

REMOLDING THE TURKEY-EU RELATIONSHIP

While internal political transformation in Turkey has led to a deterioration of its relations with the EU, the European Union has been confronting its own challenges including the British referendum to leave the EU, as well as rising populism and Euroskepticism in multiple EU member states. As a result, the interplay between the loss of the European anchor in Turkey for political reforms, Turkey's domestic political struggles, and new questions over the future of European integration have increased uncertainty over Turkey's future in the Union. This article looks into this complex relationship from a functional cooperation angle and proposes that while accession might no longer be a credible option for Turkey's future with the EU, alternative forms of integration have become possible, which can lead to a remolding of this critical relationship.

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TURKISH POLICY
QUARTERLY

Spring 2018

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The political landscape in Turkey drastically changed on 15 July 2016 with the shock of an attempted military takeover. A direct casualty of this attempt was Turkey's relations with the European Union. Even though Turkey's relations with the EU had suffered from political setbacks in the past, in the post-July 2016 period they reached a nadir. The European Parliament responded to this new state of political affairs by adopting two different resolutions on Turkey in November 2016 and July 2017, the latest of which called "to formally suspend the accession negotiations with Turkey without delay if the constitutional reform package is implemented unchanged."¹ The Commission President Jean Claude Juncker summarized the EU's official position in September 2017 as follows: "Rule of law, justice, and fundamental values have top priority [in the accession process] and that rules out EU membership for Turkey in the foreseeable future."² There is also a similar level of discontent with the current state of politics in Turkey among other EU member states. Similarly, the Turkish government is also disillusioned with the EU. President Recep Tayyip Erdoğan reflected on this disillusionment by claiming that Turkey "bent over backward to fulfill requirements on democratic reforms, but had been met with undelivered promises and accusations, this is not an acceptable situation."³ Since 2016, while the internal political transformation in Turkey has led to a deterioration of its relations with the EU, the European Union has been confronting its own challenges with the British referendum to leave the EU, as well as rising populism and Euroskepticism in multiple EU member states. As a result, the interplay of the loss of the European anchor on Turkey for political reforms, Turkey's domestic political struggles, and questions over the future of European integration have increased the uncertainty over Turkey's future in the EU.

It was not always like this. When the accession negotiations were opened for Turkey in 2005, the political landscape in Turkey and the EU looked promising, pending that both sides stayed on course. Turkey's accession, while difficult, seemed likely.⁴ Turkey has been associated with the EU for a long time, since the Ankara Treaty of 1963, and remains, at least on paper, part and parcel of the EU enlargement process.⁵ Given the sheer size of its economy as the sixth largest economy in Europe and its geographic location, Turkey remains a significant partner for the EU irrespective

¹ "Turkey: MEPs raise the alarm on EU accession talks," European Parliament, <http://www.europarl.europa.eu/news/en/press-room/20170629IPR78637/turkey-meps-raise-the-alarm-on-eu-accession-talks>, 6 July 2017

² "Juncker: Turkey's EU membership out of question for now," *EUobserver*, <https://euobserver.com/tickers/138999>, 13 September 2017.

³ Laura Pitel, "Erdoğan dares Brussels to kill Accession Talks," *Financial Times*, 6 September 2017, <https://www.ft.com/content/1285e646-930a-11e7-a9e6-11d2f0ebb7f0>

⁴ Meltem Müftüleri-Baç, "Turkey's Accession to the European Union: The Impact of the EU's Internal Dynamics," *International Studies Perspectives*, Vol. 9, No. 1 (May 2008), pp. 208-226.

⁵ Ziya Öniş, "Domestic Politics, International Norms and Challenges to the State: Turkey-EU Relations in the post-Helsinki era," *Turkish Studies*, Vol. 4, No. 1 (2003), pp. 9-35.

of its accession.⁶ Now, in contrast, the effective freeze in Turkey’s accession process—wherein no new chapters have been opened since 2016—indicates that despite Turkish willingness on paper to accede to the EU, its future as an EU member is not promising.⁷ This brings forth the following questions: If Turkey’s accession to the EU in the near future is unlikely, does this signify the end of Turkey’s integration into the EU? Or, alternatively, is it possible to conceptualize Turkey’s relations with the EU from a different theoretical framework where formal accession might no longer be the only game in town?

