV in a satisfactory way. This resulted in management of both

components being conferred to Turkey in July 2009. Nevertheless, the projects are still not fully determined due to limited progress in administrative capacity (the institutional capacity of the institutions involved need to be strengthened for more rapid tendering and contracting), programming, monitoring and evaluation, as well as financial management and control.

In a similar vein, although Turkey has made significant progress with Component V IPARD (Instrument for Pre-Accession Assistance Rural Development) programming, as well as setting up a functioning monitoring and evaluation system for IPARD, further progress is needed to set up all the structures to implement IPARD funds, so that the Commission can start the procedures for conferral of management.

Turkish officials are also known to have difficulties with the multi-headed organisational structure of the Commission in managing these funds. Unlike Component I that is largely under the authority of the CFCU (Central Finance and Contracts Unit) in Ankara, Components III, IV and V are dealt by those DGs with cross cutting responsibilities such as DG Regional Policy, DG Agriculture and Rural Development, DG Enlargement and DG Energy and Transport, creating difficulties with respect to coordination.

3.3 Assessment

Since IPA Components III, IV and V are not yet fully in function, it is not possible to make a conclusive assessment regarding the economic criteria. Nevertheless, certain comments and recommendations can be made on the basis of the assessment of the economic situation in Turkey.

The EU is often perceived in Turkey as an international organisation that puts primacy to issues of economic efficiency and macroeconomic stability, rather than social issues in a candidate country. Progress Reports are also commonly given as an example to this situation, with social issues given only a minor role under the sections on the political criteria and alignment with the *acquis*.

Yet as also highlighted earlier, unemployment, poverty and unequal distribution of income are key problems of Turkish society. It is difficult to significantly contribute to overcoming these problems by focusing solely on capacity building and infrastructure projects. Thus, there should be a strong orientation towards tackling social issues directly and visibly, which would also help enhance the EU's legitimacy in Turkey. The national mechanisms for monitoring poverty and social inclusion are weak and thus need to be strengthened. As highlighted earlier under the political criteria, focus should also be given on raising the quality of education, in a context in which the rates of unemployment among the youth are the highest.

Emphasis should also be placed on the establishment of a rights based welfare system of the state in Turkey. The percentage of people covered by social security is slightly below 80% and has been declining. Efficient planning, coordination and provision of social protection, social assistance and social services should be promoted in order to prevent the arbitrary delivery of services and benefits without objective and transparent criteria. It is significant to note that the lack of a rights based welfare system only helps to reinforce the rise of religious and value-based conservatism in Turkey.

4 COMPLIANCE WITH THE COMMUNITY ACQUIS

4.1 Situation with Reference to Compliance with the Community Acquis

Turkey continues to make progress on alignment with the Community *acquis*. Alignment is advanced in certain areas, such as free movement of goods, intellectual property rights, anti-trust policy, energy, enterprise and industrial policy, consumer protection, customs union, statistics, Trans-European

networks, and science and research. Considerable effort is needed to pursue alignment in areas such as the environment, state aid, social policy and employment, company law, public procurement, food safety, veterinary and phytosanitary policies and free movement of services.

As regards the internal market, the picture is mixed, with the main problems being constituted by weak administrative capacity, delays in the establishment of the legislative framework and ineffective implementation. There is good progress regarding legislative alignment in free movement of goods, where technical barriers on conformity assessment and standardisation are hampering trade. Customs legislation is highly aligned due to the Customs Union between Turkey and the EU. There is high legislative alignment in the field of anti-trust (including merger control), but no state aid legislation has yet been adopted. Regarding company law, the Commercial Code is awaiting adoption. Legislative alignment on intellectual property rights is relatively advanced, but despite some strengthening of administrative capacity, implementation remains insufficient. While there has been legislative progress in the field of public procurement, implementation still remains weak. Some progress has been attained in the field of financial services, where Turkey's legislation is now partially aligned with the *acquis* in all three sub-areas (banks and financial conglomerates, insurance and occupational pensions, financial market infrastructure) of financial services.

