

HOW TO NEGOTIATE WITH THE EU? THEORIES AND PRACTICE

In the European Union, negotiation is a built-in and indispensable dimension of the decision-making process. There are written rules, unique moves, clearly defined targets and sometimes unexpected results. As for the ongoing negotiations of membership between the EU and Turkey, lack of political leadership and strategic vision on both sides have led the negotiations to become a bit of an enigma, rather than an end-game.

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Negotiation as a policy tool concerns such broad areas as individual relations, business interactions and political sociology. Similarly, “international negotiation” is historically an old term, mostly referring to the concept of the art of politics, and has become a field of academic research in the last decades as well.

In today’s world, we are surrounded by various problems requiring negotiation. Developments such as the attempts by the U.S. and Russia to control nuclear weapons, financial turmoil in Greece, political crises between regions in Belgium, trade rounds in the World Trade Organization, and climate change are all being managed by the complex techniques which negotiation involves.

In the European Union, negotiation in the decision-making process is crucial and integral. There are written rules, unique moves, clearly defined targets and sometimes unexpected results. But lack of political leadership and strategic vision has caused the continuing membership negotiations between Turkey and the EU to become a bit of an enigma, rather than an end-game.

International Negotiations in the 21st Century

International negotiations are no longer an isolated sphere of diplomacy. This is a policy arena with evolving characteristics. Actors involved are ever diverse; they include a wide range of governments, business, social organizations, NGOs, academia, think tanks, media and public opinion, not to mention the internet’s virtual planet.

The institutional framework of negotiations is dominated by multicultural and transnational references in terms of methods, actors and assessment of the results.

The rapid flow of information and the risk of disinformation in the age of media, internet and mobile technologies may interfere with even the most secretive and impermeable negotiation frameworks.

There is a complex web of interactions between domestic politics and external relations, human development, nature, businesses, and local life.

Democracy’s global development increases the transparency of the negotiating actors’ decision-making procedures. However, at the same time, the complexity of these procedures becomes deeper and wider.

The Rules of the Game

In a rapidly changing world, Turkey and the EU have been sitting around a table for too long. For Ankara, an unavoidable question arises: How can it maneuver relations with Brussels, considering the changing factors of international negotiations?

First of all, the basic premise of academic work on international negotiation theories applies. The preparatory stage of negotiations is of great significance, for the power of knowledge is exercised at this stage. This includes a detailed analysis of the capacities, strengths, and weaknesses of each side. Turkey did not assess directly enough the balance of powers and the rules of the game in the EU, during the preparatory period of 2004-2005. Needless to say, the existence of such a strategy would have broadened Turkey's capacity to strategize. The EU side also preferred the conformity of superficial analyzes in order to grasp Turkey's political and social transformations.

The second stage is about developing an identity and discourse concerning the way one entity describes and positions itself during negotiations. This stage inherently includes image management and political communication strategies. Structuring discourse implies harmony between the identity and tactical moves. For instance, should a candidate country to the EU consider itself a regional power, it ought to adopt a European methodology in its foreign policy, emphasizing the contribution it would generate for the common European interest once the it joins the EU club. The same principle applies to the EU depending on whether it wants to be perceived by the international community as a coherent political force acting *vis-à-vis* Turkey on the basis of its universal values of rule of law and multiculturalism.

The third stage is the one in which the exchange of information paves the way for interaction and convergence of interests. At this stage, the scope of EU-Turkey relations should go beyond the institutional agenda of EU membership. Such issues as climate change, EU's 2020 Strategy of economic growth, digital agenda or the new financial perspectives after 2013 are not exclusively the EU's internal matters.

The EU membership process is a very particular negotiation process which eventually affects the nature of the candidate country as a political system and society. Full membership in the EU necessitates the integration of the candidate country's policies and public administration into a political entity that is increasingly supranational and still partly intergovernmental.

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The EU enlarges only when the negotiating parties mutually agree that a reasonable win-win situation is realized. This mostly depends on the candidate country’s degree of compliance with the EU *acquis*. Apparently, the nature of membership talks excludes all attempts of converting the process into a “trading”. Except for budgetary and institutional matters, closing each negotiation chapter enables the candidate country to succeed in aligning with regulations, policies and administrative capacities of the EU.

The latter as a negotiating actor is a heterogeneous entity. The EU is not only the European Commission or the European Parliament, but also representative of each Member State with its veto powers, domestic politics, national interest priorities and public opinion.

Turkey’s EU Membership: A Matter of Credibility for Both Sides

The process of EU’s enlargement to Turkey can be achieved if both sides act more in common sense and assess with rationality the gains to be had from these negotiations.

Turkey needs to confirm its determination for this target, dedicate its democratic, economic and social progress capacities to this aim, devise a concrete plan for the settlement of Cyprus issue, develop a full-fledged diplomatic strategy targeting such countries as France, Germany and Austria, countries traditionally reluctant to Turkey’s membership, and finally implement a comprehensive communication strategy aiming at better informing the Turkish and the European publics of the conditions, obligations and advantages of EU’s enlargement to Turkey.

Moreover, Turkey’s politicians and negotiators ought to avoid domestic politics resulting in partisan and aggressive discourses. A systematic “always blame the others” approach and working methods involving narrow interest groups are in contradiction with the aim of the current negotiation process. By doing so, they misinform their EU counterparts, enhance existing misperceptions about Turkey and frustrate the majority of the Turkish public. The result is obvious: a clear

deterioration in both sides' dedication to accelerate and finalize the ongoing membership negotiations.

The same warning is also valid for the EU side. As its last progress report on Turkey highlights, the EU Commission has been lost in the translation of Turkey's domestic political complexities into European common standards. Longer the pre-accession process gets, increased number of details floods the Commission reports. Especially in the parts of the report covering latest changes in Turkish constitutional order, the limits of the Commission's analytical capacity are reached. But the essential problem remains the weak and mixed signals emitted by some EU capitals on Turkey's membership goal. A negotiation process whose objective is permanently questioned can easily be counter-productive. The negative attitude of some EU members can not be justified by the theoretical affirmation of the "open-ended" nature of the membership negotiations.

When the EU Council decided to open membership negotiations with Turkey, the move was based on very rational and factual analyzes highlighting the benefits of this enlargement to Europe's future. All the following unanimous decisions by the EU Council of Ministers and the European Parliament's positive vote were justified as well by the same strategic thinking.

The opening of this process was judged as a matter of interest for European citizens, because a Turkey which will be transformed into a country ready to join the EU would be good for European democratic values, economic interests, energy requirements, international security and so on. These are negotiations which involve a clear framework, target, international profile and mutual interests for both sides of the table.

When compared with the challenges that Turkish enlargement raises for Europe's future, factors such as some Turkish politicians' short-comings or the Gordian Knot of Cyprus deserve to be downgraded. Then the EU leaders will have to face the moment of truth: will they become good negotiators in re-generating the process with Turkey? Or will they continue to damage the EU's credibility, interests and negotiation capacity as a global power?