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Such an alternative scenario is easier to elaborate upon an abstract level than describe in a concrete manner. It also brings forth echoes of a “privileged partnership” that the German Chancellor Angela Merkel once contemplated and which the Turkish government vehemently opposed. This is why it is important to conceptualize multiple policy areas and layers that would anchor Turkey to EU institutions and policies. One possible mode for such conceptualization could take the form of external differentiated integration.⁸ While differentiated integration is essentially used to assess the nature and pace of integration among EU members,⁹ it is possible to evaluate the EU’s external relations with its neighbors and/or associated states through a similar lens.¹⁰ The British exit provides additional impetus to understand the future of European integration from this conceptual framework. Turkey already has a high degree of functional cooperation with the EU, which takes multiple forms in terms of economic, political, judicial and internal affairs, energy, and environmental cooperation.¹¹ These forms of functional cooperation evolved because of Turkey’s association with the EU, its candidacy since 1999, and the accession negotiations since 2005—which enabled Turkey to adopt EU rules and policies without formal accession. Turkey’s adoption of EU rules and its integration in multiple technical

⁶ Cemal Karakaş, “EU-Turkey: Integration without Full membership or Membership without Full integration: A Conceptual Framework for Accession Alternatives,” *Journal of Common Market Studies*, Vol. 51, No. 6 (2013), pp. 1057-73.

⁷ Meltem Müftüler-Baç, “Turkey’s Future with the European Union: Alternative Modes of Differentiated Integration,” *Turkish Studies*, Vol. 18, No. 3 (September 2017), pp. 416-439.

⁸ Dirk Leuffen, Frank Schimmelfennig, and Berthold Rittberger. *Differentiated Integration: Explaining Variation in the European Union* (London: Palgrave, 2012).

⁹ Katharina Holzinger and Frank Schimmelfennig, “Differentiated Integration in the European Union: Many Concepts, Sparse Theory, Few Data,” *Journal of European Public Policy*, Vol. 19 (2012), pp. 292-30.

¹⁰ Sieglinde Gstöhl, “Models of External Differentiation in the EU’s Neighbourhood: An Expanding Economic Community?” *Journal of European Public Policy*, Vol. 22, No. 6 (13 April 2015), pp. 854-870.

¹¹ Müftüler-Baç, (2017) Karakaş, (2013).

areas indicate the scope of integration that transcends the EU's own borders.¹² This is also how EU integration influences a territorial space that is much broader than the sheer territory of the EU member states. This is precisely the key argument of this article: Even in the absence of full membership, Turkey will remain anchored to the EU, similar to the emerging British-EU dynamics or the European Economic Area countries such as Norway and Iceland.

However, even for functional cooperation to continue, political factors matter. This article looks at the role of political factors in shaping Turkey's relations with the EU and proposes that, given the current stalemate of the Turkish accession negotiations, the process could at least continue through deepening functional ties. This, however, needs to be noted with one caveat: The negotiations process has strengthened the hands of political reformers in Turkey and losing the EU anchor might be another nail in the coffin for Turkish democracy.¹³

The European Union's Position towards Turkey

It is not possible to analyze the EU's official position and its member states' views towards Turkey's accession independent of the political situation in Turkey. While the Commission's Progress Report in 2004 indicated that "Turkey sufficiently fulfills the EU's political criteria," reforms in Turkey have slowed down. The aftermath of July 15 constituted a watershed moment for Ankara's ability to fulfill the EU's political norms. In response, the EU immediately made declarations on the Turkish political situation. It prioritized the continuation of political reforms in Turkey and indicated that a significant lapse would derail the accession process. Turkey imposed a state of emergency after the July 2016 coup attempt and eliminated Gülenists, followers of the self-exiled imam Fethullah Gülen, from the country's bureaucracy. A clear divergence between the EU and Turkey was the degree to which the Turkish political system confronted an existential threat. Turkish commentators noted the lack of understanding by EU officials to the dangers posed by Gülenists. When the European Parliament voted to suspend negotiations in November 2016 and on 6 July 2017, this was seen as further proof that the EU was clueless about political struggles in Turkey.