As regards sectoral policies, there is also mixed progress. Alignment is limited in agriculture and rural development, with current agricultural support policies and strategic policy-making increasingly dissociated from the CAP. Progress is limited on food safety, veterinary and phytosanitary policy, where transposition and implementation of the *acquis* remains at an early stage. Limited progress has been incurred in the transport sector, whereas some progress has been made on the energy sector, particularly regarding renewable energy, energy efficiency and the electricity market. Turkey signed the Intergovernmental Agreement on the Nabucco gas pipeline in July 2009, which constitutes a significant step in EU energy security. Economic and monetary policy is an area where, despite progress, legislative alignment remains incomplete in monetary policy. As regards social policy and employment, the legislation on labour law, health and safety at work, anti-discrimination and trade union rights are still not in line with EU standards.

Implementing gender equality in the labour market remains a major challenge. More efforts are required for alignment in consumer and health protection, particularly regarding the implementation of legislation. A sufficient level of alignment has been reached in the field of enterprise and industrial policy. Administrative capacity needs to be strengthened for the implementation of IPA components III and IV in the field of regional policy. In the field of environment, Turkey has signed the Kyoto Protocol, with some steps taken towards alignment in waste, air quality, industrial pollution, risk management and chemicals. Nevertheless, the overall level of alignment is highly insufficient, with no progress on water quality, nature protection and GMOs. Regarding information society and the media, some progress has been attained in legislative alignment in the field of electronic communications, whereas little progress has been recorded in audiovisual policy. The chapter on science and research has already been closed within the scope of the accession negotiations between Turkey and the EU.

Justice, freedom and security is an area where alignment on external borders and Schengen, as well as in the field of migration and asylum has been attained only to a limited extent. The EU continues to tie the issue of visa facilitation to readmission agreements. Turkey recently accepted to resume formal negotiations on a readmission agreement with the EU. However, Turkey is concerned about the lack of necessary structural mechanisms for burden sharing and becoming a destination country for asylum seekers who are refused to have access to asylum procedure in the EU countries. As the matter is a sensitive one on the agenda of the EU, various constituents of the Turkish state such as the Internal Ministry and the Foreign Affairs Ministry are concerned that this may work against Turkey's full

membership in the long-run. The assumption of the Turkish foreign policy making here is that shifting the burden of asylum seekers to Turkey without the EU sharing the burden resulting from readmission agreement might discourage the Member States to accept Turkey as a full member of the Union, which would then again require re-sharing the burden of asylum seekers.

As for external relations, alignment is at a high level, yet needs to be completed regarding the coordination of the position of both sides at the WTO. Regarding common foreign and security policy, Turkey has strengthened its role in its neighbourhood with a proactive foreign policy that contributes to the stabilisation of regions such as the South Caucasus and the Middle East, and has contributed substantially to ESDP.

4.2 The Annual Programme

The Priority 2 axis of the AP that covers activity regarding the adoption and implementation of the *acquis* includes 21 projects, covering 13 *acquis* chapters and taking up 33.7% of the programme budget. Priority has been given to the customs union; environment; agriculture; justice, freedom and security; as well as industrial policy and energy. The programme also covers education reform, financial control, internal market, public health protection, regional policy, statistics and transport.

As regards the customs union, the projects focus on strengthening customs surveillance and risk assessment abilities of the Turkish Customs Administration. Projects in the field of environment deal with emission control, the implementation of EU Water Framework Directive, preparation of noise maps, Seveso II Directive and CITES Regulation. In the field of agriculture, the project focuses on the consolidation of the Farm Accountancy Data Framework-FADN network, whereas strengthening capacity in combating cyber crime is the central goal of the project on justice, freedom and security. Implementation of industrial strategy is the core focus of the project on industrial policy; while improving the institutional structure and capacity of Turkish Electricity Transmission Corporation constitutes the goal of the project on energy.

Other projects include the strengthening of an EU Medicinal Control Laboratory in the field of public health; strengthening the implementation capacity of the Directive on weight and dimension controls of commercial vehicles and strengthening the intermodal transport in the field of transport policy; upgrading the statistical system of Turkey to further improve compliance with EU standards in the field of statistics; aligning higher education with the European Higher Education Area (EHEA) in the field of education; strengthening the institutional capacity of inspection boards within Public Financial Management Control (PFMC) system in the field of financial control and improving capacity in the Economic and Social Cohesion (ESC) policy in the scope of regional policy.