The European Commission's Progress Report released on 9 November 2016 stated that Turkey was backsliding and moving away from the EU's Copenhagen criteria. This position was echoed in November 2016 in the informal meeting of the Foreign Affairs Council. EU member states discussed Turkey's situation in the December

¹² Juha Jokela, "Multi-Speed Europe? Differentiated Integration in the External Relations of the European Union," *Finnish Institute of International Affairs Report*, 38, 2014, https://www.files.ethz.ch/isn/177012/FIIA_Report38_web.pdf

¹³ Meltem Müftüler-Baç, "Turkey's Political Reforms: The Impact of the European Union," *Southeast European Politics and Societies*, Vol. 10, No. 1 (2005), pp. 16, 30.

2016 European Council meeting and decided to keep the accession process open. In July 2017, Johannes Hahn, the European Commissioner for Enlargement, Frederica Mogherini, High Representative of the EU for Foreign Affairs and Security Policy, Mevlüt Cavuşoğlu, the Turkish Minister of Foreign Affairs, and Ömer Çelik, the Turkish Minister for EU Affairs met in Brussels to discuss the future of the relationship. Hahn declared, “Ankara must reverse its trend toward authoritarianism before any progress could be made on Turkey’s entry bid,” whereas Mogherini pointed out the “worrying pattern of imprisonments of a large number of members of [Turkey’s] democratic opposition, journalists, and human rights defenders.”¹⁴ The Turkish government’s declared intention to reintroduce the death penalty into the Turkish Penal Code, which was lifted only in 2002 in order to meet the EU’s Copenhagen criteria, presented a particular problem. This reintroduction of the death penalty is against the premises of Article 2 of the Charter of Fundamental Rights of the EU. If it is reintroduced, then Turkey’s relations with the EU as well as the Council of Europe would further deteriorate, with spillovers into Turkey’s relations with the EU.

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This brings forth the question as to what instruments the EU has at its disposal to push Turkey back toward accession and, to a path of reform that falls short of stopping negotiations. The European Commission reevaluated Turkey’s progress towards fulfilling the EU’s accession criteria in its Annual Report released in April 2018. The EU contemplated using financial tools—specifically the Instrument for Pre-Accession (IPA)—and stopping their flow into Turkey. However, the total freezing of financial tools and instruments to Turkey is not possible, as it would require a freezing of the accession negotiations but portions of IPAs allocated for political reforms could be suspended, which was the step adopted in 2017. The European Commission spokesperson Mina Andreeva pointed out that if the EU “wanted to stop payments altogether that would require a decision by member states—namely, to freeze or stop accession talks with Turkey.”¹⁵ It must be noted that the suspension decision needs to be taken by a qualified majority of the members, as already stated in the 2005 Negotiations Framework for Turkey, with 16 members of the EU. Once they are suspended, to reinstate them would require unanimity, which would be almost impossible to attain again. This makes suspension a highly risky step to take.

¹⁴ “EU: No accession until Turkey halts authoritarian trend,” *DW*, 25 July 2017, <http://www.dw.com/en/eu-no-accession-until-turkey-halts-authoritarian-trend/a-39833346>

¹⁵ Yunus Paksoy, “EC Spokesperson blocking funds to Turkey,” *Daily Sabah*, 6 August 2017, <https://www.dailysabah.com/eu-affairs/2017/08/07/ec-spokesperson-blocking-funds-to-turkey-requires-ending-of-accession-talks>

While the European institutions signaled their positions on the Turkish political situation and its possible impact on the future of Turkey's accession process to the EU, diverging positions among member states—both in terms of how to continue the process as well as actions to be taken—became especially visible.

Member States' Divisions over Turkey

The European Union is characterized by consensus building among its member states when it comes to major policy decisions, and enlargement is one policy area where unanimity is required. Yet, member states are also often divided among themselves over the course of action towards Turkey. Given the multiple divergences among the member states, more powerful members end up gearing the direction towards one particular end.¹⁶ Consensus building for EU policies towards Turkey has never been an easy process. Multiple member states have made this process difficult such as Germany under Chancellor Helmut Kohl, France under President Nicholas Sarkozy, or Greece and Cyprus which act as veto players and block the process altogether or prevent the opening of chapters in the negotiations.

While Turkey's relations with the EU experienced turbulent times, its bilateral relations with a number of countries—most importantly with Germany—took a nosedive. Since the end of 2016, the ongoing diplomatic crisis between Turkey and Germany has been taking a serious toll on Turkey's status as a candidate country. The German government became highly vocal about its opposition to Turkey's EU accession in 2017. Angela Merkel's Christian Democratic government has always been uneasy towards Turkey's EU prospects, but they went along with the decisions of their predecessor, the Social Democrats under Chancellor Gerard Schroeder. While the Social Democrats agreed to open accession negotiations with Turkey in 2005, the Christian Democrats did not reverse the process after they came to power. However, since 2017, the majority of Germany's political parties are in agreement over the Turkish issue. While it was largely the Christian Democrats in Germany that constituted the basis for this opposition, the diplomatic crisis between Turkey and Germany resulted in Social Democrats joining the opposition camp. During the German election talks, the official positions of Angela Merkel and her opponent from the Social Democratic Party, Martin Schultz, was that Turkey would not become a member of the European Union. When Merkel stated, "There cannot be a Turkish accession to the EU," she merely echoed what most were feeling in Germany already.¹⁷

¹⁶ Andrew Moravcsik, *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht* (Ithaca: Cornell University Press, 1998).

¹⁷ Bernd Riegert, "Can Merkel push the EU toward a new Turkey policy?" *DW*, 4 September 2017, <http://www.dw.com/en/can-merkel-push-the-eu-toward-a-new-turkey-policy/a-40360392>

“The Central and Eastern European, Baltic, and Mediterranean member states were not on board with Germany in terms of freezing or suspending negotiations with Turkey.”

Turkish-German relations had already been deteriorating over time. Turkey accused Germany of harboring the terrorists who staged the coup attempt in July 2016, and Germany was critical of the Turkish arrest of German nationals, which they claimed was taking place without due process. Finally, President Erdoğan claimed that the German position against Turkish accession is a position alike to “Nazi Germany.” This created further tension, as voiced by Germany’s Minister of Foreign Affairs Sigmar Gabriel: “That was just insulting.”¹⁸ Right before the German elections, Turkish President Erdoğan declared, “I call on them [Turks in Germany] not to vote for those parties who have been engaged in such aggressive, disrespectful attitudes against Turkey and I invite them to teach a lesson to those political parties at the ballot box.”¹⁹ Moreover Turkey prevented German parliamentarians from visiting German troops stationed in the İncirlik base in Adana, and in response, Germany warned its citizens from traveling to Turkey. Prior to this, a significant portion of tourists in Turkey came from Germany. Germany moved its troops and equipment from the Turkish İncirlik base to Jordan in July 2017, thereby downgrading its security cooperation with Turkey. As Germany’s Defense Minister Ursula von der Leyen stated, “Given that Turkey is currently not in a position to allow German parliamentarians the right to visit İncirlik, the cabinet today agreed to move the Bundeswehr (armed forces) from İncirlik to Jordan.”²⁰

Interestingly, while Germany became a staunch opponent to Turkey’s accession—even calling for a freeze in negotiations, although not from its official capacity—the rest of the EU members were largely divided on this topic. In particular, the Central and Eastern European, Baltic, and Mediterranean member states were not on board with Germany in terms of freezing or suspending negotiations with Turkey. During the Gymnich meeting of the Defense and Foreign Affairs Ministers held in Tallinn in September 2017, the German position was met with skepticism, demonstrating that relations with Turkey constitute a fault line within the EU. It seems that uncertainty over what kind of relations would emerge with Turkey in the case of such a