4.3 Assessment

The projects chosen for funding under the Priority 2 axis of the IPA are fully in line with the areas identified in the Progress Report. Especially the heightened focus on environment; agriculture (which will further be covered by IPA Component V); energy; customs union; industrial policy; justice, freedom and security; as well as the cross-cutting issue of administrative capacity building corresponds with the needs of Turkey in the alignment phase. Nevertheless, certain deficits identified by the Commission's Progress Reports have not been addressed:

- As also highlighted above under the section on the political criteria, the quality of education is a key area where the discrepancy with the EU has a significantly negative effect on both political and economic matters in Turkey. While there is a project in the AP regarding alignment in higher

education, this should be expanded to cover other stages (i.e. elementary and secondary) in the Turkish education system.

- Despite the highly limited degree of alignment, projects regarding social policy and employment have not been addressed by the AP. In addition to pushing for legislative alignment at the macro level, projects also need to be devised, particularly to strengthen administrative capacity to effectively monitor the implementation of relevant legislation (i.e. legislation on health and safety at work, trade union law), to fight against child labour and to improve women's integration in the labour market. In a similar vein, the establishment of an "Equality Body" that will be responsible for monitoring discrimination should be supported.
- High migration flows into Turkey are putting pressure on Turkish asylum and migration system. Cooperation should be enhanced in various areas such as increasing the capacity of accommodation for illegal migrants, establishing country of origin and asylum case-management systems, improving training for asylum and migration staff, increasing the capacity of the Office on Asylum and Migration Legislation and Administrative Capacity and fostering judicial cooperation in civil and criminal matters. As highlighted earlier under the political criteria, it is essential that visa facilitation talks are undertaken, primarily to improve the credibility and the legitimacy of the EU in the eyes of the Turkish public.
- While there are several projects in the AP regarding alignment in environment, more emphasis should be placed on air quality (especially strengthening the administrative capacity to implement the directive on regional air quality), nature protection, water quality, establishment of a national environment agency, strengthening of administrative capacity for improved coordination between relevant authorities and the successful mainstreaming of environmental protection on to other areas.
- Consumer and health protection is not addressed by the AP, despite the clear critique in the Progress Report that more efforts are needed on non-safety-related issues and to ensure due enforcement of consumer protection. Institutional capacity needs to be strengthened for legislative approximation and implementation in the field of public health.

5 CONCLUSIONS

Turkey has shown progress in the political and economic criteria, as well as in alignment with the Community *acquis*. The recent initiative on the Kurdish issue, although it has led to no concrete steps so far, is an important step in highlighting the matter in the public sphere in an irreversible fashion. In a similar vein, the role of the military in Turkish politics is now being increasingly questioned in the public sphere. Turkish economy has remained highly resilient in the face of the global economic crisis. Although the pace of accession negotiations has remained slow, a number of important steps have been taken in attaining alignment with the Community *acquis*. Nevertheless, there is growing mistrust in Turkey, mainly along the axes of religiosity/secularism and nationalism, along with a rising degree of conservatism (Çarkoglu and Kalaycioglu 2009), that hinders the societal basis of democratic consolidation in the country. In a similar vein, inter-institutional trust between the military, the government, the judiciary and the police force is low. Large income disparities, especially between regions, and the lack of an efficient rights based social welfare system to facilitate social inclusion remain important problems. Quality of education remains low, with repercussions in both the political and the economic realms. Trust in the EU is declining, threatening the power of EU political conditionality in Turkey.