¹⁸ Chloe Lyneham, “Sigmar Gabriel: ‘Turkey will never join EU’ under Erdoğan,” 25 August 2017, <http://www.dw.com/en/sigmar-gabriel-turkey-will-never-join-eu-under-erdogan/a-40236026>

¹⁹ Claire Jones, “Writer’s Arrest adds Acrimony between Turkey and Germany,” *Financial Times*, 20 August 2017, <https://www.ft.com/content/a48c4aec-859c-11e7-8bb1-5ba57d47eff7>

²⁰ Madeline Chambers, “Germany moves closer,” *Reuters*, 7 June 2017, <https://www.reuters.com/article/us-germany-turkey/germany-moves-closer-to-pulling-troops-from-turkey-base-idUSKBN18Y106>

suspension motivates the EU member states to keep the accession framework in place. Estonia's Defense Minister Sven Mikser cautioned Germany: "All decisions about the future of EU-Turkey ties should be considered very carefully, and they should not be made during election campaigns."²¹

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Luxembourg's Foreign Minister Jean Asselborn voiced a similar sentiment: "We have to be careful. We need to know where we will end up if we launch into a debate with Turkey over this sensitive topic. If we don't know, I would advise caution... I have felt for a long time that we in the European Union are not at a point to end or freeze [the accession talks]."²² The German government's proposal—while, again, not a formal one—to suspend accession negotiations was openly rejected by Finland, Estonia, and Lithuania, demonstrating that forming a unanimous position in the Council towards Turkey is difficult. Finland's Minister of Foreign Affairs Timo Soini argued, "We know that there are problems in Turkey when it comes to human rights... but I am not in favor of stopping negotiations, and the only way to work out the problems was through dialogue with Ankara."²³ Lithuania's Foreign Minister Linas Linkevicius echoed the same sentiment: "By stopping, by cutting, we will not make a good thing because we will encourage them, even more, to go away. I think the effect would be the opposite than what we'd wish."²⁴ However, since the process cannot credibly proceed due to the political situation in Turkey, it remains to be seen what kind of model will emerge for Turkey-EU relations.

The 2005 Negotiations Framework for Turkey stated that in the case that negotiation talks fail, then "Turkey would be tied to the EU with the strongest bonds."²⁵ Of course, whether these "strongest bonds" constitute a form of external differentiated integration needs further elaboration. External differentiated integration for a non-EU member such as Turkey might involve temporal alignment to EU policies

²¹ "Estonian FM urges German politicians not to politicize Turkey-EU relations," *Daily Sabah*, 6 September 2017, <https://www.dailysabah.com/eu-affairs/2017/09/06/estonian-fm-urges-german-politicians-not-to-politicize-turkey-eu-relations>

²² "EU brushes off Germany's call to end Turkey membership talks," *DW*, 8 September 2017, <http://www.dw.com/en/eu-brushes-off-germanys-call-to-end-turkey-membership-talks/a-40426216>

²³ "EU ministers push back on German calls to axe Turkey's EU membership bid," *DW*, 7 September 2017, <http://www.dw.com/en/eu-ministers-push-back-on-german-calls-to-axe-turkeys-eu-membership-bid/a-40399912>

²⁴ *DW* (2017).

²⁵ "Negotiations Framework: Principles governing the Negotiations," European Commission, 5 October 2005, http://trade.ec.europa.eu/doclib/docs/2007/september/tradedoc_135916.pdf

and territorial inclusions—such as security cooperation, its Customs Union or visa rules for third parties and policy opt-ins such as the adoption of EU regulations in electricity, telecommunications, and education. These multiple layers of integration between Turkey and the EU keep their functional cooperation on track.

“Multiple layers of integration between Turkey and the EU keep their functional cooperation on track.”