Generally, the objectives stipulated in the AP are largely congruent with the tasks identified in the Commission's Progress Report and the Enlargement Strategy; especially regarding political requirements and matters that relate to alignment with the Community *acquis*. Other tasks identified by the Commission, however, did not receive sufficient attention. The overall picture therefore remains rather mixed :

- Aims and objectives of the AP in the areas of democracy and the rule of law, human rights and protection of minorities, correspond to the broad objectives of assisting Turkey towards fully meeting the Copenhagen political criteria.
- The projects under the political criteria do not address key issues such as the reform of the education system, gender equality and children's rights at a sufficient level. Civil society dialogue is rightly addressed in the AP. Yet, this is a crucial area for enhancing the legitimacy of the EU as a normative actor applying successful political conditionality in Turkey. In this framework, it is essential that trust-enhancing measures, such as visa facilitation, should be undertaken at the macro level.
- Since IPA Components III, IV and V are not yet fully in function, it is not possible to make a conclusive assessment regarding the economic criteria. Nevertheless, the EU is often perceived in Turkey as an international organisation that puts primacy to issues of economic efficiency and macroeconomic stability, rather than social issues in a candidate country. Progress Reports are also commonly given as an example to this situation, with social issues given only a minor role under the sections on the political criteria and alignment with the *acquis*.
- The projects chosen for funding under the Priority 2 axis of the IPA are fully in line with the areas identified in the Progress Report. Especially the heightened focus on environment, agriculture (which will further be covered by IPA Component V), energy, customs union, industrial policy, justice, freedom and security, as well as the cross-cutting issue of administrative capacity building corresponds with the needs of Turkey in the alignment phase. Nevertheless, projects regarding alignment with the Community *acquis* do not sufficiently address key problematic areas such as social policy, employment, poverty, gender equality and justice, freedom and security.

5.1 Recommendations :

- Projects on improving the quality of education should be developed further to focus on a variety of areas from women's rights to civil-military relations. At a broader level, a national education strategy, with the input of Turkish civil society, should be developed in collaboration with the Turkish government, to improve both the quality and quantity of education in the country.
- More emphasis should be given to local and regional governments in order to improve democratic governance mechanisms through enhancing public participation. Projects geared towards contributing to capacity building at the regional and local levels should be undertaken. With respect to institutional capacity building, more focus should be given to public administration, in particular to the strategy development units, which are pillars of financial management and policy-making in the state system. Measures to attain a modernised and merit based civil service should be intensified.
- As regards gender equality, in addition to projects that focus on the fight against domestic violence (that are already underway), emphasis should be given to projects that aim to increase the role of women in the labour market, to enhance women's access to education and to increase their awareness of their rights under the law. Administrative capacity needs to be strengthened,

particularly in the fight against child labour, and more focus should be placed on improving the standards in health, education and justice for children.

- Supporting projects to build trust, particularly in the area of visa facilitation, would help strengthen EU political conditionality in Turkey. This is required for the EU to have a positive impact on the political reforms that Turkey needs to undertake at the macro level - such as changing the political parties law and lowering the 10% threshold to enter into parliament in general elections - in addition to the support provided through projects within the framework of pre-accession assistance.
- Unemployment, poverty and unequal distribution of income are key problems of Turkish society. It is difficult to significantly contribute to overcoming these problems by focusing solely on capacity building and infrastructure projects. Thus, there should be a strong orientation towards tackling social issues directly and visibly, which would also help enhance the EU's legitimacy in Turkey. The national mechanisms for monitoring poverty and social inclusion are weak and thus need to be strengthened.
- Emphasis should also be placed on the establishment of a rights based welfare system of the state in Turkey. The percentage of people covered by social security is slightly below 80% and has been declining. Efficient planning, coordination and provision of social protection, social assistance and social services should be promoted in order to prevent the arbitrary delivery of services and benefits without objective and transparent criteria.
- High migration flows into Turkey are putting pressure on Turkish asylum and migration system. Cooperation should be enhanced in various areas such as increasing the capacity of accommodation for illegal migrants, establishing country of origin and asylum case-management systems, improving training for asylum and migration staff, increasing the capacity of the Office on Asylum and Migration Legislation and Administrative Capacity and fostering judicial cooperation in civil and criminal matters.
- While there are several projects in the AP regarding alignment in environment, more emphasis should be placed on air quality (especially strengthening the administrative capacity to implement the directive on regional air quality), nature protection, water quality, establishment of a national environment agency, strengthening of administrative capacity for improved coordination between relevant authorities and the successful mainstreaming of environmental protection on to other areas. Institutional capacity needs to be strengthened for legislative approximation and implementation in the field of public health.

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