When the French President Emmanuel Macron declared that “he wished to avoid a rupture because [Turkey] is an essential partner in many crises we jointly face, specifically the migration challenge and the terrorist threat,” he was pointing out that despite the current political climate, Turkey plays an important role for the EU.²⁶ It is not surprising that the importance of maintaining functional cooperation with Turkey has been an important theme in EU meetings since 2016. Multiple EU leaders vocalized similar sentiments. For example, Hungarian Minister of Foreign Affairs Peter Szijjarto stated, “good relations with Ankara were essential for upholding the refugee deal. Whoever attacks the stability of Turkey would attack the security of Europe, because currently, Turkey is the one to halt the migratory flow to Europe.”²⁷ Similarly, Estonian Foreign Minister Mikser made it clear that “come what may, Turkey would remain a crucial EU partner across a variety of policy fields... as the EU; we also have very significant trade ties with Turkey. Also, Turkey is a key player regarding the security situation in the region. In addition to that, it is one of our strongest and militarily best prepared NATO allies.”²⁸ While some EU member states did not want to break all ties with Turkey, Austria was strongest in its opposition to the continuation of talks with Turkey. Sebastian Kutz, then Austria’s Minister of Foreign Affairs, declared: “There is a big difference between keeping up the dialogue on issues of common interest and pretending that a country will eventually be part of the European Union.”²⁹

These diverging preferences between the EU member states are, problematic for the EU’s international credibility. Angela Merkel pointed out this concern when she

²⁶ “EU divided over calls to block Turkey’s bid,” *Hürriyet Daily News*, 7 September 2017, <http://www.hurriyetdailynews.com/eu-divided-over-calls-to-block-turkeys-bid.aspx?PageID=238&NID=117671&NewsCatID=351>

²⁷ “EU foreign ministers walk Turkey tightrope,” *DW*, 2 September 2016, <http://www.dw.com/en/eu-foreign-ministers-walk-turkey-tightrope/a-19524116>

²⁸ “EU ministers push back on German calls to axe Turkey’s EU membership bid,” *DW*, 7 September 2017, <http://www.dw.com/en/eu-ministers-push-back-on-german-calls-to-axe-turkeys-eu-membership-bid/a-40399912>; “Estonian FM urges German politicians not to politicize Turkey-EU relations,” *Daily Sabah*, 6 September 2017, <https://www.dailysabah.com/eu-affairs/2017/09/06/estonian-fm-urges-german-politicians-not-to-politicize-turkey-eu-relations>

²⁹ Florian Eder, “Austria to the EU: We need to talk Turkey,” *Politico*, 12 December 2016, <http://www.politico.eu/article/austria-to-the-eu-we-need-to-talk-about-turkey-eu-membership-sebastian-kurz-austrias-foreign-minister/>

claimed: “Nothing would be more astonishing than if we in Europe publicly fall out over how to deal with Turkey. This would dramatically weaken the European position and I can only advise against this.”³⁰ The EU seems to be caught in a place where suspending negotiations is not deemed desirable, but proceeding with further functional cooperation is also problematic as it might legitimize the current political impasse.

Conclusion

In light of the current political situation in Turkey, its relations with the European Union within the accession framework have become increasingly complex. This does not, however, mean that the accession process has come to a full stop or that Turkey is out of the EU’s integration project. Instead, the EU is evolving into a multi-level, multi-layered polity with different degrees of integration not only within its member states but also with non-member European countries. Brexit negotiations with the EU indicate that different models of integration are being considered for the countries either unwilling or unfit for EU membership. Whether Turkey’s relations with the EU fit into that mode or not remains to be seen. What is almost certain is that Turkey is still tied to the EU in multiple ways, and the future of its relations with the EU is still being molded.

While not all EU members would like to see the accession talks formally frozen with Turkey, this option remains on the table. Yet, to deepen functional cooperation with Turkey—and if so, how—is similarly perceived to be a politically adventurous question with the potential to harm the EU’s credibility. This is a primary dilemma for the EU: The question is how to reformulate Turkish-EU relations, on the one hand, and how to engage with Turkey to promote democratic transformation while positioning the EU as a credible promoter of democracy, on the other.

³⁰ Dimitra DeFotis, “Turkey ETF Slumps,” *Barrons*, 5 September 2017, <http://www.barrons.com/articles/turkey-etf-slumps-stay-out-of-europe-germany-says-1504629778>